# 1980 Zoning Ordinance

**Effective 10-28-80 Thru 11-9-82**

## Amendments

<table>
<thead>
<tr>
<th>Effective</th>
<th>Expires</th>
<th>Ord. #</th>
<th>Ordinance Section(s) Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-28-80</td>
<td>NA</td>
<td>80-18</td>
<td>Adopted 1980 Zoning Ordinance</td>
</tr>
<tr>
<td>11-26-80</td>
<td>3-26-81</td>
<td>80-27</td>
<td>Amend Sec. 218.140 Placement of Dwellings on Preexisting Lots Smaller than the Established Minimum Parcel Size</td>
</tr>
<tr>
<td>12-28-80</td>
<td>NA</td>
<td>80-23</td>
<td>Numerous editorial corrections</td>
</tr>
<tr>
<td>12-28-80</td>
<td>NA</td>
<td>80-24</td>
<td>Numerous substantive changes</td>
</tr>
<tr>
<td>3-22-81</td>
<td>NA</td>
<td>81-4</td>
<td>Amend Sec. 218.140 Placement of Dwellings on Preexisting Lots Smaller than the Established Minimum Parcel Size</td>
</tr>
<tr>
<td>5-27-81</td>
<td>9-24-81</td>
<td>81-34</td>
<td>Amend Ch. 218 relative to nonfarm dwelling review process.</td>
</tr>
<tr>
<td>6-17-81</td>
<td>10-15-81</td>
<td>81-38</td>
<td>Amend Sec. 200.040 and 280.080 relative to signs</td>
</tr>
<tr>
<td>8-2-81</td>
<td>NA</td>
<td>81-36</td>
<td>Amend Ch. 232 adding motels/hotels and eating/drinking establishments</td>
</tr>
<tr>
<td>8-26-81</td>
<td>12-24-81</td>
<td>81-63</td>
<td>Amend Ch. 218 relative to nonfarm dwelling review process.</td>
</tr>
<tr>
<td>10-14-81</td>
<td>2-11-82</td>
<td>81-73</td>
<td>Amend Sec. 200.040 and 280.080 relative to signs</td>
</tr>
<tr>
<td>11-22-81</td>
<td>NA</td>
<td>81-64</td>
<td>Amend Ch. 218 relative to nonfarm dwelling review process.</td>
</tr>
<tr>
<td>2-21-82</td>
<td>NA</td>
<td>81-85</td>
<td>Editorial and substantive changes</td>
</tr>
<tr>
<td>4-4-82</td>
<td>NA</td>
<td>82-2</td>
<td>Amend Sec. 200.040 and 280.080 relative to signs</td>
</tr>
<tr>
<td>5-19-82</td>
<td>9-16-82</td>
<td>82-7</td>
<td>Add new Ch. 264 Transmission Facility Siting Permit</td>
</tr>
<tr>
<td>7-21-82</td>
<td>11-18-82</td>
<td>82-19</td>
<td>Amend Sec. 218.045 conditions of approval on nonfarm dwellings</td>
</tr>
<tr>
<td>10-3-82</td>
<td>NA</td>
<td>82-8</td>
<td>Add new Ch. 273 Transmission facility Siting Permit</td>
</tr>
</tbody>
</table>
AN ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE TO PROVIDE TRANSMISSION FACILITY SITING PERMIT, FILE #82-42-0A

REQUITALS:

1) The recent inquiry of an electrical utility concerning land use development permits for a proposed major electrical transmission line has made apparent the need for a comprehensive permit process for major transmission facility siting in Jackson County.

2) Such facilities are unique from a land use planning perspective for a number of reasons, particularly the unusual planning staff requirements and associated costs for review and processing; the fact that a single transmission facility may cross a number of zoning districts in the county with varying and, in some cases, contradictory development restrictions; the fact that major facilities will, in most cases, be subject to independent and overriding state and federal approval processes, to which Jackson County permit processes must conform; and the fact that in many cases two or more proposed siting alternatives may be subject to review.

3) Such facilities will have major, countywide, land use and socio-economic impacts. Furthermore, the Board of Commissioners is conscious of the statutory and political responsibility of communicating the resolution of the people of Jackson County concerning such facilities to the appropriate state and federal governmental bodies. It is therefore the opinion of the Jackson County Board of Commissioners that, following appropriate public input and staff review and recommendation, the Board of Commissioners should be the body having original jurisdiction over applications for transmission facility siting permits.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY ORDAINS AS FOLLOWS:

SECTION I. The Jackson County Zoning Ordinance of 1980, shall be amended by adding a new Chapter 273 as follows:

1-ORDINANCE; File 82-42-0A
Date Typed: 8/5/82
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 of this ordinance.

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 users. 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 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 (2) 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.

3-ORDINANCE; File 82-42-OA
273.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

The Board must make 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; and

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; and

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 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 the 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 or hearing, upon submission of an application with the information required by subsection 273.020 (2) (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; or

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 facility as constructed. Such survey shall comply with the requirements of the Jackson County Surveyor.

SECTION II. The Jackson County Zoning Ordinance shall be amended by adding the following definition to Section 200.040:

6-ORDINANCE; File 82-42-0A
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: Facilities carrying 230 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.

SECTION III. The Jackson County Zoning Ordinance shall be amended by adding a new Section 258.080 to Chapter 258 thereof, as follows:

258.080 TRANSMISSION FACILITY NONCONFORMING USES:

Transmission facilities which are not operating under an approved Transmission Siting Facility Permit pursuant to Chapter 273 of this ordinance 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 abutting properties or their occupants, or which substantially enlarges the capacity of the facility for transmission or transportation.

ADOPTED this 4th day of August, 1982, at Medford, Oregon.

JACKSON COUNTY BOARD-OF-COMMISSIONERS

Peter Sage, Chairman

ATTEST:

By: Recording Secretary

APPROVED AS TO FORM:

By: County Counsel

7-ORDINANCE; File 82-42-OA
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 any 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 (2) 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 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; and

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; and

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 over-riding 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 (2) (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; or

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 facility as constructed. Such survey shall comply with the requirements of the Jackson County Surveyor.
AN EMERGENCY ORDINANCE AUTHORIZING THE PLACEMENT OF CONDITIONS ON APPROVALS OF NONFARM DWELLINGS.

RECITALS:

1) Section 218.030(6) and Section 218.040(7) of the Jackson County Zoning Ordinance list a first nonfarm dwelling as a permitted use and subsequent nonfarm dwelling as a conditional use in Exclusive Farm Use zones.

2) The approval of all nonfarm dwellings requires a determination of compliance with section 218.045 of the zoning ordinance.

3) The zoning ordinance does not authorize the attachment of conditions to the approval of nonfarm dwellings. Conditions, such as those which require that a nonfarm dwelling site be fenced, or that the owners and subsequent owners of the nonfarm dwelling site recognize and accept farm activities on adjacent lands are often determined necessary by the department staff and Hearings Council in order to ensure compliance with section 218.045 of the zoning ordinance.

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

1. A new subsection b of section 218.045(2) of the zoning ordinance is added as follows:

"Nonfarm dwellings may be approved subject to those conditions which the Planning Director and Hearings Council determine are reasonably necessary in order to ensure compliance with Section 218.045(1) of the Zoning Ordinance."

2. Existing subsections b, c, d, and e of section 218.045(2) of the zoning ordinance are now relabeled c, d, e, and f.

3. An emergency is declared with respect to the provisions of this ordinance, and this ordinance shall become effective upon its adoption.

ADOPTED this 31st day of July, 1982, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Peter Sage, Chairman

REVIEWED BY: 
County Counsel

ATTEST:
Recording Secretary
Emergency Ordinance Amending Jackson County Zoning Ordinance to Provide Transmission Facility Siting Permit

RECIDALS:

1. The recent inquiry of an electrical utility concerning land use development permits for a proposed major electrical transmission line has made apparent the need for a comprehensive permit process for major transmission facility siting in Jackson County.

2. Such facilities are unique from a land use planning perspective for a number of reasons, particularly the unusual planning staff requirements and associated costs for review and processing; the fact that a single transmission facility may cross a number of zoning districts in the County with varying and, in some cases, contradictory development restrictions; the fact that major facilities will, in most cases, be subject to independent and overriding state and federal approval processes, to which Jackson County permit processes must conform; and the fact that in many cases two or more proposed siting alternatives may be subject to review.

3. Such facilities will have major, county-wide, land use and socio-economic impacts. Furthermore, the Board of Commissioners is conscious of the statutory and political responsibility of communicating the resolution of the people of Jackson County concerning such facilities to the appropriate state and federal governmental bodies. It is therefore the opinion of the Jackson County Board of Commissioners that, following appropriate public input and staff review and recommendation, the Board of Commissioners should be the body having original jurisdiction over

1 - ORDINANCE
applications for transmission facility siting permits.

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

The Jackson County Zoning Ordinance of 1980 shall be amended by adding a new Chapter 264, as follows:

Chapter 264

TRANSMISSION FACILITY SITING PERMIT

264.010  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, and notwithstanding any conflicting provision of this ordinance. Any facility covered by the terms of Sections 264.020 or 264.030 of this ordinance 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.

264.020  DEFINITION:

A transmission facility for purposes of this chapter is 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, water pipelines or waterways, and electric power transmission lines. This chapter shall not apply to pipelines, communication lines or electric power lines providing direct service to consumers within the zoning district or districts within which they may be located.

264.030  PREEXISTING USES:

A facility subject to this chapter which lawfully existed prior to this ordinance, 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 to have a significant impact upon abutting properties or their occupants, or which substantially enlarges the capacity of the facility for transmission or transportation.
APPLICATION PROCEDURE AND REQUIREMENTS:

1) An applicant or authorized agent shall initiate an application for a transmission facility siting permit by filing an application in conformance with the requirements of this section and with regulations issued by the Department. The hearing shall be held in accordance with the provisions of Section 264.070 of this ordinance.

2) In cases where more than one alternative corridor for the facility is proposed, the application requirements herein set forth must be followed as to each of the proposed alternatives.

3) 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. For purposes of this subparagraph and subparagraph (e) hereof, the applicant may submit a copy of the appropriate county assessor's maps showing the proposed corridor(s) for the proposed facility as it may relate to each parcel of land on which the proposed facility is to be located.

   b) If the applicant is not the owner of the lands described in subparagraph (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 subparagraph (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 or easement, by condemnation, or by any other method.

   d) A listing, with Assessor's tax lot numbers, of all landowners owning land within 1,000 feet of the lands described in (a) above, together with such landowners' mailing addresses as shown by the records of the county assessor.

   e) In addition to the maps required by subparagraph (a) above, which shall show the location of all residences within 1,000 feet of the proposed corridor(s), 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 typical 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 within the zoning districts to be traversed.
by the proposed facility and upon each of the elements set forth in the Jackson County Comprehensive Plan, and, prior to state acknowledgement of the Plan, upon the statewide goals and guidelines.

g) A bibliography of all materials submitted to any other regulatory body having jurisdiction over the proposed facility except to extent such materials have been previously submitted to the County, and, upon request, any such materials which may be reasonably necessary to review the application.

4) Any application which is incomplete or found to be inaccurate in any way shall not be processed by the Department. The applicant shall be notified by the Department of the deficiencies within forty-five (45) days of receipt of such materials and the applicant shall then have thirty (30) working days from the postmark date of the notice or such other period of time fixed by the Planning Director to eliminate such deficiency. If the applicant fails to correct or complete the application within the time period involved, it shall be denied without refund of fees. If the applicant is not notified of any deficiencies within the forty-five (45) day period above-stated, the materials so submitted shall be deemed acceptable as to form.

5) An application may be rejected or denied where a violation in respect to the proposed facility, 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 Board.

6) Issuance of a transmission siting permit shall be void after two (2) years following applicant's scheduled date for start of construction, or such lesser time as the authorization may specify, 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.

264.050 APPLICATION PROCESSING FEE:

The Planning Director shall impose and collect a reasonable fee at the time of initial application, in an amount not to exceed the anticipated actual costs 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 264.070 of this chapter.

264.060 STAFF REVIEW AND RECOMMENDATION:

Sufficient staff support shall be provided by the Planning Director to permit processing of the application in a timely and expeditious manner, and, where appropriate, within time constraints set forth by state and federal regulatory agencies. The staff shall conduct such field surveys, collect such information, and interview affected landowners and citizen and public interest groups as are deemed necessary by the Planning Director. The
staff shall compile its findings in a report, together with positive or negative recommendations on any, all or none of the proposed corridor(s). Conditions shall be recommended pursuant to the standards of Section 264.090 so as to minimize adverse land use impacts of the proposed facility along each of the proposed corridor(s). Nothing in this section shall be construed so as to restrict the ability of the staff to concentrate emphasis of its review to some parts of or all of particular alternative corridors, if initial study confirms the overall favorability of some one or more alternative corridor(s).

264.070 BOARD HEARING:

Upon receipt of the staff report, the Board shall hold at least one public hearing, at which time it shall review the staff report, take testimony or evidence from any interested citizens and from the applicant.

Notice of the public hearing shall be given in the following manner, or in such other manner as the Board in its discretion deems advisable:

1) Each notice of hearing required by this section shall be published in a newspaper of general circulation in the county at least ten (10) calendar days prior to the date of the hearing.

2) A notice of hearing shall be mailed by the Department to all owners of property within 1,000 feet of the proposed corridor(s), as shown on the maps required by subsection 264.040 (3)(a).

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 five-hundred (500) feet within urban growth or urban containment boundaries. The notice of hearing shall be mailed at least ten (10) 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 Board 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) Written notice of the approval or denial of an application shall be given to the applicant and to any other persons who so request.

264.080 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

In order to grant a transmission facility siting permit, the Board must make the following findings:

1) That, notwithstanding the fact that the proposed facility may not be a permitted or conditional use within the zoning district 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; and
2) That the location, size, design, and operating characteristics of the proposed use will have the least practicable, adverse impact on the liveability, aesthetics, value or appropriate development of abutting properties and of the surrounding area.

264.090 PLACING CONDITIONS ON A PERMIT:

In permitting a new transmission facility or the alteration of an existing transmission facility, the Board may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which may be imposed to avoid a detrimental environmental impact and otherwise to protect the best interests of the surrounding area or the community as a whole, provided, however, that 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 or lot area or 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 on 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 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 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 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 conformance with the intent and purpose of the Jackson County Comprehensive Plan, and, prior to state acknowledgement of the Plan, of the statewide goals and guidelines.

13) Requiring that public facilities are adequate to serve the proposed use.

**264.100 BOARD ACTION AND RECOMMENDATIONS TO APPROPRIATE REGULATORY BODIES:**

1) Following the hearing(s) pursuant to Section 264.070, the Board shall deliberate and take such action as it deems appropriate, including issuance of a transmission siting permit for one or more of the proposed routings. The permit as issued shall include such conditions pursuant to Section 264.090 as the Board deems advisable to mitigate or eliminate land use impacts of the proposed facility.

2) Any action taken by the Board, including approval or denial of permits, and attachment of conditions, or statements of consistency or inconsistency with prevailing Jackson County Ordinances, including the Jackson County Comprehensive Plan and Zoning Ordinance, 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 state agency with overriding jurisdiction issues a siting permit or other authorization for a proposed transmission facility, and Jackson County becomes by state law required to issue any permits, licenses or authorizations necessary to construction of the proposed facility, the Board shall issue a transmission facility siting permit pursuant to the provisions of this chapter, without notice or hearing, upon submission of an application with the information required by subsection 264.040 (3)(a) and (e) hereof and upon payment of a fee of $50, or the fee set forth in Section 264.050, whichever is higher.

**264.200 MODIFICATION OR REVOCATION:**

The process for modification or revocation of a permit shall consist of either or both of the following:

1) Enforcement of the penalty provisions of Section 290.030; and/or

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 264.070, in which valid proof of a violation of, or noncompliance with, a condition is found by the hearings body.

c) Modification or revocation of a permit may occur after proper notice and such public hearing.

It being reasonably necessary for the safety and welfare of the people of Jackson County that this ordinance take effect immediately, an emergency is declared, and this ordinance shall therefore be effective upon its adoption.

ADOPTED this 19th day of May, 1982.

JACKSON COUNTY BOARD OF COMMISSIONERS

By,
Peter Sage, Chairman

ATTEST:

Donna Bladek
Recording Secretary

APPROVED AS TO FORM:

Mark Anderson
County Counsel
EMERGENCY ORDINANCE #82-7

AMENDING

THE

JACKSON COUNTY ZONING ORDINANCE

BY

ADDING CHAPTER 264

TO PROVIDE A

TRANSMISSION FACILITY SITING PERMIT

DATED AND EFFECTIVE

May 19, 1982

EXPIRES

September 16, 1982

AMENDS ZONING ORDINANCE

ADOPTED

August 29, 1980
CHAPTER 264
TRANSMISSION FACILITY SITING PERMIT

264.010  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, and notwithstanding any conflicting provision of this ordinance. Any facility covered by the terms of Sections 264.020 or 264.030 of this ordinance 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.

264.020  DEFINITION:

A transmission facility for purposes of this chapter is 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, water pipelines or waterways, and electric power transmission lines. This chapter shall not apply to pipelines, communication lines or electric power lines providing direct service to consumers within the zoning district or districts within which they may be located.

264.030  PREEXISTING USES:

A facility subject to this chapter which lawfully existed prior to this ordinance, 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 to have a significant impact upon abutting properties or their occupants, or which substantially enlarges the capacity of the facility for transmission or transportation.
APPLICATION PROCEDURE AND REQUIREMENTS:

1) An applicant or authorized agent shall initiate an application for a transmission facility siting permit by filing an application in conformance with the requirements of this section and with regulations issued by the Department. The hearing shall be held in accordance with the provisions of Section 264.070 of this ordinance.

2) In cases where more than one alternative corridor for the facility is proposed, the application requirements herein set forth must be followed as to each of the proposed alternatives.

3) 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. For purposes of this subparagraph and subparagraph (e) hereof, the applicant may submit a copy of the appropriate county assessor's maps showing the proposed corridor(s) for the proposed facility as it may relate to each parcel of land on which the proposed facility is to be located.

   b) If the applicant is not the owner of the lands described in subparagraph (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 subparagraph (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 or easement, by condemnation, or by any other method.

   d) A listing, with Assessor's tax lot numbers, of all landowners owning land within 1,000 feet of the lands described in (a) above, together with such landowners' mailing addresses as shown by the records of the county assessor.

   e) In addition to the maps required by subparagraph (a) above, which shall show the location of all residences within 1,000 feet of the proposed corridor(s), 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 typical 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 within the zoning districts to be traversed.
by the proposed facility and upon each of the elements set forth in the Jackson County Comprehensive Plan, and, prior to state acknowledgment of the Plan, upon the statewide goals and guidelines.

g) A bibliography of all materials submitted to any other regulatory body having jurisdiction over the proposed facility except to extent such materials have been previously submitted to the County, and, upon request, any such materials which may be reasonably necessary to review the application.

4) Any application which is incomplete or found to be inaccurate in any way shall not be processed by the Department. The applicant shall be notified by the Department of the deficiencies within forty-five (45) days of receipt of such materials and the applicant shall then have thirty (30) working days from the postmark date of the notice or such other period of time fixed by the Planning Director to eliminate such deficiency. If the applicant fails to correct or complete the application within the time period involved, it shall be denied without refund of fees. If the applicant is not notified of any deficiencies within the forty-five (45) day period above-stated, the materials so submitted shall be deemed acceptable as to form.

5) An application may be rejected or denied where a violation in respect to the proposed facility, 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 Board.

6) Issuance of a transmission siting permit shall be void after two (2) years following applicant's scheduled date for start of construction, or such lesser time as the authorization may specify, 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.

264.050 APPLICATION PROCESSING FEE:

The Planning Director shall impose and collect a reasonable fee at the time of initial application, in an amount not to exceed the anticipated actual costs 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 264.070 of this chapter.

264.060 STAFF REVIEW AND RECOMMENDATION:

Sufficient staff support shall be provided by the Planning Director to permit processing of the application in a timely and expeditious manner, and, where appropriate, within time constraints set forth by state and federal regulatory agencies. The staff shall conduct such field surveys, collect such information, and interview affected landowners and citizen and public interest groups as are deemed necessary by the Planning Director. The
staff shall compile its findings in a report, together with positive or negative recommendations on any, all or none of the proposed corridor(s). Conditions shall be recommended pursuant to the standards of Section 264.090 so as to minimize adverse land use impacts of the proposed facility along each of the proposed corridor(s). Nothing in this section shall be construed so as to restrict the ability of the staff to concentrate emphasis of its review to some parts of or all of particular alternative corridors, if initial study confirms the overall favorability of some one or more alternative corridor(s).

264.070 BOARD HEARING:

Upon receipt of the staff report, the Board shall hold at least one public hearing, at which time it shall review the staff report, take testimony or evidence from any interested citizens and from the applicant.

Notice of the public hearing shall be given in the following manner, or in such other manner as the Board in its discretion deems advisable:

1) Each notice of hearing required by this section shall be published in a newspaper of general circulation in the county at least ten (10) calendar days prior to the date of the hearing.

2) A notice of hearing shall be mailed by the Department to all owners of property within 1,000 feet of the proposed corridor(s), as shown on the maps required by subsection 264.040 (3)(a). 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 five-hundred (500) feet within urban growth or urban containment boundaries. The notice of hearing shall be mailed at least ten (10) 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 Board 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) Written notice of the approval or denial of an application shall be given to the applicant and to any other persons who so request.

264.080 STANDARDS AND CRITERIA FOR ACTION ON APPLICATION:

In order to grant a transmission facility siting permit, the Board must make the following findings:

1) That, notwithstanding the fact that the proposed facility may not be a permitted or conditional use within the zoning district 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; and
That the location, size, design, and operating characteristics of the proposed use will have the least practicable, adverse impact on the liveability, aesthetics, value or appropriate development of abutting properties and of the surrounding area.

264.090 PLACING CONDITIONS ON A PERMIT:

In permitting a new transmission facility or the alteration of an existing transmission facility, the Board may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which may be imposed to avoid a detrimental environmental impact and otherwise to protect the best interests of the surrounding area or the community as a whole, provided, however, that 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 or lot area or 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 on 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 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 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 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 conformance with the intent and purpose of the Jackson County Comprehensive Plan, and, prior to state acknowledgement of the Plan, of the statewide goals and guidelines.

13) Requiring that public facilities are adequate to serve the proposed use.

264.100 BOARD ACTION AND RECOMMENDATIONS TO APPROPRIATE REGULATORY BODIES:

1) Following the hearing(s) pursuant to Section 264.070, the Board shall deliberate and take such action as it deems appropriate, including issuance of a transmission siting permit for one or more of the proposed routings. The permit as issued shall include such conditions pursuant to Section 264.090 as the Board deems advisable to mitigate or eliminate land use impacts of the proposed facility.

2) Any action taken by the Board, including approval or denial of permits, and attachment of conditions, or statements of consistency or inconsistency with prevailing Jackson County Ordinances, including the Jackson County Comprehensive Plan and Zoning Ordinance, 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 state agency with overriding jurisdiction issues a siting permit or other authorization for a proposed transmission facility, and Jackson County becomes by state law required to issue any permits, licenses or authorizations necessary to construction of the proposed facility, the Board shall issue a transmission facility siting permit pursuant to the provisions of this chapter, without notice or hearing, upon submission of an application with the information required by subsection 264.040 (3) (a) and (e) hereof and upon payment of a fee of $50, or the fee set forth in Section 264.050, whichever is higher.

264.200 MODIFICATION OR REVOCATION:

The process for modification or revocation of a permit shall consist of either or both of the following:

1) Enforcement of the penalty provisions of Section 290.030; and/or

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 264.070, in which valid proof of a violation of, or noncompliance with conditions is found by the hearings body.

c) Modification or revocation of a permit may occur after proper notice and such public hearing.
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PAGE</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHAPTER 218 EXCLUSIVE FARM USE (EFU) DISTRICTS</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>218.010 Purpose</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>218.020 Application</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>218.030 Permitted Uses</td>
<td>48</td>
<td>48</td>
</tr>
<tr>
<td>218.040 Conditional Uses</td>
<td>49</td>
<td></td>
</tr>
<tr>
<td>218.045 Standards for Approval of a Nonfarm Dwelling in an Exclusive Farm Use District</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>218.050 Conditional Uses with Added Standards</td>
<td>51</td>
<td>51</td>
</tr>
<tr>
<td>218.060 Standards Required of all Conditional Uses</td>
<td>52</td>
<td>52</td>
</tr>
<tr>
<td>218.070 Minimum Parcel Size</td>
<td>53</td>
<td>53</td>
</tr>
<tr>
<td>218.080 Exceptions to the Minimum Parcel Size Requirements for Farm Uses</td>
<td>53</td>
<td>53</td>
</tr>
<tr>
<td>218.090 Standards Governing the Minimum Parcel Size Requirements for Nonfarm Dwellings, Homesteads, Conditional Uses, and Undersized Farm Parcels</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>218.100 Exceptions for the Establishment of a Homestead</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>218.110 Exemptions from EFU Zoning for Farmland Affected by Urban Development</td>
<td>56</td>
<td>56</td>
</tr>
<tr>
<td>218.120 Other Exemptions from Exclusive Farm Use Zoning</td>
<td>56a</td>
<td>56a</td>
</tr>
<tr>
<td>218.130 Placement of Dwellings on Preexisting Lots Smaller than the Established Minimum Parcel Size</td>
<td>56b</td>
<td>56b</td>
</tr>
<tr>
<td>CHAPTER 220 FARM RESIDENTIAL (F-5) DISTRICT</td>
<td>57</td>
<td>57</td>
</tr>
<tr>
<td>220.010 Purpose</td>
<td>57</td>
<td>57</td>
</tr>
<tr>
<td>220.020 Permitted Uses</td>
<td>57</td>
<td>57</td>
</tr>
<tr>
<td>220.030 Conditional Uses</td>
<td>58</td>
<td>58</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>280.070 Off-Street Parking Requirements</td>
<td>172</td>
<td></td>
</tr>
<tr>
<td>280.080 Sign Requirements</td>
<td>174</td>
<td></td>
</tr>
<tr>
<td>280.090 Determining Parcel Area and Other Requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When Streets, Roads, and Easements are Involved:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>When a Parcel is Split by a Zoning District:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Or When the Parent Parcel is Marginally Undersized for Partitioning Purposes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.100 Fire Safety Requirements and Guidelines</td>
<td>180</td>
<td></td>
</tr>
<tr>
<td>280.110 Areas of Special Concern</td>
<td>181</td>
<td></td>
</tr>
<tr>
<td>280.120 Standards for Home Occupations</td>
<td>184</td>
<td></td>
</tr>
<tr>
<td>280.130 Cottage Industries</td>
<td>185</td>
<td></td>
</tr>
<tr>
<td>280.140 Yard Sales or Flea Markets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.150 Registration Requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.160 Recycling Dropbox</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.170 Building and Septic Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.180 Solid Waste Collection Site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.190 Existing Dwellings Exempt from Fire Safety Provisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.200 Illegal Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.210 Use of Recreational or Camping Vehicles and Parks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.220 Guest House Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.230 Private Swimming Pool</td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.240 Bed and Breakfast Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHAPTER 282 SITE PLAN REVIEW PROVISIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>282.010 Purpose</td>
<td></td>
<td></td>
</tr>
<tr>
<td>282.020 Site Plan Approval Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>282.025 Site Plan Review Generally Not Required</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

xii
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 limited area.

SERVICE STATION: Commercial facility which offers petroleum and accessory products and limited vehicle repair services to the public.

SHELTER CARE FACILITY: A home licensed by the state to provide for short-term emergency care, for no more than nine (9) 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.

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, by placing the longest side of the structure facing south.

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, landfill, 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.

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

11) Historic Landmarks - Alteration and use of historic landmarks and structures shall be subject to the provisions of Chapter 266.

12) Other additional single family residential dwellings in conjunction with a forest use when a density of one (1) dwelling unit per 160 acres is maintained and the standards for single family dwellings set forth in section 210.020 are satisfied. 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 ordinances shall be allowed.

13) Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240 and Chapter 260.

210.040 PARCEL AREA AND DENSITY REQUIREMENTS:

1) All permanent dwellings shall be limited in the Forest Resource district to a density of one dwelling per each 160 acres.

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

210.050 PARCEL AREA REDUCTIONS:

Reduced minimum parcels for all other uses not listed in 210.040 (2) in the Forest Resource district may be granted by the Hearings Council. In granting a reduction in parcel size, the Hearings Council shall find:

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

2) That the request is consistent with the adopted comprehensive plan of land use; and,

3) That the property in question is suitable for reduction of area considering terrain, soil conditions, drainage, vegetation, fire hazard, and other similar factors; and

Revised by Ordinance #81-58, adopted 9-16-81, effective 11-15-81.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
farm use unless it is approved as a farm dwelling consistent with Chapter 218.080 (2). Jackson County shall be a party to this declaration shall provide that it cannot be modified or removed without the written consent of the county.

3) The creation of a homestead parcel less than ten (10) acres in size shall, prior to partitioning, receive the approval of the Board of Commissioners as required by ORS 215.263. Such review and approval does not require a public hearing. Additionally, said partition shall conform to the partitioning requirements of the land division ordinance.

218.110 EXEMPTIONS FROM EFU ZONING FOR FARMLAND AFFECTED BY URBAN DEVELOPMENT:

1) Pursuant to Chapter 277, a farm residential zoning designation may be allowed on the periphery of land zoned EFU-1, EFU-2, or EFU-2/20, which is seriously impacted by nonfarm development if the following findings are met:

A) The EFU land abuts property which is developed with residences on lots predominantly one-half acre or smaller in size; and,

B) It is determined that the adjacent nonfarm development causes extreme buffering problems which are documented by the applicant and the applicant documents that such development makes it extremely difficult to farm the affected land; and,

C) It is determined that the zone change and resulting development will not interfere seriously with accepted farming practices in the area.

In determining if the above findings can be met, the following factors shall be addressed: adjacent land uses, public services, parcel size and ownership, land use characteristics of nearby properties, and natural boundaries. In addition, the long-term environmental, economic social and energy consequences of making the proposed zone change must be addressed.

2) If the above findings are met, an application may be approved for farm residential zoning subject to all of the following conditions:

A) The farm residential district shall consist of a row of lots separating the urban and farmland. The farm residential district may permit more than one row of lots, or the farm residential zoning may extend to natural boundaries, if such additional farm residential zoning is necessary to minimize problems caused by the nonfarm development; and,
B) The farm residential zoning designation shall provide for lots of 2.5 to 5 acres in size and these lots shall be at least 300 feet by 300 feet; and,

C) Residences placed on the parcels zoned farm residential shall be set back from the farmland a minimum of 200 feet. Depending on the adjacent farm activity, the county may vary this setback requirement in order to ensure minimal conflicts between houses in the farm residential zone and adjacent farming operations; and,

D) It is recognized that occasionally an entire parcel will require a change from an EFU zone to a farm residential zoning designation if the entire parcel is adversely affected by adjacent nonfarm development, and meets criteria (A) through (C) in (1) above. In all cases, the amount of land rezoned from EFU to farm residential shall be the minimum necessary to enable the continued farming on adjacent EFU lands.

**218.120 OTHER EXEMPTIONS FROM EXCLUSIVE FARM USE ZONING:**

The county may permit, through the Statewide Planning Goal 2 exceptions process and pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is needed for future urban or rural uses. The county may also permit, pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is severely impacted by the actions of a governmental agency, or is adversely affected by other causes to the point where agriculture is no longer physically possible and it is determined the lands are therefore committed to other uses. In permitting a change from an EFU to another zoning designation substantial evidence must be provided documenting the parcel is not capable now or in the future of obtaining money receipts for farm purposes. In making this determination, the following factors must be addressed:

1) Adjacent land uses, public services, parcel size and ownership, land use characteristics and natural boundaries.

2) The long-term environmental, economic, social and energy consequences of making the proposed zone change.

3) Impacts this proposed zone change may have on adjacent agricultural land uses.

4) Soil types, historic and future potential availability of irrigation, and historical land use.

Revised by Ordinance #82-85, adopted 12-23-81, effective 2-23-82.
In all cases, the new zoning designation shall be consistent with the rural character of the affected property and adjacent area. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases the amount of land rezoned from an EFU to another zoning designation shall be the minimum necessary to enable the continued farming or ranching on adjacent EFU lands.

218.130 PLACEMENT OF DWELLINGS ON PREEXISTING LOTS SMALLER THAN THE ESTABLISHED MINIMUM PARCEL SIZE:

1) Any dwelling on a parcel which is smaller than 20 acres if zoned EFU-1, EFU-2/20, or WR/EFU-3, or is smaller than 160 acres if zoned FR/EFU-3, or smaller than 10 acres if zoned EFU-2, shall be permitted only if:

a) The dwelling is a farm dwelling and conforms with section 218.080 (2) of this ordinance; or

b) 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; or

c) 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; or

d) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 21, 1979, and October 27, 1980; or

e) 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.

2) One single family dwelling is allowed on each parcel approved pursuant to subsections c), d), and e) above, provided all other provisions of this ordinance are met, including any conditions attached by the Hearings Council or Board of Commissioners when the partition or subdivision was approved.

Revised by Ordinance #80-24, adopted 10-29-80, effective 12-29-80.
Revised by Ordinance #81-4, adopted 1-21-81, effective 3-23-81.
Revised by Ordinance #81-64, adopted 9-23-81, effective 11-23-81.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
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) Take measures so each site will not create dust, odors, or other air pollutants that will 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 constructed or placed thereafter.

5) Include a written description of general types of equipment used in the operation and estimates of noise levels anticipated during operation periods.

6) Indicate that any public roads within the jurisdiction of a governmental agency and used for hauling up to one (1) mile from the site are cleared for such hauling by submission before the Hearings Council of a letter from the public agency having such jurisdiction. The Hearings Council may require the operator to provide dust control and take appropriate safety measures related to transport of aggregate.

7) Observe the following minimum operational setback requirements:
   A) No extraction or removal of aggregate is permitted within twenty-five (25) feet from the right-of-way of public roads or easements of private roads.
   B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use.
   C) Processing equipment, batch plants, and manufacturing and fabrication plants shall not be operated within fifty (50) feet of another property without written consent of the owner, nor within fifty (50) feet of a public road right-of-way, or within 200 feet of a residence or residential zoning district, excepting that the standard pertaining to a public road right-of-way may be modified when the purpose of the processing equipment is for construction or maintenance of the public road.

8) 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.

Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82. 2 2/2 92
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 thirty (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, and Jackson County:

      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.

Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
Oregon Highway 238
Oregon Highway 234.

F) Signs of any size mounted on trailers, trucks, and other portable signs with an area on one side in excess of ten (10) 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 twenty (20) watts, except as a shielded, indirect light source.

I) Not more than two (2) 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:
   1) That the proposed sign will conform with the provisions of this ordinance, and any applicable federal or state laws, rules or regulations.
   2) 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.

2) Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, Open Space Development, Exclusive Farm Use, and Farm Residential Zoning Districts:

A) General Conditions:
   1) The maximum height of the sign and any appurtenances shall not exceed ten (10) feet from the ground.
   2) Signs for conditional uses shall not exceed thirty-two (32) square feet in area.

B) Signs Permitted:
   1) Only one (1) double-faced sign or two (2) 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 thirty-two (32) square feet in area, and shall not be utilized for advertisement of a home occupation or cottage industry; or

Revised by Ordinance §82-2, adopted 2-3-82, effective 4-3-82.
Only one (1) double-faced sign or two (2) separate signs advertising the sale of forest or farm products shall be permitted; maximum sign area shall not exceed thirty-two (32) square feet in area. It is not the intent of this ordinance to prohibit temporary signs advertising agricultural and forestry products in season.

2) For home occupations, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure and which may be indirectly illuminated.

3) For a cottage industry, one (1) sign limited to three (3) square feet in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.

4) Only one (1) nonilluminated, temporary sign advertising the sale, lease or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area shall be permitted.

3) Specific Requirements for Signs in all Rural Residential, Suburban Residential, and Urban Residential Zoning Districts:

A) General Conditions:

1) No sign or appurtenance shall exceed ten (10) feet in height from the ground.

2) Signs for conditional uses shall not exceed twenty (20) square feet in area.

B) Signs Permitted:

1) Signs identifying a subdivision and erected as an integral part of a gate or entrance structure, provided there are not more than two (2) signs, each one of which does not exceed twenty (20) square feet in area. The design and location of these signs shall be approved by the Hearings Council.

2) One name plate or sign limited as follows:
   a) For a home occupation, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure, and which may be indirectly illuminated.

Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
b) For a cottage industry, one (1) sign, limited to three (3) 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 (3) square feet per dwelling unit, but not exceeding eighteen (18) square feet of total sign area.

3) Only one (1) 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 sixteen (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:

1) One (1) on-premise sign affixed parallel to the front of the building, and limited to one (1) square foot of sign for each lineal foot of building frontage for each separate use, no sign to exceed three hundred (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 (¼) square foot of sign face for each lineal foot of building length along said side. No sign shall extend more than twelve (12) inches from the surface of the building which supports it, and shall not project above the building containing the use which the sign identifies.

2) One (1) 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 twenty-five (25) feet from the ground or the height of the structure it advertises, whichever is the lesser.

a) Lots which contain one (1) lawful use or which are located in the Rural Service Commercial (RS) district may have one (1) free-standing sign not to exceed seventy-five (75) square feet per face for a double-faced sign, or 150 square feet for a single-faced sign.

Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
b) Where a lot contains more than one (1) 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>

3) Additionally, when a use is part of a planned development, complex or center, one (1) 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 (8) 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 (7½) feet from the ground surface to the lower horizontal edge of such sign.

4) One (1) nonilluminated, temporary, on-premise sign advertising the sale, lease, or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area.

B) 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 (10) percent of the size and height requirements of this section without express approval of a conditional use permit from the Hearings Council. No modification or variance to these requirements may be granted for purposes of establishing an off-premise sign.

5) **Sign Allowed in all Zoning Districts:**

A) Signs exempt from ordinance requirements:

Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
1) Traffic signs, signals, and notices erected by public authority.

2) House and building numbers.

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

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

5) Signs located within a building.

6) Building plaques, corner stones, name plates, and similar building identification.

7) Signs indicating membership in farm or forestry organizations.

8) 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:

1) Temporary sign in conjunction with political and civic campaigns, provided that such signs are removed within fifteen (15) calendar days following the conclusion of the campaign.

2) Temporary signs identifying proposed or existing construction.

3) 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.

4) On-premise directional signs shall generally be limited to six (6) square feet in area unless the Planning Director is satisfied by information provided by the applicant that a larger sign is necessary to accomplish its intended purpose.

Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
5) 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.

6) 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 UNDERSIZED FOR PARTITIONING PURPOSES:

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

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

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 4-23-82.
Revised by Ordinance #82-2, adopted 2-3-82, effective 4-3-82.
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 or setback requirements.

B) Existing Lots or Parcels: If a lot or parcel which was created prior to September 1, 1977, is crossed by a public road, 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 the 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 6 percent from the parcel area requirements of the Open Space Development (OSD-5), Farm Residential (F-5), Rural Residential (RR-5) or Suburban Residential (SR-2.5 and SR-1) zoning districts on lots which were created between September 1, 1973, and 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.

280.100 FIRE SAFETY REQUIREMENTS AND GUIDELINES:

1) Purpose: As a matter of public safety and welfare, the following fire safety requirements and guidelines are promulgated: to provide minimum fire prevention and suppression standards for rural areas subject to high wildfire hazard: to provide for mandatory requirements.

Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
in areas outside rural fire protection districts where no structural
fire protection is provided, or within all Forest Resource (FR-160),
Woodland Resource (WR-20), and Exclusive Farm Use-3 (EFU-3) districts,
and within rural fire districts beyond a five (5) mile radius of a
responding fire station; and to provide guidelines for development in
rural areas within a rural fire district less than five (5) miles from
a responding fire station.

2) 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 a five
(5) mile radius of a responding fire station; and in all Forest
Resource (FR-160), Woodland Resource (WR-20), and Exclusive Farm Use
(EFU-3); or where a property is immediately adjacent to land zoned
Forest Resource (FR-160), Woodland Resource (WR-20), or Exclusive Farm
Use (EFU-3). These standards are required of all permitted buildings
and permanent accessory buildings. Conditional uses shall meet 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-20), and Exclusive Farm
Use-3 (EFU-3) districts. The minimum width of fuelbreaks in all
other districts shall be fifty (50) feet. Such fuelbreaks shall
be maintained in a cleared condition as defined in Section
200.040; and,

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-20), and Exclusive Farm Use-3 (EFU-3)
districts. No wood roofing shakes or shingles shall be permitted
in these districts.

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
around alternative source of water) with its own twenty (20)
gallon per minute pump, adequate length of hose to reach all sides
of the structure(s), and one-quarter (¼) 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 twenty (20) gallons per minute at fifty (50) pounds per square inch pressure.

D) The Department may inspect the site to ensure compliance with these provisions, and any other requirements of the zoning ordinance.

3) Fire Safety Guidelines for Rural Development:

A) Areas within a five (5) road mile radius of a responding fire station, which are located within rural fire protection districts, need only consider the items listed above in section 2, 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.

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 draft off water for fire fighting, if the equipment cannot easily move within ten (10) 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.
C) Recommendations contained in the wildfire section of the Jackson County Comprehensive Plan and publications of the Northwest Interagency Fire Prevention Group (available through the Planning Department), should also be considered by those engaged in rural development actions.

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 use 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 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

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
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; and,

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.

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.

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
When a use is a home occupation, it means that the owner, lessee, or other persons residing within the dwelling has a vested right to 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.

2) General Standards:

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.

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.

Revised by Ordinance #81-85, adopted 12-23-81, effective 2-3-82. 2-2-85
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, or 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 or 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 districts 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 thirty (30) days after the Hearings Council has rendered its order. If the appeal is not filed within the thirty (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 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:

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-29-82.
A) Cottage industries shall be limited to locations on parcels of five (5) acres or larger in size in the Open Space Development (OSD-5), Rural Residential (RR-5), and Farm Residential (FR-5) zoning districts.

B) Cottage industries may employ a total of five (5) persons, of which not more than three (3) employees do not reside on the property. The operation shall not be allowed to operate longer than 10 hours in any 24 hour period.

C) One (1) 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 (1) 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 (10) hour shift.

F) A cottage industry shall be wholly contained with 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 L50 standards for decibels (dbA) 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 districts.

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 vehicle type, 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.

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-29-82.
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 thirty (30) days after the Hearings Council has rendered its order. If the appeal is not filed within the thirty (30) day period, the decision of the Hearings Council shall be final.

280.140 YARD SALES OR FLEA MARKETS:

1) A yard sale or flea market 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 (3) such sales per year.

2) The duration of each sale shall not exceed two (2) days in length.

3) The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-81, effective 2-27-82.
280.150 DECLARATIONS OF RESTRICTION:

The Planning Director may require recording of a 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.

280.160 RECYCLING DROPBOX:

Recycling dropbox is for the depositing and temporary storage of recyclable materials including paper, glass, metal cans, or other recoverable materials provided that:

1) The dropbox for recyclables shall be containerized, covered, and not located in such a manner as to constitute a fire hazard; and,

2) The organization responsible for recycling the materials left at such dropboxes shall pick up such materials on a regular basis and shall be responsible for keeping the area immediately around the dropbox clean and free of debris or waste.

3) Prior to the placement of any recycling dropbox, 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:

A) The recycling dropbox will be located at least 200 feet from the nearest residence, or that those residing within 200 feet of the dropbox have indicated in writing that they have no objections to the placement of the recycling dropbox.

B) The recycling dropbox shall not occupy an area greater than 144 square feet.

C) No structures shall be higher than 56 inches measured from ground level.

D) In the opinion of the Planning Director, placement of the recycling dropbox 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 dropbox if it is determined that said conditions are necessary to ensure that the use will not be injurious to property and improvement in

Revised by Ordinance #80-23, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, adopted 10-29-80, effective 12-28-80.
Revised by Ordinance #81-85, adopted 12-23-82, effective 2-28-83.
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 dropbox will be located. Proposed recycling dropboxes 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.

4) The Department may revoke a permit for a recycling dropbox if any of the above standards are violated. The recycling organization shall remove their dropboxes within thirty (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.

5) The Department shall annually review permits which have been issued for recycling dropboxes. 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.

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 SOLID WASTE COLLECTION SITE:

Solid waste collection sites may be allowed provided:

1) The receptacle(s) for refuse disposal is containerized and covered;

2) That the site is visually screened by fencing and plant material; and,

3) 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.

280.190 EXISTING DWELLINGS EXEMPT FROM FIRE SAFETY PROVISIONS:

Dwellings in existence as of the effective date of this ordinance are exempt from compliance with the fire safety and prevention requirements.

Revised by Ordinance #80-24, adopted 10-29-80, effective 12-28-80.
280.200 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.

280.210 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 thirty (30) days in any twelve (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 (1) camping vehicle is used for recreational purposes for not more than three (3) months in any twelve (12) month period on property owned by the owner of said vehicle, subject to the provisions of this ordinance and health and sanitation regulations.

280.220 GUEST HOUSE STANDARDS:

Guest houses shall be subject to the following requirements:

1) A guest house shall be accessory to a permitted dwelling already in existence on the subject parcel, and shall not be used for more than thirty (30) continuous days and not more than a total of 30 days in any six (6) month period.

2) Land on which a guest house is located may not be partitioned off and sold separately from land containing the primary structure.

3) A guest house shall meet all other zoning requirements pertaining to the primary residence, including special setback and yard requirements.

4) A guest house shall be subject to a deed restriction to which the county is a party, which contains the above requirements, and further prohibits the modification or use of the structure for primary use and occupancy as a residence.

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,

Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
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, not to exceed fourteen (14) consecutive days.

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. Health and sanitation 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 (5) 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.

Revised by Ordinance #81-85, adopted 12-23-81, effective 2-23-82.
AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR JACKSON COUNTY BY MAKING NUMEROUS EDITORIAL AND SUBSTANTIVE CHANGES DESIGNED TO CORRECT DEFICIENCIES, CLARIFY ORDINANCE LANGUAGE, AND MORE PRECISELY CARRY OUT THE INTENT OF THE COMPREHENSIVE PLAN AND IMPLEMENT STATEWIDE PLANNING GOALS, FILE #81-25-ZOA.

RECITALS:

1) The Zoning Ordinance for Jackson County was adopted by Ordinance Number 80-18, on August 29, 1980, and became effective on October 28, 1980.

2) The Ordinance which was adopted on August 29, 1980, has been more closely scrutinized since the date of adoption and numerous editorial errors and several inadvertent omissions to the Ordinance have been identified.

3) Certain sections of the Ordinance have been found to inadequately carry out comprehensive plan policy and statewide planning goals, and require substantive change to satisfactorily reflect the intent and purpose of said policies and goals.

4) These editorial and substantive changes will ensure greater clarity and more fully implement the county's land use policy and statewide goals.

THE BOARD OF COMMISSIONERS OF JACKSON COUNTY ORDAINS AS FOLLOWS:

SECTION 1. EDITORIAL AND SUBSTANTIVE CHANGES

1.1 Portions of the Zoning Ordinance for Jackson County adopted on August 29, 1980, by Ordinance Number 80-18, are hereby amended as follows:

1) Section 200.040 (Definitions) is revised to include the following new definitions:

A) "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."

Date Typed: 11-24-81
B) "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."

C) "DEDICATED WAY: A road dedicated to the public for road purposes, is shown on a map or plat approved and accepted by the County Board of Commissioners, and is 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) "FISH: Naturally occurring (wild) fish in waters of the county where not propagated by landowner."

E) "MARQUEE: A permanent, roofed, nonenclosed structure projecting over an entrance to a building and not separately attached to the ground surface."

F) "PRIVATE ROAD: A private road is created to provide ingress or egress to one to three lots, parcels, areas, or tracts of land, and 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. A private road is not maintained by the county, nor can the county regulate its use or contract for its maintenance."

G) "PUBLIC ROAD: A state highway or road, county road or street, 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 normally 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."

H) "RECREATIONAL VEHICLE PARK OR CAMPGROUND: An area where facilities are provided to accommodate the temporary use of recreational trailers, motor homes, campers, and/or tents."

I) "RESOURCE LAND: Any land that has been identified and designated on the Official Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, 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."
J) "SENSITIVE FISH AND WILDLIFE HABITAT: Areas important to the survival of a species, or group of species, and habitats with limited area."

K) "TEMPORARY: Temporary shall mean thirty (30) days or less in any twelve (12) month period, unless otherwise specified by a provision of this ordinance."

L) "WILDLIFE: Wild mammals, birds, reptiles, and amphibians."

2) The following definitions contained in Section 200.040 are amended as follows:

A) Page 2, add the following number 7 to the definition of AGGREGATE COMMITTEE:

"7) A staff representative from the Department of Environmental Quality."

B) Page 7, revise the definition of DWELLING to read:

"Any building, shelter, or portion thereof, designed or used as a sleeping place for one (1) or more persons, not including vehicles, travel trailers, or recreational vehicles."

C) Page 8, replace the word "administrator" with "Federal Emergency Management Agency" in the definition of Flood Hazard Boundary Map so that it now reads:

"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."

D) Page 9; In the second line of the definition of FLOODPLAIN-100 YEAR, the word "change" is revised to read "chance." 

E) Page 11, revise the definition of GUEST HOUSE as follows:

"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 for not more than thirty (30) continuous days, and not more than a total of thirty (30) days in any six (6) month period. A guest house may not be rented or otherwise used as a separate dwelling unit."
P) Page 15, revise the definition of MOBILE HOME as follows:

"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 whether or not licensed as a recreational or camping vehicle."

G) Page 18, revise the definition of RECREATIONAL VEHICLE by inserting "camping vehicle" after the word "trailer" in the first line and insert the clause "less than ten (10) feet wide and not more than forty-five (45) feet long" between the words "power" and "which" in the second line, so that it now reads:

"A vacation trailer, camping vehicle or other unit with or without motive power, less than ten (10) feet wide and not more than forty-five (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."

H) Page 21, delete the existing definition of SWIMMING POOLS-PRIVATE and replace with the following:

"A swimming pool constructed for the exclusive use of the residents and guests of single family, duplex, townhouse, or apartment dwellings."

I) Page 21, Delete the definition of Temporary Use Permit.

3) Page 24, amend Section 205.020, APPLICATION OF ZONING DISTRICTS as follows:

"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 four basic forms:
"A) In order to prevent future conversion of resource-zoned land (FR-160, WR-20, EFU, and AR) to nonresource uses through partitioning or rezoning procedures, a distinction between the comprehensive plan and zoning designation on the official maps may be made where more than one set of resource land mapping criteria and statewide goals apply to the property. Such areas are identified by the plan designation, followed by the actual zoning district, such as FR/EFU-3.

"B) 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-20.

"C) 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.

"D) Areas within mutually adopted (or county adopted) urban growth boundaries or urban containment boundaries as 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.

4) Page 25, Section 205.060 (4), PREVIOUS OFFICIAL ACTIONS, is revised by inserting the words "special site plan" between the words "height" and "and fire safety provisions" in the last line of this subsection so that it now reads:

"4) Septic permits for residential use, issued prior to the effective date of this ordinance, shall be considered as a commitment to use the land for a single-family residential purpose. A residence shall be allowed, but considered nonconforming in those instances where the zoning ordinance no longer allows the use as a permitted use. The residence, however, shall conform to all other setback, building height, special site plan, and fire safety provisions of the zoning ordinance."

"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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality;"

6) Page 26, Section 210.020 (7), page 34, Section 212.020 (7), and page 41, Section 214.020 are revised by deleting the words "weighing stations" and inserting the words "mining claims" so that the use now reads: "7) Mining exploration and mining claims."

7) Page 27, Section 210.020 (16) and page 34, Section 212.020 (16) are amended to read as follows:

"16) A single family dwelling in conjunction with a forest use, constructed or placed on the property under a permit subject to the following special site plan review requirements. Individual parcels less than ten (10) acres in size which are not contiguous to other properties under the same or family member ownership only need to satisfy subsections (A) and (C) below:

"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) Legal description of the entire subject property (including township, range, section, tax lot(s) number, 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) The 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 dwelling and accessory structures will not interfere with, or hamper forest practices on adjacent 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 pre-existing and therefore a priority use:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge 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 noise, dust, smoke, and other types of visual, odor, or 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. This declaration further discloses that a single family dwelling is a necessary part of the management objectives which is filed as part of the special site plan review permit allowing a dwelling in conjunction with a recognized forest use. Said permit and any conditions of approval attached are on file with Jackson County. Jackson County shall be a party to this declaration, which shall provide that it cannot be removed without written consent of the county.

"B) Statement of Management Objectives:

"1) In addition the applicant shall submit and adhere to a statement of objectives for managing the land for forest use to demonstrate that the dwelling is or will continue to be in conjunction with a forest use as defined by Statewide Planning Goal 4. Forest uses include: a) The production of trees and light processing of forest products; b) open space, buffers from noise and visual separation of conflicting uses; c) watershed protection, wildlife, and fisheries habitat; d) soil protection from wind and water; e) maintenance
of clean air and water; f) outdoor recreational activities, related support services, and wilderness values compatible with these uses; and g) 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 written description of the existing condition of timber stands, access, density, and management needs which coincide with the "forest use areas" and vegetation described in the written text.

c) A written plan for managing the property for forest uses which correlates to the forest use areas identified above. Said plan shall show what the applicant intends to do to achieve the identified management objectives according to a time schedule.

d) A statement of the effect of the proposed management objectives or any special problems or concerns with 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. Amendments must be reviewed and approved by the Department. The statement shall be kept on permanent file in the Department.

8) Page 28, Section 210.020 (17), and page 35, Section 212.020 (18), add the phrase "in conjunction with a forest use" between the words "single family dwelling" and "on a parcel" so that they now read:

Section 210.020 (17):

"17) One additional single family dwelling in conjunction with a forest use on a parcel when a density requirement of 160 acres per dwelling unit is maintained and the standards for single family dwellings in section 210.020 are satisfied. 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 additional dwellings which conform to the standards of the zoning and land division ordinances shall be allowed."
Section 212.020 (18):

"18) One additional single family dwelling in conjunction with a forest use on a parcel when the density standard of this district and standards for single family dwellings listed in section 212.010 (16) are satisfied. 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 ordinances shall be allowed."

9) Page 29, Section 210.020, and page 35, Section 212.020 are amended by adding the following new use as items (20) and (19), respectively:

"Energy producing facility only in conjunction with permitted uses on the subject property."

10) Page 30, Section 210.030 (12), and page 37, Section 212.030 (13) add the phrase "in conjunction with a forest use" between the words "dwellings" and "when" in the first line so that they now read:

Section 210.030 (12):

"12) Other additional single family residential dwellings in conjunction with a forest use when a density of one (1) dwelling unit per 160 acres is maintained and the standards for single family dwellings set forth in section 210.020 are satisfied. 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 ordinances shall be allowed."

Section 212.030 (13):

"13) Other additional single family residential dwellings in conjunction with a forest use when a density of one (1) dwelling unit per 20 acres is maintained and the standards for single family dwellings set forth in section 212.020 are satisfied. 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 ordinances shall be allowed."

11) Page 30, Section 210.040, revise the title to read "PARCEL AREA AND DENSITY REQUIREMENTS:"

A) Delete the entire first paragraph and replace with:

9-ORDINANCE; File 81-25-20A
"1) All permanent dwellings shall be limited in the Forest Resource district to a density of one dwelling per each 160 acres.

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

12) Page 31, Section 210.050, PARCEL AREA REDUCTIONS, is revised by:
A) Inserting in the first line "not listed in 210.040 (2)" between the words "all other uses" and "in the forest resource" so that it now reads:

"Reduced minimum parcels for all other uses not listed in 210.040 (2) in the Forest Resource district may be granted by the Hearings Council. In granting a reduction in parcel size, the Hearings Council shall find:"

B) Ending subsection (3) with "; and"

C) Inserting new subsections (4) and (5) which read:

"4) The overall density requirements of 210.040 are met for the reduced parcel and parent tax lot combined; and

"5) The parcel area reductions and proposed uses will not adversely affect sensitive fish or wildlife habitat."

13) Pages 37 and 38, SECTIONS 212.040 PARCEL AREA REQUIREMENTS and 212.060 DENSITY are combined and revised to read:

"212.040 PARCEL AREA AND DENSITY REQUIREMENTS:

"The minimum parcel size in Woodland Resource district shall be 20 acres unless otherwise altered according to the provisions of 212.050. However, all dwellings, including temporary or seasonal forest management dwellings, shall not exceed a gross density of one (1) dwelling per each 20 acres."

14) Page 38, Section 212.050, PARCEL AREA REDUCTIONS, is revised by:
A) Ending subsection (3) with "; and"

B) Adding the following two new subsections (4) and (5):

10-ORDINANCE; File 81-25-ZOA
"4) That the overall density requirements of Section 212.040 are maintained; and

"5) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat."

15) Page 38, renumber Section 212.070 to "212.060," 212.080 to "212.070," and 212.090 to "212.080."

16) Page 44, Sections 214.040 and 214.060 are combined and revised to read:

"214.040 PARCEL AREA AND DENSITY REQUIREMENTS:

"The minimum parcel shall be 20 acres in the Open Space Reserve district unless otherwise altered according to the provisions of 214.050. However, all dwellings shall not exceed a gross density of one (1) dwelling unit per each 20 acres."

17) Page 44, Section 214.050 PARCEL AREA REDUCTIONS is revised by:
A) Ending subsection (4) with "; and" and
B) Adding the following new subsections (5) and (6):

"5) That the overall density requirements of Section 214.040 are maintained; and

"6) The parcel area reductions and proposed uses will not adversely affect sensitive fish and wildlife habitat."

18) Page 44, Section 214.060 DENSITY: Delete entire section.

19) Page 47, Section 216.030 CONDITIONAL USES is revised by:
A) Adding the following:

"21) Fish hatchery, fish culture, game management or refuge area."

B) Revising subsection (11) to read:

"11) Animal clinics, animal hospitals, or kennels, providing indoor sleeping quarters are provided for all small animals not typically associated with agricultural use including but not limited to canines or other typically noisy species. Outdoor runs shall be required to maintain a minimum of at least one-hundred (100) foot setback on all yards."
20) Pages 47, 62, and 65, Sections 216.050, 222.050, and 224.050 PARCEL AREA REDUCTIONS are amended by adding the following last sentence to each section:

"The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one tax lot, pursuant to Section 258.020 (3), and the Land Division Ordinance."

21) Page 48, Section 218.030 PERMITTED USES is revised as follows:

A) Delete the existing introductory sentence and replace with the following paragraph:

"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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:"

B) Revise subsection (2) by adding an additional sentence which reads: "Farm dwellings on lands zoned EFU-3 shall conform to the standards of Section 212.020 (16)." so that it now reads:

"2) Dwellings and other buildings customarily provided in conjunction with farm use. Farm dwellings on lands zoned EFU-3 shall conform to the standards of Section 210.020 (16)."

C) Delete subsections "(3) Public or Private Schools," "(4) Churches," and "(6) Utility facilities necessary for public service" as permitted uses and place them under Section 218.040 as conditional uses.

D) Add the following as a permitted use and delete it from Section 218.040 as a conditional use:

"3) Home occupations subject to the operational standards and criteria set forth in section 280.120."

E) Renumber remaining subsections of 218.030 such that (7) becomes (4), and (8) becomes (7).

22) Page 49, Section 218.040, CONDITIONAL USES is revised as follows:

A) Remove and/or add subsections as directed in item 21 above in this ordinance.

B) Renumber in sequence all subsections of 218.040.

12-ORDINANCE; File 81-25-ZOA
23) Pages 50 and 51, Section 218.060 STANDARDS REQUIRED OF ALL CONDITIONAL USES: Delete the entire section and replace with the following:

"1) A conditional use may be approved by the Hearings Council only when (findings can be made to satisfy all of the following standards which shall be used in lieu of the provisions of 260.040) the proposed use:

"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; and

"B) Does not interfere seriously 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 materially 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 exist which shall have less impact on agricultural land.

"E) Will not adversely affect sensitive fish and wildlife habitat.

"2) The following declaration of restriction, which may be modified by the Hearing body 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 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, orchard heating, and any other accepted and customary farm practices. Said practices enumerated 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 residential dwelling in a farm area. Jackson County shall be a party to this declaration which shall provide that it cannot be modified or removed without the written consent of the county.

"3) Conditional uses on land zoned Exclusive Farm Use-3 shall be subject to findings required in 210.070 (1, 2, 4, and 5)."

24) Page 51 and page 56, Delete all of Sections 218.070 and 218.150. Renumber all subsections in this chapter accordingly, such that 218.080 becomes 218.070; 218.090 becomes 218.080; 218.100 becomes 218.090; 218.110 becomes 218.100; 218.120 becomes 218.110; 218.130 becomes 218.120; and 218.140 becomes 218.130.

25) Page 52, Old Section 218.090, New Section 218.080 EXCEPTIONS TO THE MINIMUM PARCEL SIZE REQUIREMENTS is amended as follows:

A) Revise subsection (1) to read:

"A parcel smaller than that permitted in Section 218.070 is permitted for agricultural purposes providing such parcel is not developed with a farm or nonfarm residence until such time as the parcel meets the minimum parcel size of the established Exclusive Farm Use district, and meets the minimum lot, width, and access requirements of this ordinance. Any instrument creating a parcel pursuant to this section shall include a declaration giving notice that the parcel may not be used for residential purposes without written consent of the county."

B) Revise subsection (2) to read:

"The Jackson County Hearings Council may approve a reduction in the minimum parcel size upon which a farm dwelling may be placed, or may recognize as a legal farm parcel a parcel which was lawfully created prior to October 28, 1980, which is smaller than the minimum parcel size as required by 218.070, when findings can be made documenting that all of the following requirements are met:"
C) **Revise subsection (2) (A) to read:**

Substantial evidence must be provided documenting that farming on the resultant parcels can, and very likely will, maintain or exceed production on the undivided lot and such added productivity will result in and ensure the continuation of existing commercial agriculture. If the parcel currently exists then a farm dwelling may only be permitted if findings document that the lot is appropriate for, and likely to be utilized as an intensive commercial farming operation, conforms with the intent of ORS 215.243, and, in addition, meets criteria 218.080 (2) B), C), and D) below."

D) **Add a new subsection (4):**

"4) All decisions made by the Planning Director or Hearings Council under this section shall be reviewed by the Board pursuant to ORS 215.263 (2)."

26) Page 53, Old Section 218.100, New Section 218.090:

A) **Revise the title to read** "STANDARDS GOVERNING THE MINIMUM PARCEL SIZE REQUIREMENTS FOR NONFARM DWELLINGS, HOMESTEADS, CONDITIONAL USES, AND UNDERSIZED PARCELS;"

B) **Revise subsection (1) by inserting the words "and homesteads" between the words "dwellings" and "shall" in the first line so that it now reads:**

"1) Parcel sizes for nonfarm dwellings and homesteads shall normally be one to three acres in size, unless topography or some natural barrier or physical feature justifies an adjustment to this standard."

C) **Revise subsection (3) by deleting the words "smaller than ten (10) acres" in the second line so it now reads:**

"3) All decisions made by the Planning Director or Hearings Council resulting in the creation of parcels shall be approved by the Board of County Commissioners as required by ORS 215.263(2). Such review and approval does not require a public hearing. Additionally, said partition shall conform to the partitioning requirements of the land division ordinance."
27} Page 53, Old Section 218.110, New Section 218.100:

A) Revise the title to read: "EXEMPTIONS FOR THE ESTABLISHMENT OF A HOMESTEAD:"

B) Delete all of subsections (2) and (3) and replace with:

"2) The average or mean size of the homestead parcel and the remaining parcel supporting the farm use shall be calculated by totaling the acreage of the two parcels and dividing by two. The average size of the two parcels must be at least ten (10) acres or more if zoned EFU-2; twenty (20) acres or more if zoned EFU-1, EFU-2/20, or WR/EFU-3; or 160 acres or more if zoned FR/EFU-3 in order for the parcels supporting the farm use to be considered as meeting the minimum parcel size as established by 218.070. If the average size of the two parcels is less than the above stated acreage figure for the particular EFU zoning district the owner shall record an instrument in the deed records which states that a residence may not be placed on the parcel supporting the farm use unless it is approved as a farm dwelling consistent with Chapter 218.080 (2). Jackson County shall be a party to this declaration shall provide that it cannot be modified or removed without the written consent of the county.

C) Existing subsection (4) becomes new subsection (3).

28) Page 55, Old Section 218.130, New Section 218.120 OTHER EXEMPTIONS FROM EXCLUSIVE FARM USE ZONING:

A) Add "Statewide Planning" between the words "the" and "Goal" in the first line of this section; and,

B) Delete "was originally incorrectly zoned, or" in lines 5 and 6 so that it now reads:

" The county may permit, through the Statewide Planning Goal 2 exceptions process and pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is needed for future urban or rural uses. The county may also permit, pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is severely impacted by the actions of a governmental agency, or is adversely affected by other causes to the point where agriculture is no longer physically possible and it is determined the lands are therefore committed to other uses. In permitting a change from an EFU to another zoning designation substantial evidence must be provided documenting the parcel is not capable now or in the future of obtaining money receipts for farm purposes. In making this determination, the following factors must be addressed:"
29) Page 56, Old Section 218.140(1), New Section 218.130(1) is revised to read as follows:

"1) Any dwelling on a parcel which is smaller than 20 acres if zoned EFU-1, EFU-2/20, WR/EFU-3, or is smaller than 160 acres if zoned FR/EFU-3, or smaller than 10 acres if zoned EFU-2, shall be permitted only if:

   "a) The dwelling is a farm dwelling and conforms with Section 218.080(2) of this ordinance; or

   "b) 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; or

   "c) 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; or

   "d) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 21, 1979, and October 27, 1980; or

   "e) 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."

30) Page 59, Section 220.050 PARCEL AREA REDUCTIONS is revised so that it now reads:

"1) The Hearings Council 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 Hearings Council finds that the proposed use on a smaller parcel:

   "A) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;

   "B) Does not materially alter the stability of the overall land use pattern of the area; and,

   "C) Is situated upon land generally unsuitable for the production of farm crops, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract.
"2) The Planning Director may approve a parcel area reduction for legally pre-existing dwellings which are located on one tax lot, pursuant to Section 258.020 (3), and the Land Division Ordinance."

31) Page 46, Section 216.030 and page 61, Section 222.030, add the following new use as a Conditional Use to each district (Open Space Development-5 and Rural Residential-5, respectively):

"Intensive livestock, poultry, or fur bearing animal production."

32) Page 62, Section 222.030 (14) is revised by deleting the reference to "280.160" and inserting the correct reference which is "280.130."

33) Page 72, Section 230.030 is amended by adding the following conditional use:

"7) Antique or gift shop not in conjunction with a permitted use."

34) Subsections (2) and (2) (B) of Sections 230.040, 232.040, 234.040, 236.040, 238.040, 240.040, and 242.060 SITE PLAN REVIEW AND BUFFERING REQUIREMENTS are revised to read:

"2) Buffering techniques required by the Planning Director or Hearings Council to separate permitted or conditional uses listed in this Chapter from abutting incompatible uses include, but are not limited to, the following:" and,

"B) Berms may be required when the Planning Director or Hearings Council determines that noise abatement or additional visual screening is required."

35) Page 73, Section 232.020 PERMITTED USES, subsection (8), delete the words "or neighborhood club."

36) Page 77, Section 234.030 CONDITIONAL USES is amended by adding the following subsection:

"7) Single family dwelling in conjunction with and accessory to a permitted or conditional use."

37) Page 81, Section 236.020 PERMITTED USES is revised by:

A) Deleting redundant subsection (33) and renumbering subsections within the section.

B) Amending subsection (28) to read:

"28) Wholesale business, but not including animal slaughtering or animal rendering facility."
38) Page 81, Section 236.030 CONDITIONAL USES is amended by adding the following new subsections:

"6) Churches."

"7) Salvage, junk, or wrecking yard fully conducted within an enclosed building."

39) Page 85, Section 238.030 CONDITIONAL USES is amended by adding a new subsection (8):

"8) Restaurant."

40) Page 96, Section 244.020 PERMITTED USES, revise the first paragraph by deleting the introductory sentence and replace it with:

"The following uses shall be permitted subject to compliance with Section 244.040 below and all other applicable rules, standards, or statutes governing such uses including the Jackson County Comprehensive Plan, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal, air, and water quality:"

A) Delete subsection (3) as a permitted use. Renumber remaining subsections such that: (4) becomes (3), (5) becomes (4), (6) becomes (5), (7) becomes (6), (8) becomes (7), (9) becomes (8), and (10) becomes (9).

B) Add the following clause to new subsection (3):

"..., if in conjunction with the removal, processing, or excavation of aggregate materials or if in conjunction with the manufacture and fabrication of concrete and aggregate products" so that it now reads:

"3) Sale of products related to aggregate materials, if in conjunction with the removal, processing, or excavation of aggregate materials or if in conjunction with the manufacture and fabrication of concrete and aggregate products."

41) Page 97, Section 244.030 CONDITIONAL USES:

A) The first paragraph is revised by deleting the introductory sentence and replacing it with:

"The following uses may be permitted if approved in conformance with with Section 244.040. Uses 2, 3, 4, 5, and 6, immediately below, must also be found to conform with Section 260.040."
B) Add the following as a conditional use:

"6) Manufacture and fabrication of concrete and aggregate products if accessory to removal, processing, or excavation of aggregate materials."

A) Deleting subsection (2) Visual Impacts and replace with:

"2) 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 twenty-five (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, landscaped berm, or natural vegetative cover to supplement any screening due to a natural slope or vegetation."

B) Amending subsection (3) to read as follows:

"3) 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 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 all applicable state and federal agencies."

C) Amending subsection (4) to read as follows:

"4) Air Quality: All aggregate sites in the district shall be operated in a manner that minimizes dust, odors, or other air pollutants that 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."

D) Amending subsection (6) (B) to read as follows:

"B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use."
43) Page 99, Section 244.070, REGISTRATION REQUIREMENTS, revise the fourth line in the first paragraph by replacing the word "relative" with the word "relevant."

44) Page 109, Section 254.020, APPLICATION OF PROVISIONS, subsection (3): In the last line, change the last word "Section" to "Chapter."

45) Page 110, Section 254.030, PERMITTED USES, subsection (5) is revised to read:

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

46) Pages 110 and 111, Section 254.040, USES SUBJECT TO ADMINISTRATIVE APPROVAL OR CONDITIONAL USE PERMITS, is amended as follows:

A) In the first paragraph, fourth line, delete reference to "Section 254.070 through 254.110" and replace with the words "this Chapter" so that it now reads:

"The following uses, in areas designated as floodplain, if allowed as a permitted use in the primary zoning district, shall be subject to 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 and forwarded to the Hearings Council for review. Also, the following uses, if allowed as a conditional use in the primary zoning district, shall be subject to review by the Hearings Council:"

B) Add the following last sentence to subsection (6): "In no instance shall such operation cause an increase in flooding potential or stream bank erosion adjacent to, upstream, or downstream from the operation." so that it now reads:

"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."

C) Section 254.040(12) is revised to read:

"12) Commercial or industrial use when allowed in the primary zoning district."

D) Add new subsections (14) and (15) as follows:

"14) Deposition or fill within the 100-year floodplain."
15) Placement of a recreational or camping vehicle in the floodplain subject to the standards of 280.210.

47) Page 112, Section 254.050, ADMINISTRATION, is amended as follows:

A) Delete the existing subsection (2) (C) and replace it with:

"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."

B) Subsection (4), seventh line: Add the words "or other qualified professional" after "land surveyor."

48) Page 113, Section 254.060, GENERAL STANDARDS, subsection (8): Delete the second word in the first line, "subdivision" and replace with the words "land division" so that it now reads:

"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."

49) Page 114, Section 254.070, SPECIAL STANDARDS:

A) Revise the Title to read: "SPECIFIC STANDARDS."

B) Page 116, subsection (2) (B): delete the incorrect reference to "254.070 (1) (B)" and replace with "254.070 (2) (A)."

50) Page 118, Section 258.010, PREEXISTING STATUS PROVISIONS subsection (1) (A), delete the word "Assessor" in the first line so that it now reads:

"Records of the Jackson County Clerk or Surveyor which clearly indicate the existence of the parcel by map or legal description; or,"

51) Page 118, Section 258.020, NONCONFORMING LOTS, delete existing subsection (3) and replace with the following:

"3) A lot which contained more than one (1) single family dwelling and now exceeds the density requirements of the zoning district in which it is located on a separate nonconforming tax lot only if:

22-ORDINANCE; File 81-25-ZOA
"A) The lot was legally created and contained more than one legally established single family dwelling prior to September 1, 1973; and

"B) The lot and dwellings have retained their preexisting nonconforming status based upon section 258.040 (1); and

"C) The proposed division would comply with all other requirements of the zoning ordinance including, but not limited to, parcel area reduction standards in the FR-160, WR-20, EFU, and OSR-20 districts, setbacks, and the Jackson County Land Division Ordinance."

52) Page 119, Section 258.030, NONCONFORMING STRUCTURES, revise subsection (1) to read:

"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."

53) Page 119, Section 258.040, NONCONFORMING USES:

A) Revise the first paragraph to read:

"The following provisions shall apply to all nonconforming uses, except that aggregate and mining nonconforming uses shall only be subject to Section 258.070:"

54) Page 120, Section 258.060, MINOR LOT LINE ADJUSTMENTS, revise 258.060(1) to read:

"1) The proposed minor lot line adjustment would not:

"A) Result in a change in use or an intensification of a nonconforming use. A transfer of land from one legally created nonconforming parcel to another legal nonconforming parcel through this process shall not be considered an intensification of a nonconformity, provided that such a boundary adjustment does not increase the density of the affected properties;

"B) Reduce the usability of any of the parcels as adjusted; or

"C) Impair the usefulness of any public or private easement; or

"D) Conflict with the stated purpose of the district within which the adjustment is proposed."
A) Delete the words "Notwithstanding the provisions of Section 258.040", and capitalize the "a" as the first word of subsection (1) so that it now reads:

"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 thirty-six (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."

B) Page 121, delete the words "shall be considered a nonconforming use and" from 258.070(2) so that it now reads:

"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; or,

"B) The commencement of methods of procedures of processing such as crushing or blasting not previously performed on such premises; or,

"C) An increase in production of more than fifty percent (50%) greater than the average rate calculated over the previous five (5) year period.

"D) Any extension of operation to land not owned, leased, or under license on effective date of this ordinance."

C) Add the following as subsection 258.070(3) and delete section 280.150 on page 186:

"3) Aggregate operations which are not operating under an approved conditional use permit, or within an aggregate resource zoning designation, must register with the department within six (6) months after adoption date of this
ordinance. The registration must include the township, range, section, and tax lot number of the location of the site. Expansions thereafter of such sites would require approval of a conditional use permit. The denial of a conditional use permit would have no effect on an aggregate operation, or portion of an aggregate operation which has a preexisting status. The required conditional use permit applies only to the aggregate operation or portion of the aggregate operation which does not have a preexisting status."

56) Page 123, Section 260.040, STANDARDS AND CRITERIA FOR ACTION ON APPLICATION, subsection (2): In the second line, delete the words "under the proposal" and replace with "of the proposed use" so that it now reads:

"2) That the location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the liveability, value, or appropriate development of abutting properties and the surrounding area when compared to the types of development which are listed as permitted uses in the district; and,"

57) Page 139, Chapter 266, HISTORIC LANDMARK ALLOWABLE USE PERMIT, is revised by:

A) Renumbering all sections starting with 266.020 so that only a single Section 266.020 appears.

B) Deleting "as defined under special definitions" in lines 5 and 6 of the first sentence of 266.020.

C) Adding an additional reference to old Section 266.020, new Section 266.030 which reads: "4) The Jackson County Historical Sites Survey, 1979."

D) Amending old Section 266.030, new Section 266.040, APPLICATION, subsection (1), line 3: by adding "or is listed in the Jackson County Historical Sites Survey" after the words "Historic Landmarks" to Section 266.040 so that it now reads:

"Historic Landmark - Allowable Use Permit: The property owner or authorized agent of an historic resource, listed or in the process of being listed on the Jackson County Register of Historic Landmarks, or is listed in the Jackson County Historical Sites 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 Hearings Council for an
Historic Landmark — Allowable Use Permit. The application with the accompanying materials shall be submitted to the Planning Department staff, prior to the Hearings Council review.

58) Page 145, Section 270.030, PERMIT REQUIRED, third line: Add the words "or park enlargement" after "mobile home park" so that it now reads:

"A permit for new construction or the enlargement of an existing mobile home park shall be obtained from the Jackson County Planning Department. Said permit shall be issued upon approval of said mobile home park or park enlargement by the Jackson County Hearings Council. The Hearings Council approval shall indicate by findings that the proposed project addresses all the requirements of this Chapter."

59) Page 146, Section 270.040 APPLICATION PROCEDURE, (4), correct typographical error in the fourth line from "recreational" to "recreational."

60) Page 146, Section 270.050, FINDINGS, subsection (1): Add the phrase "and other provisions of this ordinance" after the reference to "Section 260.040, and" so that it now reads:

"1) The proposed mobile home park is consistent with the standards and criteria for granting a conditional use permit found in section 260.040 and other provisions of this ordinance; and,"

61) Page 149, Section 270.080, EXPANSION OF EXISTING MOBILE HOME PARKS, subsection (2), fifth line: Add the word "substantial" between the words "includes" and "improvements" so that it now reads:

"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. It is the intent of this ordinance and this section to only allow expansion of an existing nonconforming mobile home park 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."

62) Page 152, Section 272.040, USES WHICH MAY BE PERMITTED:

A) Revise subsection (7) to read as follows:

"7) Manufacture and fabrication of concrete and aggregate products if accessory to the removal and excavation of aggregate materials."

26-ORDINANCE; File 81-25-ZOA
B) Revise subsection (8) to read as follows:

"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."

63) Page 152, Section 272.050, APPLICATION AND OPERATING STANDARDS:

A) Subsection (3), line 7, add the words "unless approved by the Jackson County Hearings Council and all applicable state and federal agencies" after the words "stream channel" so that it now reads:

"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."

B) Subsection (4), last sentence, revised to read: "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 constructed or placed thereafter."

C) Subsection (7) (B), revised to read:

"B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or zoning district which allows a residence as a permitted use."

64) Page 155, change Section "272.020 FINDINGS" to "275.020 FINDINGS."

65) Page 158, Section 277.060, MINOR MAP AMENDMENTS, subsection (3) is revised to read:

"3) Public need and justification for a particular change shall be established according to the provisions of Section 277.080 unless a minor map amendment is submitted pursuant to Chapter 218.110 or 218.120."
66) Page 158, Section 277.070 STANDARDS FOR A MAJOR OR LEGISLATIVE MAP AMENDMENT, add a new subsection (3):

"3) Legislative map amendments in areas which are designated as Areas of Special Concern according to the provisions of 280.110 shall be governed by the conditions specified by that section, and/or the ordinance adopted by the Board of Commissioners which created the Area of Special Concern, as well as the provisions of this Chapter."

67) Page 159, Section 277.080, STANDARDS AND CRITERIA FOR MINOR MAP AMENDMENTS is revised by:

A) Add the following reference to the end of the introductory sentence: "...218.110 or 218.120:" so that it now reads:

"The rezoning of specific properties shall be based upon the following findings, unless the application is submitted under the provisions of section 218.110 or 218.120:"

B) After existing subsection (2), add new subsections (3) and (4):

"3) In consideration of minor or quasi-judicial map amendments for lands with official comprehensive plan and zoning map designations as described in Section 205.020(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."

C) Renumber existing subsection (3) to become new subsection "(5)."

68) Page 160, Section 277.100, CRITERIA FOR DETERMINING MAP ERRORS, is amended by:

A) Revise the introductory paragraph to read:

"The criteria described in the map designation chapter of the comprehensive plan shall, in all mapping error reviews, be used as a guide to determine the appropriate map designation"
on the Official Comprehensive Plan and Zoning Map(s). However, an error is deemed to exist when the following conditions exist:

B) Revise the first paragraph of subsections (2) and (3), on pages 160 and 161, to read:

"If site class data are not available, then all pertinent mapping criteria shall be reviewed prior to a determination that the land is not forest land. When site class data are available an error exists only when land zoned for forest use cannot satisfy any of the following four criteria, and is not needed for the purpose of creating a buffer, cohesive block of land, or for protection of other natural resources consistent with statewide planning goals:

C) Delete the "; and" from the lettered subsections that follow the introductory sentences of (2) and (3) and replace them with a period to indicate that the criteria are alternative rather than cumulative in nature.

69) Page 163, Section 280.010, SIMILAR USES, is revised to read:

"The Hearings Council may permit in any zoning district other than Exclusive Farm Use zones other uses not specified in the district if the Council finds them similar to the uses listed and consistent with the Jackson County Comprehensive Plan. The administrative procedure for similar uses shall be the same as for conditional uses set forth in Chapter 260."

70) Pages 164-166, Section 280.020, TEMPORARY MOBILE HOME PERMIT is revised as follows:

A) Amend subsection (3) (A) as follows:

"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, except within urban growth or urban containment boundaries said distance may be limited to 500 feet."

B) Add a new subsection (3) (C), on page 165, as follows:

"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 requestor of 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 twenty (20) day appeal period has lapsed.

C) Amend subsection (4) (D) to read as follows:

"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 (1) year from the
date of denial."

D) Amend subsection (5) (A) to read:

"A) A temporary mobile home permit is valid for one (1) 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."

71) Page 166, Section 280.050, HEIGHT, SETBACK, AND LOT COVERAGE
REQUIREMENTS, is amended by:

A) Revising subsection (1) to read:

"1) Purpose: To provide minimum standards within zoning
districts for the location and height of buildings and
accessory structures, and to provide for additional yard
requirements to buffer and protect residential and/or other
land uses from noncompatible uses which may occur on adjacent
lands."

B) Subsection (4) is revised to read:

"4) 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)."

C) The Table in subsection (4) is further revised by adding an
asterisk (*) after the heading "YARD REQUIREMENTS." State after
the Table:

"*NOTE: Yard 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."

D) Subsection (5) (C) and (D), first paragraphs are revised by
adding the word "setback" between the words "minimum" and "width"
in the last line so they now read:

30-ORDINANCE; File 81-25-ZOA
"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:

"D) Where the side and/or rear yard of the following districts abut a residential district, then the yard requirements in those districts adjacent to such residential lot lines shall have the following minimum setback width:

E) Add a new subsection (5) (E):

"E) Nonresidential accessory farm use structures may be placed within five (5) 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.

72) Pages 170 and 171, Section 280.060, SPECIAL SETBACK REQUIREMENTS is revised as follows:

"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 building or structure, which is occupied for residential purposes, shall be located within two hundred (200) feet of a Forest Resource (FR-160), Woodland Resource (WR-20) or Exclusive Farm Use district (EFU-1, EFU-2, EFU-2/20 and EFU-3) district boundary.

"B) Aggregate Resource Special Setback Requirements: No primary accessory or temporary building or structure, which is occupied for residential purposes, shall be located within five hundred (500) feet of an Aggregate Resource (AR) zoning district boundary.

"2) Floodplain Setback Requirements: 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 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 fifteen (15) feet to the banks of any permanent (Class 1) stream, lake, reservoir, or intermittent (Class 2) water courses or basins.

31-ORDINANCE; File 81-25-20A
which contain water at least six (6) months of the year, and have identified by the Oregon Department of Fish and Wildlife as salmonid fishery or wildlife habitat.

"4) Exceptions to Minimum Parcel Sizes or Special Setback Requirements:

"A) Parcel sizes in excess of the minimum prescribed for a district may be required through the division process to satisfy special setback requirements on newly created lots.

"B) Where 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 if any of the following situations are determined to exist:

"i) Substantiated findings indicate that a reduction of the setback requirement on a parcel adjacent to resource zoned land will not have an adverse effect upon the productive capacity of the resource.

"ii) 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.

"iii) The required setback will place the dwelling on a more productive resource area.

"iv) 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."
B) Revise the title of subsection (2) to read: "2) County Roads or Streets, Public Roads, and Dedicated Ways."

C) Subsection (2) (A): Delete the word "public" in the third and seventh lines so that it now reads: "dedicated way."

D) Page 177, Subsections (2) (B) and (C): Replace references to "county road, street, or dedicated way" with the words "public road" in both of these subsections.

E) Add new subsections (3) and (4) which read:

"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 6 percent from the parcel area requirements of the Open Space Development (OSD-5), Farm Residential (F-5), Rural Residential (RR-5), or Suburban Residential (SR-2.5 and SR-1) zoning districts on lots which were created between September 1, 1973, and 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."

74) Pages 177 and 178, Section 280.100, FIRE SAFETY REQUIREMENTS AND GUIDELINES, is amended as follows:

A) Revise subsection (1) as follows:

"1) Purpose: As a matter of public safety and welfare, the following fire safety requirements and guidelines are promulgated: to provide minimum fire prevention and suppression standards for rural areas subject to high wildfire hazard; to provide for mandatory requirements in areas outside rural fire protection districts where no structural fire protection is provided, or within all Forest Resource (FR-160), Woodland Resource (WR-20), and Exclusive Farm Use-3 (EFU-3) districts, and within rural fire districts beyond a five (5) mile radius of a responding fire station; and to provide guidelines for development in rural areas within a rural fire district less than five (5) miles from a responding fire station."
B) Revise subsection (2) as follows:

"2) 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 a five (5) mile radius of a responding fire station; and in all Forest Resource (FR-160), Woodland Resource (WR-20), and Exclusive Farm Use-3 (EFU-3) districts; or where a property is immediately adjacent to land zoned Forest Resource (FR-160), Woodland Resource (WR-20), or Exclusive Farm Use-3 (EFU-3). These standards are required of all permitted buildings and permanent accessory buildings. Conditional uses shall meet these requirements unless the Hearings Council determines that a better fire prevention and suppression strategy is proposed."

C) Revise subsection (2)(A) as follows:

"A) A fuelbreak shall have a minimum width of 100 feet in Forest Resource (FR-160), Woodland Resource (WR-20), and Exclusive Farm Use-3 (EFU-3) districts. The minimum width of fuelbreaks in all other districts shall be fifty (50) feet. Such fuelbreaks shall be maintained in a cleared condition as defined in Section 200.040; and,"

D) Revise (2)(B) as follows:

"B) Roof coverings shall be fire retardant, as defined in the current edition of the State of Oregon Structural Speciality Code and Fire and Life Safety Code, in the Forest Resource (FR-160), Woodland Resource (WR-20), and Exclusive Farm Use-3 (EFU-3) districts. No wood roofing shakes or shingles shall be permitted in these districts."

"In all other zoning districts, wood roofing shakes and shingles shall be pressure treated with fire retardant."

E) Subsection 280.100(2)(C) on page 177 is revised by adding the following last sentence to the second paragraph: "Said pump or gravity flow system must be capable of delivering twenty (20) gallons per minute at fifty (50) pounds per square inch pressure.", so that is now reads:

"C) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons (or a year around alternative source of water) with its own twenty (20) gallon per minute pump, adequate length of hose to reach all sides of the structure(s), and one-quarter (.25) 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 twenty (20) gallons per minute at fifty (50) pounds per square inch pressure."

F) Revise subsection (3) (B) as follows:

"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:"

75) Page 179, Section 280.110, AREAS OF SPECIAL CONCERN, is revised by deleting subsection (1) (A) and renumbering (1) (B), (C), and (D), to become new (1) (A), (B), and (C).

76) Page 180, Section 280.120, STANDARDS FOR HOME OCCUPATIONS, is revised as follows:

A) Page 182, amend subsection (3) (A) so that it now reads:

"A) Rural home occupations may only occur outside of urban growth boundaries or urban containment boundaries."

77) Page 183, Section 280.130, COTTAGE INDUSTRY, is revised as follows:

A) Delete the word "additional" from the existing title of subsection (2) so that it now reads: "2) Standards for Cottage Industries."

B) Add the word "pounds" between 9,500 and gross in subsection 2 (O).

78) Page 188, add the following new supplemental provisions:

A) "280.150 DECLARATIONS OF RESTRICTION:

"The Planning Director may require recording of a 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."
B) "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 thirty (30) days in any twelve (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 (1) camping vehicle is used for recreational purposes for not more than three (3) months in any twelve (12) month period on property owned by the owner of said vehicle, subject to the provisions of this ordinance and health and sanitation regulations."

C) "280.220 GUEST HOUSE STANDARDS:

"Guest houses shall be subject to the following requirements:

"1) A guest house shall be accessory to a permitted dwelling already in existence on the subject parcel, and shall not be used for more than thirty (30) continuous days and not more than a total of 30 days in any six (6) month period.

"2) Land on which a guest house is located may not be partitioned off and sold separately from land containing the primary structure.

"3) A guest house shall meet all other zoning requirements pertaining to the primary residence, including special setback and yard requirements.

"4) A guest house shall be subject to a deed restriction to which the county is a party, which contains the above requirements, and further prohibits the modification or use of the structure for primary use and occupancy as a residence."

D) "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."

79) Pages 189 through 192, Chapter 282, SITE PLAN REVIEW PROVISIONS, delete all of the existing Chapter 282, and replace with the following:

"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, 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 twenty (20) percent increase of land committed to the use.

"4) Remodeling which will result in an increase of floor area greater than twenty (20) percent of the existing structure on the site.

"5) Remodeling which will result in a fifty (50) percent increase in the true cash value of the structure.

"6) Paving within a required front, side, or rear yard setback.

37-ORDINANCE; File 81-25-20A
"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 is required for the 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, survey monuments, and all trees over 12 feet high. If the average slope is more than 10 percent, or if the property has running or standing surface waters, an accurate topographical contour map must also be submitted with contours at two (2) foot intervals.

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

"C) A landscape plan prepared by an Oregon registered landscape architect or other qualified designer. Said 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; or

"B) The buildings proposed are only a replacement for buildings destroyed by fire or other natural causes; or

"C) The buildings proposed are not visible from through streets; or

"D) The area is developed with heavy industrial uses which generally lack landscaping; or

"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) Multi-family dwellings, single family dwellings within the Urban Residential-4.5 district, or mobile home parks of 6 or more units. 25%

"B) Multi-family dwellings, duplexes, single family dwellings within the Urban Residential-4.5 district, or mobile home parks of 2 through 5 units. 20%

"C) Uses allowed in LI, CI, GC, IC, RS, NC, and AD-MU zones. 15%

"NOTE: The requirements of 282.040 may in fact require a greater percentage of landscaping than these minimums indicate.

39-ORDINANCE; File 81-25-Z0A
"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.

"10) In addition to the above, the Planning Director may review for adequacy of utilities, roads, and compatibility with any applicable policies or concerns which are expressed in the comprehensive plan. The decision of the Planning Director may be appealed pursuant to Section 285.020.

"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 an Oregon licensed civil engineer or landscape architect to prepare and submit 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, if specified.

"8) Require a certain 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, and the nature of the proposed project.

"282.060 TIME LIMITS:

The staff of the Department of Planning and Development shall render a decision on each properly filed application for a site plan review permit within ten (10) working days of receiving the application. This time limit may be extended by the mutual consent of the applicant and staff.

"282.070 COMPLIANCE:

Any development subject to this Chapter shall be carried out in accordance with approved plans and conditions imposed by 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, or release utilities, unless and until satisfied of compliance. However, the Planning Director may order or release a temporary certificate of occupancy and a temporary release of utilities provided:

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

"2) The owner has posted a performance bond, satisfactory to the Planning Director, to 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.

41-ORDINANCE; File 81-25-ZOA
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.

"282.080 APPEALS:

"Appeals from the action of the staff shall follow the procedures specified in Chapter 285."

NOTE: THIS IS THE END OF THE NEW CHAPTER 282

80) Page 194, Section 285.020, APPEALS, subsection (2), is revised by adding a new sentence after the second sentence so that it now reads:

"2) An action or ruling of the Planning Commission, Hearings Council or Hearings Officer, pursuant to this ordinance, may be appealed to the Board of Commissioners within thirty (30) calendar days after the Planning Commission, Hearings Council or Hearings Officer has rendered a decision. 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 thirty (30) calendar day period, the decision of the Planning Commission, Hearings Council or Hearings Officer shall be final. If an appeal is filed, the Board of Commissioners shall receive a report and recommendation from the Planning Commission, Hearings Council, or Hearings Officer and may 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."

81) Page 195, Section 285.030, APPLICATION FORMS, is revised as follows:

A) The title is revised to read "285.030 APPLICATIONS."

B) The existing first paragraph becomes a new subsection (1).
C) Add a new subsection (2) which reads:

"2) Any application which is incomplete or found to be inaccurate in any way shall not be processed by the Department. The applicant shall be notified by the Department of the deficiencies and the applicant shall then have twenty (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."

D) Add a new subsection (3) which reads:

"3) 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 reviewing body."

82) Page 195, Section 285.040, PUBLIC HEARINGS, subsection (2) is revised to read:

"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 five-hundred (500) feet within urban growth or urban containment boundaries. The notice of hearing shall be mailed at least ten (10) 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."

83) Page 120, Section 258.050, REQUESTS FOR ALTERATIONS OF A NONCONFORMING USE should be amended by adding a new item (4) to clarify that alterations of nonconforming uses are subject to chapter 282:

"4) A site plan review permit is required for an alteration of a nonconforming commercial, industrial or multi-family housing use pursuant to chapter 282, except where the alteration involves remodeling consistent with 282.025(2)."
SECTION 2. SEPARABILITY

The express or implied repeal of any part of any 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 ordinances so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, nor as waiving any right of Jackson County under any ordinances existing on the effective date of this ordinance.

ADOPTED this 23rd day of December, 1981, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

Donna Bladek
By: Recording Secretary

APPROVED AS TO FORM:

Mark Allred
County Counsel

44-ORDINANCE; File 81-25-ZOA
1981
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 81-64

AN ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE, ALTERING THE PROCESS FOR REVIEW OF NONFARM DWELLINGS IN THE EXCLUSIVE FARM USE ZONING DISTRICTS, FILE 81-23-ZOA.

RECITALS:

1) The official Jackson County Zoning Ordinance was adopted by ordinance number 80-18 on August 29, 1980.

2) The zoning ordinance currently requires that nonfarm dwellings be reviewed via the conditional use permit process, and prior to approval, must satisfy three sets of criteria as noted in sections 218.040 (8), 218.060 and 260.040.

3) ORS 215.213 (3) sets forth the basic criteria which must be satisfied prior to approval of a nonfarm dwelling. Adding criteria beyond that noted in ORS 215.213 (3) frustrates the original intent of that provision of state law and complicates the process for an applicant.

4) Section 218.140 of the zoning ordinance requires the same form of review process as noted in 2 above, on all pre-existing parcels smaller than the established minimum parcel size for the zone in which it is located. During the development of the Exclusive Farm Use mapping process, hundreds of undersized parcels were included within the zone, many of which are vacant and are subject to the conditional use permit review process, if the owner wishes to place a dwelling upon the lot.

5) During the period February 15, 1979, to August 29, 1980, the Board of Commissioners reviewed over 150 applications for dwellings on farm land. By far, the majority of these proposed dwellings were nonfarm dwellings. The process used was relatively simple in that staff developed a report addressing the required findings of the Oregon Revised Statutes, and rendered a decision. This decision was reviewed by individual Board of Commissioner members within five (5) days of receipt of the staff decision. If an individual Board member did not request a hearing within the five (5) day period, the staff decision was considered approved. Thus, the Board members requested a hearing only when they felt uncomfortable with the staff decision. More than 80 percent of the staff decisions were accepted by the Board without using the hearing process.

6) The current zoning ordinance establishes many new types of applications which are subject to Hearings Council review directly or through the appeal process. This is currently causing an overload of the Hearings Council.
agenda requiring three meetings a month instead of the normal two, and also resulting in a 60 to 75 day processing time for a building permit for a nonfarm dwelling.

7) On May 27, 1981, the Board of Commissioners adopted an emergency ordinance which altered the review process in the same manner as proposed herein. Said emergency ordinance expires on September 24, 1981.

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

SECTION 1. ORDINANCE CHANGE

1.1 The Board of County Commissioners hereby amends the zoning ordinance as follows:

A) The first paragraph of subsection 8) of section 218.040 is amended to read as follows:

"8) The second or additional single family nonfarm residential dwelling, not provided in conjunction with farm use, provided that each such proposed dwelling satisfies conditions a through f, 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."

B) Section 218.030 Permitted Uses is amended by adding:

"8) The first single family dwelling not provided in conjunction with a farm use subject to section 218.045."

C) Section 218.045 is added as follows:

218.045 STANDARDS FOR APPROVAL OF A NONFARM DWELLING IN AN EXCLUSIVE FARM USE DISTRICT

The first single family residential dwelling, not provided in conjunction with farm use, may be established after making application to the Planning Director, provided that such application proposing a nonfarm dwelling conforms to the following standards and procedures:

1) To approve the application for a nonfarm dwelling the Planning Director must find that the nonfarm dwelling:

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; and,

b) Does not interfere seriously 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 materially 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 the tract; and,

e) Conforms with section 210.020(16) if such land is zoned EFU-3; and

f) Is the first nonfarm dwelling to be located on the parcel as such parcel generally existed on October 28, 1980.

2) Applications 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 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 nonfarm dwelling.

b) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the Hearings Council for their review. The application and Planning Director findings may be reviewed without benefit of public hearing. Upon the acceptance by the Hearings Council of the Planning Director's decision and findings, the application shall be considered approved, effective immediately.

c) The Hearings Council may deny, affirm or modify the decision of the Planning Director.

d) Any decision of the Hearings Council on a nonfarm dwelling application can be appealed to the Board of Commissioners who shall hold a full evidentiary hearing.

e) After the Hearings Council decision, a copy of that decision shall be mailed to adjacent property owners who will have the right to appeal to the Board of Commissioners within ten (10) days of said mailing.
D) Section 218.100 is amended by changing the title to: "STANDARDS GOVERNING THE MINIMUM PARCEL SIZE REQUIREMENTS FOR NONFARM DWELLINGS, CONDITIONAL USES AND UNDERSIZED FARM PARCELS."

Additionally, subsection (3) is added as follows: (3) All decisions made by the Planning Director or Hearings Council resulting in the creation of parcels smaller than ten (10) acres shall be approved by the Board of County Commissioners as required by ORS 215.263. Such review and approval does not require a public hearing. Additionally, said partition shall conform to the partitioning requirements of the land division ordinance.

E) Section 218.110 EXCEPTIONS TO MINIMUM PARCEL SIZE FOR ESTABLISHMENT OF A HOMESTEAD is amended by the addition of subsection 4) as follows:

4) The creation of a homestead parcel less than ten (10) acres in size shall, prior to partitioning, receive the approval of the Board of Commissioners as required by ORS 215.263. Such review and approval does not require a public hearing. Additionally, said partition shall conform to the partitioning requirements of the land division ordinance.

F) Section 218.140 (1) (b) is amended to read as follows: (b) 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; or

ADOPTED this 3rd day of September, 1981, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Don Schofield, Chairman

ATTEST:

Donna Bladek
By: Recording Secretary

APPROVED AS TO FORM:

Mad Atchley
County Counsel

4-ORDINANCE; File 81-23-ZOA
AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR JACKSON COUNTY BY ADDING PROVISIONS TO ALLOW ESTABLISHMENT OF A BED AND BREAKFAST SERVICE AS A CONDITIONAL USE IN SEVERAL ZONING DISTRICTS.

RECITALS:

1) The zoning ordinance for Jackson County was adopted by Ordinance Number 80-18 on August 29, 1980, and became effective on October 28, 1980.

2) The zoning ordinance currently does not allow for the establishment of a bed and breakfast service in any zoning district as either a permitted or conditional use.

3) The Jackson County Planning Commission received a request from the public to review the concept of listing bed and breakfast service as a new conditional use in the zoning ordinance.

4) The Jackson County Planning Commission, at public study sessions, on March 5, 1981, and March 19, 1981, reviewed and approved ordinance language to provide for this proposed use.

5) Subsequently, the Planning Commission, at a public meetings on July 30, 1981, and August 6, 1981, reviewed this ordinance and recommended that the Board of Commissioners set public hearings to consider approval of the bed and breakfast use at the earliest possible date.

6) This ordinance amendment is found to be consistent with Statewide Planning Goals, and is supported by the goals, findings, policies and implementation strategies of the Economy Element of the Jackson County Comprehensive Plan.

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

SECTION 1. ORDINANCE AMENDMENT

1.1 The Board of County Commissioners hereby amends the zoning ordinance as follows:

A) Sections 210.030, 212.030, 214.030, 216.030, 218.040, 220.030, 222.030, and 224.030 are amended by addition of the following new conditional use:

"Bed and breakfast service as an accessory use and subject to the provisions of Section 280.240 and Chapter 260.”
B) A new section is added to chapter 280, Supplemental
Provisions, which reads as follows:

"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, not to exceed fourteen
(14) consecutive days.

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 used 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. Health and sanitation 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 (5) 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.

ADOPTED this 16th day of September, 1981, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Don Schofield, Chairman

ATTEST: 

APPROVED AS TO FORM:

Donna Bladick
By: Recording Secretary

County Counsel (AS ST.)

2-ORDINANCE; File 81-22-ZOA
B-Engrossed

House Bill 3285

Ordered by the Senate July 23

Sponsored by COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS (at the request of Oregon Restaurant and Beverage Association Small Business Council, Small Business Advocates National Federation of Independent Business)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor’s brief statement of the essential features of the measure.

Requires Health Division to define criteria for grading restaurants. Allows licensee to appeal assigned grade before grade can be lowered. Authorizes local review on appeal from grade lowering. Allows, after reinspection and written findings, reinstatement of lowered grade. Specifies exemptions. Provides appeal procedures for licensees dissatisfied with results of review. Directs payment of administrative hearing costs by party not prevailing on appeal.

A BILL FOR AN ACT

Relating to certain public services; creating new provisions; and amending ORS 624.030, 624.050 and 624.510.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 624.030 is amended to read:

624.030. (1) All restaurants shall be graded A, B or C in accordance with the standards of sanitation established by law or set forth in the rules of the division.

(2) After public hearing and by rule applicable to the grading of restaurants, the division shall define clearly the criteria for conformance to each grade to insure state-wide uniformity in the grading process. In defining these criteria, the division shall consider the type, number, degree, duration and interrelationship of deficiencies as such deficiencies apply to potential or actual health hazards or contamination of foods.

(3) A restaurant grade shall not be lowered from an A to a B on the basis of a single inspection. Grades shall not be lowered because of nonpayment of fees.

(4) The inspection forms shall identify any deficiency that must be corrected in order to restore a higher grade or to avoid lowering a grade.

(5) The division shall use inspection forms that clearly display notice that procedures are available under ORS 183.310 to 183.500 to the licensee for review or appeal of the grade or inspection.

(6) Temporary restaurants shall not be graded but no temporary restaurant shall be operated in Oregon unless it is in conformance with minimum sanitation standards established by the rules [promulgated] adopted pursuant to ORS 624.100. The assistant director may reinstate or grant a temporary restaurant license which has been revoked, suspended or denied when it is demonstrated that the operation is in conformance with the minimum sanitation standards.

Section 2. ORS 624.050 is amended to read:

624.050. (1) No restaurant shall be operated within Oregon unless it is in conformance [to] with grade A or grade B. However, when any restaurant fails to qualify as grade B, the assistant director may, in lieu of...
revocation or suspension of license, lower the grade of the establishment to C and permit its operating during a temporary period not exceeding 30 days. The assistant director may reinstate a restaurant license which has been revoked, suspended or denied and may reinstate a grade which has been lowered when it appears from the inspection by the assistant director that the licensee is complying with the [respective] higher grade requirements.

(2) If a licensee is dissatisfied with the grade assigned to the restaurant of the licensee, the licensee may request and obtain a review of the grade by the assistant director or the county official designated pursuant to ORS 624.510, whichever is appropriate. Such review may include a reinspection of the restaurant or an explanation of the grading criteria, or both. After written findings, the assistant director or the designated county official may reinstate the grade when it appears that the licensee is complying with the higher grade requirements. Proceedings under this subsection are not subject to ORS 183.310 to 183.500.

(3) If a licensee is dissatisfied with the results of the review described in subsection (2) of this section, the licensee may appeal the lowering of the grade as provided by ORS 183.310 to 183.500.

(4) The party that does not prevail on the appeal described in subsection (3) of this section shall pay the actual costs of any administrative hearing required by ORS 183.310 to 183.500.

SECTION 3. Neither ORS 624.010 to 624.120 nor 624.310 to 624.440 apply to:

(1) Food service provided to sleeping room patrons of facilities described in section 4 of this Act; or

(2) Food service provided solely and incidentally to participants in the course of backpacking, hiking, horseback packing, canoeing, rafting or other such expedition as described in section 4 of this Act unless the expedition is a part of an organizational camp program.

SECTION 4. Neither ORS 446.003 to 446.145 nor 446.310 to 446.350 apply to:

(1) Any structure designed for and occupied as a single family residence in which no more than two sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of six travelers or transients at any one time for a charge or fee paid or to be paid for the rental or use of the facilities; or

(2) Any temporary camping sites used solely and incidentally in the course of backpacking, hiking, horseback packing, canoeing, rafting or other such expedition, unless such expedition is a part of an organizational camp program.

Section 5. ORS 624.510 is amended to read:

624.510. (1) The Assistant Director for Health shall delegate to any county board of commissioners which requests any of the authority, responsibilities and functions of the Assistant Director for Health under ORS 624.010 to 624.120 and 624.310 to 624.440 if the assistant director determines that the county is willing and able to carry out the rules of the division relating to fee collection, licensing, inspections, enforcement and issuance and revocation of permits and certificates in compliance with standards for enforcement by the counties and monitoring by the division. Such standards shall be established by the division in consultation with the appropriate county officials and in accordance with ORS 431.345. The division shall review and monitor each county's performance under this subsection. The review shall include criteria to determine if rules established pursuant to ORS 624.030 are uniformly applied to all licensees within the county. In accordance with ORS 183.310 to 183.500, the assistant director may suspend or rescind a delegation under this subsection. If it is determined that a county is not carrying out such rules or the delegation is suspended, the unexpended portion
of the fees collected under subsection (2) of this section shall be available to the division for carrying out the
authority, responsibility and functions under this section.

(2) The county may determine the amount of, and retain, any fee for any function undertaken pursuant to
subsection (1) of this section or use the fee schedules pursuant to ORS 624.020, 624.025 and 624.430. The
county, quarterly, shall remit 15 percent of the collected fees to the division for monitoring county programs
and for providing the necessary forms, licenses, and informational material necessary to maintain a uniform
state program.

(3) In any action, suit or proceeding arising out of county administration of functions pursuant to
subsection (1) of this section and involving the validity of a rule promulgated by the division, the division shall
be made a party to the action, suit or proceeding.
BEFORE THE BOARD OF COUNTY COMMISSIONERS  
STATE OF OREGON, COUNTY OF JACKSON  

ORDINANCE NO. 81-73  

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE SECTION 280.080 PERTAINING TO SIGN REQUIREMENTS, FILE 81-27-ZOA  

RECITALS:  
1) The official Jackson County Zoning Ordinance was adopted by ordinance number 80-18 on August 29, 1980.  
2) The section of the ordinance pertaining to sign requirements adopted on the above date received only minor modifications from the original countywide zoning ordinance adopted in 1973. The 1973 ordinance did not contain provisions which dealt directly with signs in commercial and industrial districts or certain types of uses and conditions which now exist in Jackson County.  
3) The changes as contained in this ordinance will correct deficiencies and oversights in the current sign provisions, allow for greater flexibility and creativity in Department interpretation of this section of the ordinance, and alleviate hardships created by the current sign regulations.  

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

SECTION 1. ORDINANCE CHANGE  

1.1 The Board of County Commissioners hereby amends the zoning ordinance as follows:  

A) Section 200.040 is amended by adding the following new definition:  

"MARQUEE: A permanent, roofed, nonenclosed structure projecting over an entrance to a building and not separately attached to the ground surface."  

B) Add the following introductory paragraph to 280.080, Sign Requirements:  

"All signs shall be subject to a permit from Jackson County, except those listed under 280.080(6)."  

1-ORDINANCE; File 81-27-ZOA
C) Add new item H under 280.080(1), General Requirements for Signs in all Zoning Districts.

"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 twenty (20) watts, except as a shielded, indirect light source."

J) Add new item I by moving existing item 280.080(5M) to 280.080(1).

E) Section 280.080(2), Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, Open Space Development, Exclusive Farm and Farm Residential Zoning Districts, is amended:

J) By revising item A to read:

"Only one (1) non-illuminated, temporary sign advertising the sale, lease or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area shall be permitted."

J) By adding the last phrase to B, which causes it to read:

"B) Only one (1) double-faced sign or two (2) 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 thirty-two (32) square feet in area, and shall not be utilized for advertisement of a home occupation or cottage industry."

J) By adding "only" and "shall be permitted" to C, which causes it to read:

"C) Only one (1) double-faced sign or two (2) separate signs advertising the sale of forest products shall be permitted; maximum sign area shall not exceed thirty-two (32) square feet in area."

J) By adding "from the ground" to the end of item E so that it would now read:

"E) The maximum height of the sign and any appurtenances shall not exceed ten (10) feet from the ground."

2-ORDINANCE; File 81-27-ZOA
By adding a new item G as follows:

"G) For a cottage industry, one (1) sign limited to three (3) square feet in area, mounted flush with the side of the primary structure, and not illuminated in any manner."

P) Section 280.080, delete subsection 4, and renumber subsections 5, 6, and 7 accordingly and revise subsection 3 to read as follows:

"3) Specific Requirements for Signs in all Rural Residential, Suburban Residential, and Urban Residential Zoning Districts."

A) One name plate or sign limited as follows:

A1) For a single family dwelling, mobile home or home occupation, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

A2) For a cottage industry, one (1) sign, limited to three (3) square feet in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

A3) For two-family and multi-family dwellings, and mobile home parks, not to exceed three (3) square feet per dwelling unit, but not exceeding eighteen (18) square feet of total sign area.

A4) Signs for conditional uses shall not exceed twenty (20) square feet in area.

A5) Only one (1) temporary non illuminated sign shall be permitted to advertise the sale, lease, or rental of the property on which the sign is located, but not exceeding sixteen (16) square feet of total sign area.

A6) Signs identifying a subdivision and erected as an integral part of a gate or entrance structure, provided there are not more than two (2) signs, each one of which does not exceed twenty (20) square feet in area. The design and location of these signs shall be approved by the Hearings Council.

A7) No sign or appurtenance shall exceed ten (10) feet in height from the ground."
Section 280.080(6), Specific Requirements for Signs in Commercial or Industrial Districts becomes 280.080(5). Revise new 280.080(5) as follows:

1) Delete existing items A, B, and C pertaining to signs in commercial and industrial districts. Replace with the following:

"A) Four types of on-premise signs may be permitted in commercial and industrial districts:

1) One (1) on-premise sign affixed parallel to the face 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 three hundred 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 twelve (12) inches from the surface of the building which supports it, and shall not project above the building containing the use which the sign identifies.

2) One (1) 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 free-standing sign shall not exceed seventy-five (75) square feet per face for a double-faced sign for each separate use, or 150 feet for a single-faced sign for a lot which contains one use or is within the Rural Service Commercial zone.

Where a lot contains more than one use, such sign may identify the name of the complex or center, and the uses within it. Said free-standing on-premise sign shall not exceed 150 square feet per face for a double-faced sign, or three hundred (300) square feet for a single-faced sign. However, a free-standing sign on a lot having less than 300 feet of frontage shall not have a combined sign face area of more than one (1) square foot of sign for each foot of lot frontage. The maximum height of said sign and any appurtenances shall not exceed twenty-five (25) feet from the ground, or the height of the structure which it advertises, whichever is the lesser.
Additionally, when a use is part of a planned development, complex or center, one (1) 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 (8) 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 (7½) feet from the ground surface to the lower horizontal edge of such sign.

One non illuminated, temporary, on-premise sign advertising the sale, lease or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area.

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 (10) percent of the size and height requirements of this section without express approval of a conditional use permit from the Hearings Council. No modification or variance to these requirements may be granted for purposes of establishing an off-premise sign.

H) Existing 280.080(5), Exempt Signs in all Zoning Districts, is amended as follows:

1) The entire section is moved and becomes 280.080(5).

2) Revise title to read "5) Signs Allowed in all Zoning Districts."

3) Add an introductory paragraph:

"The following signs are allowed in all zoning districts subject to the requirements of this subsection, 280.080 (1) and the district in which they are located. However, items A, C, E, F, and I below are exempt from the requirements of this ordinance."

4) Amend item J to read:

5-ORDINANCE; File 81-27-ZOA
"J) On-premise directional signs shall generally be limited to six (6) square feet in area unless the Planning Director is satisfied by information provided by the applicant that a larger sign is necessary to accomplish its intended purpose."

5) Add new item M:

"M) 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.

SECTION 2. EMERGENCY DECLARED

2.1 An emergency is declared with respect to this matter due to the interpretive problems encountered by the Planning Department and undue hardships created by the current sign provisions. Therefore, this ordinance shall become effective upon adoption.

ADOPTED this 14th day of October, 1981, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Don Schofield, Chairman

ATTEST: APPROVED AS TO FORM:

By: Recording Secretary County Counsel

6-ORDINANCE; File 81-27-ZOA
PARTIAL REVISION
OF
CHAPTER 200, SUBSECTION 200.040, DEFINITIONS, PAGE 15
AND
CHAPTER 280, SUBSECTION 280.080, SIGN REQUIREMENTS, PAGES 172 TO 176
OF THE
JACKSON COUNTY ZONING ORDINANCE

AS REVISED BY
EMERGENCY ORDINANCE # 81-73

ADOPTED AND EFFECTIVE October 14, 1981

EXPIRES February 11, 1982
Section 200.040, DEFINITIONS, Page 15, ADD the following definition:

MARQUEE: A permanent, roofed, nonenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.
6) Commercial Amusement Area:
   A) Bowling Alley
   B) Dance hall or skating rink

7) Commercial Use:
   A) Retail Store
   B) Bank, Business, or Professional office, unless otherwise specified
   C) Repair shop or shop exclusively handling bulky merchandise
   D) Restaurant
   E) Mortuary or Funeral Home
   F) Medical or Dental Clinic or Office

8) Industrial Use:
   A) Manufacturing Establishment
   B) Wholesale Establishment

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:

* All signs shall be subject to a permit from Jackson County, except those listed under 280.080 ($).

I) 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.

Revised by Emergency Ordinance #81-73, effective 10-14-81, expires 2-11-82.
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 neat, clean, and attractive condition.

D) Signs shall be removed by the property owner within thirty (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, and Jackson County:

Interstate 5
Oregon Highway 140
Oregon Highway 227
Oregon Highway 66
Oregon Highway 62
Oregon Highway 238

F) Signs of any size mounted on trailers, trucks, and other portable signs with an area on one side in excess of ten (10) 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 twenty (20) watts, except as a shielded, indirect light source.

I) One directional off-premise sign 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.

Revised by Emergency Ordinance #81-73, effective 10-14-81, expires 2-11-82.
2) **Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, Open Space Development, Exclusive Farm Use, and Farm Residential Zoning Districts:**

A) Only one (1) non-illuminated, temporary sign advertising the sale, lease or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area shall be permitted.

B) Only one (1) double-faced sign or two (2) 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 thirty-two (32) square feet in area, and shall not be utilized for advertisement of a home occupation or cottage industry.

C) Only one (1) double-faced sign or two (2) separate signs advertising the sale of forest products shall be permitted; maximum sign area shall not exceed thirty-two (32) square feet in area.

D) Signs for conditional uses shall not exceed thirty-two (32) square feet in area.

E) The maximum height of the sign and any appurtenances shall not exceed ten (10) feet from the ground.

F) For home occupations, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure and not illuminated in any manner.

G) For a cottage industry, one (1) sign limited to three (3) square feet in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

3) **Specific Requirements for Signs in all Rural Residential, Suburban Residential, and Urban Residential Zoning Districts.**

A) One name plate or sign limited as follows:

i) For a single family dwelling, mobile home or home occupation, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

ii) For a cottage industry, one (1) sign, limited to three (3) square feet in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

iii) For two-family and multi-family dwellings, and mobile home parks, not to exceed three (3) square feet per dwelling unit, but not exceeding eighteen (18) square feet of total sign area.

Revised by Emergency Ordinance #81-73, effective 10-14-81, expires 2-11-82.
B) Signs for conditional uses shall not exceed twenty (20) square feet in area.

C) Only one (1) temporary non-illuminated sign shall be permitted to advertise the sale, lease, or rental of the property on which the sign is located, but not exceeding sixteen (16) square feet of total sign area.

D) Signs identifying a subdivision and erected as an integral part of a gate or entrance structure, provided there are not more than two (2) signs, each one of which does not exceed twenty (20) square feet in area. The design and location of these signs shall be approved by the Hearings Council.

E) No sign or appurtenance shall exceed ten (10) feet in height from the ground.

4) Specific Requirements for Signs in Commercial or Industrial Districts:

A) Four types of on-premise signs may be permitted in commercial and industrial districts:

1) One (1) on-premise sign affixed parallel to the face of the building, and limited to one square foot of sign for each separate use, no sign to exceed three hundred 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 linear foot of building length along said side. No sign shall extend more than twelve (12) inches from the surface of the building which supports it, and shall not project above the building containing the use which the sign identifies.

2) One (1) 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 free-standing sign shall not exceed seventy-five (75) square feet per face for a double-faced sign for each separate use, or 150 feet for a single-faced sign for a lot which contains one use or is within the Rural Service Commercial zone.

Where a lot contains more than one use, such sign may identify the name of the complex or center, and the uses within it. Said free-standing on-premise sign shall not exceed 150 square feet per face for a double-faced sign, or three hundred (300) square feet for a single-faced sign. However, a free-standing sign on a lot having less than 300 feet of frontage shall not have a combined sign face area of more than one (1) square foot of sign for each foot of lot frontage. The maximum height of said sign and any appurtenances shall not exceed twenty-five (25) feet from the ground, or the height of the structure which it advertises, whichever is the lesser.

Revised by Emergency Ordinance #81-73, effective 10-14-81, expires 2-11-82.
3) Additionally, when a use is part of a planned development, complex or center, one (1) 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 (8) 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 (7½) feet from the ground surface to the lower horizontal edge of such sign.

4) One non-illuminated, temporary, on-premise sign advertising the sale, lease or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area.

B) 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 signage, 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 (10) percent of the size and height requirements of this section without express approval of a conditional use permit from the Hearings Council. No modification or variance to these requirements may be granted for purposes of establishing an off-premise sign.

* 5) Signs Allowed in all Zoning Districts:

The following signs are allowed in all zoning districts subject to the requirements of this subsection, 280.080 (1) and the district in which they are located. However, items A, C, E, F, and I below are exempt from the requirements of this ordinance.

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

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

C) House and building numbers.

D) Temporary sign in conjunction with political and civic campaigns, provided that such signs are removed within fifteen (15) calendar days following the conclusion of the campaign.

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

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

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

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
Revised by Emergency Ordinance #81-73, effective 10-14-81, expires 2-11-82.
H) Signs indicating membership in farm or forestry organizations.

I) Signs located within a building.

J) On-premise directional signs shall generally be limited to six (6) square feet in area unless the Planning Director is satisfied by information provided by the applicant that a larger sign is necessary to accomplish its intended purpose.

K) Temporary signs identifying proposed or existing construction.

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

M) 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.

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 LOT AREA, PARCEL SIZE, AND OTHER REQUIREMENTS WHEN STREETS, ROADS, OR EASEMENTS ARE INVOLVED:

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

2) County Roads or Streets, and Dedicated Public 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 public 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 public 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 or setback requirements.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.

Revised by Emergency Ordinance #81-73, effective 10-14-81, expires 2-11-82.

*Note: Subsection numbering of Ordinance #81-73 is corrected in this copy to alleviate confusion.
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 81-36

AN ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE ADDING MOTELS AND HOTELS AS A CONDITIONAL USE IN THE RURAL SERVICE COMMERCIAL ZONE, AND ALSO ADDING EATING AND DRINKING ESTABLISHMENTS AS A PERMITTED USE IN SAID RURAL SERVICE COMMERCIAL ZONE.

RECITALS:

1) The official Jackson County Zoning Ordinance was adopted by ordinance number 80-19 on August 29, 1980.

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

SECTION 1. FINDINGS

1.1 Chapter 232 of said ordinance does not permit motels and hotels as either a permitted or conditional use.

1.2 Article III, Section 9.2 of the 1973 zoning ordinance allowed hotels and motels as a permitted use.

1.3 During development of the current ordinance, hotels and motels were excluded from the Rural Service Commercial zone on the basis there were no uses of that nature in that zone, nor was it likely there would be a future need for such uses given the general location of the Rural Service Commercial zone in Jackson County.

1.4 On November 29, 1978, the Board of Commissioners approved a zone change request from Rural Residential 2.5 (RR 2.5) to Rural Service Commercial for Wilfred Champlain on a parcel of land described as Township 36, Range 4 West, Section 30, Tax Lots 100 and 200. The main intent of that change was to make a 20 unit motel conform to the zoning ordinance and allow for some possible expansion. By omitting the hotel and motel language from the new permitted use list, the motel again became nonconforming, making expansion questionable.

1.5 Article III, Section 9.2 of the 1973 zoning ordinance allowed eating and drinking establishments as a permitted use in the Rural Service Commercial zone. The new ordinance, Chapter 232 now only permits eating and drinking establishments by conditional use permit.
1.6 Eating and drinking establishments are commonly found in Rural Service Commercial zones throughout the county. These uses apparently are serving the rural community without negative affect on adjacent uses. An expansion of any of these existing uses could only occur now by the conditional use permit process.

SECTION 2. CONCLUSION

2.1 Based on the above findings the Board concludes the zoning ordinance adopted August 29, 1980, omitted motels and hotels in the Rural Service Commercial zone by oversight and was inconsistent with previous Board of Commissioners actions on the property described in 1.4 above. Furthermore, given the general intent of the revised Rural Service Commercial zone, motels and hotels should be more appropriately listed as a conditional use.

2.2 Additionally, it is found that eating and drinking establishments should be permitted outright in the Rural Service Commercial zone since they are commonly found in such a zone. The correction of this oversight would alleviate an unnecessary hardship created by requiring conditional use permits for all new eating and drinking establishments, or for such existing uses.

2.3 Amendment of the Zoning Ordinance as proposed herein is supportive of the comprehensive plan in that services appropriate to the convenience needs of rural residents can be provided in scattered locations throughout rural Jackson County. Allowing such uses is a convenience and reduces the need for travel to urban centers to receive the service. Since the Rural Service Commercial zone is typically committed to such use by existing commercial development, there is no conflict with state goals 3 or 4. To the extent that local business is enhanced, such action furthers the state economic goal 9.

SECTION 3. ORDINANCE CHANGE

3.1 Based on the above findings and conclusions, the Board of County Commissioners amends Section 232.030 (1) to read: 1) Motels and Hotels.

3.2 Additionally, Section 232.020 shall be amended by adding: 15) Eating and drinking establishments.

ADOPTED this 3rd day of June, 1981, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Don Schofield, Chairman

ATTEST:

By: Recording Secretary

APPROVED AS TO FORM:

County Counsel

2-ORDINANCE
BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 81-34

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE ALTERING THE PROCESS FOR REVIEW OF NON-FARM DWELLINGS IN THE EXCLUSIVE FARM USE ZONING DISTRICTS.

RECITALS:

1) The official Jackson County Zoning Ordinance was adopted by ordinance number 80-18 on August 29, 1980.

2) The zoning ordinance currently requires that non-farm dwellings be reviewed via the conditional use permit process and prior to approval, must satisfy three sets of criteria as noted in sections 218.040 (8), 218.060 and 260.040.

3) ORS 215.213 (3) sets forth the basic criteria which must be satisfied prior to approval of a non-farm dwelling. Adding criteria beyond that noted in ORS 215.213 (3) frustrates the original intent of that provision of state law and complicates the process for an applicant.

4) Section 218.140 of the zoning ordinance requires the same form of review process as noted in 1.2 above on all pre-existing parcels smaller than the established minimum parcel size for the zone in which it is located. During the development of the Exclusive Farm Use mapping process, hundreds of undersized parcels were included within the zone, many of which are vacant and are subject to the conditional use permit review process if the owner wishes to place a dwelling upon the lot.

5) During the period February 15, 1979, to August 29, 1980, the Board of Commissioners reviewed over 150 applications for dwellings on farm land. By far, the majority of these proposed dwellings were non-farm dwellings. The process used was relatively simple in that staff developed a report addressing the required ORS findings and rendered a decision. This decision was reviewed by individual Board of Commissioner members within five (5) days of receipt of the staff decision. If an individual Board member did not request a hearing with the five (5) day period, the staff decision was considered approved. The Board members basically requested a hearing only when they felt uncomfortable with the staff decision. More than 80 percent of the staff decisions were accepted by the Board without using the hearing process.
6) The current zoning ordinance establishes many new types of applications which are subject to Hearings Council review directly or through the appeal process. This is currently causing an overload of the Hearings Council agenda requiring three meetings a month instead of the normal two, and also resulting in a 60 to 75 day processing time for a building permit for a non-farm dwelling.

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

SECTION 1. ORDNANCE CHANGE

1.1 The Board of County Commissioners hereby amends the zoning ordinance as follows:

A) The first paragraph of subsection 3 of section 218.040 is amended to read as follows:

"3) The second or additional single family non-farm residential dwelling, not provided in conjunction with farm use, provided that each such proposed dwelling satisfies conditions A through E, as identified in section 218.045(1). It is not necessary, however, for such non-farm dwellings to address the standards of section 218.060 or section 260.040."

B) Section 218.030 Permitted Uses is amended by adding:

"8) A single family dwelling not provided in conjunction with a farm use only in accordance with section 218.045."

C) Section 218.045 is added as follows:

218.045 STANDARDS FOR APPROVAL OF A NONFARM DWELLING IN AN EXCLUSIVE FARM USE DISTRICT

The first single family residential dwelling, not provided in conjunction with farm use, may be established after making application to the Planning Director, provided that such application proposing a nonfarm dwelling conforms to the following standards and procedures:

1) To approve the application for a nonfarm dwelling the Planning Director must find that the nonfarm dwelling:

   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; and,

   b) Does not interfere seriously with accepted farming practices, as defined in paragraph(c) of subsection(2) or ORS 215.203, on adjacent lands devoted to farm use; and,

2-ORDINANCE
c) Does not materially 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 the tract; and,

e) Conforms with section 210.020(16) if such land is zoned EFU-3; and

f) Is the first non-farm dwelling to be located on the parcel generally as such parcel existed on October 28, 1980.

2) Applications 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 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 nonfarm dwelling.

b) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the Hearings Council for their review. The application and Planning Director findings may be reviewed without benefit of public hearing. Upon the acceptance by the Hearings Council of the Planning Director's decision and findings, the application shall be considered approved, effective immediately. Upon determining the Planning Director's decision for approval may be in error, the Hearings Council shall set a public hearing on the matter provide notice as required in section 285.040, and after the hearing, develop findings either supporting or denying the application.

c) The Hearings Council may deny, affirm or modify the decision of the Planning Director.
d) Any decision of the Hearings Council on a nonfarm dwelling application can be appealed to the Board of Commissioners.

D) Section 218.100 is amended by changing the title to: "STANDARDS GOVERNING THE MINIMUM PARCEL SIZE REQUIREMENTS FOR NONFARM DWELLINGS, CONDITIONAL USES AND UNDERSIZED FARM PARCELS."

Additionally, subsection (3) is added as follows: (3) All decisions made by the Planning Director or Hearings Council resulting in the creation of parcels smaller than ten (10) acres shall be approved by the Board of County Commissioners. Such review and approval does not require a public hearing.

E) Section 218.140 (1) (b) is amended to read as follows: (b) 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; or

SECTION 2. EMERGENCY DECLARED

2.1 An emergency is declared with respect to this matter due to the undue complexity of the current standards and the current length of time required to process applications. Therefore, the ordinance shall become effective upon its adoption.

ADOPTED this 24TH day of May, 1981, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]
Don Schofield, Chairman

ATTEST: APPROVED AS TO FORM:

[Signature]
By: Recording Secretary County Counsel

4-ORDINANCE
CHAPTER 218
EXCLUSIVE FARM USE (EFU) DISTRICTS

AS REVISED
by
EMERGENCY ORDINANCE #81-34
dated
May 27, 1981
EFFECTIVE
May 27, 1981
EXPIRES
September 24, 1981
CHAPTER 218
EXCLUSIVE FARM USE (EFU) DISTRICTS

218.010 PURPOSE:

This district is intended to preserve, enhance and stabilize the principal agricultural and farm use 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; to prevent the division of agricultural land when resulting parcels are less agriculturally productive than the original undivided parcel; 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:

This zoning district will be applied to ranching operations and large and small parcel farming operations which are identified as agricultural land by the Jackson County Comprehensive Plan. This single zoning designation will apply to agricultural land zoned Exclusive Farm Use-1 (EFU-1), Exclusive Farm Use-2 (EFU-2), Exclusive Farm Use-2/20 (EFU-2/20), and Exclusive Farm Use-3 (EFU-3).

218.030 PERMITTED USES:

The following uses are permitted outright:

1) Farm uses.
2) Dwellings and other buildings customarily provided in conjunction with farm use.
3) Public or private schools.
4) Churches.
5) The propagation or harvesting of forest products.
6) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
7) Operations for the exploration of geothermal resources.
8) A single family dwelling not provided in conjunction with a farm use only in accordance with Section 218.045

Revised by Emergency Ordinance #81-34, dated 5-27-81, effective 5-27-81
218.040  **CONDITIONAL USES:**

The following uses are permitted if in conformance with section 218.060, and if the property is zoned EFU-3 there must also be conformance with section 218.070 and other pertinent sections of this ordinance:

1) Commercial activities that are in conjunction with farm use.

2) Operations conducted for the mining and processing of geothermal resources or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

3) Private parks, playgrounds, hunting and fishing preserves and campgrounds.

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) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use.

6) 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. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

7) The boarding of horses for profit.

8) The second or additional single family nonfarm residential dwelling, not provided in conjunction with farm use, provided that each such proposed dwelling satisfies conditions A through E, 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.

Revised by Emergency Ordinance #81-34, dated 5-27-81, effective 5-27-81.
218.045 STANDARDS FOR APPROVAL OF A NONFARM DWELLING IN AN EXCLUSIVE FARM USE DISTRICT

The first single family residential dwelling, not provided in conjunction with farm use, may be established after making application to the Planning Director, provided that such application proposing a nonfarm dwelling conforms to the following standards and procedures:

1) To approve the application for a nonfarm dwelling the Planning Director must find that the nonfarm dwelling:

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; and,

b) Does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) or ORS 215.203, on adjacent lands devoted to farm use; and,

c) Does not materially 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 the tract; and,

e) Conforms with Section 210.020 (16) if such land is zoned EFU-3; and

f) Is the first nonfarm dwelling to be located on the parcel generally as such parcel existed on October 28, 1980.

2) Applications 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 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 nonfarm dwelling.

b) Those applications approved by the Planning Director shall automatically be forwarded along with findings to the Hearings Council for their review. The application and Planning Director findings may be reviewed without benefit of public hearing. Upon the acceptance by the Hearings Council of the Planning Director's decision and findings, the application shall be considered approved, effective immediately. Upon determining the Planning Director's decision for approval may be in error, the Hearings Council shall set a public hearing on the matter, provide notice as required in Section 285.040, and after the hearing, develop findings either supporting or denying the application.

Revised by Emergency Ordinance, #81-34, dated 5-27-81, effective 5-27-81.
c) The Hearings Council may deny, affirm, or modify the decision of the Planning Director.

d) Any decision of the Hearings Council on a nonfarm dwelling application can be appealed to the Board of Commissioners.

218.050 CONDITIONAL USES WITH ADDED STANDARDS:

The following are permitted if in conformance with section 218.060, and 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. In addition, if the property is zoned EFU-3, there must also be conformance with section 218.070.

1) Commercial utility facilities for the purpose of generating power for public use by sale.

2) Golf courses.

3) Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.

218.060 STANDARDS REQUIRED OF ALL CONDITIONAL USES:

A conditional use may be approved only when findings can be made to satisfy all of the following:

1) That the use will not be injurious to property and improvements in the area of the request.

2) That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the area where the proposed use would be located.

3) That the use is compatible with farm uses in the nearby area.

Revised by Emergency Ordinance, #81-34, dated 5-27-81, effective 5-27-81.
4) That the use does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

5) That the use does not materially alter the stability of the overall land use pattern of the area.

218.070 ADDITIONAL CONDITIONAL USE STANDARDS FOR LAND ZONED EXCLUSIVE FARM USE-3 (EFU-3):

All conditional uses on land zoned EFU-3, with the exception of nonfarm dwellings which must conform with section 218.080, must conform with the following standards, and conformance with the following standards shall be deemed conformance with the forest lands element:

1) The proposed use must minimize the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of parcel.

2) Roofs shall be constructed of fire resistant material.

3) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons or a year-around 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 a one-quarter (¼) 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.

4) A fuelbreak which is a minimum of 100 feet in width shall be established, as defined in section 200.040. Said fuelbreak shall be maintained in a cleared condition.

218.080 MINIMUM PARCEL SIZE:

The minimum parcel size for the Exclusive Farm Use-1 (EFU-1) districts shall be twenty (20) acres; for Exclusive Farm Use-2 (EFU-2) districts it shall be ten (10) acres; for Exclusive Farm Use-2/20 (EFU-2/20) districts it shall be twenty (20) acres; and for the Exclusive Farm Use-3 (EFU-3) districts, when designated by the Official Comprehensive Plan and Zoning Map(s) as Forest Resource, it shall be 160 acres; and, for the Exclusive Farm Use-3 (EFU-3) districts when designated by the comprehensive plan as Woodland Resource, it shall be 20 acres; unless such minimum parcel sizes are otherwise excepted by this ordinance.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
218.090 EXCEPTIONS TO THE MINIMUM PARCEL SIZE REQUIREMENTS FOR FARM USES:

1) A parcel smaller than that permitted in section 218.080 is permitted for agricultural purposes providing such parcel is not developed with a farm or nonfarm residence and providing such parcel conforms with other provisions of this ordinance. The creation of a parcel, per this section of the zoning ordinance, requires that the owner record an instrument on the deed which provides notice that the parcel may not be used for residential purposes.

2) The Jackson County Hearings Council may approve a reduction in the minimum parcel size upon which a farm dwelling may be placed when findings can be made documenting that all of the following requirements are met:

   A) Substantial evidence must be provided documenting that farming on the resultant parcels can, and very likely will, maintain or exceed production on the undivided lot.

   B) The exception does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

   C) The exception does not materially alter the stability of the overall land use pattern of the area.

   D) For only those parcels zoned EFU-3, all divisions must conform with the forest lands element of the Jackson County Comprehensive Plan.

3) In reviewing a proposed reduction of parcel size, the following factors shall be addressed when applicable:

   A) The typical acreage requirements of the proposed agricultural use.

   B) The types of crops grown, their yields, and equipment requirements.

   C) Farming practices in the area.

   D) Marketing requirements.

   E) Effects on surrounding farm uses.

   F) Surrounding parcel sizes.

   G) Other relevant factors.
STANDARDS GOVERNING THE MINIMUM PARCEL SIZE REQUIREMENTS FOR NONFARM DWELLINGS, CONDITIONAL USES, AND UNDERSIDED FARM PARCELS.

1) 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; and,

2) All conditional uses shall be located on the smallest possible parcel needed to satisfy the proposed use.

3) All decisions made by the Planning Director or Hearings Council resulting in the creation of parcels smaller than ten (10) acres shall be approved by the Board of County Commissioners. Such review and approval does not require a public hearing.

EXCEPTIONS TO MINIMUM PARCEL SIZE FOR ESTABLISHMENT OF A HOMESTEAD:

A homestead exemption for the applicant's personal residence may be granted which allows for the creation of a separate lot which does not meet the parcel size and lot width requirements of the zoning designation. The homestead exemption may be granted if the following conditions are met:

1) The dwelling must have existed on the parcel prior to the effective date of this ordinance, and the dwelling must qualify as a dwelling which was customarily provided in conjunction with a farm use; and,

2) No additional dwelling shall be constructed on the remaining parcel supporting the farm use if the placement of the dwelling would result in a combined average of more than one residence per twenty (20) acres of land if zoned EFU-1, EFU-2/20, or WR/EFU-3; or if it would result in a combined average of more than one residence per ten (10) acres of land if zoned EFU-2, or if it would result in a combined average of more than one residence per 160 acres of land if zoned EP/EFU-3, unless the placement of such residence is permitted as explained in Section 3) below. In calculating this permitted density, the house located on the homestead parcel, and the acreage of the homestead parcel, must be included in the calculation (see the two examples below). If the parcel supporting a farm unit can not meet the above density standards, the owner shall record an instrument on the deed to said parcel clearly indicating a dwelling cannot be constructed on this parcel until such time as these density standards can be met.

3) A farm dwelling may be placed on the parcel supporting the farm use even if the dwelling would exceed the densities explained in Section 2) immediately above, if the parcel is demonstrated to be a farm unit in conformance with section 218.090 (2).

EXAMPLE

FIRST EXAMPLE IN AN EFU-1, EFU-2/20, OR WR/EFU-3 ZONE:

For example, Farmer A wants to sell his farm, but continue to live in the farm house. The homestead exemption could permit this division and allow a
dwelling on the 48 acre parcel.

<table>
<thead>
<tr>
<th>A</th>
<th>30 acre tax lot</th>
<th>3 house</th>
<th>2 acre parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>48 acre tax lot</td>
<td>3 house</td>
<td>2 acre parcel</td>
</tr>
</tbody>
</table>

SECOND EXAMPLE IN AN EFU-1, EFU-2/20, or WR/EFU-3 ZONE:

For example, Farmer A wants to sell his farm, but continue to live in the farm house. The homestead exemption could permit the division, but in this case would prevent the placement of a dwelling on the 28 acre tax lot.

<table>
<thead>
<tr>
<th>A</th>
<th>30 acre tax lot</th>
<th>3 house</th>
<th>2 acre parcel</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>23 acre tax lot</td>
<td>3 house</td>
<td>2 acre parcel</td>
</tr>
</tbody>
</table>

In the first example, a farm dwelling may be placed on the 48 acre tax lot because the 48 acre farm parcel meets and exceeds the overall minimum 20 acre requirement per dwelling unit. This overall density is not maintained in the second example, precluding the placement of a dwelling on parcel B. In order to maintain an overall density of one farm dwelling per 20 acres in the EFU-1 or EFU-2/20 zone, for example, at least 40 acres is required to accommodate both the homestead and the additional farm dwelling. In an EFU-2 zone, at least 20 acres is required to permit both the homestead and the additional farm dwelling.

218.120 EXEMPTIONS FROM EFU ZONING FOR FARMLAND AFFECTED BY URBAN DEVELOPMENT:

1) Pursuant to Chapter 277, a farm residential zoning designation may be allowed on the periphery of land zoned EFU-1, EFU-2, or EFU-2/20, which is seriously impacted by nonfarm development if the following findings are met:

A) The EFU land abuts property which is developed with residences on lots predominantly one-half acre or smaller in size; and,

B) It is determined that the adjacent nonfarm development causes extreme buffering problems which are documented by the applicant and the applicant documents that such development makes it extremely difficult to farm the affected land; and,

C) It is determined that the zone change and resulting development will not interfere seriously with accepted farming practices in the area.

Revised by Ordinance §80-24, dated 10-29-80, effective 12-28-80.
1) Adjacent land uses, public services, parcel size and ownership, land use characteristics and natural boundaries.

2) The long-term environmental, economic, social and energy consequences of making the proposed zone change.

3) Impacts this proposed zone change may have on adjacent agricultural land uses.

4) Soil types, historic and future potential availability of irrigation, and historical land use.

In all cases, the new zoning designation shall be consistent with the rural character of the affected property and adjacent area. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases the amount of land rezoned from an EFU to another zoning designation shall be the minimum necessary to enable the continued farming or ranching on adjacent EFU lands.

218.140 PLACEMENT OF DWELLINGS ON PREEXISTING LOTS SMALLER THAN THE ESTABLISHED MINIMUM PARCEL SIZE:

1) Any dwelling on a parcel which is smaller than 20 acres if zoned EFU-1, EFU-2/20, WR/EFU-3, or is smaller than 160 acres if zoned FR/EFU-3, or smaller than 10 acres if zoned EFU-2, shall be permitted only if:

   a) The dwelling is a farm dwelling and conforms with Section 218.090 (2) of this ordinance; or

   b) 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; or

   c) 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; or

   d) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 21, 1979, and October 27, 1980; or

   e) 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.

2) One single family dwelling is allowed on each parcel approved pursuant to subsections (c), (d), and (e) above, provided all other provisions of this ordinance are met, including any conditions attached by the Hearings Council or Board of Commissioners when the partition or subdivision was approved.

Revised by Emergency Ordinance, # 81-34, dated 5-27-81, effective 5-27-81.
218.150 RE-ESTABLISHMENT OF A NONFARM USE:

If a nonfarm use exists in a commercial agricultural district and is unintentionally destroyed by fire, other casualty, or natural disaster, such use can be re-established to its previous nature and extent, but re-establishment shall meet all other building, plumbing, sanitation, and other codes, ordinances and permit requirements. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.

Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
BEFORE THE BOARD OF COMMISSIONERS
JACKSON COUNTY, STATE OF OREGON

ORDINANCE NO. 81-4

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ALLOWING PERMITTED USES ON LANDS RECEIVING PARTITIONING APPROVAL PRIOR TO THE ADOPTION OF THE ZONING ORDINANCE, FILE 80-18-20A 81-16-20A

RECITALS:

1) The Board of Commissioners adopted the Zoning Ordinance on August 29, 1980; and

2) Said Zoning Ordinance, Section 218.140 does not allow dwellings on parcels smaller than allowed by the zoning district except by special review; and

3) Since August 1, 1978, the Hearings Council has reviewed major partitions and subdivisions to determine if they conformed to state goals; and the Board of Commissioners, since January 31, 1979, has reviewed minor partitions to determine compliance with state goals; and

4) Criteria used by the Hearings Council and Board of Commissioners to evaluate the land division actions is consistent with criteria existing within the Zoning Ordinance for review of nonfarm dwellings; and

5) Previous approval of the Hearings Council and Board of Commissioners on land division actions presumed there was no conflict with the state goals on agricultural land if a dwelling were constructed on the divided land; and

6) The new Zoning Ordinance, by oversight, did not include a provision to allow dwellings on previously approved partitions or subdivisions;

7) Due to this oversight in the ordinance, division of land previously found to be in conformance with state goals are now unreasonably restricted, requiring a duplicate review process; therefore

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

SECTION 1. Section 218.140, Placement of Dwellings on Preexisting Lots Smaller than the Established Minimum Parcel Size, is revised to read as follows:

1) Any dwelling on a parcel which is smaller than 20 acres if zoned EFU-1 or EFU-2/20, or is smaller than 160 acres if zoned EFU-3, or smaller than 10 acres if zoned EFU-2, shall be permitted only if:

1-ORDINANCE
a) The dwelling is a farm dwelling and conforms with section 218.090 (2) of this ordinance; or

b) The dwelling meets the standards of a nonfarm dwelling in conformance with section 218.040(8) of this zoning ordinance; or

c) 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; or

d) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 21, 1979, and October 27, 1980; or

e) 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.

2) One single family dwelling is allowed on each parcel approved pursuant to subsections c), d), and e) above, provided all other provisions of this ordinance are met, including any conditions attached by the Hearings Council or Board of Commissioners when the partition or subdivision was approved.

ADOPTED this 21st day of January, 1981, at Medford, Oregon

JACKSON COUNTY BOARD OF COMMISSIONERS

[Signature]
Don Schofield, Chairman

ATTEST:

[Signature]
Recording Secretary

APPROVED AS TO FORM:

[Signature]
County Counsel

2-ORDINANCE
1980
ZONING ORDINANCE

FOR

JACKSON COUNTY, OREGON

Adopted August 29, 1980, Effective October 28, 1980
Revised October 29, 1980, Effective December 28, 1980
TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PAGE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHAPTER 200 INTRODUCTORY PROVISIONS</td>
<td>1</td>
</tr>
<tr>
<td>200.010 Title</td>
<td>1</td>
</tr>
<tr>
<td>200.020 Purpose</td>
<td>1</td>
</tr>
<tr>
<td>200.030 Compliance with Ordinance Provisions</td>
<td>1</td>
</tr>
<tr>
<td>200.040 Definitions</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER 205 ESTABLISHMENT OF ZONING DISTRICTS</td>
<td>23</td>
</tr>
<tr>
<td>205.010 Classification of Zoning Districts</td>
<td>23</td>
</tr>
<tr>
<td>205.020 Application of Zoning Districts</td>
<td>24</td>
</tr>
<tr>
<td>205.030 Official Comprehensive Plan and Zoning Maps</td>
<td>24</td>
</tr>
<tr>
<td>204.040 District Boundaries</td>
<td>24</td>
</tr>
<tr>
<td>205.050 Measurements on Zoning Maps</td>
<td>25</td>
</tr>
<tr>
<td>205.060 Previous Official Actions</td>
<td>25</td>
</tr>
<tr>
<td>CHAPTER 210 FOREST RESOURCE (FR-160) DISTRICT</td>
<td>26</td>
</tr>
<tr>
<td>210.010 Purpose</td>
<td>26</td>
</tr>
<tr>
<td>210.020 Permitted Uses</td>
<td>26</td>
</tr>
<tr>
<td>210.030 Conditional Uses</td>
<td>29</td>
</tr>
<tr>
<td>210.040 Parcel Area Requirements</td>
<td>30</td>
</tr>
<tr>
<td>210.050 Parcel Area Reductions</td>
<td>31</td>
</tr>
<tr>
<td>210.060 Homestead Exemptions</td>
<td>31</td>
</tr>
<tr>
<td>210.070 Additional Standards for Conditional Uses in the Forest Resource District</td>
<td>32</td>
</tr>
<tr>
<td>210.080 Standards Compliance and Appeals</td>
<td>32</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CHAPTER 212 WOODLAND RESOURCE (WR-20) DISTRICT</td>
<td>33</td>
</tr>
<tr>
<td>212.010 Purpose</td>
<td>33</td>
</tr>
<tr>
<td>212.020 Permitted Uses</td>
<td>33</td>
</tr>
<tr>
<td>212.030 Conditional Uses</td>
<td>35</td>
</tr>
<tr>
<td>212.040 Parcel Area Requirements</td>
<td>37</td>
</tr>
<tr>
<td>212.050 Parcel Area Reductions</td>
<td>38</td>
</tr>
<tr>
<td>212.060 Density</td>
<td>38</td>
</tr>
<tr>
<td>212.070 Additional Standards for Conditional Uses In Woodland Resource Districts</td>
<td>38</td>
</tr>
<tr>
<td>212.080 Standards Compliance and Appeals</td>
<td>39</td>
</tr>
<tr>
<td>212.090 Exceptions from Woodland Resource Zoning</td>
<td>39</td>
</tr>
<tr>
<td>CHAPTER 214 OPEN SPACE RESERVE (OSR-20) DISTRICT</td>
<td>41</td>
</tr>
<tr>
<td>214.010 Purpose</td>
<td>41</td>
</tr>
<tr>
<td>214.020 Permitted Uses</td>
<td>41</td>
</tr>
<tr>
<td>214.030 Conditional Uses</td>
<td>42</td>
</tr>
<tr>
<td>214.040 Parcel Area Requirements</td>
<td>44</td>
</tr>
<tr>
<td>214.050 Parcel Area Reductions</td>
<td>44</td>
</tr>
<tr>
<td>214.060 Density</td>
<td>44</td>
</tr>
<tr>
<td>CHAPTER 216 OPEN SPACE DEVELOPMENT (OSD-5) DISTRICT</td>
<td>45</td>
</tr>
<tr>
<td>216.010 Purpose</td>
<td>45</td>
</tr>
<tr>
<td>216.020 Permitted Uses</td>
<td>45</td>
</tr>
<tr>
<td>216.030 Conditional Uses</td>
<td>46</td>
</tr>
<tr>
<td>216.040 Parcel Area Requirements</td>
<td>47</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>216.050 Parcel Area Reductions</td>
<td>47</td>
</tr>
<tr>
<td>216.060 Density</td>
<td>47</td>
</tr>
<tr>
<td><strong>CHAPTER 218 EXCLUSIVE FARM USE (EFU) DISTRICTS</strong></td>
<td>48</td>
</tr>
<tr>
<td>218.010 Purpose</td>
<td>48</td>
</tr>
<tr>
<td>218.020 Application</td>
<td>48</td>
</tr>
<tr>
<td>218.030 Permitted Uses</td>
<td>48</td>
</tr>
<tr>
<td>218.040 Conditional Uses</td>
<td>49</td>
</tr>
<tr>
<td>218.050 Conditional Uses with Added Standards</td>
<td>50</td>
</tr>
<tr>
<td>218.060 Standards Required of all Conditional Uses</td>
<td>50</td>
</tr>
<tr>
<td>218.070 Additional Conditional Use Standards for Land Zoned Exclusive Farm Use-3 (EFU-3)</td>
<td>51</td>
</tr>
<tr>
<td>218.080 Minimum Parcel Size</td>
<td>51</td>
</tr>
<tr>
<td>218.090 Exceptions to the Minimum Parcel Size Requirements for Farm Uses</td>
<td>52</td>
</tr>
<tr>
<td>218.100 Exceptions to the Minimum Parcel Size Requirements for Nonfarm Dwellings and Conditional Uses</td>
<td>53</td>
</tr>
<tr>
<td>218.110 Exceptions to Minimum Parcel Size for Establishment of a Homestead</td>
<td>53</td>
</tr>
<tr>
<td>218.120 Exemptions from EFU Zoning for Farmland Affected by Urban Development</td>
<td>54</td>
</tr>
<tr>
<td>218.130 Other Exemptions from Exclusive Farm Use Zoning</td>
<td>55</td>
</tr>
<tr>
<td>218.140 Placement of Dwellings on Preexisting Lots Smaller than the Established Minimum Parcel Size</td>
<td>56</td>
</tr>
<tr>
<td>218.150 Re-Establishment of a Nonfarm Use</td>
<td>56</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>226.030 Conditional Uses</td>
<td>66</td>
</tr>
<tr>
<td>226.040 Lot Area</td>
<td>67</td>
</tr>
<tr>
<td>226.050 Density</td>
<td>67</td>
</tr>
<tr>
<td>CHAPTER 228 URBAN HIGH DENSITY RESIDENTIAL (UR-H) DISTRICT</td>
<td>68</td>
</tr>
<tr>
<td>228.010 Purpose</td>
<td>68</td>
</tr>
<tr>
<td>228.020 Permitted Uses</td>
<td>68</td>
</tr>
<tr>
<td>228.030 Conditional Uses</td>
<td>68</td>
</tr>
<tr>
<td>228.040 Lot Area</td>
<td>69</td>
</tr>
<tr>
<td>228.050 Density</td>
<td>69</td>
</tr>
<tr>
<td>228.060 Site Plan Review and Buffering Requirements</td>
<td>69</td>
</tr>
<tr>
<td>CHAPTER 230 INTERCHANGE COMMERCIAL (IC) DISTRICT</td>
<td>71</td>
</tr>
<tr>
<td>230.010 Purpose</td>
<td>71</td>
</tr>
<tr>
<td>230.020 Permitted Uses</td>
<td>71</td>
</tr>
<tr>
<td>230.030 Conditional Uses</td>
<td>72</td>
</tr>
<tr>
<td>230.040 Site Plan Review and Buffering Requirements</td>
<td>72</td>
</tr>
<tr>
<td>CHAPTER 232 RURAL SERVICE COMMERCIAL (RS) DISTRICT</td>
<td>73</td>
</tr>
<tr>
<td>232.010 Purpose</td>
<td>73</td>
</tr>
<tr>
<td>232.020 Permitted Uses</td>
<td>73</td>
</tr>
<tr>
<td>232.030 Conditional Uses</td>
<td>74</td>
</tr>
<tr>
<td>232.040 Site Plan Review and Buffering Requirements</td>
<td>74</td>
</tr>
<tr>
<td>CHAPTER 234 NEIGHBORHOOD COMMERCIAL (NC) DISTRICT</td>
<td>76</td>
</tr>
<tr>
<td>234.010 Purpose</td>
<td>76</td>
</tr>
<tr>
<td>234.020 Permitted Uses</td>
<td>76</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>234.030 Conditional Uses</td>
<td>77</td>
</tr>
<tr>
<td>234.040 Site Plan Review and Buffering Required</td>
<td>77</td>
</tr>
<tr>
<td>CHAPTER 236 GENERAL COMMERCIAL (GC) DISTRICT</td>
<td>79</td>
</tr>
<tr>
<td>236.010 Purpose</td>
<td>79</td>
</tr>
<tr>
<td>236.020 Permitted Uses</td>
<td>79</td>
</tr>
<tr>
<td>236.030 Conditional Uses</td>
<td>81</td>
</tr>
<tr>
<td>236.040 Site Plan Review and Buffering Requirements</td>
<td>81</td>
</tr>
<tr>
<td>CHAPTER 238 LIGHT INDUSTRIAL (LI) DISTRICT</td>
<td>83</td>
</tr>
<tr>
<td>238.010 Purpose</td>
<td>83</td>
</tr>
<tr>
<td>238.020 Permitted Uses</td>
<td>83</td>
</tr>
<tr>
<td>238.030 Conditional Uses</td>
<td>85</td>
</tr>
<tr>
<td>238.040 Site Plan Review and Buffering Required</td>
<td>85</td>
</tr>
<tr>
<td>CHAPTER 240 GENERAL INDUSTRIAL (GI) DISTRICT</td>
<td>87</td>
</tr>
<tr>
<td>240.010 Purpose</td>
<td>87</td>
</tr>
<tr>
<td>240.020 Permitted Uses</td>
<td>87</td>
</tr>
<tr>
<td>240.030 Conditional Uses</td>
<td>89</td>
</tr>
<tr>
<td>240.040 Site Plan Review and Buffering Required</td>
<td>90</td>
</tr>
<tr>
<td>CHAPTER 242 AIRPORT DEVELOPMENT-MIXED USE (AD-MU) DISTRICT</td>
<td>91</td>
</tr>
<tr>
<td>242.010 Purpose</td>
<td>91</td>
</tr>
<tr>
<td>242.020 Permitted Uses</td>
<td>91</td>
</tr>
<tr>
<td>242.030 Conditional Uses</td>
<td>93</td>
</tr>
<tr>
<td>242.040 Standards</td>
<td>94</td>
</tr>
<tr>
<td>242.050 Setback and Off-Street Parking Requirements</td>
<td>94</td>
</tr>
<tr>
<td>242.060 Site Plan Review and Buffering Requirements</td>
<td>95</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CHAPTER 244 AGGREGATE RESOURCE (AR) DISTRICT</td>
<td>96</td>
</tr>
<tr>
<td>244.010 Purpose</td>
<td>96</td>
</tr>
<tr>
<td>244.020 Permitted Uses</td>
<td>96</td>
</tr>
<tr>
<td>244.030 Conditional Uses</td>
<td>97</td>
</tr>
<tr>
<td>244.040 Basic Standards of Operation</td>
<td>97</td>
</tr>
<tr>
<td>244.050 Modification of Standards</td>
<td>99</td>
</tr>
<tr>
<td>244.060 Emergency Exceptions</td>
<td>99</td>
</tr>
<tr>
<td>244.070 Registration Requirements</td>
<td>99</td>
</tr>
<tr>
<td>244.080 Review Required</td>
<td>99</td>
</tr>
<tr>
<td>CHAPTER 250 AIRPORT APPROACH (AA) OVERLAY</td>
<td>100</td>
</tr>
<tr>
<td>250.010 Purpose</td>
<td>100</td>
</tr>
<tr>
<td>250.020 Application of Airport Approach Provisions</td>
<td>100</td>
</tr>
<tr>
<td>250.030 Permitted Uses</td>
<td>100</td>
</tr>
<tr>
<td>250.040 Uses Subject to Administrative Approval by the Planning Department</td>
<td>101</td>
</tr>
<tr>
<td>250.050 Procedure</td>
<td>101</td>
</tr>
<tr>
<td>250.060 Limitations</td>
<td>102</td>
</tr>
<tr>
<td>250.070 Special Provisions for New Airports, Heliports, and Landing Fields</td>
<td>103</td>
</tr>
<tr>
<td>250.080 Administrative Approval</td>
<td>103</td>
</tr>
<tr>
<td>CHAPTER 252 AIRPORT CONCERN (AC) OVERLAY</td>
<td>104</td>
</tr>
<tr>
<td>252.010 Purpose</td>
<td>104</td>
</tr>
<tr>
<td>252.020 Appointments</td>
<td>104</td>
</tr>
<tr>
<td>252.030 Application of Airport Concern Provisions</td>
<td>104</td>
</tr>
</tbody>
</table>
DESCRIPTION

252.040 Permitted Uses
252.050 Conditional Uses
252.060 Procedures
252.070 Limitations
252.080 Special Provisions for New Airports, Heliports, and Landing Fields

CHAPTER 254 FLOODPLAIN (FP) OVERLAY

254.010 Purpose
254.020 Application of Provisions
254.030 Permitted Uses
254.040 Uses Subject to Administrative Approval or Conditional Use Permits
254.050 Administration
254.060 General Standards
254.070 Special Standards
254.080 Special Requirements for Administrative or Conditional Use Permits
254.090 Warning and Disclaimer of Liability

CHAPTER 258 NONCONFORMING USES, STRUCTURES, AND LOTS

258.010 Preexisting Status Provisions
258.020 Nonconforming Lots
258.030 Nonconforming Structures
258.040 Nonconforming Uses
258.050 Requests for Alteration of Nonconforming Uses
258.060 Minor Lot Line Adjustments
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PAGE</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate and Mining Nonconforming Uses</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 260 CONDITIONAL USE PERMIT</td>
<td>122</td>
<td></td>
</tr>
<tr>
<td>Authorization</td>
<td>122</td>
<td></td>
</tr>
<tr>
<td>Preexisting Uses</td>
<td>122</td>
<td></td>
</tr>
<tr>
<td>Procedure</td>
<td>122</td>
<td></td>
</tr>
<tr>
<td>Standards and Criteria for Action on Application</td>
<td>123</td>
<td></td>
</tr>
<tr>
<td>Placing Conditions on a Permit</td>
<td>123</td>
<td></td>
</tr>
<tr>
<td>Compliance with Zoning District Provisions</td>
<td>124</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 262 PLANNED UNIT DEVELOPMENT PERMIT</td>
<td>126</td>
<td></td>
</tr>
<tr>
<td>Purpose and General Concept</td>
<td>126</td>
<td></td>
</tr>
<tr>
<td>Authorization</td>
<td>126</td>
<td></td>
</tr>
<tr>
<td>Application Contents and Procedure</td>
<td>127</td>
<td></td>
</tr>
<tr>
<td>Permitted Uses</td>
<td>129</td>
<td></td>
</tr>
<tr>
<td>General Standards for Planned Unit Development</td>
<td>130</td>
<td></td>
</tr>
<tr>
<td>Special Landscaping Standards</td>
<td>131</td>
<td></td>
</tr>
<tr>
<td>Special Standards for Mobile Homes in Planned Unit Development</td>
<td>132</td>
<td></td>
</tr>
<tr>
<td>Common Open Space Standards</td>
<td>132</td>
<td></td>
</tr>
<tr>
<td>Minimum Site Size</td>
<td>134</td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit Density</td>
<td>135</td>
<td></td>
</tr>
<tr>
<td>Findings for Project Approval</td>
<td>135</td>
<td></td>
</tr>
<tr>
<td>Approval Procedures for the Preliminary Development Plan by the Hearings Council</td>
<td>136</td>
<td></td>
</tr>
<tr>
<td>Approval of the Final Development Plan</td>
<td>137</td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>262.140 Changes to a Planned Unit Development Subsequent to its Completion</td>
<td>138</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 266 HISTORIC LANDMARK ALLOWABLE USE PERMIT</td>
<td>139</td>
<td></td>
</tr>
<tr>
<td>266.010 Purpose</td>
<td>139</td>
<td></td>
</tr>
<tr>
<td>266.020 Authorization</td>
<td>139</td>
<td></td>
</tr>
<tr>
<td>266.020 Reference</td>
<td>139</td>
<td></td>
</tr>
<tr>
<td>266.030 Application</td>
<td>140</td>
<td></td>
</tr>
<tr>
<td>266.040 Standards and Criteria for Action on Applications</td>
<td>141</td>
<td></td>
</tr>
<tr>
<td>266.050 Conditions of Approval</td>
<td>142</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 268 SOLID WASTE DISPOSAL PERMIT</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>268.010 General Concept</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>268.020 Reference</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>268.030 Conditional Uses</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td>268.040 Application</td>
<td>144</td>
<td></td>
</tr>
<tr>
<td>268.050 Standards and Criteria for Action on Application</td>
<td>144</td>
<td></td>
</tr>
<tr>
<td>268.060 Conditions of Approval</td>
<td>144</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 270 MOBILE HOME PARK PERMIT</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>270.010 Purpose</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>270.020 Application of Provisions</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>270.030 Permit Required</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>270.040 Application Procedure</td>
<td>145</td>
<td></td>
</tr>
<tr>
<td>270.050 Findings</td>
<td>146</td>
<td></td>
</tr>
<tr>
<td>270.060 Approval of Final Plans</td>
<td>147</td>
<td></td>
</tr>
<tr>
<td>270.070 Mandatory Design Standards and Requirements</td>
<td>147</td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE</td>
<td>NUMBER</td>
</tr>
<tr>
<td>-------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>270.080 Expansion of Existing Mobile Home Parks</td>
<td>149</td>
<td></td>
</tr>
<tr>
<td>270.090 Variance</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 272 CONDITIONAL USE PERMITS FOR AGGREGATE OPERATIONS</strong></td>
<td>151</td>
<td></td>
</tr>
<tr>
<td>272.010 General Concept</td>
<td>151</td>
<td></td>
</tr>
<tr>
<td>272.020 Authorization</td>
<td>151</td>
<td></td>
</tr>
<tr>
<td>272.030 Application Procedure</td>
<td>151</td>
<td></td>
</tr>
<tr>
<td>272.040 Uses Which may be Permitted</td>
<td>151</td>
<td></td>
</tr>
<tr>
<td>272.050 Application and Operation Standards</td>
<td>152</td>
<td></td>
</tr>
<tr>
<td>272.060 Modification of Standards</td>
<td>154</td>
<td></td>
</tr>
<tr>
<td>272.070 Review Required</td>
<td>154</td>
<td></td>
</tr>
<tr>
<td>272.080 Emergency Exception</td>
<td>154</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 275 VARIANCES</strong></td>
<td>155</td>
<td></td>
</tr>
<tr>
<td>275.010 Authorization</td>
<td>155</td>
<td></td>
</tr>
<tr>
<td>272.020 Findings</td>
<td>155</td>
<td></td>
</tr>
<tr>
<td>275.030 Procedure</td>
<td>156</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 277 AMENDMENTS</strong></td>
<td>157</td>
<td></td>
</tr>
<tr>
<td>277.010 Zone Change or Ordinance Amendment</td>
<td>157</td>
<td></td>
</tr>
<tr>
<td>277.020 Action by Planning Commission</td>
<td>157</td>
<td></td>
</tr>
<tr>
<td>277.030 Consideration by Board of Commissioners</td>
<td>157</td>
<td></td>
</tr>
<tr>
<td>277.040 Intent to Rezone Procedure</td>
<td>157</td>
<td></td>
</tr>
<tr>
<td>277.050 Major Amendments</td>
<td>158</td>
<td></td>
</tr>
<tr>
<td>277.060 Minor Map Amendments</td>
<td>158</td>
<td></td>
</tr>
<tr>
<td>277.070 Standards for a Major or Legislative Map Amendment</td>
<td>158</td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------</td>
<td></td>
</tr>
<tr>
<td>277.080 Standards and Criteria for Minor Map Amendments</td>
<td>159</td>
<td></td>
</tr>
<tr>
<td>277.090 Procedure for Correcting Map Errors</td>
<td>159</td>
<td></td>
</tr>
<tr>
<td>277.100 Criteria for Determining Map Errors</td>
<td>160</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 280 SUPPLEMENTAL PROVISIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>280.010 Similar Uses</td>
<td>163</td>
<td></td>
</tr>
<tr>
<td>280.020 Temporary Mobile Home Permit</td>
<td>163</td>
<td></td>
</tr>
<tr>
<td>280.030 Access</td>
<td>166</td>
<td></td>
</tr>
<tr>
<td>280.040 Vision Clearance</td>
<td>166</td>
<td></td>
</tr>
<tr>
<td>280.050 Height, Setback, and Lot Coverage Requirements</td>
<td>166</td>
<td></td>
</tr>
<tr>
<td>280.060 Special Setback Requirements</td>
<td>170</td>
<td></td>
</tr>
<tr>
<td>280.070 Off-Street Parking Requirements</td>
<td>171</td>
<td></td>
</tr>
<tr>
<td>280.080 Sign Requirements</td>
<td>172</td>
<td></td>
</tr>
<tr>
<td>280.090 Determining Lot Area, Parcel Size, and Other Requirements when Streets, Roads, or Easements are Involved</td>
<td>176</td>
<td></td>
</tr>
<tr>
<td>280.100 Fire Safety Requirements and Guidelines</td>
<td>177</td>
<td></td>
</tr>
<tr>
<td>280.110 Areas of Special Concern</td>
<td>178</td>
<td></td>
</tr>
<tr>
<td>280.120 Standards for Home Occupations</td>
<td>180</td>
<td></td>
</tr>
<tr>
<td>280.130 Cottage Industries</td>
<td>183</td>
<td></td>
</tr>
<tr>
<td>280.140 Yard Sales or Flea Markets</td>
<td>186</td>
<td></td>
</tr>
<tr>
<td>280.150 Registration Requirements</td>
<td>186</td>
<td></td>
</tr>
<tr>
<td>280.160 Recycling Dropbox</td>
<td>186</td>
<td></td>
</tr>
<tr>
<td>280.170 Building and Septic Permits</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>280.180 Solid Waste Collection Site</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE</td>
<td>NUMBER</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>280.190 Existing Dwellings Exempt from Fire Safety Provisions</td>
<td>188</td>
<td></td>
</tr>
<tr>
<td>280.200 Illegal Uses</td>
<td>188</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 282 SITE PLAN REVIEW PROVISIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>282.010 Purpose</td>
<td>189</td>
<td></td>
</tr>
<tr>
<td>282.020 Site Plan Approval Required</td>
<td>189</td>
<td></td>
</tr>
<tr>
<td>282.030 Plans Required, Information to beSubmitted with Application</td>
<td>189</td>
<td></td>
</tr>
<tr>
<td>282.040 General Standards</td>
<td>190</td>
<td></td>
</tr>
<tr>
<td>282.050 Review by Staff or the Department of Planning and Development</td>
<td>191</td>
<td></td>
</tr>
<tr>
<td>282.060 Time Limits</td>
<td>192</td>
<td></td>
</tr>
<tr>
<td>282.070 Compliance</td>
<td>192</td>
<td></td>
</tr>
<tr>
<td>282.080 Appeals</td>
<td>193</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 285 ADMINISTRATIVE PROVISIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>285.010 Administration</td>
<td>194</td>
<td></td>
</tr>
<tr>
<td>285.020 Appeals</td>
<td>194</td>
<td></td>
</tr>
<tr>
<td>285.025 Compliance with Zoning District Provisions and Permit Conditions</td>
<td>194</td>
<td></td>
</tr>
<tr>
<td>285.030 Application Forms</td>
<td>195</td>
<td></td>
</tr>
<tr>
<td>285.040 Public Hearings</td>
<td>195</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 290 MISCELLANEOUS PROVISIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>290.010 Interpretation</td>
<td>197</td>
<td></td>
</tr>
<tr>
<td>290.020 Severability</td>
<td>197</td>
<td></td>
</tr>
<tr>
<td>290.030 Penalties</td>
<td>197</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 200
INTRODUCTORY PROVISIONS

200.010 TITLE:
This ordinance shall be known as the Jackson County Zoning Ordinance of 1980.

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

1) To implement the 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; and,

6) To facilitate adequate provisions for services and facilities, such as water, sewerage, schools, parks, transportation, utilities, and other public requirements.

200.030 COMPLIANCE WITH ORDINANCE PROVISIONS:
All buildings, structures, or lots shall hereafter be used in conformity with the provisions of this ordinance.

200.040 DEFINITIONS:
As used in this ordinance, the following words and phrases shall be interpreted so as to give them the meaning they have in common usage, in order to give this ordinance its most reasonable application, unless otherwise specifically defined below:
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.

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure or use shall be considered necessary to the operation or enjoyment of a lawful permitted use or conditional use, and is appropriate, incidental, and subordinate to any such building, structure or use. 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. Guest houses or quarters for domestic service workers, employed on the premises, constitutes 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.

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, road construction or on-site construction projects, are not considered an aggregate operation.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
AGRICULTURAL PRODUCE STAND: A facility for the marketing of produce grown on the subject parcel or contiguous 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.

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 unreasonably obstructs the airspace required for the safe flight of aircraft in landing or taking off, at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA: Any area of land upon which an airport hazard might be established, if not prevented.

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.

ALTERATION, HISTORIC LANDMARK: The addition to, removal of or from, or remodeling of any part or portion of an historic landmark.

AMUSEMENT, COMMERCIAL: Any amusement enterprise, offering entertainment or games of skill to the general public, for a fee or charge, wherein any portion of the activity takes place either indoor or outdoors including, but not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 (3) or more contiguous dwelling units, under common ownership, and each unit occupied by not more than one (1) family.

APARTMENT ACCESSORY USES: Permitted uses accessory to an apartment building shall include a recreation room, employee's washroom, manager's apartment and 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 (50) foot horizontal to one (1) foot vertical approach surface, 10,000 feet long, followed by a 40,000 foot long, forty (40) to one (1) approach surface. Visual runways have a 5,000 foot long, twenty (20) to one (1) approach surface.

BAR, LOUNGE 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 FLOOD: The flood having a one (1) 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.

BOARD: Jackson County Board of Commissioners.

BOARDING OF HORSES FOR PROFIT: Provision of food and shelter for horses for a fee. Synonymous with stable.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
BOARDING OR ROOMING HOUSE: A residential building, other than a hotel or motel, where lodging or meals are provided to three (3) 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.

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.

COMMON OPEN SPACE: An 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
COMMUNITY CENTER (PRIVATE): An integral part of a residential project or planned unit development, used by the tenants of such a project for 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 (20) to one (1), to a height of 350 feet above the airport reference point elevation.

CONVENT OR MONASTERY: The dwelling units of a religious order or congregation.

COTTAGE INDUSTRY: A small scale limited service or light manufacturing enterprise, contained wholly within an enclosed attached or accessory structure, which is compatible in character with primary residential structures and other permitted structures on the property and those in the general vicinity; provides employment for not more than five (5) persons, not more than three (3) of which may reside off the premises; and, shall be located outside of an adopted urban growth or urban containment boundary and within an OSD-5, RR-5, and F-5 zoning district, requiring a minimum lot size equal to or greater than five (5) acres in size.

COUNCIL: The Jackson County Hearings Council.

DAY NURSERY OR DAY CARE CENTER: An institution maintained and conducted under public or private auspices and licensed by the state, which cares for more than six (6) children under sixteen (16) years of age, who are apart from their own family or relatives during any part of the twenty-four (24) hour day.

DEBRIS: Stumps, brush, mining waste, or other material resulting from clearing or excavation, or other uncontrolled materials, which would create obstructions during periods of flooding.

DEMOLITION, HISTORIC: To raise, destroy, dismantle, deface, or in any other manner, cause partial or total ruin of an historic landmark.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
DENSITY: The number of dwelling units, expressed in a ratio to land area. Density is computed by dividing the number of dwelling units by total gross acreage of the site. (Example: 20 dwelling units divided by 5 acres, equals a density of 4 units per acre.)

DEPARTMENT: The Jackson County Department of Planning and Development.

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 and excavation, or drilling operations located within the area.

DRAG STRIP, GO-CART TRACK OR COMMERCIAL RACING: Facility for races, including closed course, straight-away, and/or acceleration runs.

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, or portion thereof, designed or used as a residence or sleeping place for one (1) or more persons.

DWELLING GROUP: A group of three (3) 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 (3) or more families, and containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building, designed or used for residence purposes by not more than one (1) family and containing one (1) dwelling unit. A mobile home shall be considered a single-family dwelling.

DWELLING, TEMPORARY/SEASONAL: A mobile or permanently placed dwelling that is used in conjunction with forest uses for the purpose of managing forest lands on a seasonal basis, and is not in any way connected with the transfer or sale of property. Occupants of such dwellings shall be primarily engaged in forest management, operations and activities. Temporary and seasonal forest management dwellings shall not be occupied more than nine (9) months of any year. Standards for solid waste and waste water disposal, as specified by the County Sanitation Division, shall be met by temporary or seasonal dwellings. Such dwellings may consist of a cabin of not more than five hundred (500) square feet in size or a travel trailer not greater than twenty-six (26) feet in length.
**DWELLING, TWO-FAMILY OR DUPLEX:** A building designed or used for residence purposes, by not more than two (2) families, and containing not more than two (2) contiguous dwelling units.

**DWELLING UNIT:** One (1) or more rooms for occupancy by one family.

**DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE:** Dwelling units specifically designed to accommodate individuals or families whose principal place of employment is the farm. In no case, shall more than one (1) additional dwelling unit be deemed to be "in conjunction with farm use," when a dwelling unit already exists on the property which houses individuals or families whose principal place of employment is not the farm. In no case, shall additional dwelling units be deemed to be "in conjunction with farm use," when two (2) or more dwelling units already exist on the property, which house individuals or families whose principal place of employment is not the farm.

**EATING AND SLEEPING ACCOMMODATIONS:** Facility which offers overnight sleeping accommodations and/or restaurant accommodations to the general public. One or both accommodations may be utilized in conjunction with other commercial areas. Synonymous with hotel, motel or restaurant.

**ELECTRICAL SUBSTATION:** Location for transforming electricity, prior to distribution, to individual customers.

**EMERGENCY MEDICAL FACILITY:** A first aid station and/or headquarters for an ambulance service which may include paramedics and/or a physician for emergency outpatient treatment only.

**EMERGENCY WATER STORAGE FACILITIES:** A facility for the storage of a quantity of water used for fire protection and suppression. Such facilities may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, a twenty (20) gallon per minute well, or other reasonable means to store an emergency water supply.

**ENGINE OR MOTOR REPAIR SHOP:** A shop for the disassembly, rebuilding and repair of motor vehicle engines, electric motors, vehicle transmissions or other major machinery components on an assembly line basis. General vehicle repair shall be classified as repair garage. No outside display.

**FAIRGROUNDS:** An outside area where a fair, circus, or exhibition is held.

**FAMILY:** An individual or two (2) 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 (2) additional persons, excluding servants, or a group of not more than five (5) unrelated persons, living together as one housekeeping unit, using one kitchen.

**FARMHAND/RANCHAND:** Person employed on a farm/ranch, and derives over 50 percent of their income from the farm/ranch. The burden of proof rests with the claimant.
FARM USE: As used in this ordinance, "farm use" means the current employment of land for the primary purpose of raising, harvesting, and selling of crops, stock, 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 man's use and animal use, and disposal by marketing or otherwise. It does not include the use of land, subject to the provisions of ORS Chapter 321, 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.

FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

FLOOD OR FLOODING: A general and temporary condition, of 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 administrator where the boundaries of the flood, mudslide (i.e., mudflow), and related erosion areas having special 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 (1) percent change of flooding in any given year, including the floodway and floodway fringe.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
FLOODPROOFING: Any combination of structural and non-structural 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 (1) 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, and those determined by approximate method, as defined in Chapter 254 of this ordinance.

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.

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 the storage of household goods and 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 (5).

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
GUEST HOUSE: Living quarters, within an accessory building, located on the same tax lot as the main dwelling and occupied solely by members of the owner's family, or temporary guests for not more than thirty (30) continuous calendar days. Such quarters shall not be rented or otherwise used as a separate dwelling unit.

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 or 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 individually create objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art; not a factory.

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 and OAR 340-63-100 to 135, and these rules. A hazardous material is a substance that meets this same definition except that it is not a waste.

HEAVY EQUIPMENT: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

HEALTH RELATED CENTER OR SPA: A facility with sleeping and eating accommodations, 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, to the deck line of a mansard roof, or to 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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; being incidental to the primary occupancy of the home as a dwelling without the employment of any persons other than a member of the family residing within the principal dwelling; for gainful employment involving the manufacture, provision or sale of goods and/or services, without taking on an outward appearance of manifesting any characteristics of a business nor operation of a retail nature; and, shall conform to the standards specified by this ordinance for home occupations.

HOMESTEAD EXEMPTION - FARM: Allows the land owner's existing farm dwelling to be placed on a tax lot, separate from the remaining portion of the farm.

HOMESTEAD EXEMPTION - FOREST: Allows the land owner's existing dwelling to be placed on a tax lot, separate from the remaining portion of a legally conforming parcel, within the forest resource zoning district.

HORIZONTAL SURFACE ZONE: That flat, disc shaped, imaginary surface, one hundred and fifty (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 (6) 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 or suburban 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 (1) animal per each acre;
2) Horses, Mules or Donkeys - One (1) animal per each acre;
3) Sheep or Goats - Three (3) animals per each acre;
4) Swine - Two (2) breeding animals or five (5) barrow per each five (5) acres;
5) Poultry - Twenty (20) fowl per each acre;
6) Fur-Bearing Animals - Fifty (50) animals per each acre.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 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 of 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 breeding or for sale, but not including any pet store; 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, pharmaceuticals, and the development and assembly of instruments and similar items.

LABORATORY, SCIENTIFIC TESTING-PRECISION: Facility which performs a scientific test, analysis or experimental study.

LAND DIVISION: The act of dividing land by partitioning or subdividing.

LANDING STRIP: An area of land which is used, or intended for use, for the landing and takeoff of aircraft.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
LANDSCAPE OR PLANT NURSERY: A facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

LIGHT FABRICATION AND ASSEMBLY PROCESS: Including, but not limited to, the manufacture of electronic components, jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

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: Lodging shall mean where one or more dwelling units are occupied or intended to be occupied by five or more persons, who are not husband and wife, son or daughter, mother or father, sister or brother of the owner or operator. Boarding shall mean where meals are provided by the operator of a lodging house.

LOT: A parcel or tract of land.

LOT AREA: The total area of a lot within the lot boundary lines, measured in a horizontal plane.

LOT, CORNER: A lot or portion thereof, situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT: The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley. In the case of a flag lot or other lot where the majority of the lot does not front on a road, the front lot line shall be one of the shortest lines, if a rectangular lot.

LOT LINE, REAR: A property line, which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot, parallel to, and at a maximum distance from, the front lot line.

LOT LINE, SIDE: Any property line, not a front or rear lot line.
LOT WIDTH: The average, horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

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, selling and/or servicing machinery.

MARINA: A dock or basin providing secure moorings for motorboats, sailboats and/or yachts and offering fuel, marine supplies, food and marine repairs.

MOBILE HOME PARK: Any place where two (2) 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 that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation, when connected to the required facilities. Does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced or will commence on or after the effective date of this ordinance.

NONCONFORMING LOTS: Lots legally created, prior to the effective date of this ordinance, which do not meet the minimum lot area or width requirements of the zoning district in which the lot is located.

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 (5) persons under the direction of a physician, licensed by the state, or facility providing a variety of services to patients, for the purpose of achieving rapid recovery. 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 and is shown as owner of record on the latest tax rolls or deed records of the county or is purchasing a parcel of property under written contract.

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.

PET SHOP: Facility for the display and sale of small animals, fish, and birds as pets such as dogs, cats, parakeets, goldfish, tropical fish, or canaries, but not involving commercial boarding or treating of any animal, fish, or bird.

PLACE OF PUBLIC ASSEMBLY: A structure which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.

PLANNED UNIT DEVELOPMENT: A development of residential, commercial, industrial, or mixture of residential, commercial, industrial, and semipublic 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 dwelling units into clusters, 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 representative.

PRESERVATION, HISTORIC: The act or process of applying measures to sustain the existing form, integrity, and material of a historic building, structure or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
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.

PROCESSING: The crushing, washing, screening, weighing, sorting, stock-
piling, and blending of sands, gravels, and other earth, natural materials,
or precious metals, but not including concrete or asphalt batch plants.

PUBLIC OR PRIVATE SCHOOL, OR INSTITUTION FOR SPECIAL EDUCATION: An educa-
tional institution, licensed or regulated by the state, which has a curri-
culum 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.

RADIO, TELEVISION OR MICRO-WAVE TOWERS: Structures supporting antennae 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, and is further defined as being one of the below:

1) Natural Reclamation Plan - A reclamation and/or rehabilitation pro-
cess 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 reclama-
tion 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 normal active and passive facilities as provided in a public
park or playground.
RECREATIONAL VEHICLE: A vacation trailer or other unit with or without motive power, 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.

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.

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.

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.

SERVICE STATION: Commercial facility which offers petroleum and accessory products and limited vehicle repair services to the public.

SHELTER CARE FACILITY: A home licensed by the state to provide for short-term emergency care, for no more than nine (9) 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, and which is 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.

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, by placing the longest side of the structure facing south.

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 sidewalks; 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

Revised By Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 (6) 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 mass production.

**SUBSTANTIAL ALTERATION, HISTORIC SITE:** Any structural modification to an historic landmark that would diminish its recognized historic values.

**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, on parcel road construction or on-site construction projects are not considered surface mining.

SWIMMING POOLS — PRIVATE: A swimming pool, constructed for the exclusive use of the residents of a single-family, duplex, townhouse or apartment dwelling located and enclosed by a six (6) foot fence. Such private swimming pool shall not be operated as a business, nor maintained in such a manner as to be hazardous or obnoxious to adjacent property owners. Swimming pools shall comply with required zoning setbacks for the district(s) in which the pool is located.

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 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, including travel trailers, which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires twenty-four (24) hour care, according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

TEMPORARY USE PERMIT: Concerts, rallies, carnivals, circuses or similar uses as an accessory use at public fairgrounds, parks or stadiums, provided that sponsors of such events obtain a temporary use permit, post any bonds in an amount determined by the County Board of Commissioners, and secure clearances from the County Health Officer, Sheriff's Office and the Sanitation Division or other agency responsible for protecting the health, safety, and general welfare of the public.

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.

Revised By Ordinance #80-23, dated 10-29-80, effective 12-28-80.
TRANSITIONAL SURFACE ZONES: That area necessary to protect the airport approach surfaces which extend at a ratio of seven (7) feet horizontal, to one (1) 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.

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 utilizes renewable energy resources including solar, hydro, wind biofuels, wood, geothermal, or similar sources. Nothing in this definition shall be interpreted or be construed to conflict with the authority of the Oregon Energy Facility Siting Council or its standing pursuant to Oregon Revised Statutes.

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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
CHAPTER 205

ESTABLISHMENT OF ZONING DISTRICTS

205.010 CLASSIFICATION OF ZONING DISTRICTS:

For the purpose of this ordinance the following zoning districts are established:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Zoning Districts</th>
<th>Map Symbol and Abbreviated Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>210</td>
<td>Forest Resource</td>
<td>FR-160</td>
</tr>
<tr>
<td>212</td>
<td>Woodland Resource</td>
<td>WR-20</td>
</tr>
<tr>
<td>214</td>
<td>Open Space Reserve</td>
<td>OSR-20</td>
</tr>
<tr>
<td>216</td>
<td>Open Space Development</td>
<td>OSD-5</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-1</td>
<td>EFU-1</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-2</td>
<td>EFU-2</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-2/20</td>
<td>EFU-2/20</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-3</td>
<td>EFU-3</td>
</tr>
<tr>
<td>220</td>
<td>Farm Residential</td>
<td>F-5</td>
</tr>
<tr>
<td>222</td>
<td>Rural Residential</td>
<td>RR-5</td>
</tr>
<tr>
<td>224</td>
<td>Suburban Residential-2.5</td>
<td>SR-2.5</td>
</tr>
<tr>
<td>224</td>
<td>Suburban Residential-1</td>
<td>SR-1</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-10</td>
<td>UR-10</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-8</td>
<td>UR-8</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-6</td>
<td>UR-6</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-4.5</td>
<td>UR-4.5</td>
</tr>
<tr>
<td>228</td>
<td>Urban High Density Residential</td>
<td>UR-H</td>
</tr>
</tbody>
</table>
Chapter | Zoning Districts | Map Symbol and Abbreviated Designation
---|---|---
230 | Interchange Commercial | IC
232 | Rural Service Commercial | RS
234 | Neighborhood Commercial | NC
236 | General Commercial | GC
238 | Light Industrial | LI
240 | General Industrial | GI
242 | Airport Development-Mixed Use | AD-MU
244 | Aggregate Resource | AR
250 | Airport Approach Overlay | AA
252 | Airport Concern Overlay | AC
254 | Floodplain Overlay | FP

205.020 APPLICATION OF ZONING DISTRICTS:

This ordinance establishes zoning districts for application on the Official Comprehensive Plan and Zoning Map(s) of Jackson County.

205.030 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.

205.040 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.

Revised By Ordinance #80-23, dated 10-29-80, effective 12-28-80.
205.050 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.

205.060 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.

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 pre-existing. 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.

2) 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.

3) Building permits and mobile home set-ups issued by the Department, prior to the effective date of this ordinance shall be exempt from all provisions of this ordinance.

4) Septic permits for residential use, issued prior to the effective date of this ordinance, shall be considered as a commitment to use the land for a single-family residential purpose. A residence shall be allowed, but considered nonconforming in those instances where the zoning ordinance no longer allows the use as a permitted use. The residence, however, shall conform to all other setback, building height, and fire safety provisions of the zoning ordinance.

Revised By Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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, the Land Division Ordinance of Jackson County,
and Oregon Department of Environmental Quality rules governing sewage
disposal:

1) Managing, growing and harvesting of timber and other forest pro-
ducts.

2) Barkers, chippers, portable sawmills, and other accessory equipment
used in managing, growing, and harvesting forest products on the sub-
ject property or contiguous property.

3) Agriculture, including accessory uses.

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, and is 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 weighing stations.

8) Log scaling and weighing stations.

9) Water impoundments and irrigation facilities necessary for or inci-
dental 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 said use does not adversely affect forest resource management activities or constitute a fire hazard, and are subject to the following 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 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, in conjunction with forest use, constructed under a permit, subject to the following special site plan review requirements:

A) The dwellings and accessory structures will 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; and,

B) The dwelling and accessory structures will not interfere with, or hamper forest practices on adjacent land devoted to forest or agricultural use; and,

C) A minimum fuelbreak area of 100 feet in width shall be established, as defined in Section 200.040. Such fuelbreak shall be maintained in a cleared condition; and,

D) Roofs shall be constructed of fire resistant material; and,

E) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons or a year-around 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 (¼) 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; and

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
F) In addition, the land owner shall submit the following to demonstrate that the dwelling is in conjunction with a forest use:

i) A legal description and map drawn to scale;

ii) A statement of the landowner's objectives for managing the land for forest use;

iii) A description of the existing condition of timber stands, access, density, and management needs;

iv) A statement of the effect of the landowner's objectives on wildlife habitat, soil conservation, and streambank erosion.

G) The Department may inspect the site to ensure compliance with the provisions of this permit and any other requirements of the zoning ordinance.

17) One additional single family dwelling on a parcel when a density requirement of 160 acres per dwelling unit is maintained and the standards for single family dwellings in section 210.020 are satisfied. 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 additional dwellings which conform to the standards of the zoning and land division ordinances shall be allowed.

18) Temporary/seasonal dwellings in conjunction with forest uses provided that such dwellings are limited to a cabin not more than five hundred (500) square feet in size or a travel trailer not greater than twenty-six (26) feet in length per site, which are:

A) To be used for forest management and/or harvesting practices or such practices on adjacent lands by persons who are principally engaged in such activities; and,

B) Not in any way connected to the sale or transfer of property, and are not occupied more than nine (9) months of the year, and subject to permits which shall be renewed annually; and,

C) Sited on land that is least suitable for the production of timber, whenever possible; and,

D) Sited with a minimum area of not less than 30 feet, cleared of dry brush or grass and maintained as a fuelbreak; and,

E) Provided with reasonable access; and,

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
F) Subject to requirements for waste disposal specified by the Sanitation Division; and,

G) Limited to not more than one temporary/seasonal dwelling per each 160 acres, in addition to a permanent dwelling; and,

H) In compliance with Oregon's Department of Forestry regulations regarding open burning.

19) 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.

210.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, and in section 210.070, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least a one-hundred (100) foot setback on all yards is maintained.

2) Recreation or destination resort type use, including but not limited to:
   A) Campground.
   B) Marina.
   C) Guest ranch.
   D) Riding stable.
   E) Bating and sleeping accommodations.
   F) Service station.
   G) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.
   H) Health related center or spa.

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) Solid waste disposal subject to the provisions of Chapter 268.
5) Water impoundments for other than permitted uses.

6) Personal use landing strip or heliport for other than permitted uses.

7) Church.

8) Public or private elementary, junior high, or high school.

9) 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) Commercial hydro-electric or other power generating facilities.
   D) Sewage treatment plant.

Maximum utilization of existing rights-of-way and easements shall be made whenever possible.

10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

11) Historic Landmarks - Alteration and use of historic landmarks and structures shall be subject to the provisions of Chapter 266.

12) Other additional single family residential dwellings when a density of one (1) dwelling unit per 160 acres is maintained and the standards for single family dwellings set forth in section 210.020 are satisfied. 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 ordinances shall be allowed.

210.040 PARCEL AREA REQUIREMENTS:

In the forest resource district the minimum parcel shall be 160 acres or one-quarter section for lands producing forest products, except that land exchange of less than 160 acres is permitted to consolidate existing private and public timber holdings, or to accomplish minor land ownership adjustments, when the use of the land for managing, growing, and harvesting of timber and other forest products is not changed.
210.050 PARCEL AREA REDUCTIONS:

Reduced minimum parcels for all other uses in the forest resource district may be granted by the Hearings Council. In granting a reduction in parcel size, the Hearings Council shall find:

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

2) That the request is consistent with the adopted comprehensive plan of land use; and,

3) That the property in question is suitable for reduction of area considering terrain, soil conditions, drainage, vegetation, fire hazard, and other similar factors.

210.060 HOMESTEAD EXEMPTIONS:

A homestead exemption for the applicant's personal residence may be granted which allows for the creation of a separate lot, with existing dwelling, which does not meet the parcel size and lot width of the forest resource designation. The homestead may be granted once per conforming legal tax lot if the following conditions are met:

1) The dwelling must be a year-round, occupied residence which existed on the parcel prior to the effective date of this ordinance; and,

2) No dwelling shall be constructed on the remaining parcel unless a maximum gross density of one dwelling per 160 acres in size is maintained for the entire tax lot which includes the homestead; and,

3) A deed restriction between the homestead owner and Jackson County shall be recorded to assure:

   A) That the development right to one-quarter section or 160 acres of the parcel has been utilized and no further development shall occur within the tax lot or portion thereof, thereby committing the remaining acreage of the tax lot to forest use.

   B) The homestead use shall not interfere with forest management and harvesting practices including chemical spraying or burning on adjacent forest land.

   C) Fire safety considerations specified for single family residents allowed in this district shall be satisfied; and,

   D) The homestead parcel created under this section shall not exceed five acres in order that the dwellings and any related uses will have a minimum impact upon the harvest potential of the forest.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
210.070 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN THE FOREST RESOURCE DISTRICT.

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; and,

2) That the use will not interfere with forest management or harvesting practices; and,

3) That the use does not materially alter the stability of the overall land use pattern of the area; and,

4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of the tract; and,

5) That the use in question shall meet the standards relating to fire protection as outlined in section 280.100.

210.080 STANDARDS COMPLIANCE AND APPEALS:

The Jackson County Planning Director shall be responsible for determining conformance with the above standards for permitted uses. The decision of the Planning Director may be appealed to the Jackson County Hearings Council.

contiguous properties under the same ownership.

6) Fish hatchery, fish-culture, game management or refuge area.
2) Recreation or destination resort type use, including but not limited to:

   A) Campground.
   B) Marina.
   C) Guest ranch.
   D) Riding stable.
   E) Eating and sleeping accommodations.
   F) Service station.
   G) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.
   H) Health related center or spa.

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) Solid waste disposal, subject to Chapter 268.

5) Water impoundments for other than permitted uses.

6) Personal use landing strip or heliport for other than permitted uses.

7) Church.

8) Public or private elementary, junior high, or high school.

9) 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) Commercial hydro-electric or other power generating facilities.
   D) Sewage treatment plant.

Maximum utilization of existing rights-of-way and easements shall be made whenever possible.
10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

11) Historic Landmarks - Alteration and use of historic landmarks and structures shall be subject to the provisions of Chapter 266.

12) Boarding of horses for profit.

13) Other additional single family residential dwellings when a density of one (1) dwelling unit per 20 acres is maintained and the standards for single family dwellings set forth in section 212.020 are satisfied. 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 ordinances shall be allowed.

14) Temporary/seasonal dwellings in conjunction with forest uses, provided that such dwellings are:

A) To be used for forest management and harvesting practices, or such practices on adjacent land for persons who are principally engaged in such activities; and,

B) Not in any way connected to the sale or transfer of property; and,

C) Sited on land that is least suitable for the production of timber, whenever possible; and,

D) Sited with a minimum area of 30 feet, cleared of brush or dry grass, and maintained as a fuelbreak; and,

E) Provided with reasonable access; and,

F) Limited to cabins of not more than five hundred (500) square feet or a travel trailer not greater than twenty-six (26) feet in length per site which are not occupied more than nine (9) months of the year and subject to permits which shall be reviewed annually; and,

G) Subject to requirements for waste disposal as specified by the Sanitation Division; and,

H) In compliance with Oregon Department of Forestry regulations regarding open burning.

212.040 PARCEL AREA REQUIREMENTS.

The minimum parcel size in the Woodland Resource district shall be 20 acres.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
212.050 PARCEL AREA REDUCTIONS:

The Hearings Council may permit the development of permitted and conditional uses listed in sections 212.020 and 212.030 on smaller parcels. Smaller parcels may be allowed only when the Hearings Council finds that the proposed use on a smaller parcel:

1) Would not interfere with accepted forestry or farming practices on the subject parcel or adjacent lands; and,

2) Would not materially alter the stability of the overall land use pattern for the area; and,

3) 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.

212.060 DENSITY:

All dwellings, including temporary or seasonal forest management dwellings, and additional dwellings allowed as a conditional use, shall not exceed a gross density of one dwelling unit per each 20 acres.

212.070 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; and,

2) That the use will not interfere with forest management or harvesting practices; and,

3) That the use does not materially alter the stability of the overall land use pattern of the area; and,

4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of the tract; and,

5) That the use in question will meet standards relating to fire protection as outlined in section 280.100, with the exception of 212.030 (14).
212.080 STANDARDS COMPLIANCE AND APPEALS:

The Jackson County Planning Director shall be responsible for determining conformance with the above standards for permitted uses. The decision of the Planning Director may be appealed to the Jackson County Hearings Council.

212.090 EXCEPTIONS FROM WOODLAND RESOURCE ZONING:

The county may permit, through the Goal 2 exceptions process, a change from Woodland Resource (WR-20) to another zoning designation. In permitting a change from Woodland Resource to another zoning designation, substantial evidence must be submitted by the applicant to document that the parcel is not capable, now or in the future, of sustaining forest uses.

1) In making this determination, the following factors must be addressed:

A) Adjacent land uses, public services, parcel size and ownership, land use characteristics, and natural boundaries.

B) The long-term environmental, economic, social and energy consequences of making the proposed zone change.

C) Impacts this proposed zone change may have on adjacent forest lands and forest uses.

D) Soil types, site class suitability, historic and future potential for maintenance of forest uses.

2) The Planning Commission shall review the application and forward its recommendations for approval, denial, or modification to the Board for final action.

3) In its review, the Planning Commission and the Board may approve the application if the following findings are made:

A) The parcel is not capable, now or in the future, of sustaining forest uses; and,

B) The subject property is needed for future rural uses; or

C) The parcel is substantially developed in a nonforest use, is severely affected by the actions of a governmental agency, or is adversely impacted by other causes to the point where the maintenance of forest uses is not physically possible, and it can be determined that the land is therefore committed to another use.

4) The Planning Commission and Board shall only approve a rezoning if it is consistent with the requirements of Chapter 277. In all cases,
the new zoning designation shall be consistent with the rural character of the affected property and adjacent area, and the map designation criteria of the comprehensive plan. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases the amount of land rezoned from Woodland Resource to another zoning designation shall be the minimum necessary to enable the continued maintenance of forest uses, farming, or ranching on adjacent lands.

5) Hearings pursuant to this section shall be held by the Planning Commission and the Board of Commissioners according to procedures set forth in section 285.040.
CHAPTER 214
OPEN SPACE RESERVE (OSR-20) 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, forest, wildlife or open space are not suited to intensive land development patterns as determined by the Jackson County Comprehensive Plan. Use of these districts may also allow for special assessment under the provisions of Oregon Revised Statute 308. Application of these districts shall not, however, be construed as providing automatic open space land valuation. To secure such assessment, application shall be made to the county assessor as set forth in Oregon law.

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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

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, and when 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 weighing stations.

8) Log scaling and weighing stations.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 said use does not adversely affect forest resource management activities, or constitute a fire hazard and is subject to the provisions of section 280.100.

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) Single family dwelling.

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) One additional single family dwelling, provided that the density standard of section 214.040 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 ordinances shall be allowed.

19) Energy producing facility only in conjunction with permitted uses on the subject property.

20) Recycling dropbox subject to the provisions of Section 280.160.

214.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below and the provisions of Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and at least a one hundred (100) foot setback on all yards is maintained.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
2) Recreation or destination resort type use, including but not limited to:

A) Campground.
B) Marina.
C) Guest ranch.
D) Riding stable.
E) Eating and sleeping accommodations.
F) Service station.
G) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.
H) Health related center or spa.

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) Solid waste disposal, subject to Chapter 268.

5) Water impoundments for other than permitted uses.

6) Personal use landing strip or heliport for other than permitted uses.

7) Church.

8) Public or private elementary, junior high, or high school.

9) 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) Commercial hydro-electric or other power generating facilities.
D) Sewage treatment plant.

Maximum utilization of existing rights-of-way and easements shall be made whenever possible.

10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.
11) Boarding of horses for profit.

12) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 256.

13) Golf course or country club.

14) A seminary in conjunction with a church use.

15) Drag strip, go-kart track, or other type of commercial motor racing facility.

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 ordinances shall be allowed.

214.040 PARCEL AREA REQUIREMENTS:

The minimum parcel shall be 20 acres in the open space reserve district.

214.050 PARCEL AREA REDuctions:

The Hearings Council may permit the development of permitted and conditional uses listed in this Chapter on smaller parcels. Smaller parcels may be allowed when the Hearings Council finds that the proposed use on a smaller parcel:

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

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

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

4) Is consistent with the adopted comprehensive plan text and map.

214.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each 20 acres.
CHAPTER 216
OPEN SPACE DEVELOPMENT (OSD-5) DISTRICT

216.010 PURPOSE:
To encourage desirable and appropriate land uses in areas of the county which by reason of location, soil, topography, flooding or wildfire, and other natural hazard characteristics as determined by the Jackson County Comprehensive Plan, require special management or development techniques. Use of this district may also allow for special assessment under provisions of Oregon Revised Statute 308. Application of these districts shall not, however, be construed as providing automatic open space land valuation. To secure such assessment, application shall be made to the county assessor as set forth in Oregon law.

216.020 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling.

2) Agriculture, including accessory use.

3) Managing, growing and harvesting of timber and forest products including the operation of accessory equipment used in managing, growing and harvesting forest products.

4) Home occupations subject to the operational standards and criteria set forth in section 280.120.

5) One additional single family dwelling subject to the density standards of this Chapter. 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 ordinances shall be allowed.

6) Energy producing facility only in conjunction with permitted uses.

7) Recycling dropbox subject to the provisions of section 280.160.

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.
216.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260:

1) Public or private elementary, junior high, or high school.

2) Excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials, subject to the standards of Chapter 272.

3) Solid waste disposal, subject to the provisions of Chapter 268.

4) 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.

5) Fairground, rodeo ground, or riding stable.

6) Golf course, country club, tennis club, or swimming club.

7) Church.

8) Seminary in conjunction with a church.

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

10) Recreation or destination resort use limited to:

    A) Campground.

    B) Marina.

    C) Picnic and swimming area.

    D) Wildlife park.

    E) Fishing, hunting, boating, packtrip outfitter, or guide headquarters.

    F) Gun club.

    G) Historical, botanical, or geologic areas, parks or recreation sites, or museums.
B) Store for sale of gifts, sporting goods, recreation supplies or groceries, eating and sleeping accommodations, laundromat and service station, when accessory to any of the above.

11) 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 a one hundred (100) foot setback on all yards.

12) Licensed shelter care facility, half-way home, group home or other related residential or day treatment facility.

13) Sanitarium, rest home, home for the aged, nursing home, convalescent home, or retirement home, or institution for the care of alcoholic, narcotic, or psychiatric patients.

14) Airport or heliport.

15) Cemetery.

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

17) Cottage industry provided the operational standards and criteria set forth in section 280.130 are met.

18) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

19) 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 ordinances shall be allowed.

216.040 PARCEL AREA REQUIREMENTS:

The minimum parcel shall be five acres in the open space development district except were otherwise required to accommodate setback standards specified in section 280.060.

216.050 PARCEL AREA REDUCTIONS:

The Hearings Council may permit development of churches, buildings, and uses of a public service or public utility nature and community buildings operated by a nonprofit organization on reduced parcel areas.

216.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five (5) acres.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
EXCLUSIVE FARM USE (EFU) DISTRICTS

218.010 PURPOSE:
This district is intended to preserve, enhance and stabilize the principal agricultural and farm use 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; to prevent the division of agricultural land when resulting parcels are less agriculturally productive than the original undivided parcel; 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:
This zoning district will be applied to ranching operations and large and small parcel farming operations which are identified as agricultural land by the Jackson County Comprehensive Plan. This single zoning designation will apply to agricultural land zoned Exclusive Farm Use-1 (EFU-1), Exclusive Farm Use-2 (EFU-2), Exclusive Farm Use-2/20 (EFU-2/20), and Exclusive Farm Use-3 (EFU-3).

218.030 PERMITTED USES:
The following uses are permitted outright:

1) Farm uses.
2) Dwellings and other buildings customarily provided in conjunction with farm use.
3) Public or private schools.
4) Churches.
5) The propagation or harvesting of forest products.
6) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
7) Operations for the exploration of geothermal resources.
218.040 CONDITIONAL USES:

The following uses are permitted if in conformance with section 218.060, and if the property is zoned EFU-3 there must also be conformance with section 218.070 and other pertinent sections of this ordinance:

1) Commercial activities that are in conjunction with farm use.

2) Operations conducted for the mining and processing of geothermal resources or exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

3) Private parks, playgrounds, hunting and fishing preserves and campgrounds.

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) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use.

6) 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. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

7) The boarding of horses for profit.

8) Single family residential dwellings, not provided in conjunction with farm use, may be established provided that each such proposed dwelling:
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; and,

B) Does not interfere seriously 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 materially 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 the tract; and,

E) Conforms with section 210.010 (16) if such land is zoned EFU-3.

218.050 CONDITIONAL USES WITH ADDED STANDARDS:
The following are permitted if in conformance with section 218.060, and 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. In addition, if the property is zoned EFU-3, there must also be conformance with section 218.070.

1) Commercial utility facilities for the purpose of generating power for public use by sale.

2) Golf courses.

3) Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.

218.060 STANDARDS REQUIRED OF ALL CONDITIONAL USES:
A conditional use may be approved only when findings can be made to satisfy all of the following:

1) That the use will not be injurious to property and improvements in the area of the request.

2) That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the area where the proposed use would be located.

3) That the use is compatible with farm uses in the nearby area.
4) That the use does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

5) That the use does not materially alter the stability of the overall land use pattern of the area.

218.070 ADDITIONAL CONDITIONAL USE STANDARDS FOR LAND ZONED EXCLUSIVE FARM USE-3 (EFU-3):

All conditional uses on land zoned EFU-3, with the exception of nonfarm dwellings which must conform with section 218.080, must conform with the following standards, and conformance with the following standards shall be deemed conformance with the forest lands element:

1) The proposed use must minimize the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of parcel.

2) Roofs shall be constructed of fire resistant material.

3) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons or a year-around 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 a one-quarter (¼) 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.

4) A fuelbreak which is a minimum of 100 feet in width shall be established, as defined in section 200.040. Said fuelbreak shall be maintained in a cleared condition.

218.080 MINIMUM PARCEL SIZE:

The minimum parcel size for the Exclusive Farm Use-1 (EFU-1) districts shall be twenty (20) acres; for Exclusive Farm Use-2 (EFU-2) districts it shall be ten (10) acres; for Exclusive Farm Use-2/20 (EFU-2/20) districts it shall be twenty (20) acres; and for the Exclusive Farm Use-3 (EFU-3) districts, when designated by the Official Comprehensive Plan and Zoning Map(s) as Forest Resource, it shall be 160 acres; and, for the Exclusive Farm Use-3 (EFU-3) districts when designated by the comprehensive plan as Woodland Resource, it shall be 20 acres; unless such minimum parcel sizes are otherwise excepted by this ordinance.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
218.090 EXCEPTIONS TO THE MINIMUM PARCEL SIZE REQUIREMENTS FOR FARM USES:

1) A parcel smaller than that permitted in section 218.080 is permitted for agricultural purposes providing such parcel is not developed with a farm or nonfarm residence and providing such parcel conforms with other provisions of this ordinance. The creation of a parcel, per this section of the zoning ordinance, requires that the owner record an instrument on the deed which provides notice that the parcel may not be used for residential purposes.

2) The Jackson County Hearings Council may approve a reduction in the minimum parcel size upon which a farm dwelling may be placed when findings can be made documenting that all of the following requirements are met:

A) Substantial evidence must be provided documenting that farming on the resultant parcels can, and very likely will, maintain or exceed production on the undivided lot.

B) The exception does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

C) The exception does not materially alter the stability of the overall land use pattern of the area.

D) For only those parcels zoned EFU-3, all divisions must conform with the forest lands element of the Jackson County Comprehensive Plan.

3) In reviewing a proposed reduction of parcel size, the following factors shall be addressed when applicable:

A) The typical acreage requirements of the proposed agricultural use.

B) The types of crops grown, their yields, and equipment requirements.

C) Farming practices in the area.

D) Marketing requirements.

E) Effects on surrounding farm uses.

F) Surrounding parcel sizes.

G) Other relevant factors.
218.100 EXCEPTIONS TO THE MINIMUM PARCEL SIZE REQUIREMENTS FOR NONFARM DWELLINGS AND CONDITIONAL USES:

1) 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; and,

2) All conditional uses shall be located on the smallest possible parcel needed to satisfy the proposed use.

218.110 EXCEPTIONS TO MINIMUM PARCEL SIZE FOR ESTABLISHMENT OF A HOMESTEAD:

A homestead exemption for the applicant's personal residence may be granted which allows for the creation of a separate lot which does not meet the parcel size and lot width requirements of the zoning designation. The homestead exemption may be granted if the following conditions are met:

1) The dwelling must have existed on the parcel prior to the effective date of this ordinance, and the dwelling must qualify as a dwelling which was customarily provided in conjunction with a farm use; and,

2) No additional dwelling shall be constructed on the remaining parcel supporting the farm use if the placement of the dwelling would result in a combined average of more than one residence per twenty (20) acres of land if zoned EFU-1, EFU-2/20, or WR/EFU-3; or if it would result in a combined average of more than one residence per ten (10) acres of land if zoned EFU-2, or if it would result in a combined average of more than one residence per 160 acres of land if zoned FR/EFU-3, unless the placement of such residence is permitted as explained in Section 3) below. In calculating this permitted density, the house located on the homestead parcel, and the acreage of the homestead parcel, must be included in the calculation (see the two examples below). If the parcel supporting a farm unit can not meet the above density standards, the owner shall record an instrument on the deed to said parcel clearly indicating a dwelling cannot be constructed on this parcel until such time as these density standards can be met.

3) A farm dwelling may be placed on the parcel supporting the farm use even if the dwelling would exceed the densities explained in Section 2) immediately above, if the parcel is demonstrated to be a farm unit in conformance with section 218.090 (2).

EXAMPLE

FIRST EXAMPLE IN AN EFU-1, EFU-2/20, OR WR/EFU-3 ZONE:

For example, Farmer A wants to sell his farm, but continue to live in the farm house. The homestead exemption could permit this division and allow a

Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
dwelling on the 48 acre parcel.

<table>
<thead>
<tr>
<th>4</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 acre tax lot</td>
<td>48 acre tax lot</td>
</tr>
<tr>
<td>X house</td>
<td>X house</td>
</tr>
</tbody>
</table>

SECOND EXAMPLE IN AN EFU-1, EFU-2/20, or WR/EFU-3 ZONE:

For example, Farmer A wants to sell his farm, but continue to live in the farm house. The homestead exemption could permit the division, but in this case would prevent the placement of a dwelling on the 28 acre tax lot.

<table>
<thead>
<tr>
<th>1</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 acre tax lot</td>
<td>28 acre tax lot</td>
</tr>
<tr>
<td>X house</td>
<td>X house</td>
</tr>
</tbody>
</table>

In the first example, a farm dwelling may be placed on the 48 acre tax lot because the 48 acre farm parcel meets and exceeds the overall minimum 20 acre requirement per dwelling unit. This overall density is not maintained in the second example, precluding the placement of a dwelling on parcel B.

In order to maintain an overall density of one farm dwelling per 20 acres in the EFU-1 or EFU-2/20 zone, for example, at least 40 acres is required to accommodate both the homestead and the additional farm dwelling. In an EFU-2 zone, at least 20 acres is required to permit both the homestead and the additional farm dwelling.

218.120 EXEMPTIONS FROM EFU ZONING FOR FARMLAND AFFECTED BY URBAN DEVELOPMENT:

1) Pursuant to Chapter 277, a farm residential zoning designation may be allowed on the periphery of land zoned EFU-1, EFU-2, or EFU-2/20, which is seriously impacted by nonfarm development if the following findings are met:

A) The EFU land abuts property which is developed with residences on lots predominantly one-half acre or smaller in size; and,

B) It is determined that the adjacent nonfarm development causes extreme buffering problems which are documented by the applicant and the applicant documents that such development makes it extremely difficult to farm the affected land; and,

C) It is determined that the zone change and resulting development will not interfere seriously with accepted farming practices in the area.

Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
In determining if the above findings can be met, the following factors shall be addressed: adjacent land uses, public services, parcel size and ownership, land use characteristics of nearby properties, and natural boundaries. In addition, the long-term environmental, economic social and energy consequences of making the proposed zone change must be addressed.

2) If the above findings are met, an application may be approved for farm residential zoning subject to all of the following conditions:

A) The farm residential district shall consist of a row of lots separating the urban and farmland. The farm residential district may permit more than one row of lots, or the farm residential zoning may extend to natural boundaries, if such additional farm residential zoning is necessary to minimize problems caused by the nonfarm development; and,

B) The farm residential zoning designation shall provide for lots of 2.5 to 5 acres in size and these lots shall be at least 300 feet by 300 feet; and,

C) Residences placed on the parcels zoned farm residential shall be set back from the farmland a minimum of 200 feet. Depending on the adjacent farm activity, the county may vary this setback requirement in order to ensure minimal conflicts between houses in the farm residential zone and adjacent farming operations; and,

D) It is recognized that occasionally an entire parcel will require a change from an EFU zone to a farm residential zoning designation if the entire parcel is adversely affected by adjacent nonfarm development, and meets criteria (A) through (C) in (1) above. In all cases, the amount of land rezoned from EFU to farm residential shall be the minimum necessary to enable the continued farming on adjacent EFU lands.

218.130 OTHER EXEMPTIONS FROM EXCLUSIVE FARM USE ZONING:

The county may permit, through the Goal 2 exceptions process and pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is needed for future urban or rural uses. The county may also permit, pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which was originally incorrectly zoned, or is severely impacted by the actions of a governmental agency, or is adversely affected by other causes to the point where farming or ranching is no longer physically possible and it is determined the lands are therefore committed to other uses. In permitting a change from an EFU to another zoning designation substantial evidence must be provided documenting the parcel is not capable now or in the future of obtaining money receipts for farm purposes. In making this determination, the following factors must be addressed:
1) Adjacent land uses, public services, parcel size and ownership, land use characteristics and natural boundaries.

2) The long-term environmental, economic, social and energy consequences of making the proposed zone change.

3) Impacts this proposed zone change may have on adjacent agricultural land uses.

4) Soil types, historic and future potential availability of irrigation, and historical land use.

In all cases, the new zoning designation shall be consistent with the rural character of the affected property and adjacent area. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases the amount of land rezoned from an EFU to another zoning designation shall be the minimum necessary to enable the continued farming or ranching on adjacent EFU lands.

218.140 PLACEMENT OF DWELLINGS ON PREEXISTING LOTS SMALLER THAN THE ESTABLISHED MINIMUM PARCEL SIZE:

After the adoption of this ordinance, in order to place any dwelling on a parcel which is smaller than 20 acres in an EFU-1, EFU-2/20, or WR/EFU-3 zone or is smaller than 160 acres in FR/EFU-3 zones, or smaller than ten (10) acres if zoned EFU-2, it shall be necessary to demonstrate that the dwelling is a farm dwelling and conforms with section 218.090 (2) of this ordinance, or it will be necessary to demonstrate that the dwelling meets the standards of a nonfarm dwelling in conformance with section 218.040 (8), and other pertinent sections of this zoning ordinance.

218.150 RE-ESTABLISHMENT OF A NONFARM USE:

If a nonfarm use exists in a commercial agricultural district and is unintentionally destroyed by fire, other casualty, or natural disaster, such use can be re-established to its previous nature and extent, but re-establishment shall meet all other building, plumbing, sanitation, and other codes, ordinances and permit requirements. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.

Revised by Ordinance §§80-24, dated 10-29-80, effective 12-28-80.
CHAPTER 220

FARM RESIDENTIAL (R-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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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. 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 ordinances shall be allowed.

7) Managing, growing and harvesting of timber and forest products.

8) Energy producing facility only in conjunction with permitted uses.

9) Recycling dropbox, subject to the provisions of section 280.160.
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) Gun club, 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 one hundred (100) foot setback for all yards.

* 6) Solid waste disposal subject to the provisions of Chapter 268.

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.
* 10) Public or private elementary, junior high, or high school.
* 11) Church.
* 12) Seminary in conjunction with a church.
* 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 ordinances shall be allowed.

220.040 PARCEL AREA REQUIREMENTS:

The minimum parcel area in the farm residential district shall be five (5) acres unless an exception has been specifically granted for 2.5 acre parcels, based upon the provisions set forth in Chapter 218. The uses listed in section 220.020 and 220.030, which are identified with an asterisk (*) shall not be permitted on 2.5 acre parcels. The minimum parcel size may be altered by special setback requirements specified in section 280.060.

220.050 PARCEL AREA REDUCTIONS:

The Hearings Council 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 Hearings Council finds that the proposed use on a smaller parcel:

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

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

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

220.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five acres, unless an exception has been specifically granted for 2.5 acre parcels under the provisions of section 218.120 and 220.050.
CHAPTER 222
RURAL RESIDENTIAL (RR-5) DISTRICT

222.010 PURPOSE:

To provide for large lot residential environments at housing densities consistent with the predominant rural character of the area and the physical capacity of the land and facility infrastructure, to accommodate such development as determined by the Jackson County Comprehensive Plan. Rural residential districts are intended to prevent land divisions which adversely affect the economic and efficient operation of nearby or adjacent exclusive farm and/or forest related uses, and to hold lands within urban growth boundaries in larger parcel sizes, and to allow for their orderly conversion to urban use.

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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling.

2) Agriculture, but not including intensive livestock, poultry, game cock, 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 provided that the density standard of this Chapter 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 ordinances shall be allowed.

5) Agricultural produce stand, limited to produce grown on the subject parcel or contiguous parcels.

6) Energy producing facility only in conjunction with permitted uses.

7) Recycling dropbox, subject to the provisions of 280.160.
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.

222.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, and the provisions of Chapter 260 are satisfied:

1) Public or private elementary, junior high, or high school.

2) Public or private kindergarten or day nursery.

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

4) Community center, fraternal, or lodge building.

5) Cemetery.

6) 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 a one hundred (100) foot setback on all yards.

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) Church.

9) Seminary in conjunction with a church.

10) 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.

11) Temporary sales or development office for subdivisions.

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

13) Licensed shelter care facility, half-way home, group home or other related residential or day treatment facilities.
14) Cottage industry subject to the provisions of section 280.160.

15) Solid waste collection site subject to the provisions of 280.180.

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 ordinances shall be allowed.

222.040 PARCEL AREA REQUIREMENTS:

The minimum lot size in the rural residential zoning district shall be five (5) acres except where otherwise required to accommodate setback standards as specified in section 280.060.

222.050 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.

222.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five (5) 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling.

2) Agriculture, but not including intensive livestock, poultry, game coops, 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 280.160.

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. 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 ordinances 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 elementary, junior high, or high 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 280.180.

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 ordinances shall be allowed.

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 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>
</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 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling in UR-10, UR-8, and UR-6 districts.

2) Home occupations shall be permitted subject to the following operational standards and criteria set forth in section 280.120.

3) Recycling dropbox subject to the provisions of section 280.160.

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 280.180.

10) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

11) Day nursery or day care center.

12) Power transmission lines.

226.040 LOT AREA:

The following lot requirements shall be observed unless special setbacks are required as specified in Chapter 280.

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>LOT AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>UR-8</td>
<td>8,000 square feet</td>
</tr>
<tr>
<td>UR-6</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>4,500 square feet</td>
</tr>
</tbody>
</table>

226.050 DENSITY:

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

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>DENSITY (UNITS PER ACRE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>4</td>
</tr>
<tr>
<td>UR-8</td>
<td>5</td>
</tr>
<tr>
<td>UR-6</td>
<td>7</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>9</td>
</tr>
</tbody>
</table>
CHAPTER 228
URBAN HIGH DENSITY RESIDENTIAL (UR-H) DISTRICT

228.010 PURPOSE:
This district established 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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 280.120.

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.

14) Power transmission lines.

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 1,450 square feet.

228.050 DENSITY:

All dwellings shall not exceed a density of thirty (30) dwelling units per acre in this district, except that mobile homes in mobile home parks may not exceed a density of nine (9) 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 Hearings Council 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

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 280.160.

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.
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 280.180.

6) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

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 Hearings Council 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) 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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Service station.
2) Church.
3) Feed and seed store.
4) Agricultural produce stand.
5) Auto, bicycles, 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, or neighborhood club.
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 280.160.
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.

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) Eating or drinking establishment.

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 twenty-five (25) feet in height.

5) Solid waste collection site subject to the provisions of section 280.180.

6) Grocery store or 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.

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 Hearings Council 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 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

1) Barber or beauty shop.
2) Gift or antique shop.
3) Florist shop, garden shop, bake shop, fruit store.
4) Convenience grocery store, 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 280.160.

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.

234.030 CONDITIONS OF 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) Restaurant or 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.

234.040 SITE PLAN REVIEW AND BUFFERING REQUIRED:

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 Hearings Council 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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 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 processing facility.

29) Bus storage and maintenance facility including terminal and freight forwarding facility.

30) Commercial or park and ride parking lots.

31) Mortuary.

33) Eating and drinking establishment.
34) Upholstery shop.
35) Other retail trade or service commercial establishment.
36) Body and fender shop fully conducted within an enclosed building, but not including salvage, junk, or wrecking yards.
37) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles.
38) Amusement or recreational facilities.
39) Heavy equipment sales and service.
40) Single family dwelling when accessory to a permitted use.
41) Recycling dropbox, subject to the provisions of section 280.160.
42) Broadcasting or recording studio.

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 sixty (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 280.180.
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.

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 Hearings Council 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 Hearings Council determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped; and,

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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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.


21) Fuel alcohol, petroleum fuel or other alternative energy storage facilities not including a manufacturing and processing plant.

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 transfer station when conducted within an enclosed building.

24) Solid waste collection site subject to the provisions of section 280.180.

25) Vocational, trade or business schools.

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

27) Day nursery in conjunction with a permitted use.
28) Farm and heavy equipment sales and service.

29) Auto, bicycle, or equipment repair conducted within an enclosed building or yard screened from public view.

30) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers and personal or business articles within enclosed buildings.

31) Landscape or plant nursery.

32) Wholesale business, but not including animal slaughter or processing facility.

33) Single family dwelling when accessory to a permitted use.

34) Recycling dropbox, subject to the provisions of section 280.180.

238.030 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 exceeding sixty (60) feet in height.

2) Solid waste disposal.

3) Planned unit industrial development limited to uses and standards contained within this section 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 one hundred (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) Park, playground or community center owned and operated by a private entity, governmental agency, or a nonprofit community organization.

238.040 SITE PLAN REVIEW AND BUFFERING REQUIRED:

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 Hearings Council 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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.


19) Fuel storage facilities, including a manufacturing and processing plant.

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.

22) Solid waste collection site, subject to the provisions of section 280.180.

23) Vocational trade or business schools.

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

25) Park, playground or community center owned and operated by a private entity, governmental agency, or a 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 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 280.180.

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 sixty (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 REQUIRED:

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 Hearings Council 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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, 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) Any other use similar to those listed in this section.

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

34) Recycling dropbox, subject to the provisions of section 280.160.

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.
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 Hearings Council 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 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; and,

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 are permitted, subject to compliance with section 244.040 below:

1) Removal, processing, or excavation of aggregate materials.

2) Building structures, apparatus or appurtenances necessary or accessory to the operation of an aggregate site.

3) Manufacture and fabrication of concrete and aggregate products.

4) Sale of products related to aggregate materials.

5) Concrete or asphalt batch plant.

6) Storage of heavy equipment necessary for operation.

7) Agriculture.

8) Aggregate stockpiling.

9) Sedimentation ponds when used in conjunction with aggregate removal operations.

10) 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
244.030 CONDITIONAL USES:

The following uses may be permitted if approved in conformance with section 244.040 and Chapter 260.

1) All uses identified as permitted uses in section 244.020, with the exception of item (2), if such uses are portable in nature; item (6), storage of heavy equipment; item (7) agriculture; and, item (10), forest uses, shall be reviewed by the Hearings Council if located within the 100-year floodplain, and such review shall be limited to the floodplain.

2) Sanitary landfill, landfill, or solid waste transfer station.

3) Public or private parks and recreation areas may be permitted, but 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.

244.040 BASIC STANDARDS OF OPERATION:

 Aggregate operations must conform with the following standards:

1) The applicant must submit copies to the Department of the permits issued by all affected agencies.

2) Visual Impact: the following screening requirements apply unless site specific requirements are contained on the official comprehensive plan and zoning maps which exempt a site or portion of a site from the following standards:

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 twenty-five (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 materials 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. Each aggregate site shall obtain a Department of Environmental Quality Waste Water Discharge Permit, when applicable.

4) Air Quality: All aggregate sites in the district shall be operated in a manner that minimizes dust, odors or other air pollutants that 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. Each aggregate site shall obtain a Department of Environmental Quality Air Discharge Permit, when applicable.

5) Noise Control: Each aggregate site shall operate with the applicable noise standards as required by the Department of Environmental Quality or other state or federal agencies.

6) Operating Setbacks: Each aggregate site within the district shall observe the following minimum operation setbacks, unless otherwise indicated on official county zoning maps:

A) No extraction or removal of aggregate is permitted within twenty-five (25) feet from the right-of-way of public roads or easements of private roads.

B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or residential zoning district.

C) Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within fifty (50) feet of another property without written consent of the owner, nor within fifty (50) feet of a public road right-of-way, or within 200 feet of a residence or residential zoning district.

7) Hours of 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 all property owners within 1,000 feet radius of the aggregate site. If no request for a public hearing is made within ten (10) 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 decided by the Jackson County Hearings Council. 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.
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) 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.

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, 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.

244.070 REGISTRATION REQUIREMENTS:

Aggregate operations which are within an aggregate resource zoning designation must register with the Department within six (6) months after adoption date of this ordinance. Expansions thereafter of such sites must conform with Chapter 244 and other relative sections of the Jackson County Zoning Ordinance. Registration requirements for aggregate operations not within an aggregate resource zone are addressed in section 280.150.

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 zoning districts hereinbefore specified, the provisions of the Airport Approach Overlay District shall govern.

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


   B) Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978.


250.030 PERMITTED USES:
The following uses are permitted unless the use at its proposed location 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 a conditional use permit from the Hearings Council.

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, or result in glare, or in any other way impair visibility in the vicinity of the land approach.

4) Water impoundment.

5) Game preserve or reservation.

6) Pipeline.

7) Underground utility wire.

8) Airports and heliports, subject to the approval of a master plan by the Board of County Commissioners, 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) A structure or building accessory to a permitted use.

2) A single family dwelling or commercial or industrial use if permitted in the primary zoning district and the requirements of this Chapter are met.

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 260.

250.050 PROCEDURE:

An applicant seeking a conditional use permit or an administrative approval for a proposed use from the Planning Director, shall follow procedures 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 the trees are taller than 35 feet. Height shall be measured in the manner defined in section 200.040.

3) A statement from the Federal Aviation Administration that the proposed use will not interfere with the operation of the landing facility.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
4) 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 (1) 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 (2) 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 approved by 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 equal or exceed the height above the airport reference point of any approach or transitional surface indicated on an adopted Airport Approach and Clear Zone Plan, unless specifically authorized by the FAA and approved by 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 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.

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.


D) 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
2) Where a permitted use at its proposed location would penetrate the elevations of the approach, transitional, horizontal, or conical sur-
face 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, or 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. Height shall be measured in the manner defined in section 200.040.

C) A description of the proposed use.

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; or,

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 (1) 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; and,
ii) A map of topographic contours at two (2) 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.

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 twenty (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 generally 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 help maintain a stable tax base by providing for the second use and development of the 100-year floodplain to minimize future flood blight areas;

7) To attempt to ensure that potential buyers are notified that property is in a designated floodplain; and,

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

In order to accomplish its purpose this Chapter includes 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;

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 floodplains, 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 which may increase flood hazards in other areas.

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

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 zoning districts hereinbefore specified, 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, 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 such close proximity to creeks and streams shall also be reviewed according to the provisions set forth in this section.

254.030 PERMITTED USES:

1) Agriculture, 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.

6) Fences.

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

8) Fishing platform.

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

10) Diversion points for irrigation purposes.

11) Water gauging station.

12) Water pump and accessory structure.

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

14) 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.

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 section 254.070 through 254.110 are satisfied. If any requirements of this Chapter are not met, the application shall be denied and forwarded to the Hearings Council for review. 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.

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

4) Campground, when allowed in the primary zoning district.

5) Replacement of dwelling, in kind (with no increase in square footage) within the floodway, but not including replacement of a mobile home, providing that the standards of this Chapter are satisfied.

6) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials provided the additional requirements of Chapters 272 and 260 are satisfied.

7) Landing field or heliport.

8) Marina.

9) Flood water storage impoundment.

10) Public utility building or structure.

11) Bridge.

12) Commercial use when allowed in the primary zoning district.

13) Pipeline necessary for public service.

254.050  ADMINISTRATION:

1) 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

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, (Dredging and Filling Navigable Waters); and,

C) Determine if the proposed development adversely affects the flood carrying capacity of the 100-year floodplain. For purposes of this ordinance, 'adversely affects' means that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point. The burden of proof of compliance, with this section, rests with the applicant's Oregon licensed professional engineer.

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 section, 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 or licensed land surveyor. 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2) 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 shall be provided at each of the four corners of the mobile home for mobile homes over fifty (50) feet in length, with two additional ties per side at intermediate locations; mobile homes less than fifty (50) feet long require one additional tie per side; or,

   B) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; and,

   C) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and,

   D) Any additions to the mobile home shall be similarly anchored.

3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

4) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

6) 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.

7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

8) All subdivision 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-20-80.
9) 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.

10) 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 (5) times the width of the normal rainy season stream bed measured from top of bank to top of bank, or one-hundred (100) feet, whichever is greater.

It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream. Land lying outside the floodway boundary, but within the special flood hazard area, shall be deemed floodway fringe land.

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 SPECIAL STANDARDS:

1) In all areas of the 100-year floodplain, where base flood elevation data have been developed in 'Al' through 'A30' zones as depicted on the Flood Insurance Rate Map, the following specific standards apply:

A) New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated one (1) 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 (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

i) Be floodproofed, so that below the base flood level the structure is watertight 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.

C) Mobile homes shall be anchored in accordance with section 254.060.

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

i) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level;

ii) Adequate surface drainage and access for a hauler are provided

iii) In the instance of elevation on pilings that:

   a) Lots are large enough to permit steps;

   b) Piling foundations are placed in stable soil, not more than ten (10) feet apart; and,

   c) Reinforcement is provided for pilings more than six (6) feet above the ground level.

E) No mobile home shall be placed in a floodway, except in an existing mobile home park, and then only if standards specified in this Chapter 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 erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the base flood discharge.

B) If section 254.070 (1)(B) 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.

3) In areas designated floodplain, the Planning Director is authorized to require structures which could obstruct the channel of a floodway, to be designed to resist flotation or lateral movement.

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; and,

D) A proposed grading plan for the property.

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.
258.010 PREEXISTING STATUS PROVISIONS:

1) The preexisting status of a lot created prior to September 1, 1973, must be clearly established by one of the following:

   A) Records of the Jackson County Assessor, Clerk, or Surveyor which clearly indicate the existence of the parcel by map or legal description; or,

   B) Unrecorded property deed or contract of land sale, which identifies the preexisting lot by a dated, notarized and properly signed legal description or document.

2) Lots created in conformance with the requirements of the ordinance in effect, prior to the effective date of this ordinance, are recognized as legal preexisting lots.

258.020 NONCONFORMING LOTS:

The following provision shall apply to nonconforming lots:

1) A lot which does not conform to the area, dimension or access requirements of the zoning district in which it is located may be utilized, notwithstanding such nonconformity, subject to all other requirements of the zoning district.

2) Preexisting lots may be rendered nonconforming as a result of a change in zoning, but nonconforming lots shall not be created through the grant of a variance or special permit, except as provided in section 258.050.

3) Lots existing prior to September 1, 1973, which as of that date contained more than one (1) single family dwelling may be partitioned to allow each preexisting dwelling to be located on a separate parcel.

4) Setbacks on such lots shall be consistent with the zoning district the nonconforming lot most closely resembles.

258.030 NONCONFORMING STRUCTURES:

The following provisions shall apply to nonconforming structures:
1) A nonconforming structure may be remodeled, repaired or enlarged where such work will not render the structure to be less in compliance with the requirements of the zoning district.

2) If a nonconforming structure is damaged by fire or other casualty or natural disaster, the structure may be repaired or reconstructed to its original square footage if such work is begun within one (1) year of the damage. Repair or reconstruction of a damaged nonconforming structure after such one (1) year limitation shall be subject to all requirements of zoning.

258.040 NONCONFORMING USES:

Subject to the provisions of section 258.070, regarding aggregate sites, the following provisions shall apply to nonconforming uses:

1) When a nonconforming use is interrupted for a period of one (1) 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 (1) 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. An owner of a nonconforming use shall be required to sign an affidavit, prior to receipt of a building permit or sanitation permit for such maintenance or repairs, stating that no increase in nonconformity will result. Any maintenance or repairs legally required by a government agency shall be permitted within the intent of this ordinance.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
258.050 REQUESTS FOR ALTERATION OF NONCONFORMING USES:

1) The Planning Director is hereby empowered to sit as Hearings Officer for hearings to consider requests for alterations of nonconforming uses. Hearings shall be scheduled as necessary to provide expeditious review of such requests and shall follow procedures similar to those utilized for other land use hearings. Public testimony shall be encouraged regarding such requests and their conformance with the intent of this ordinance.

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

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

258.060 MINOR LOT LINE ADJUSTMENTS:

The Planning Director shall be authorized to allow minor lot line adjustments to legally created nonconforming tax lots only when the following standards are met:

1) The adjustment would not result in a change in use or an intensification of a nonconforming use; a transfer of land from one legally created nonconforming parcel to another legal nonconforming parcel through this process shall not be considered an intensification of a nonconformity, provided that such a boundary adjustment does not increase the density of the affected properties;

2) No new tax lots shall be created which do not meet the provisions of this ordinance and the Land Division Ordinance, unless such division is required by the Jackson County Department of Assessment and Taxation. Neither building permits nor septic permits shall be issued for such lots which do not conform to the provisions of the Zoning and Land Division Ordinances, and which were created after the effective date of this ordinance by the Jackson County Department of Assessment and Taxation.

258.070 AGGREGATE AND MINING NONCONFORMING USES:

1) Notwithstanding the provisions of section 258.040, 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

Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
such use in the future. For purposes of this ordinance, failure to conduct any such operations for a period of thirty-six (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.

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 considered a conforming use and 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; or,

B) The commencement of methods of procedures of processing such as crushing or blasting not previously performed on such premises; or,

C) An increase in production of more than fifty percent (50%) greater than the average rate calculated over the previous five (5) year period.

D) Any extension of operation to land not owned, leased, or under license on effective date of this ordinance.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 in section 285.030. The hearing shall be held in accordance with the provisions of section 285.040.

2) The Hearings Council shall render a decision within thirty (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 (1) 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 (1) 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 (1) 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.

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; and,

2) That the location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the liveability, value or appropriate development of abutting properties and the surrounding area when compared to the types of development which are listed as permitted uses in the district; and,

3) That the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants; and,

4) That the proposal will preserve environmental assets of particular interest to the community.

260.050 PLACING CONDITIONS ON A PERMIT:

In permitting a new conditional use or the alteration of an existing conditional use, the Hearings Council may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which may be imposed to avoid a detrimental environmental impact 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 the conditional classification of uses.

13) Requiring that public facilities are adequate to serve the proposed use.

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 for non-compliance 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 section 290.0301; and/or,

   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 hearings body;

      iii) Modification or revocation of a permit may occur after proper notice and such public hearing.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 Hearings Council intends:

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

2) To provide flexibility in the application of the general zoning provisions, and the land division 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; and,

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 Hearings Council and shall be excepted from other provisions of this ordinance and the land division ordinance only to the extent specified in the authorization. An application requiring a zoning amendment shall be subject to the procedures of Chapter 277.

2) Planned unit residential developments may be allowed by the Hearings Council in the Suburban Residential (SR), Urban Residential (UR), Urban High Density Residential (UR-H), Neighborhood Commercial (NC), and General Commercial (GC) 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), 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.
11) 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.

f) Environmental and/or economic impact studies as may be required by the Hearings Council.

B) A tentative plat or map as required by the county land division ordinance.

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; and,
   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 which has been prepared by a licensed landscape architect.
   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 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; and,

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 design 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 above 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.

262.060 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>
<th>A) Residential planned unit development in Suburban Residential (SR-2.5 or SR-1), Urban Residential (UR-10, UR-8, UR-6, or UR-4.5), or Urban High Density Residential (UR-H), Neighborhood Commercial (NC) or General Commercial (GC) districts.</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B) Commercial or industrial planned unit development in Light Industrial (LI), General Industrial (GI), Interchange Commercial (IC), Neighborhood Commercial (NC), General Commercial (GC), or Airport Development-Mixed Use (AD-MU) zones.</td>
<td>25%</td>
</tr>
</tbody>
</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 the duplex and/or multiple-family residential developments, and 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; or,

   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 twenty-five (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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
2) No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

A) The location, shape, size and character of the common open space is suitable for the planned development;

B) The common open space is for amenity or recreational purposes and the uses authorized are 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;

C) 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;

D) No more than one-half of the common open space requirement may be met with land having slopes exceeding twenty-five (25) percent or with submerged, marshy or boggy land;

E) 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; and,

F) 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; or,

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 it is consistent with adopted county open space acquisition policy or is otherwise specifically authorized by the county.

7) 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; and,

   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; and,

   C) The governing body of Jackson County shall be a party to these restrictions; and,

   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 (5) 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 is an effective and unified treatment of the development possibilities on the project site, while remaining consistent with the Jackson County Comprehensive Plan, and makes appropriate provisions for the preservation of natural features in a manner that benefits the general public sufficiently to justify necessary exceptions to the specific requirements of the zoning district in which the planned unit development is proposed to be located.

2) The proposed planned unit development meets the minimum standards specified in this Chapter for such development.

3) 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.

4) 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.

5) The development will be planned and constructed to ensure a high degree of safety for users of the development and neighboring areas.

6) 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.

7) 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.
8) There are adequate provisions for the maintenance of open space and common areas, that 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.

9) Where applicable, consideration is given to the following items:

A) In residential planned unit developments, that the quality of the development in general and the use of open space and recreational areas are such as to provide a high degree of livability for its residents.

B) 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 ordinance 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, if any, to be met by the proposed development.

B) A preliminary development plan may be submitted, reviewed, and approved in stages not to exceed six (6) 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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.

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 twelve (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 ordinance.

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 submission 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 ordinance, 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.

Revised by Ordinance §§80-23, dated 10-29-80, effective 12-28-80.
4) In the event that construction has not commenced within one (1) year after final approval is granted, or having commenced construction and discontinued for one (1) 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 (1) 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 purpose and intent of 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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.

266.020 AUTHORIZATION:
Acknowledging the unique qualities of, and the increasing public interest in historic resources, and the mandate by the state goals, the Hearings Council 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, as defined under special definitions. The holder of said permit shall be required to apply for a demolition or moving permit under the authorization of the Hearings Council, if such action is contemplated in the future.

The two categories, allowable use and demolition and moving, are expanded as follows:

1) Allowable Use: The Hearings Council 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 and Moving: Officially designated historic landmarks listed on the Jackson County Register of Historic Landmarks, shall not be demolished or moved prior to the issuance of a permit for said purpose from the Hearings Council. The council's decision shall be based on the criteria as stated under section 266.040.

266.020 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).

Revised by Ordinance 80-23, dated 10-29-80, effective 12-28-80.

266.030 APPLICATION:

1) Historic Landmark - Allowable Use Permit: The property owner or authorized agent of an historic resource, listed or in the process of being listed on the Jackson County Register of Historic Landmarks, 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 Hearings Council for an Historic Landmark - Allowable Use Permit. The application with the accompanying materials shall be submitted to the Planning Department staff, prior to the Hearings Council review.

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 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: All exterior elevations, locations of required exterior alterations, and an explanation clearly describing where the work is to 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.

2) Historic Landmark Demolition or Moving Permit: The owner or authorized agent of an historic landmark listed on the Jackson County Register of Historic Landmarks, and which has received an Historic Landmark-Allowable Use Permit, requesting to demolish or move said landmark, shall submit an application to the Hearings Council to receive a permit for said purpose. The applicant shall show reason for requesting such permit as stated under section 266.040. Application shall be accompanied with such other information as is needed to determine reasonableness of the request and conformance with the purpose of this ordinance.

266.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATIONS:

1) In order to grant an Historic Landmark-Allowable Use Permit, the Hearings Council must find:

   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; and,

   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 or moving permit of an historic landmark, a ninety (90) day stay of issuance shall be in order while the Hearings Council or their appointees, 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 or moving permit, the Hearings Council must determine that:

   A) The historic landmark constitutes a hazard to the safety of the public or its occupants; or,
B) The improvement project is of substantial benefit to the county and cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic landmark; or,

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.

266.050 CONDITIONS OF APPROVAL:

1) Historic Landmark - Allowable Use Permit: The Hearings Council shall require the historic landmark owner and permit holder to apply The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards, as adopted by reference (section 226.020). In prescribing conditions, the Hearings Council 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; and,
K) Any other factors deemed to be relevant to the application.

2) Historic Landmark Demolition or Moving Permit: If a designated historic landmark is to be demolished or moved, the Hearings Council shall direct the appropriate commission or organization to work with the landmark owner in recording the historic landmark and its setting by means of photographs, pictures, artifact or 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.
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, the Hearings Council intends:

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

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

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

4) To provide a 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. Such wastes shall not be stored for more than six (6) months without specific approval of the Oregon Department of Environmental Quality, pursuant to Oregon Administrative Rules, Chapter 340-63-400 to 435.

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, December 1969.

268.030 CONDITIONAL USES:
The Hearings Council may permit any one or a combination of the following uses:

1) Sanitary landfill.

2) Landfill.

3) Solid waste transfer station.
4) Special site for the 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.

268.060 CONDITIONS OF APPROVAL:

The conditions of approval for a Solid Waste Disposal Permit shall be those listed in section 260.050.
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) 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; and,
   C) Oregon State Department of Commerce administrative rules regarding mobile home parks.

270.030 PERMIT REQUIRED:
A permit for new construction or the enlargement of an existing mobile home park shall be obtained from the Jackson County Planning Department. Said permit shall be issued upon approval of said mobile home park by the Jackson County Hearings Council. The Hearings Council approval shall indicate by findings that the proposed project addresses all the requirements of this Chapter.

270.040 APPLICATION PROCEDURE:
An applicant proposing to construct or enlarge a mobile home park shall meet the following requirements:
1) Complete 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 (5) 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 recreation 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.

8) Submit written information addressing applicable policies of the Jackson County Comprehensive Plan.

9) After preliminary discussions are held between the applicant and the Planning Department personnel, revised plans, as necessary, shall be submitted at public hearing to the Jackson County Hearings Council, pursuant to conditional use provisions found in Chapter 260.

270.050 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 proposed mobile home park is consistent with the standards and criteria for granting a conditional use permit found in section 260.040; and,

2) The proposed development is consistent with the minimum standards set forth in this Chapter; and,

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
3) The proposed development shall be completed in a timely period and in the fashion approved, and all improvements shall be completed prior to siting of individual mobile homes for each approved development stage of the mobile home park.

270.060 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 approved by the Hearings Council during and after consideration shall be cause for revocation at a public hearing of any and all permits and approvals, as provided in section 260.060.

270.070 MANDATORY DESIGN STANDARDS AND REQUIREMENTS:

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 the following standards:

   i) Internal roads without parking shall have a paved width of eighteen (18) feet;
ii) Internal roads with parking on one side shall have a paved width of twenty-six (26) feet;

iii) The base, top course and compaction of such paved roads shall meet specifications of a licensed civil engineer; and,

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 five-hundred (500) feet; water pressure and volume to meet rural fire protection district minimum requirements.

P) Street lights with one (1) 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 (2) 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 one-hundred and twenty (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 (3½) feet wide; paved or hard-surfaced.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
V) Landscaping/open space/natural area: A standard of two hundred (200) square feet per unit each, to be located in the park, and a ten (10) foot buffer zone at the outer edge of the park twenty (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.

270.080 EXPANSION OF EXISTING MOBILE HOME PARKS:

1) It is the intent of this section to provide for the upgrading and improvement of existing facilities. 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 if, and when, such an existing mobile home park is 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. It is the intent of this ordinance and this section to only allow expansion of an existing nonconforming mobile home park when such expansion also includes 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 permits the Hearings Council to allow an increase in density of a mobile home park which may already exceed allowable density. In granting such density increase, the Hearings Council shall find that such increase is:

A) Necessary to allow improvement of the older part of the mobile home park; and,

B) Such increase is compatible with the neighborhood.
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.

270.090 VARIANCE:

Persuant to Chapter 260 and 285, a variance may be granted from the requirements of this Chapter after it has been determined that unusual circumstances apply to the property which indicate that application of all requirements to the proposed mobile home park is deemed unreasonable by the Hearings Council. Variances may be granted only if the provisions of Chapter 275 and the Oregon Department of Commerce administrative requirements regarding mobile home parks are satisfied.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 best interests of the public health, safety, and welfare.

272.020 AUTHORIZATION:
Aggregate Resource Site Permits for conditional uses may be issued only by the Hearings Council. 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 applicant for an Aggregate Resource Site Permit shall contact the Jackson County Department of Planning and Development and obtain an Aggregate Resource Site Permit form.

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.
6) Stockpiling of aggregate products.
7) Manufacture and fabrication of concrete and aggregate products.

8) Sale of products related to aggregate materials.

9) Storage of heavy equipment necessary for the aggregate operation.

10) Sedimentation ponds.

An applicant shall state on the Aggregate Site Resource Permit form the scope of the operation as related to the above-stated uses. The approved permit shall be limited to the use(s) listed in the Hearings Council's approved order. On the Aggregate Resource Site Permit, the applicant must describe the proposed removal area by survey or metes and bounds description.

272.050 APPLICATION AND OPERATION STANDARDS:

The following minimum application and operating standards shall be observed for each Aggregate Resource Site Permit approved by the Hearings Council in Jackson County:

1) The applicant 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 the issuance of a conditional use permit, or the applicant shall describe the schedule to be used in obtaining the necessary permits not received at the time of application.

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 twenty-five (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. Each aggregate site shall obtain a Department of Environmental Quality Waste Water Discharge Permit, when applicable.
4) Take measures so each site will not create dust, odors, or other air pollutants that will 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.

5) Include a written description of general types of equipment used in the operation and estimates of noise levels anticipated during operation periods.

6) Indicate that any public roads within the jurisdiction of a governmental agency and used for hauling up to one (1) mile from the site are cleared for such hauling by submission before the Hearings Council of a letter from the public agency having such jurisdiction. The Hearings Council may require the operator to provide dust control and take appropriate safety measures related to transport of aggregate.

7) Observe the following minimum operational setback requirements:

A) No extraction or removal of aggregate is permitted within twenty-five (25) feet from the right-of-way of public roads or easements of private roads.

B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or residential zoning district.

C) Processing equipment, batch plants, and manufacturing and fabrication plants shall not be operated within fifty (50) feet of another property without written consent of the owner, nor within fifty (50) feet of a public road right-of-way, or within 200 feet of a residence or residential zoning district, excepting that the standard pertaining to a public road right-of-way may be modified when the purpose of the processing equipment is for construction or maintenance of the public road.

8) 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.

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) 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.

11) 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.

12) 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 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 (10) 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 275
VARIANCES

275.010 AUTHORIZATION:

The Hearings Council or Hearings Officer may vary or modify requirements of this ordinance where strict application would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance shall not be granted to density or lot area requirements in any district, or to the provisions of Chapter 254. Variances will, under most circumstances, be limited to requirements governing yards, lot dimensions and coverage, heights, and parking areas. In granting a variance, the Hearings Council or Hearings Officer may attach conditions which are found necessary to protect the interests of the surrounding property or vicinity, and otherwise achieve the purposes of this ordinance.

272.020 FINDINGS:

A variance shall be granted only if the Hearings Council or Hearings Officer finds:

1) That exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the applicant has no control.

2) That the variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property, in the same zoning district or vicinity.

3) That the variance would not be materially detrimental to the intent of this ordinance, or to property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.

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

5) That the conditions for which the variance is requested were not self-imposed through the applicant's own actions, nor the actions of the applicant's agents, employees, or family members.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
PROCEDURE:

1) An applicant seeking a variance shall follow procedures set forth in Chapter 285.

2) The Hearings Council or Hearings Officer shall render a decision within fifteen (15) 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.

3) Within five (5) business days after the decision has been rendered on a variance application, the Hearings Council or Hearings Officer shall provide the applicant and anyone presenting written or oral testimony with a written notice of its decision.

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 twelve (12) months from the date of denial.

5) In approving an application for a variance, the Hearings Council or Hearings Officer may establish time limits within which the use must commence or may set any other conditions of approval which are deemed appropriate. The Hearings Council or Hearings Officer shall utilize section 260.050 to determine the appropriate conditions of approval for the application.

6) In establishing such conditions of approval, the Hearings Council or Hearings Officer shall utilize the standards and criteria listed in section 260.040, except the requirements of conformance with the zoning ordinance.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 sixty (60) days after receiving the application at a public hearing, the Planning Commission shall recommend to the Board of County Commissioners approval, disapproval, or modification of the proposed text or Official Comprehensive Plan and Zoning Map(s) amendment. However, such time limit may be extended upon the 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 shall hold a public hearing on the proposed text or map amendment within thirty (30) 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 twelve (12) months from the date of denial.

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 stipulations which the Board feels necessary to require as a prerequisite to final action on the application. Fulfillment by the applicant of the stipulations contained in the resolution shall make such resolution a binding commitment on the Board of Commissioners. Upon compliance by the applicant, the Board of Commissioners shall effect the 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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.

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.

277.070 STANDARDS FOR A MAJOR OR LEGISLATIVE MAP AMENDMENT:

Legislative map amendments shall:

1) Comply with all applicable statewide planning goals; and,

2) Be consistent with the policies, mapping criteria, and text of the Jackson County Comprehensive Plan, and the ordinance adopting said plan, map, and policies.

Revised by Ordinance §80-23, dated 10-29-80, effective 12-28-80.
277.080 STANDARDS AND CRITERIA FOR MINOR MAP AMENDMENTS:
The rezoning of specific properties shall be based upon the following findings, unless the application is submitted under the provisions of section 218.120:

1) The rezoning conforms to the intent, policies, and mapping criteria of the text and map of the Jackson County Comprehensive Plan:
   A) For the area in which the proposed rezoning could occur; and,
   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, reveal:
   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; and,
   B) Whether or not the timing is appropriate to provide additional land for a particular use.

3) 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 which could include the statewide planning goals when more specific direction is provided by the goals than the comprehensive plan.

277.090 PROCEDURE FOR CORRECTING MAP ERRORS
During the development of the Official Comprehensive Plan and Zoning Map(s), a mapping error may have occurred by either wrongly applying the mapping criteria, or by using inaccurate or inadequate data. Errors of this nature shall be corrected when verified in the following manner:

1) The procedure to correct a map error may be initiated by either the land-owner or by Jackson County.

2) The Planning Director shall review the request to determine compliance with the mapping criteria, as noted in section 277.100. Based on the review, findings shall be made which either concludes a mapping error did occur, or the criteria was appropriately applied and no error exists. The area for which an error has been determined may include all or part of the subject parcel or parcels in question.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
3) If the Planning Director finds that an error exists, he shall forward to the Board of Commissioners an ordinance which sets forth the findings which support the conclusion an error exists, and also findings which support the appropriate map designation for the property.

4) If the Planning Director finds the criteria was correctly applied, the applicant shall be notified of the decision. The decision of the Planning Director shall be final unless appealed. If appealed the procedures of Chapter 285.020 shall apply. Appeals on a mapping error decision by the Planning Director shall be forwarded directly to the Board of Commissioners.

5) The Board of Commissioners shall, after receipt of the Planning Director's findings, set this ordinance for first reading, second reading, and public hearing as required for ordinances by the Home Rule Charter. Notification to CACs or adjoining property owners is not required.

6) Upon adoption of the ordinance recognizing an error, the Official Comprehensive Plan and Zoning Map(s) shall be corrected as instructed by the ordinance.

277.100 CRITERIA FOR DETERMINING MAP ERRORS

The criteria described in the map designations chapter of the comprehensive plan shall generally be used as a guide to determine the appropriate map designation on the Official Comprehensive Plan and Zoning Map(s). An error is deemed to exist when the following conditions exist:

1) Exclusive Farm Use Designations:

An error exists if any one of the appropriate exclusive farm use criteria cannot be met for the parcel or area, and the land is not included for the purpose of creating a buffer or cohesive block of land. A parcel may fail to meet these criteria, and still be considered correctly zoned when the parcel or adjacent area which failed to meet the criteria is less than twenty (20) acres in size.

2) Forest Resource:

If site class data is not available, the process of subsection (4) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all four of the following criteria:

A) Lands composed of existing and potential forest lands, identified as having a cubic foot site class rating ranging from two-plus through five, or the equivalent; and

B) Lands eligible for or receiving a forest land tax designation or other tax deferral under ORS 321.257 (Western Oregon Forest Land and Severance Tax) or ORS 321.705 (Western Oregon Small Tract Optional Tax); and,

Revised by Ordinance §80-23, dated 10-29-80, effective 12-28-80.
C) Mountainous lands, generally with slopes in excess of 20 percent which are predominantly in public ownership or owned by private timber companies.

D) Lands which generally occur within the following physiographic areas at, and above, the designated elevation/contour intervals:

1) Cascade Slopes (Klamath Mountains), located in the easterly sector of the county; the northerly portion of this region's forest resource land environment generally begins at the 2,300 foot elevation, while the southerly portion's forest resource land environment begins around the 3,000 foot elevation;

2) Rogue-Umpqua Divide, located in the northwest sector of the county, the forest resource land environment generally occurs at the 2,000 foot elevation;

3) South Siskiyous, located in the southwest sector of the county, the forest resource land environment begins generally at the 2,400 foot elevation; and

4) Rogue-Applegate Upland, located in the west-central sector of the county, within this region, the forest resource land environment begins at the 2,000 foot elevation on Rogue Valley slopes, and at the 3,000 foot elevation on Applegate Valley slopes.

3) Woodland Resource:

If site class data is not available the process of subsection (4) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all four of the following criteria:

A) Lands composed of existing and potential forest lands, identified as having a cubic foot site class rating of four through six, or the equivalent; and,

B) Lands eligible for or receiving a forest land tax designation or other tax deferral under either ORS 321.257 (Western Oregon Forest Land and Severance Tax) or ORS 321.705 (Western Oregon Small Tract Optional Tax); and,

C) Lands located within lower elevation, mountainous and upland foothill areas, generally having steep to moderate slopes, which are predominantly in private, small woodland tract ownerships, along with some major private industrial ownerships and less productive publicly owned lands; and,

Revised by Ordinance $80-23, dated 10-29-80, effective 12-28-80.
D) Lands in the above environments where the predominant parcel size is twenty (20) acres or larger.

4) **All Other Zoning Designations**:

The criteria used to map all of the nonresource lands is not as precise. More judgement is applied when interpreting the intent of the mapping criteria. When reviewing an application for possible mapping error, staff shall use the criteria as described in the mapping designation chapter of the Jackson County Comprehensive Plan. An error shall be deemed to exist when, through findings, it is determined that the criteria for the map designation, as noted in the comprehensive plan, clearly does not apply, and that the mapping criteria for some other designation do more clearly apply to the land under review.

5) **Limits to Mapping Error Reviews**:

A) Lands zoned Forest Resource (FR-160) prior to the effective date of this ordinance shall not be eligible for rezoning based upon a mapping error.

B) Urban containment boundaries shall not be amended based upon mapping errors. All changes in such boundaries shall be subject to the amendment procedures of this chapter.

C) If a mapping error is substantiated according to the provisions of this section, the property in question shall not be upzoned to a minimum parcel size in excess of that which existed for the subject parcel(s) prior to the effective date of this ordinance, unless necessary to conform with the map designation criteria of the comprehensive plan.

Revised by Ordinance #80-23, dated 10-29-80, effective 11-29-80.
280.010 SIMILAR USES:

The Hearings Council may permit, in any zoning district, other uses not specified in the district if the Council finds them similar to the uses listed. The administrative procedure for similar uses shall be the same as for conditional uses set forth in Chapter 260. Once a similar use has been found to be appropriate, the use shall thereafter be listed as a permitted or conditional use for the district in which the use was required.

280.020 TEMPORARY MOBILE HOME PERMIT:

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

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 a medical doctor, licensed by the State of Oregon, or a licensed responsible medical agency, and indicates 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 written statement shall indicate that twenty-four (24) hour care is required; if not, the application shall be denied.

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 or travel trailer has been approved by the appropriate public agency by one of the following:
i) By connecting to the existing subsurface sewage disposal system or sanitary sewer outlet already located on the property; or,

ii) By installation of an individual subsurface sewage disposal system, which the applicant agrees will be abandoned when no longer used for purposes for which the permit is issued; excepting that 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 or travel trailer must conform with setback requirements of this ordinance.

E) No permit may be issued for a mobile home or travel trailer to be located within an identified 100-year floodplain.

F) The applicant shall certify that the placement of a mobile home or travel trailer does not violate the provisions of any deed restriction or subdivision covenant for the property.

G) The applicant has agreed to remove the mobile home or travel trailer within forty-five (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.

H) No request for hearing has been received from persons of notice.

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.

The notice shall state the applicant's name, the location in general, by address, and/or legal description of the property on which the mobile home or travel trailer is to be located, and the general nature of the application. If no request for a hearing is made to the Department of Planning and Development within ten (10) working days of mailing of notice, the permit shall be issued upon determination of 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 (10) 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
1) The Department shall send written notice to all property owners within 1,000 feet of the applicant's property at least ten (10) days prior to the date of the hearing. Said notice shall give the time and place of the hearing.

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.

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 fifteen (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 application shall be eligible for submittal for a period of not less than one (1) 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.

5) Expiration of Permit: Renewal:

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

B) The Department of Planning and Development shall give permittees not less than thirty (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.

280.030 ACCESS:

All lots shall abut a public road, county road, dedicated way, or private road for a distance of at least twenty-five (25) feet, as described in the Land Division Ordinance, unless the owner-applicant records an instrument in the official records which provides notice that the parcel is not served with legal access and cannot be used for residential purposes until legal access is provided, or where private ways are created solely to provide ingress or egress to land in conjunction with the use of land for forestry, mining, or agricultural purposes. Parcels legally created, prior to September 1, 1973, are exempt from the requirements of 280.030 for the purposes of issuing development permits.

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 (3) and ten (10) feet above the street level within twenty (20) feet of the intersection of the rights-of-way lines of two streets, or 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. An appeal of the Director's decision shall be to the Board of Commissioners, 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 to provide for additional yard 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 Uses (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) Yard Requirements:

A) Yard 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 eighteen (18) inches into a required yard.

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, Yard, and Lot Coverage:

The following minimum requirements shall be observed unless specified otherwise in this ordinance: (All requirements are measured in feet)

<table>
<thead>
<tr>
<th>MAP DESIGNATION</th>
<th>BUILDING HEIGHT</th>
<th>YARD REQUIREMENTS</th>
<th>MAXIMUM LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR-160</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>WR-20</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>OSR-20</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>OSD-5</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>EFU-1</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>EFU-2</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>EFU-2/20</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
<table>
<thead>
<tr>
<th>MAP DESIGNATION</th>
<th>BUILDING HEIGHT</th>
<th>YARD REQUIREMENTS</th>
<th>MAXIMUM LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU-3</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>F-5/F-2.5</td>
<td>35</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>RR-5</td>
<td>35</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>SR-2.5</td>
<td>35</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>SR-1</td>
<td>35</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>UR-10</td>
<td>35</td>
<td>25</td>
<td>10</td>
</tr>
<tr>
<td>UR-8</td>
<td>35</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>UR-6</td>
<td>35</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>35</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>UR-H</td>
<td>45</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>IC</td>
<td>45</td>
<td>20</td>
<td>None</td>
</tr>
<tr>
<td>RS</td>
<td>35</td>
<td>20</td>
<td>None</td>
</tr>
<tr>
<td>NC</td>
<td>35</td>
<td>20</td>
<td>None</td>
</tr>
<tr>
<td>GC</td>
<td>60</td>
<td>20</td>
<td>None</td>
</tr>
<tr>
<td>LI</td>
<td>60</td>
<td>30</td>
<td>None</td>
</tr>
<tr>
<td>AD-MU</td>
<td>35</td>
<td>30</td>
<td>None</td>
</tr>
<tr>
<td>GI</td>
<td>60</td>
<td>30</td>
<td>None</td>
</tr>
</tbody>
</table>

5) Exceptions to the Minimum Yard Requirements:

A) In urban residential zoning districts (UR-10, UR-8, UR-6, UR-4.5 and UR-H), the side and rear yard requirements shall be increased by one-half foot for each foot by which the building exceeds twenty-five (25) feet.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
B) Setback and side or rear yard requirements may be adjusted to provide for solar orientation and access on urban residential and urban high density residential districts. An adjustment of up to thirty-three (33) percent may be administratively approved by the Planning Director for this purpose. Reductions of side yards in excess of thirty-three (33) percent, up to and including zero lot lines, or reductions in front yard requirements, shall be subject to Hearings Council review.

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 width:

i) In Light Industrial (LI) districts, the minimum side or rear yard shall be ten (10) feet plus one (1) foot for every foot by which the height of the building exceeds fifteen (15) feet.

ii) In General Industrial (GI) districts, the minimum side or rear yard requirements shall be forty (40) feet plus one (1) foot for every foot by which the height of the building exceeds fifteen (15) feet.

D) Where the side and/or rear yard of the following districts abut a residential district, then the yard requirements in those districts adjacent to such residential lot lines shall have the following minimum width:

i) In Rural Service Commercial (RS) and Neighborhood Commercial (NC) districts, the minimum side or rear yard shall be twenty-five (25) feet, plus one (1) additional foot for every foot by which the height of the building exceeds fifteen (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 fifty (50) feet plus one (1) additional foot for every foot by which the height of the building exceeds fifteen (15) feet.

iii) In General Industrial (GI) districts, the minimum side or rear yard shall be one-hundred (100) feet plus two (2) feet for every foot by which the height of the building exceeds fifteen (15) feet.

6) Nonconforming Lots:

A) Lots created prior to September 1, 1973, which do not meet the minimum lot area or width requirements of the zoning district in which the lot is located, shall meet the yard 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 special setbacks as a buffer between resource lands and adjacent districts as a means to prevent conflicts between resource and nonresource uses.

2) Forest Land Setback Requirements: Where the front, side, or rear lot line in any adjacent nonresource zoning district abuts a Forest Resource (FR-160), Woodland Resource (WR-20), or Exclusive Farm Use-3 (EFU-3) district, then a two hundred (200) foot setback shall be required for all dwellings on said adjacent district.

3) Agricultural Lands Setback Requirements: Where the front, side, and/or rear lot line of any adjacent nonforest district abuts Exclusive Farm Use districts, then a two-hundred (200) foot setback shall be required for all dwellings on said adjacent districts.

4) Aggregate Resource Setback Requirements: Where the front, side, or rear lot line of any district abuts an Aggregate Resource (AR) district, then a five-hundred (500) foot setback shall be required for new dwellings in adjacent districts.

5) Floodplain Setback Requirements: 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.

6) Stream Setbacks for Fishery and Riparian Habitat: No structure other than boat landings, docks, bridges, or pumping or water treatment facilities shall be located closer than fifteen (15) feet to the banks of any permanent (Class 1) stream, lake, reservoir, or intermittent (Class 2) water courses or basins which contain water at least six (6) months of the year, which have been identified by the Oregon Department of Fish and Wildlife as salmonid fishery or riparian wildlife habitat.

7) Exceptions to Minimum Parcel Sizes or Special Setback Requirements:

A) Parcel sizes in excess of the minimum prescribed for a district may be required through the division process to satisfy special setback requirements on newly created lots.

Revised by Ordinance 80-24, dated 10-29-80, effective 12-28-80.
B) Where parcels which were legally created prior to the effective date of this ordinance 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.

C) The Department may approve exceptions to the special setback requirements if any of the following situations are determined to exist:

i) Substantiated findings indicate that a reduction of the setback requirement on a parcel adjacent to resource zoned land will not have an adverse effect upon the productive capacity of the resource.

ii) 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.

iii) The required setback will place the dwelling on a more productive resource area; or,

iv) The maximum 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 Hearing Council. 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.

Revised by Ordinance §80-23, dated 10-29-80, effective 12-28-80.
6) Commercial Amusement Area:
   A) Bowling Alley
   B) Dance hall or skating rink

7) Commercial Use:
   A) Retail Store
   B) Bank, Business, or Professional office, unless otherwise specified
   C) Repair shop or shop exclusively handling bulky merchandise
   D) Restaurant
   E) Mortuary or Funeral Home
   F) Medical or Dental Clinic or Office

8) Industrial Use:
   A) Manufacturing Establishment
   B) Wholesale Establishment

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:

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 neat, clean, and attractive condition.

D) Signs shall be removed by the property owner within thirty (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, and Jackson County:

- Interstate 5
- Oregon Highway 140
- Oregon Highway 227
- Oregon Highway 66
- Oregon Highway 62
- Oregon Highway 238

F) Signs of any size mounted on trailers, trucks, and other portable signs with an area on one side in excess of ten (10) 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.

2) Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, Open Space Development, Exclusive Farm Use, and Farm Residential Zoning Districts:

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

B) One double-faced sign or two (2) separate signs identifying the use or occupancy of the property on which the sign is located; maximum sign area shall not exceed thirty-two (32) square feet in area.
C) One double-faced sign or two (2) separate signs advertising the sale of forest products; maximum sign area shall not exceed thirty-two (32) square feet in area.

D) Signs for conditional uses shall not exceed thirty-two (32) square feet in area.

E) The maximum height of the sign and any appurtenances shall not exceed ten (10) feet.

F) For home occupations, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure and not illuminated in any manner.

3) **Specific Requirements for Signs in all Residential Zoning Districts:**

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

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

4) **Size and Height Limitations:**

A) One name place or sign limited as follows:

i) For a single family dwelling, mobile home or home occupation, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

ii) For a cottage industry, one (1) sign, limited to three (3) square feet in area, mounted flush with the side of the primary structure, and not illuminated in any manner.

iii) For two-family and multi-family dwellings, and mobile home parks, not to exceed three (3) square feet per dwelling unit, but not exceeding eighteen (18) square feet of total sign area.

B) Signs for conditional uses shall not exceed twenty (20) square feet in area.

C) One temporary sign advertising the sale, lease, or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area.
D) Signs identifying a subdivision and erected as an integral part of a gate or entrance structure, provided there are not more than two (2) signs, each one of which does not exceed twenty (20) square feet in area. The design and location of these signs shall be approved by the Hearings Council.

E) No sign or appurtenance shall exceed ten (10) feet in height.

5) Exempt Signs in all Zoning Districts:

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

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

C) House and building numbers.

D) Temporary sign in conjunction with political and civic campaigns, provided that such signs are removed within fifteen (15) calendar days following the conclusion of the campaign.

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

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

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

H) Signs indicating membership in farm or forestry organizations.

I) Signs located within a building.

J) On-premise directional signs.

K) Temporary signs identifying proposed or existing construction.

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

M) One directional off-premise sign may be permitted by the Hearings Council as a conditional use. In approving a permit for such a sign the Hearings Council shall find:

1) That the proposed sign will conform with the provisions of this ordinance, and any applicable federal or state laws, rules or regulations.

Revised by Ordinance 80-23, dated 10-29-80, effective 12-28-80.
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.

6) **Specific Requirements for Signs in Commercial or Industrial Districts:**

   A) There shall be not more than one (1) on-site sign with a total sign surface not exceeding thirty (30) square feet for each thirty (30) feet of frontage on a dedicated public way or county road, not to exceed a maximum of one-hundred and fifty (150) square feet per face, for a double faced sign, or three-hundred (300) square feet for a single faced sign.

   B) The maximum height of said sign and any appurtenances shall not exceed twenty-five (25) feet.

   C) One additional on-site sign may be permitted subject to a conditional use permit from the Hearings Council.

7) **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 LOT AREA, PARCEL SIZE, AND OTHER REQUIREMENTS WHEN STREETS, ROADS, OR EASEMENTS ARE INVOLVED:**

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

2) **County Roads or Streets, and Dedicated Public 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 public 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 public 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 or setback requirements.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
B) Existing Lots or Parcels: If a lot or parcel which was created prior to September 1, 1977, is crossed by a county road, street, or dedicated public way, the portion of said lot or parcel on either side of the road shall be recognized as a partitioned parcel, provided that each such portion meets all legal requirements to stand as a separate parcel with the exception of the minimum parcel area 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 county road, street, or dedicated public way, the area of such right-of-way may be considered as a portion of the lot or parcel for determining minimum lot or parcel area, only if the lot or parcel was so described prior to September 1, 1977. For purposes of determining lot or parcel coverage or setback requirements, the right-of-way line of the road shall be used.

280.100 FIRE SAFETY REQUIREMENTS AND GUIDELINES:

1) Purpose: As a matter of public safety and welfare, to provide minimum fire prevention and suppression standards for rural areas, subject to high wildfire hazard. To provide for mandatory requirements in areas outside rural fire protection districts, where no structural fire protection is provided, and within rural fire districts, beyond a five (5) road mile radius of a responding fire station; and to provide guidelines for development in rural areas within a rural fire district and less than five (5) road miles from a responding fire station.

2) 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 a five (5) mile radius of a responding fire district.

A) A minimum fuelbreak of fifty (50) feet in width, as defined in section 200.030. Such fuelbreak shall be maintained in a cleared condition; and,

B) Wood roofing shakes and other highly flammable roofing materials, if used, shall be chemically 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 around alternative source of water with its own twenty (20) gallon per minute pump, adequate length of hose to reach all sides of the structure(s), and one-quarter (¼) 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.
D) The Department may inspect the site to ensure compliance with these provisions, and any other requirements of the zoning ordinance.

3) Fire Safety Guidelines for Rural Development:

A) Areas within a five (5) road mile radius of a responding fire station, which are located within rural fire protection districts, need only consider the items listed above in section 2, as guidelines.

B) The following fire safety guidelines should be considered in all rural areas:

1) Automated sprinkler systems for the roof and/or interior of the structure.

2) Roads and/or bridge access should be constructed to support a gross vehicle weight of 50,000 pounds to accommodate heavy fire fighting equipment.

3) Bridge access should be constructed of nonflammable materials.

4) 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 (10) feet of the water source.

5) 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.

C) Recommendations contained in the wildfire section of the Jackson County Comprehensive Plan and publications of the Northwest Interagency Fire Prevention Group (available through the Planning Department), should also be considered by those engaged in rural development actions.

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.

Revised by Ordinance §80-23, dated 10-29-80, effective 12-29-80.
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 a distinction between the comprehensive plan designation and zoning designation is necessary to accommodate a future staging strategy for future land use actions, or to prevent conversion of certain lands from a resource to a nonresource use, shall be indicated on the Official Comprehensive Plan and Zoning Map(s) with both plan and zoning designations.

B) Areas where specific policy concern(s) must be successfully addressed by all applicants for a land use 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.

C) Areas in which planned unit development permits are required in order to meet a specific concern identified by the Planning Commission.

D) Areas in which 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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; and,

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.

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 has a vested right to 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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 those permitted by section 280.080.

C) The use may not increase vehicular traffic flow or parking by more than one (1) 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, or 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 or 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, on lots equal to or greater than one (1) acre in size.

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 districts 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 thirty (30) days after the Hearings Council has rendered its order. If the appeal is not filed within the thirty (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 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) Additional 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 (5) acres or larger in size in the Open Space Development (OSD-5), Rural Residential (RR-5), and Farm Residential (FR-5) zoning districts.

B) Cottage industries may employ a total of five (5) persons, of which not more than three (3) employees do not reside on the property. The operation shall not be allowed to operate longer than 10 hours in any 24 hour period.

C) One (1) 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 (1) 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 (10) hour shift.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
F) A cottage industry shall be wholly contained with 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 districts.

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.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
O) No commercial vehicle type, in excess of 9,500 gross 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 thirty (30) days after the Hearings Council has rendered its order. If the appeal is not filed within the thirty (30) day period, the decision of the Hearings Council shall be final.

Revised by Ordinance §80-24, dated 10-29-80, effective 12-28-80.
280.140 YARD SALES OR FLEA MARKETS:

1) A yard sale or flea market 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 (3) such sales per year.

2) The duration of each sale shall not exceed two (2) days in length.

3) The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.

280.150 REGISTRATION REQUIREMENTS:

Aggregate operations which are not operating under an approved conditional use permit, or within an aggregate resource zoning designation, must register with the Department within six (6) months after adoption date of this ordinance. The registration must include the township, range, section, and tax lot number of the location of the site. Expansions thereafter of such sites would require approval of a conditional use permit. The denial of a conditional use permit would have no effect on an aggregate operation, or portion of an aggregate operation which has a preexisting status. The required conditional use permit applies only to the aggregate operation or portion of the aggregate operation which does not have a preexisting status.

280.160 RECYCLING DROPBOX:

Recycling dropbox is for the depositing and temporary storage of recyclable materials including paper, glass, metal cans, or other recoverable materials provided that:

1) The dropbox for recyclables shall be containerized, covered, and not located in such a manner as to constitute a fire hazard; and,

2) The organization responsible for recycling the materials left at such dropboxes shall pick up such materials on a regular basis and shall be responsible for keeping the area immediately around the dropbox clean and free of debris or waste.

3) Prior to the placement of any recycling dropbox, 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:

A) The recycling dropbox will be located at least 200 feet from the nearest residence, or that those residing within 200 feet of the dropbox have indicated in writing that they have no objections to the placement of the recycling dropbox.

Revised by Ordinance §80-23, dated 10-29-80, effective 12-28-80.
Revised by Ordinance §80-24, dated 10-29-80, effective 12-28-80.
B) The recycling dropbox shall not occupy an area greater than 144 square feet.

C) No structures shall be higher than 56 inches measured from ground level.

D) In the opinion of the Planning Director, placement of the recycling dropbox 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 dropbox 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 dropbox will be located. Proposed recycling dropboxes 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.

4) The Department may revoke a permit for a recycling dropbox if any of the above standards are violated. The recycling organization shall remove their dropboxes within thirty (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.

5) The Department shall annually review permits which have been issued for recycling dropboxes. 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.

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 SOLID WASTE COLLECTION SITE:

Solid waste collection sites may be allowed provided;

1) The receptacle(s) for refuse disposal is containerized and covered;

2) That the site is visually screened by fencing and plant material; and,

3) 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.

Revised by Ordinance #80-24, dated 10-29-80, effective 12-28-80.
280.190 EXISTING DWELLINGS EXEMPT FROM FIRE SAFETY PROVISIONS:

Dwellings in existence as of the effective date of this ordinance are exempt from compliance with the fire safety and prevention requirements.

280.200 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.
CHAPTER 282
SITE PLAN REVIEW PROVISIONS

282.010 PURPOSE:
The purpose of site plan review is to provide flexibility in the application of standards which will assure quality land use development actions, buffering of incompatible uses, provisions for landscaping and aesthetic consideration, and inclusion of special public safety requirements. Site plan review is intended to be applied to properties where special review of development proposals is warranted because of the nature of surrounding areas, safety factors, public facilities such as water and sewer, roads, or other unique conditions of the site.

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

282.030 PLANS REQUIRED, INFORMATION TO BE SUBMITTED WITH APPLICATION:
1) An application for site plan review shall be submitted to the Department of Planning and Development on forms prescribed by the Department.

2) Each such application shall include:

A) A scale drawing showing existing structures, general topography, percent of slope, natural features, all easements, survey monuments, and all trees over 12 feet high. If the average slope is more than 10 percent, or if the property has running or standing surface waters, an accurate topographical contour map must also be submitted with contours at two (2) foot intervals.

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

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) Special considerations 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 lot, subject to site plan review shall be landscaped:

| USE | MINIMUM % OF LOT AREA TO BE LANDSCAPED *
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Multi-family dwellings, single family dwellings within the Urban Residential 4.5 district, or mobile home parks of 6 or more units.</td>
<td>25%</td>
</tr>
<tr>
<td>B) Multi-family dwellings, duplexes, single family dwellings within the Urban Residential 4.5 district, or mobile home parks of 2 though 5 units.</td>
<td>20%</td>
</tr>
<tr>
<td>C) Uses allowed in LI, GI, GC, IC, RS, NC, and AD-MU zones.</td>
<td>15%</td>
</tr>
</tbody>
</table>

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.

* NOTE: The requirements of 282.040 may in fact require a greater percentage of landscaping than these minimums indicate.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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) A landscape plan shall be prepared showing types, placement, and sizes of plantings, all irrigation facilities, and a maintenance plan. Such plan must meet minimum requirements as presented in this section, as well as comply with requirements determined in section 282.050.

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

9) 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.

10) 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.

11) In addition to the above, the Planning Director may review for adequacy of utilities, roads, and compatibility with any applicable policies or concerns which are expressed in the comprehensive plan. The decision of the Planning Director may be appealed pursuant to section 285.020.

282.050 REVIEW BY STAFF OR THE DEPARTMENT OF PLANNING AND DEVELOPMENT:

The Board of Commissioners hereby appoints the Planning Director to be empowered to issue permits which comply with this ordinance and, when necessary, to stipulate that any or all of the following must be submitted as a part of an application or must be completed as a condition of approval of a site plan review permit:

1) The landscape plan shall be prepared by an Oregon registered landscape architect, or similarly qualified professional designer, incorporating general standards and conditions of this Chapter.

2) Require view obscuring shrubbery, walls, or fences along property lines and around unsightly areas such as trash and equipment storage areas, and industrial and heavy commercial activities.

3) Require the retention of 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.

4) Require an Oregon licensed civil engineer or landscape architect to prepare and submit a grading plan and/or drainage plan for the collection and transmission of drainage waters.

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
5) Require specified size, placements, and grades for pedestrian and vehicle access.

6) Require sidewalks, dedication of rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes.

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

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

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

10) Require a certain type and placement of lights for outdoor circulation and parking facilities. Such lighting shall not directly shine or reflect upon adjoining properties.

11) Require that the size, location, design, and lighting of all exterior signing is consistent with the purpose of this Chapter, and the nature of the proposed project.

282.060 TIME LIMITS:
The staff of the Department of Planning and Development shall render a decision on each properly filed application for a site plan review permit within ten (10) working days of receiving the application. This time limit may be extended by the mutual consent of the applicant and staff.

282.070 COMPLIANCE:
Any development subject to this Chapter shall be carried out in accordance with approved plans and conditions imposed by 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, or release utilities, unless and until satisfied of compliance. However, the Planning Director may order or release a temporary certificate of occupancy and a temporary release of utilities provided:

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

2) The owner has posted a performance bond, satisfactory to the Planning Director, to ensure the installation of said landscaping and design requirements within a specified time.
3) 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.

282.080 APPEALS:

Appeals from the action of the staff shall follow the procedures specified in Chapter 285.
CHAPTER 285
ADMINISTRATIVE PROVISIONS

285.010 ADMINISTRATION:
The Planning Director shall administer the provisions of this ordinance.

285.020 APPEALS:

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

2) An action or ruling of the Planning Commission, Hearings Council or Hearings Officer, pursuant to this ordinance, may be appealed to the Board of Commissioners within thirty (30) calendar days after the Planning Commission, Hearings Council or Hearings Officer has rendered a decision. If the appeal is not filed within the thirty (30) calendar day period, the decision of the Planning Commission, Hearings Council or Hearings Officer shall be final. If an appeal is filed, the Board of Commissioners shall receive a report and recommendation from the Planning Commission, Hearings Council, or Hearings Officer and may 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.

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 motion) 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 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 penalty provisions of section 290.030; and/or

   B) A hearings process which shall consist of:

Revised by Ordinance #80-23, dated 10-29-80, effective 12-28-80.
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 of, 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 APPLICATION FORMS:

Applications provided for in this ordinance 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.

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 (10) 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. The notice of hearing shall be mailed at least ten (10) 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 (5) 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.
CHAPTER 290
MISCELLANEOUS PROVISIONS

290.010 INTERPRETATION:
Where the conditions imposed by a provision of this 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 this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

290.030 PENALTIES:

1) It shall be a violation of county law for any person or other legal entity to violate this ordinance.

2) Any person or legal entity convicted of a violation of this ordinance shall be punished by a fine of not more than $500 for a noncontinuing offense, and a fine of not more than $200 per day for a continuing offense, not to exceed $10,000.

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

4) Justices' courts, district courts, and circuit courts have concurrent jurisdiction over prosecutions under subsection (1) of this section.
AN ORDINANCE AMENDING THE ZONING ORDINANCE NUMBER 80-18 BY MAKING NUMEROUS SUBSTANTIVE CHANGES BASED ON TESTIMONY OF THE AUGUST 29, 1980 PUBLIC HEARING.

ORDINANCE NUMBER 80-24

RECITALS:

1) Ordinance Number 80-18 was adopted August 29, 1980 to satisfy the requirements of ORS 215.050 and ORS 197.175.

2) Due to the urgency of adopting a comprehensive plan and related ordinances by September 1, 1980, as required by the Land Conservation and Development Commission, the Board of Commissioners did not have adequate time to consider all of the evidence presented at the August 29, 1980 hearing.

3) The Board of Commissioners deliberated on the testimony on September 22, 1980 and September 23, 1980.

4) The Board of Commissioners of Jackson County deem the changes in the Zoning Ordinance to be in compliance with state goals and the Jackson County Comprehensive Plan policies; therefore the Board of Commissioners of Jackson County ordains as follows:

SECTION 1 CHANGES IN THE ZONING ORDINANCE:

Based on the deliberation of the Board of Commissioners on September 22 and September 23, 1980, on the August 29, 1980 public hearing testimony, the following substantive changes to the Zoning Ordinance are proposed:

218.110 (2), page 53: Delete and replace with the following: "No additional dwelling shall be constructed on the remaining parcel supporting the farm use if the placement of the dwelling would result in a combined average of more than one residence per twenty (20) acres of land if zoned EFU-1, EFU-2/20, or WR/EFU-3; or if it would result in a combined average of more than one residence per ten (10) acres of land if zoned EFU-2; or if it would result in a combined average of more than one residence per 160 acres of land if zoned FR/EFU-3, unless the placement of such residence is permitted as explained in Section 3) below. In calculating this permitted density, the house located on the homestead parcel, and the acreage of the homestead parcel, must be included in the calculation (see the two examples below). If the parcel supporting a farm unit can not meet the above density standards, the owner shall record an instrument on the deed to said parcel clearly indicating a dwelling cannot be constructed on this parcel until such time as these density standards can be met."
218.110, page 53: Add section, "3) A farm dwelling may be placed on the parcel supporting the farm use even if the dwelling would exceed the densities explained in Section 2) immediately above, if the parcel is demonstrated to be a farm unit in conformance with Section 218.090 (2)."

Under "Example", rewrite the first line as follows: "FIRST EXAMPLE IN AN EFU-1, EFU-2/20 OR WR/EFU-3 ZONE:

Rewrite the first line on the page as follows: "SECOND EXAMPLE IN AN EFU-1, EFU-2/20, OR WR/EFU-3 ZONE."

Replace the last paragraph in the second example with:

"In the first example, a farm dwelling may be placed on the 48 acre tax lot because the 48 acre farm parcel meets and exceeds the overall minimum 20 acre requirement per dwelling unit. This overall density is not maintained in the second example, precluding the placement of a dwelling on parcel B. In order to maintain an overall density of one farm dwelling per 20 acres in the EFU-1 or EFU-2/20 zone, for example, at least 40 acres is required to accommodate both the homestead and the additional farm dwelling. In an EFU-2 zone, at least 20 acres is required to permit both the homestead and the additional farm dwelling."

218.140, page 55: Revise first sentence to read: "After the adoption of this ordinance, in order to place any dwelling on a parcel which is smaller than twenty (20) acres in an EFU-1, EFU-2/20, or WR/EFU-3 zone, or is smaller than 160 acres in FR/EFU-3 zones, or smaller than ten (10) acres if zoned EFU-2, it..."

258.060 (2), page 120: Delete and replace with the following: "No new tax lots shall be created which do not meet the provisions of this ordinance and the Land Division Ordinance, unless such division is required by the Jackson County Department of Assessment and Taxation. Neither building permits nor septic permits shall be issued for such lots which do not conform to the provisions of the Zoning and Land Division Ordinances, and which were created after the effective date of this ordinance by the Jackson County Department of Assessment and Taxation.

280.020 (3A), page 164: In the fifth line of the second paragraph, replace the words "within thirty (30) calendar days" with "within ten (10) working days."

In the first and second lines of the first paragraph under subsection 3B), replace the words "thirty (30) days time limit" with "ten (10) working day time limit."

280.060 (3), page 170: Delete the following words from the section: "EFU-1 or EFU-2", and "which comply with the intent of the agricultural element of the Jackson County Comprehensive Plan...".
280.130 (1), page 183: Add the following phrase to the second paragraph under the first section, entitled "INTENT", between the words "enterprises" and "which", in the second line: "...such as blacksmith, custom cabinet manufacturing, furniture upholstery, and tent and awning fabrication...". Also add the following sentence to the end of the second paragraph under the section entitled "INTENT": "All cottage industries must be approved in conformance with the provisions of Chapter 260."

Delete all of subsection (2). Renumber the following sections accordingly (i.e., section 3 on page 184 becomes section 2, section 4 on page 183 becomes section 3, etc.).

280.160, page 187: Add the following as subsection 3) under this section:

"3) Prior to the placement of any recycling dropbox, 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:

"A) The recycling dropbox will be located at least 200 feet from the nearest residence, or that those residing within 200 feet of the dropbox have indicated in writing that they have no objections to the placement of the recycling dropbox.

"B) The recycling dropbox shall not occupy an area greater than 144 square feet.

"C) No structures shall be higher than 56 inches measured from ground level.

"D) In the opinion of the Planning Director, placement of the recycling dropbox 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 dropbox 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 dropbox will be located. Proposed recycling dropboxes 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.

"4) The Department may revoke a permit for a recycling dropbox if any of the above standards are violated. The recycling organization shall remove their dropboxes within thirty (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."
5) 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.

SECTION 2 REPEALER

The express or implied repeal of any part of any 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 ordinances so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, nor as waiving any right of Jackson County under any ordinances existing on the effective date of this ordinance.

ADOPTED this 29th day of October, 1980, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

By: Jon Deason, Chairman

ATTEST:

Nancy Mitchell
By: Recording Secretary

APPROVED AS TO FORM:

By: Legal Counsel
Page 11, Insert in alphabetical order:

EMERGENCY MEDICAL FACILITY: A first aid station and or headquarters for an ambulance service which may include paramedics and/or a physician for emergency outpatient treatment only.

Page 29, Insert in alphabetical order:

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 devise and/or system that utilizes renewable energy resources including solar, hydro, wind biofuels, wood, geothermal, or similar sources. Nothing in this definition shall be interpreted or be construed to conflict with the authority of the Oregon Energy Facility Siting Council or its standing pursuant to Oregon Revised Statutes.

205.060 Page 31, Item 1: Add the following new paragraph:

"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 pre-existing. 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.

Page 45: Add: 212.090 EXCEPTIONS FROM WOODLAND RESOURCE ZONING: The county may permit, through the Goal 2 exceptions process, a change from Woodland Resource (WR-20) to another zoning designation. In permitting a change from Woodland Resource to another zoning designation, substantial evidence must be submitted by the applicant to document that the parcel is not capable, now or in the future, of sustaining forest uses."
New 212.090 continued:

A) In making this determination, the following factors must be addressed:

1) Adjacent land uses, public services, parcel size and ownership, land use characteristics, and natural boundaries.

2) The long-term environmental, economic, social and energy consequences of making the proposed zone change.

3) Impacts this proposed zone change may have on adjacent forest lands and forest uses.

4) Soil types, site class suitability, historic and future potential for maintenance of forest uses.

B) The Planning Commission shall review the application and forward its recommendations for approval, denial, or modification to the Board for final action.

C) In its review, the Planning Commission and the Board may approve the application if the following findings are made:

1) The parcel is not capable, now or in the future, of sustaining forest uses; and,

2) The subject property is needed for future rural uses; or

3) The parcel is substantially developed in a nonforest use, is severely affected by the actions of a governmental agency, or is adversely impacted by other causes to the point where the maintenance of forest uses is not physically possible, and it can be determined that the land is therefore committed to another use.

D) The Planning Commission and Board shall only approve a rezoning if it is consistent with the requirements of Chapter 277. In all cases, the new zoning designation shall be consistent with the rural character of the affected property and adjacent area, and the map designation criteria of the comprehensive plan. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases the amount of land rezoned from Woodland Resource to another zoning designation shall be the minimum necessary to enable the continued maintenance of forest uses, farming, or ranching on adjacent lands.

E) Hearings pursuant to this section shall be held by the Planning Commission and the Board of Commissioners according to procedures set forth in section 285.040.
218.120, Page 60, Item A: Add "pursuant to Chapter 277:"

218.130, Page 61, first and second sentence: Change to read "The county may permit, through the Goal 2 exceptions process and pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is needed for future urban or rural uses. The county may also permit, pursuant to Chapter 277, a change from Exclusive Farm Use..."

220.030 Page 67, Item G: Revise to read "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."

226.030 Page 78: Add an Item "(c) Day nursery or day care center."

232.020 Page 84: Add an Item "(h) Studio for art, music, photography, ceramics, drama, speech, dance, or similar skills."

232.030 Page 85, Item C: Revise to read "Animal clinics, animal hospitals or kennels provided that indoor sleeping quarters are provided for all animals."

252.030 Page 115: Add an Item "(c) An airport concern overlay district is not legally described by meets and bounds, but is an area defined by Federal Aviation Regulations (FAR, Part 77)."

254.030 Page 120: Add an Item "(o) Electric distribution and transmission lines, provided that any fill, rip-rap, or revetments meet the standards of section 254.070."

254.040 Page 121, Item E: Revise to read "Replacement of dwelling in kind (with no increase in square footage) within the floodway, but not including replacement with a mobile home, providing the standards of this Chapter are satisfied."

Page 121, Item M: Revise to read "Pipeline necessary for public service."

254.050 Page 122, Item D: Add "...floodproofing certificates. Elevations required under this provision shall be determined by an Oregon registered professional engineer or licensed land surveyor."

254.070 Page 126: Add an Item "(c) In areas designated floodplain, the Planning Director is authorized to require structures, which could obstruct the channel of a floodway, to be designed to resist flotation or lateral movement."
260.050 Page 133: Add an Item "M) Requiring that public facilities are adequate to serve the proposed use."

277.080 Page 180, first line: Revise to read "The rezoning of specific properties shall be based upon the following findings, unless the application is submitted under the provisions of section 218.120:"

Page 180: Add the following:

**277.090 PROCEDURE FOR CORRECTING MAP ERRORS**

During the development of the Official Plan and Zoning Map, a mapping error may have occurred by either wrongly applying the mapping criteria, or by using inaccurate or inadequate data. Errors of this nature shall be corrected when verified in the following manner:

1) The procedure to correct a map error may be initiated by either the landowner or by Jackson County.

2) The Planning Director shall review the request to determine compliance with the mapping criteria, as noted in section 277.100. Based on the review, findings shall be made which either concludes a mapping error did occur, or the criteria was appropriately applied and no error exists.

3) If the Planning Director finds that an error exists, he shall forward to the Board of Commissioners an ordinance which sets forth the findings which support the conclusion an error exists, and also findings which support the appropriate map designation for the property.

3) If the Planning Director finds the criteria was correctly applied, the applicant shall be notified of the decision. The decision of the Planning Director shall be final unless appealed. If appealed the procedures of Chapter 285, section 285.020 (B) shall apply.

4) The Board of Commissioners shall, after receipt of the Planning Director's findings, set this ordinance for first reading, second reading, and public hearing as required for ordinances by the Home Rule Charter. Notification to CACs or adjoining property owners is not required.

5) Upon adoption of the ordinance recognizing an error, the Official Plan and Zoning Map shall be corrected as instructed by the ordinance.

**277.100 CRITERIA FOR DETERMINING MAP ERRORS**

The criteria described in the map designations chapter of the comprehensive plan shall generally be used as a guide to determine the appropriate map designation on the Official Comprehensive Plan and Zoning Map. An error is deemed to exist when the following conditions exist.
1) **Exclusive Farm Use Designations:**

An error exists if any one of the appropriate exclusive farm use criteria cannot be met for the parcel or area, and the land is not included for the purpose of creating a buffer or cohesive block of land. A parcel may fail to meet these criteria, and still not be considered in error if the parcel or adjacent area failing to meet the criteria is less than 20 acres in size.

2) **Forest Resource:**

If site class data is not available, the process of (4) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all three of the following criteria:

A) Lands composed of existing and potential forest lands, identified as having a cubic foot site class rating ranging from two-plus through five, or the equivalent; and

B) Lands receiving a forest land tax designation or other tax deferral under ORS 321.257 (Western Oregon Forest Land and Severance Tax) or ORS 321.705 (Western Oregon Small Tract Optional Tax); and,

C) Mountainous lands, generally with slopes in excess of 20 percent which are predominantly in public ownership or owned by private timber companies.

D) Lands which generally occur within the following physiographic areas at, and above, the designated elevation/contour intervals:

1) **Cascade Slopes (Klamath Mountains),** located in the easterly sector of the county; the northerly portion of this region's forest resource land environment generally begins at the 2,300 foot elevation, while the southerly portion's forest resource land environment begins around the 3,000 foot elevation;

2) **Rogue-Umpqua Divide,** located in the northwest sector of the county, the forest resource land environment generally occurs at the 2,000 foot elevation;

3) **South Siskiyou,** located in the southwest sector of the county, the forest resource land environment begins generally at the 2,400 foot elevation; and

4) **Rogue-Applegate Upland.** This upland forest region lies in the west-central sector of the county. Within this region, the forest resource land environment begins at the 2,000 foot elevation on Rogue Valley slopes, and at the 3,000 foot elevation on Applegate Valley slopes.
3) **Woodland Resource:**

If site class data is not available the process of (4) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all four of the following criteria:

A) Lands composed of existing and potential forest lands, identified as having a cubic foot site class rating of four through six, or the equivalent; and,

B) Lands receiving a forest land tax designation or other tax deferral under either ORS 321.257 (Western Oregon Forest Land and Severance Tax) or ORS 321.705 (Western Oregon Small Tract Optional Tax); and,

C) Lands located within lower elevation, mountainous and upland foothill areas, generally having steep to moderate slopes, which are predominantly in private, small woodland tract ownerships, along with some major private wood products industry companies, and less productive publicly owned lands; and,

D) Lands in the above environments where the predominant parcel size is twenty (20) acres or larger.

4) **All Other Zoning Designations:**

The criteria used to map all of the nonresource lands is not as precise. More judgement is applied when interpreting the intent of the mapping criteria. When reviewing an application for possible mapping error, staff shall use the criteria as described in the mapping designation chapter of the Jackson County Comprehensive Plan. An error shall be deemed to exist when staff, through findings, determines the criteria for the proposed map designation, as noted in the comprehensive plan, clearly does not apply, and that the mapping criteria for some other designation does more clearly apply to the land under review.

280.060 Page 188: August 13, 1980 minutes of the Joint Board of Commissioners and Planning Commission deliberations, indicate that Aggregate Resource setbacks should be 500 feet and not 200 feet.

280.100 Page 195, Item B: Add an Item "4) The department may inspect the site to ensure compliance with these provisions and any other requirements of the zoning ordinance."

280.110 Page 197: Add an Item "C) 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:
1) 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:

a) 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.

b) 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.

2) 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:

a) Recognizes domestic water supply production to be the primary use of this land, and that other activities or uses within the watershed are secondary; and,

b) 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.

280.190 Page 208: Revised to read "280.190 EXISTING DWELLINGS EXEMPT FROM FIRE SAFETY PROVISIONS Dwelling in existence as of the effective date of this ordinance are exempt from compliance with the fire safety and prevention requirements."
REPLACE EXISTING WORDING IN THE FOLLOWING DISTRICTS:

210.020, Item T
212.020, Item S
214.020, Item U
216.020, Item G
220.020, Item J
222.020, Item H
224.020, Item G
230.020, Item J
232.020, Item M
234.020, Item P

WITH:

"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.

ADD TO SECTIONS 214.020 and 228.020 "...not including overhead power or transmission lines, but including distribution lines" between "generating facilities" and "Maximum..."

250.030, Item I: Add "provided 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.

REPLACE EXISTING WORDING IN:

210.030, Item I
212.030, Item I
214.030, Item I

WITH:

"Utility facility not in conjunction with a permitted or approved conditional use, limited to the following:

1) Municipal water treatment storage facility.
2) Power and communication substations.
3) Commercial hydro-electric or other power generating facilities.
4) Sewage treatment plant."
Maximum utilization of existing rights-of-way and easements shall be made whenever possible."

ADD TO:

226.030
228.030

"Power transmission lines."
AN ORDINANCE AMENDING THE ZONING ORDINANCE
NUMBER 80-18, BY MAKING NUMEROUS EDITORIAL
CHANGES TO CLARIFY THE ZONING ORDINANCE."

ORDINANCE NUMBER 80-23

RECATALS:

1) Ordinance Number 80-18 was adopted August 29, 1980 to satisfy the
requirements of ORS 214.050, and ORS 197.175.

2) Due to the urgency of adopting a comprehensive plan and related
ordinances by September 1, 1980, as required by the Land Conservation
and Development Commission, the Board of Commissioners did not have
adequate time to consider all of the evidence presented at the August
29, 1980 hearing.

3) The Board of Commissioners deliberated on the testimony on September

4) The Board of Commissioners of Jackson County deem the changes in the
Zoning Ordinance to be in compliance with state goals and the Jackson
County Comprehensive Plan policies; therefore,

The Board of Commissioners of Jackson County ordains as follows:

SECTION 1 CHANGES IN THE ZONING ORDINANCE:

Based upon deliberation by the Board of Commissioners on September 22 and 23,
1980 on the August 29, 1980 public hearing testimony, the following editorial
changes are proposed to correct minor errors, and to clarify the Zoning
Ordinance:

Cover, or title page: Add, "Effective October 28, 1980."

All references to maps should be to the "Official Comprehensive Plan and
Zoning Map(s)".

200.040, page 2, Accepted Farming Practice: Delete "Is", and capitalize
"The".

Aggregate Site Committee: Add "aggregate" between "county" and "ordinances".

(3), change to read "...Oregon Department of Fish and Wildlife."

Aggregate Site Operation: Delete the word "for" between "or" and "on-site construction".

...
200.040, page 3: Amusement, Commercial: In the last sentence, insert a comma between "outdoors" and "including"; between "archery range" and "miniature"; delete the "and" in "archery range and miniature"; delete the plural in "movie theaters".

200.040, page 4: Boarding of Horses for Profit: Change to read: "Provision of food and shelter for horses for a fee. Synonymous with stable."

200.040, page 5: Car Wash and Auto Laundry: Delete, and replace with the following: "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.

200.040, page 6: Cottage Industry: Replace "incorporated or unincorporated urban growth boundary", with "urban growth or urban containment boundary".

Day Nursery or Day Care Center: Delete and replace with the following: "An institution maintained and conducted under public or private auspices and licensed by the State, which cares for more than six (6) children under sixteen (16) years of age, who are apart from their own family or relatives during any part of the twenty-four (24) hour day."

200.040, page 9: Feed Store: Realphabetize - should follow Farm Use definition.

200.040, page 10: Group Home: Delete and replace with the following: "A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of eighteen (18) years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five (5)."

200.040, page 11: Hazardous Waste: Delete the word "Means"; capitalize "Discarded"

200.040, page 12: Intensive Livestock Production: Revise to read as follows:

1) Cattle - One (1) animal per each acre;  
2) Horses, mules or donkeys - One (1) animal per each acre;  
3) Sheep or Goats - Three (3) animals per each acre;

200.040, page 13: Jackson County Survey of Historic Landmarks: Change "Survey" to "Register".

Junk, Salvage, or Wrecking Yard: Add to the last sentence, after "screened", "from public view."

200.040, page 21: Townhouse: Change all references to "party wall" to "common wall".

Delete the fourth sentence, which reads: "Townhouses must be physically separable from their contiguous neighbors, in the event of removal of the contiguous townhouse or townhouses."

200.040, page 22: Utility Facility: Change all references to "device" to "device. Insert commas between "appurtenances" and "including rights-of-way", and "and other in-line", and between "wind" and "biofuels".

205.060, page 25: Revise subsection (2) to read as follows:

"2) 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."

Add subsection 4) as follows: "Septic permits for residential use, issued prior to the effective date of this ordinance, shall be considered as a commitment to use the land for a single-family residential purpose. A residence shall be allowed, but considered nonconforming in those instances where the zoning ordinance no longer allows the use as a permitted use. The residence, however, shall conform to all other setback, building height, and fire safety provisions of the zoning ordinance."

210.020, (16); (c), page 27: Insert "shall be established" between "width" and "as defined".

(F) Clarify (ii) by adding, ".for managing the land for forest use.", at the end of the sentence.

210.050 (3), Page 31: Strike "and" between "vegetation" and "fire hazard".

210.060, page 31: (1), revise to read; "The dwelling must be a year-round, occupied residence which existed on the parcel prior to the effective date of this ordinance."

212.020 (13), page 34: Should be "is subject to", not "are subject to". (16)(B); strike, "including chemical spraying or burning." (C); insert "shall be established" between "width" and "as defined"

Page 35: (F) Clarify as per Forest Resource, Chapter 210.020 (16)(F) (ii).

212.030 (14) (F), page 37: Strike "are" in "are limited". Capitalize "Limited". Correct spelling of "annually". (G) "Sanitation Division", not "Department".
214.020 (5), page 41: Correct to read: "district and when used", not "district and is used".

214.020 (18), page 42: Strike, "of this ordinance".

216.050, page 47: Change "building" to "buildings".

218.070 (2), page 51: Change "resistent" to "resistant".

(4) Add, "shall be established" between "width" and "as defined".

218.080, page 51: Make all references to districts plural in this section.

224.040, page 65: Insert comma between "dwellings" and "including" in first line of sentence.

244.020 (10), page 96: Delete "Forest:" from (10).

250.030 (3), page 101: Insert "when" between "yards" and "located".

252.030 (2) (C), page 104: Change to "metes and bounds", not "meets and bonds".

254.010 (5), page 108: Replace commas with semi-colons throughout (5).

254.050 (1), page 111: Replace "building" with "buildings".

254.050 (2) (C), page 112: Add comma after "development"; eliminate commas after "compliance" and "section".

(4), Add "Floodproofing certificates shall also be submitted and filed for all flood-proofed structures.", as last sentence in subsection (4). Insert comma after "basements". Delete "including flood proofed structures and flood proofing certificates" and add, "or flood proofed structures".

254.060 (2) (B), page 113: Change "site" to "side".

258.030 (2), page 119: Change "original dimensions" to "original square footage".

258.070 (1), page 121: Revise the second sentence to read: "...be presumed as intent...", not "...be presumed with intent...".

(2); After "therefrom", revise to read: "shall be considered a conforming use".

260.060 (1), page 124: Delete "of" between "order" and "granting".

page 125: (3)(B)(i), Delete comma after "Department"; add comma after "with".

(3) (B) (ii): Delete comma after "violation"; end sentence with a semicolon.

252.070, page 132: Change to "mobile home planned unit developments", not "mobile home cluster developments".
262.080 (3), page 134: Revise to read: "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."

262.120 (1), page 136: Change "development" to "division".

262.120 (2) (D) (iii), page 137: Change "dedication" to "dedicated".

262.130 (1), page 137: Revise to: "preliminary plan along with conditions..."; change "land development ordinance" to "land division ordinance".

page 138: (4) Capitalize the first word in the last sentence: "However..."; replace comma in front of "However" with a period.

266 - the entire chapter, page 139: Change all references to "an historic landmark" from "an historic landmark".
Hyphenate all references to "Historic Landmark-Allowable Use Permit".

270.040, page 146: (2) Eliminate "main features".
(3) Insert "landscape" between "existing" and "features"; eliminate comma after "topography".
(7) Change "sewerage disposal" to "sewage disposal".

270.070 (1) (P), page 148: Amend to read: "Street lights with one (1) foot candle illumination shall be provided. Light from such fixtures shall be directed away from and not shine or reflect upon adjacent properties."

270.080, page 150: Eliminate comma between "park" and "be moved".

275.010, page 155: Change last sentence to "are found", not "it finds".

275.030 (5), page 156: Change from "it deems" to "are deemed".

277.090, page 159: Renumber subsections 1 through 6 under "Procedure For Correcting Mapping Errors."

277.090 (2), page 159: Add a last sentence, "The area for which an error has been determined may include all or part of the subject parcel or parcels in question."

277.090 (2), (new (4): After the second sentence, revise to read: "If appealed, the procedures of Chapter 285.020 shall apply. Appeals on a mapping error decision by the Planning Director shall be forwarded directly to the Board of Commissioners."

277.100, page 160: End last sentence of first paragraph with a colon.
(1) Revise last sentence to read: "A parcel may fail to meet these criteria and still be considered correctly zoned when the parcel or adjacent area which failed to meet the criteria is less than twenty (20) acres in size."
(2) Revise to read: "If site class data is not available, the process of subsection (4) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all four of the following criteria:"
277.100 (2) (3), page 160: After "Lands", insert, "eligible for or". (D) (2, 3 and 4), insert semicolons after "county" in first phrase. In (4), insert comma after "Rogue-Applegate Upland", and replace "This upland forest region lies...", with "located", and make "Within" lower case.

(3) Woodland Resource: Revise to read, "...the process of subsection (4) below shall apply".
(B) After "Lands", insert "eligible for or".
(C) Revise "wood products industry companies" to read "private industrial ownerships".

page 162: (4) All Other Zoning Designations: The last sentence shall be revised to read: "An error shall be deemed to exist when, through findings, it is determined that the criteria for the map designation, as noted in the comprehensive plan, clearly do not apply, and that the mapping criteria for some other designation do more clearly apply to the land under review."

277.100, page 162: Add a new section (5) as follows: "(5) Limits to Mapping Error Reviews:

A) Lands zoned Forest Resource (FR-160) prior to the effective date of this ordinance shall not be eligible for rezoning based upon a mapping error.

B) Urban containment boundaries shall not be amended based upon mapping errors. All changes in such boundaries shall be subject to the amendment procedures of this chapter.

C) If a mapping error is substantiated according to the provisions of this section, the property in question shall not be upzoned to a minimum parcel size in excess of that which existed for the subject parcel(s) prior to the effective date of this ordinance, unless necessary to conform with the map designation criteria of the comprehensive plan."

280.020 (3) (A), page 164: Change "record property owners" to "property owners of record".

280.050 (4), page 167: Change "FR" to "FR-160"; change "WR" to "WR-20"; change "--" under "Maximum Lot Coverage" and "Building and Height", to "None specified".

280.050 (7) (B), page 171: After "Where parcels", insert "which were legally created prior to the effective date of this ordinance."

(C) Delete "variances"; replace with "exceptions".
(i) Delete and replace with: "Substantiated findings indicate that a reduction of the setback requirement on a parcel adjacent to resource zoned land will not have an adverse effect upon the productive capacity of the resource."
(ii) Delete and replace with: "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."
280.080 (5), page 175: Add a section: "M) One directional off-premise sign may be permitted by the Hearings Council as a conditional use. In approving a permit for such a sign the Hearings Council shall find:

1) That the proposed sign will conform with the provisions of this ordinance, and any applicable federal or state laws, rules or regulations.

2) 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."

280.080 (6), page 176: Add a section: "C) One additional on-site sign may be permitted subject to a conditional use permit from the Hearings Council."

280.100 (3) (i), page 178: Delete "should be considered".

280.120 (1) (A), page 180: Add "section" before "280.080"

280.130, page 183: Change "Cottage Industries" to Cottage Industry".

280.130 (3) (N), page 185: End sentence with "is permitted".

280.160, page 187: Make all references to "dropbox" one word.

282.040, page 189-190: Place asterisk after "Minimum Percent of Lot Area To Be Landscaped", and place a notation at the bottom of the page which reads: "* Note: The requirements of 282.040 may in fact require a greater percentage of landscaping than these minimums indicate."

Page 190: (6) Insert "not", to make section read, "and shall not be".

(8) Revise the last clause to read, "such areas may be included in area computations."

285.020 (1), page 193: Add after "Council", "unless otherwise specified in this ordinance;".
SECTION 2 REPEALER:

The express or implied repeal of any part of any 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 ordinances so repealed, nor as discontinuing, abating, or modifying any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, nor as waiving any right of Jackson County under any ordinances existing on the effective date of this ordinance.

ADOPTED this 29th day of October, 1980, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

By: Don Deason, Chairman

ATTEST:

Nancy Mitchell
By: Recording Secretary

APPROVED AS TO FORM:

By: Legal Counsel
August 28, 1980

EXHIBIT

EDITORIAL CHANGES TO THE AUGUST 15, 1980 DRAFT ZONING ORDINANCE
FOR JACKSON COUNTY

Title Page: Change date.

Renumber Zoning Ordinance to conform with Land division Ordinance.

Table of Contents: Expand to include section hearings as well as chapters; page i, delete cluster development permit; and page ii, add Chapter 290 Miscellaneous Provisions.

200.020 Page 1, (F), Add "sewerage" facilities, not "sewage."

200.040 Page 3, Strike "B) Company records maintained in the normal conduct of business."

Page 6, "manicure" not "manicur."

Page 9, Change "Cottage Industry" definition to: "A small scale limited service or light manufacturing enterprise, contained wholly within an enclosed attached or accessory structure, which is compatible in character with primary residential structures and other permitted structures on the property and those in the general vicinity; provides employment for not more than five (5) persons, not more than three (3) of which may reside off the premises; and, shall be located outside of an adopted incorporated or unincorporated urban growth boundary and within an OSD, RR-5, and F-5 zoning district, requiring a minimum lot size equal to or greater than five (5) acres in size."

Page 11, Eating and Sleeping Accommodations - strike "is" in the last sentence.

Page 17, Kindergarten - "private" not "proivate."

Page 18, Lot Line, Front, last sentence "front" not "frong."

Page 19, Nonconforming Lots should read prior to "the effective date of this ordinance" not September 1, 1980; all references to September 1, 1980 should read "the effective date of this ordinance" throughout the ordinance.

Page 22, Strike "Kindergarten" from title of "Public or Private School or Institution for Special Education."

Page 24, Strike one definition of "Residence Home for the Aged." Definition already exists on Page 23.
205.060 Page 31, Item 3: Add "and mobile home set-ups" between the words "permits and "issued."

210.020 Page 33, Item P-2: End section with semicolon "; and," Page 33, Item P-3: Reference to section "200.040" not "200.030" and delete the words "of this ordinance."

Page 34, Item P-5: Strike "Such storage facilities shall be accessible by standard fire fighting equipment and shall be adequate for the needs of the structure(s) it serves."

Page 34, Item P-6, first sentence, change to: "In addition the land owner shall submit the following to demonstrate that the dwelling is in conjunction with a forest use."

212.020 Page 40 Item P-3: reference to "200.040" not "200.030."

Page 41, Item P-5, fifth line: Strike "Such storage facilities shall be accessible by standard fire fighting equipment and shall be adequate for the needs of the structure(s) it serves."

Page 41, Item d (immediately following Item 5) should be deleted.

Page 41, Item 6: "In addition the land owner shall submit the following to demonstrate that the dwelling is in conjunction with a forest use:"

Page 41, Item Q: Strike "not including public roads or sewerage facilities."

212.030 Page 42, Item C: Add "are met" to the end of that sentence.

Page 42, Item I, next to the last line: "easements" not "eastments."

214.020 Page 47, Item M, last line: Insert "280.100."

Page 47, Item T: "Recycling dropbox subject to the provisions of section 280.160."

214.030 Page 48, second line: Strike "of this ordinance are satisfied:"

216.020 Page 50, Item D: Strike "of this ordinance."

Page 50, after Item F: Add "Item G) Recycling Dropbox subject to the provisions of section 280.160."
216.030 Page 51, item B: Strike "of this ordinance."

Page 52, item O: "Cemetery" not "Cemetary."

218.040 Page 55, Conditional Uses: Add, "and if the property is zoned EFU-3, there must also be a conformance with section 218.070," between "218.060" and "and other pertinent sections of this ordinance."

Page 55, Item D, second line: "personal-use" airport, not "persona-use."

Page 55, Item F, third line: "may be" not "may -e."

Page 56: Strike "of this ordinance" references.

218.070 Page 57, Item C, second line: "gallons" not "galls."

Page 57: Strike "of this ordinance" reference.

Page 57, Item D, second line: reference to "200.040" not "200.030."

Page 57, Item D, first line: "fuelbreak" is one word.

Page 57, Item E: Strike this entire paragraph.

218.080 Page 57, second line: Add "for Exclusive Farm Use-2 (EFU-2) districts it shall be ten (10) acres;" between EFU-1 and EFU-2/20.

Page 57, fifth line: reference to "EFU-3" not "EFU-e."

218.090 Page 58, Item A, first line: reference to "218.080" not "218.090."

218.110, Page 59, Item B, second line: "EFU-1" not "EFU_1."

218.130, Page 61, last line: Correct the spelling of "determination"

Page 62, Item D, first line: Remove comma between "potential" and "availability."

218.140 Page 62, 6th line: "nonfarm" not "nonform."

220.020 Page 67, Item I: "Recycling dropbox subject to the provisions of section 280.160." This change should be carried through in all other districts were "recycling dropbox" is referred to.

220.303 Page 68: After item O: Add Item P, Item Q, Item R, and Item S where letters are missing.
Page 68, Item P: "Cottage industry subject to the provisions of section 280.130" and in all other reference to "cottage industry" throughout the ordinance.

Page 69, 4th line and last line: Strike "the Exclusive Farm Use Districts, Chapter 218, and section 220.050" and insert "sections 218.120 and 220.050."

Page 72, Item O: "Solid waste collection site subject to the provisions of 280.180" and in all other reference to "solid waste collection sites" throughout the ordinance.

Page 76, Item N: Strike "of this ordinance."

Page 76, last line: Change "Chapters 262 and 264" to "Chapter 262."

Page 79, second line: Strike "of this ordinance."

Page 80, first line: Add - subject to "site plan review and" all...

Page 87, Item N, Change to: "Nursery or day care center."

Page 90, Item Y: Strike "repair" as redundant.

Page 91: Strike "of this ordinance" from the second line and items B and D.

Page 95, Item C: Strike "of this ordinance."

Page 97, Item V: "Solid waste collection site, subject to the provisions of section 280.180," and strike items 1, 2, and 3.

Page 102, Item E: Strike "of this ordinance."

Page 104, item C, second line: "...activities in as close...."

Page 104, first and second lines: Change to "section 244.040 and chapter 260." Strike "244.050" and "of this ordinance."

Page 104, Item A: "All uses identified as permitted uses in section 244.020, with the exception of item B, if such uses are portable in nature; item F, storage of heavy equipment; item G, agriculture; and item J, forest uses, shall be reviewed by the Hearings Council if located within the 100 year floodplain, and such review shall be limited to the floodplain."

Page 105, Item C, next to the last line: Change "Rater" to "Water."

Page 105, Item G, fourth line: "radius" not "radious."
244.040 Page 106, Item H, fourth line: Change period to a comma.

244.060 Page 106, seventh and eighth lines: "in section 244.040" not "244.050." Strike "of this ordinance" in the seventh and eighth lines.

244.070 Page 107, last line: Strike "of this ordinance."

250.020 Page 111, Items B-1 and B-2: Strike references to "(exhibit 1)" and "(exhibit 2)."

250.050 Page 112, Item B, last line: Should be "200.040" not "200.030."

Page 112, Item D: Strike "or his designated representative" in this and all other places where "or his designated representative or designee" are mentioned.

250.060 Page 113, Item 2-a: Strike "(As shown in exhibits 1 and 2)."

252.030 Page 115, Item A-2 and 3: Strike "(Exhibit 1)" in item 2, and "(Exhibit 2)" in item 3.

252.060 Page 116, Item A-2, second sentence: Change to "200.040" not "200.030."

254.040 Page 120, first sentence: "floodplain" not "flood prone," and change to "floodplain" throughout the ordinance.

254.060 Page 123, Item G, last line: Eliminate the comma.

254.070 Page 125, Item 4-c: Should read: "ii) Piling foundations are placed in stable soil, not more than ten (10) feet apart; and" Eliminate existing "iii."

Page 126, First line, top of page: Change "iv" to "iii."

258.020 Page 128, Item C: Should read "Lots existing prior to September 1, 1973, which as of that date contained more..."

258.070 Page 130-A, Item B, third line: "therefrom" not "therefromk."

260.060 Page 133, Item C-2-b: "hearings body" not "hearing's body."

262.040 Page 137, Item A-5-1: Eliminate "of this ordinance."

266.030 Page 159, Item B, seventh line: Eliminate "of this ordinance."

266.040 Page 159, Item B, second line: Insert a comma between "landmark, a..."
Page 160, Item A, fourth line: Eliminate "of this ordinance."

Page 161, Item D: Begin the sentence with "To provide a mechanism to establish a special site...."

Page 165, last line: Add "as provided in section 260.060."

Page 168, first line: "...285, a variance may be granted...

Page 170, Item A, third line: Should read "...prior to the issuance of a conditional use permit, or the applicant...." eliminating the words "beginning of an aggregate operation."

Page 172, Item I, fourth line: Should read "...654.991), the Oregon Safety and Health Act...."

Page 173, Item 3, top of page: Eliminate entirely.

Page 173, Item J, last line: Add "and Chapter 254."

Page 174: Eliminate references to "of this ordinance."

Page 175, Item A, ninth line: Should read "...the Hearings Council or Hearings Officer may attach...

Page 176, Item B, first line: Should read "The Hearings Council or Hearings Officer shall render..." eliminating "Agricultural Board."

Page 176, Item E, first line: Should read "the Hearings Council or Hearings Officer...."; fourth line should read: "...Hearings Council or Hearings Officer."; fifth line: Eliminate reference to "of this ordinance."

Page 179, Item 2: Eliminate "of the unamended portions..."

Page 180, Item C, second line: Eliminate the comma after the words Planning Commission.

Page 184, Item F: Add "pursuant to section 285.025 for violating the conditions of this permit." Eliminate the remainder of the paragraph.

Page 185, under Map Designations - Yard Requirements - Rear, fourth line down, OSD-5: should be "30" not "130."

Page 187, item b, second and third lines: Should read "...Airport Development-Mixed Use Districts (AD-MU) districts..." eliminating reference to "and/or Special Use districts..."
280.060  Page 188, Item 3, top of page: Eliminate entire paragraph.

Page 188, Item E, fourth line: Should read "...available, the procedures..."

Page 188, Item F, fourth line: Should read "...permanent (Class 1) stream, lake, reservoir or intermittent (Class 2) water courses..."

Page 188(a), Item G-3-c: Should read "...The required setback will place the dwelling on a more productive resource area; or..."

280.110  Page 197, fifth and sixth lines: Should read "...Hearings Council or Hearings Officer review of land...." eliminating reference to "or Agricultural Board."

Page 197, last line in the first paragraph: Add "...created the ASC may also be indicated on the map."

280.120  Page 198, Item A-1, last line: Eliminate reference to "of this ordinance."

Page 200:  Item D should be "Item B."

Page 200:  Item B-2: Eliminate "of this ordinance."

Page 201:  First paragraph should be numbered "9"; second paragraph should be numbered "10"; last line of item 10 should read "as otherwise allowed in subsection 'D' of this section."

Page 202, Item G-2, last line: Should read "Chapter 290.030" not "Chapter 290.040."

280.130  Page 206, Item 13: Should read "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...."

Page 206, Item 14, third line: Eliminate "does not prohibit."

Page 206, Item 16, last line: Add "...may be imposed."

Page 207, Item 2, last line: Strike "of this ordinance."

Page 207, Item G-1, second line: Strike "of this ordinance."

280.150  Page 208, first paragraph, fourth line: Should read "...section and tax lot number of the location..."
280.160 Page 208, Heading should read: "RECYCLING DROP BOX."

280.170 Page 208, first line: Should read "be issued" not "beissued."

280.180 Page 208, Solid Waste Collection Site: Add the requirements "Solid waste collection sites may be allowed provided:

1) The receptacle(s) for refuse disposal is containerized and covered;

2) That the site is visually screened by fencing and plant material; and,

3) 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."

282.080 Page 213, last line on the page: Eliminate "of this ordinance for appealing a decision of the Planning Director."

285.020 Page 214, Item B, fifth line: Should read "...has rendered a decision."

285.025 Page 215, Item 2-b: Eliminate "of this ordinance," and change "hearing's body" to "hearings body."

285.040 Page 216, Item D, second line: "...or Board of County Commissioners may recess a hearing."
BEFORE THE BOARD OF COMMISSIONERS OF JACKSON COUNTY, OREGON

ORDINANCE NUMBER 80-27

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ALLOWING PERMITTED USES ON LANDS RECEIVING PARTITIONING APPROVAL PRIOR TO THE ADOPTION OF THE ZONING ORDINANCE.

WHEREAS, the Board of Commissioners adopted the Zoning Ordinance on August 29, 1980; and,

WHEREAS, said zoning ordinance section 218.140 does not allow dwellings on parcels smaller than allowed by the zoning district except by special review; and,

WHEREAS, since August 1, 1978 the Hearings Council has reviewed major partitions and subdivisions to determine if they conformed to state goals; and the Board of Commissioners, since January 31, 1979 has reviewed minor partitions to determine compliance with state goals; and,

WHEREAS, criteria used by the Hearings Council and Board of Commissioners to evaluate the land division actions is consistent with criteria existing within the zoning ordinance for review of nonfarm dwellings; and,

WHEREAS, previous approvals of the Hearings Council and Board of Commissioners on land division actions presumed there was no conflict with the state goals on agricultural land if a dwelling were constructed on the divided land; and,

WHEREAS, the new zoning ordinance, by oversight, did not include a provision to allow dwellings on previously approved partitions or subdivisions,

WHEREAS, due to this oversight in the ordinance, divisions of land previously found to be in conformance with state goals are now unreasonably restricted, requiring a duplicate review process creating a need for an emergency to be declared, with an ordinance to correct the oversight; THEREFORE,

THE BOARD OF COMMISSIONERS OF JACKSON COUNTY ORDAINS AS FOLLOWS:

Section 1.0

1.1 Section 218.140, Placement of Dwellings on Preexisting Lots Smaller Than The Established Minimum Parcel Size, is revised to read as follows:

1) Except as provided in subsection 2) of this section, any dwelling on a parcel which is smaller than 20 acres if zoned EFU-1 or EFU-2/20, or is smaller than 160 acres if zoned EFU-3, or smaller than 10 acres if zoned EFU-2, shall only be permitted when it has been demonstrated that the dwelling is a farm dwelling and conforms with section 218.090 (2) of this ordinance; or it has been demonstrated that the dwelling meets the standards of a nonfarm dwelling in conformance with section 218.040 (8) of this zoning ordinance.

2) Existing parcels which contain less land than the acreage required for the zone in which they are located, shall be exempt from the provisions of this section if the following action occurred:
A) 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.

B) The parcel was created in a minor partition that was approved by the Board of Commissioners between January 31, 1979, and October 27, 1980.

One single family dwelling is allowed on each parcel approved in the above manner, provided all other provisions of this ordinance are met, including any conditions attached by the Hearings Council or Board of Commissioners when the partition or subdivision was approved.

Section 2.0  Emergency Declared

2.1 An emergency is deemed to exist regarding this ordinance and therefore, said ordinance shall become effective upon adoption.

ADOPTED this 26th day of November, 1980, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

______________________________
[Signature]
Jon Deason, Chairman

ATTEST:

______________________________
[Signature]
Nancy V. Mitchell
By: Recording Secretary

APPROVED AS TO FORM:

______________________________
[Signature]
By: County Counsel

2- EMERGENCY ORDINANCE
BEFORE THE JACKSON COUNTY BOARD OF COMMISSIONERS
STATE OF OREGON, JACKSON COUNTY

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

ORDINANCE NO. 80-18

RECITALS:

1. Oregon Revised Statutes 215.050 and 197.175 require counties to adopt zoning ordinances to implement an adopted county comprehensive plan.

2. The Jackson County Planning Commission and Jackson County Planning Department have prepared a proposed zoning ordinance in compliance with such statutory requirements and have, in conjunction with the Jackson County Board of Commissioners, held hearings thereon pursuant to ORS 215.050 and 215.060 and have considered testimony and other materials presented by citizens of Jackson County, affected agencies, and the planning staff.

3. The Board of Commissioners of Jackson County deem the zoning ordinance attached as Exhibit A to be in compliance with state statutes and the comprehensive plan for Jackson County adopted contemporaneously herewith; therefore

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

Section 1. Adoption. This ordinance adopts by reference the zoning ordinance for Jackson County, Oregon, a document of 217 pages attached as Exhibit A, containing thirty-six chapters numbered chapter 200 through chapter 285, to be known as the Jackson County Zoning Ordinance.

Section 2. That certain document entitled "Official Plan and Zoning Map" consisting of 18 separate maps, numbered one through eighteen and dated the same date as this ordinance, and each signed by the Chairman of the Board of Commissioners, which map is adopted contemporaneously herewith as part of the comprehensive plan for Jackson County, Oregon, is hereby adopted and ratified as the zoning map which may be amended in accordance with the provisions of Chapter 277 set forth in Exhibit A attached hereto.

Section 3. Repealer. The ordinance dated June 27, 1973, adopting a zoning ordinance for Jackson County, and all amendments thereto, is hereby repealed.
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 29 day of August, 1980.

JACKSON COUNTY BOARD OF COMMISSIONERS

By

[Signature]

Jon Deason, Chairman

ATTEST:

Nancy Mitchell

Recording Secretary

APPROVED AS TO FORM:

[Signature]

John DuBay

County Counsel
ZONING ORDINANCE

FOR

JACKSON COUNTY, OREGON

Adopted August 29, 1980
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PAGE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHAPTER 200  INTRODUCTORY PROVISIONS</td>
<td>1</td>
</tr>
<tr>
<td>200.010 Title</td>
<td>1</td>
</tr>
<tr>
<td>200.020 Purpose</td>
<td>1</td>
</tr>
<tr>
<td>200.030 Compliance with Ordinance Provisions</td>
<td>1</td>
</tr>
<tr>
<td>200.040 Definitions</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER 205  ESTABLISHMENT OF ZONING DISTRICTS</td>
<td>23</td>
</tr>
<tr>
<td>205.010 Classification of Zoning Districts</td>
<td>23</td>
</tr>
<tr>
<td>205.020 Application of Zoning Districts</td>
<td>24</td>
</tr>
<tr>
<td>205.030 Official Comprehensive Plan and Zoning Maps</td>
<td>24</td>
</tr>
<tr>
<td>205.040 District Boundaries</td>
<td>24</td>
</tr>
<tr>
<td>205.050 Measurements on Zoning Maps</td>
<td>25</td>
</tr>
<tr>
<td>205.060 Previous Official Actions</td>
<td>25</td>
</tr>
<tr>
<td>CHAPTER 210  FOREST RESOURCE (PR-160) DISTRICT</td>
<td>26</td>
</tr>
<tr>
<td>210.010 Purpose</td>
<td>26</td>
</tr>
<tr>
<td>210.020 Permitted Uses</td>
<td>26</td>
</tr>
<tr>
<td>210.030 Conditional Uses</td>
<td>29</td>
</tr>
<tr>
<td>210.040 Parcel Area Requirements</td>
<td>30</td>
</tr>
<tr>
<td>210.050 Parcel Area Reductions</td>
<td>31</td>
</tr>
<tr>
<td>210.060 Homestead Exemptions</td>
<td>31</td>
</tr>
<tr>
<td>210.070 Additional Standards for Conditional Uses in the Forest Resource District</td>
<td>32</td>
</tr>
<tr>
<td>210.080 Standards Compliance and Appeals</td>
<td>32</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CHAPTER 212 WOODLAND RESOURCE (WR-20) DISTRICT</td>
<td>33</td>
</tr>
<tr>
<td>212.010 Purpose</td>
<td>33</td>
</tr>
<tr>
<td>212.020 Permitted Uses</td>
<td>33</td>
</tr>
<tr>
<td>212.030 Conditional Uses</td>
<td>35</td>
</tr>
<tr>
<td>212.040 Parcel Area Requirements</td>
<td>37</td>
</tr>
<tr>
<td>212.050 Parcel Area Reductions</td>
<td>38</td>
</tr>
<tr>
<td>212.060 Density</td>
<td>38</td>
</tr>
<tr>
<td>212.070 Additional Standards for Conditional Uses In Woodland Resource Districts</td>
<td>38</td>
</tr>
<tr>
<td>212.080 Standards Compliance and Appeals</td>
<td>39</td>
</tr>
<tr>
<td>212.090 Exceptions from Woodland Resource Zoning</td>
<td>39</td>
</tr>
<tr>
<td>CHAPTER 214 OPEN SPACE RESERVE (OSR-20) DISTRICT</td>
<td>41</td>
</tr>
<tr>
<td>214.010 Purpose</td>
<td>41</td>
</tr>
<tr>
<td>214.020 Permitted Uses</td>
<td>41</td>
</tr>
<tr>
<td>214.030 Conditional Uses</td>
<td>42</td>
</tr>
<tr>
<td>214.040 Parcel Area Requirements</td>
<td>44</td>
</tr>
<tr>
<td>214.050 Parcel Area Reductions</td>
<td>44</td>
</tr>
<tr>
<td>214.060 Density</td>
<td>44</td>
</tr>
<tr>
<td>CHAPTER 216 OPEN SPACE DEVELOPMENT (OSD-5) DISTRICT</td>
<td>45</td>
</tr>
<tr>
<td>216.010 Purpose</td>
<td>45</td>
</tr>
<tr>
<td>216.020 Permitted Uses</td>
<td>45</td>
</tr>
<tr>
<td>216.030 Conditional Uses</td>
<td>46</td>
</tr>
<tr>
<td>216.040 Parcel Area Requirements</td>
<td>47</td>
</tr>
</tbody>
</table>
DESCRIPTION | PAGE NUMBER
--- | ---
216.050 Parcel Area Reductions | 47
216.060 Density | 47

CHAPTER 218 EXCLUSIVE FARM USE (EFU) DISTRICTS | 48
218.010 Purpose | 48
218.020 Application | 48
218.030 Permitted Uses | 48
218.040 Conditional Uses | 49
218.050 Conditional Uses with Added Standards | 50
218.060 Standards Required of all Conditional Uses | 50
218.070 Additional Conditional Use Standards for Land Zoned Exclusive Farm Use-3 (EFU-3) | 51
218.080 MinimumParcel Size | 51
218.090Exceptions to the Minimum Parcel Size Requirements for Farm Uses | 52
218.100Exceptions to the Minimum Parcel Size Requirements for Nonfarm Dwellings and Conditional Uses | 53
218.110Exceptions to Minimum Parcel Size for Establishment of a Homestead | 53
218.120Exemptions from EFU Zoning for Farmland Affected by Urban Development | 54
218.130Other Exemptions from Exclusive Farm Use Zoning | 55
218.140Placement of Dwellings on Preexisting Lots Smaller than the Established Minimum Parcel Size | 56
218.150Re-establishment of a Nonfarm Use | 56
CHAPTER 220 FARM RESIDENTIAL (F-5) DISTRICT

220.010 Purpose
220.020 Permitted Uses
220.030 Conditional Uses
220.040 Parcel Area Requirements
220.050 Parcel Area Reductions
220.060 Density

CHAPTER 222 RURAL RESIDENTIAL (RR-5) DISTRICT

222.010 Purpose
222.020 Permitted Uses
222.030 Conditional Uses
222.040 Parcel Area Requirements
222.050 Parcel Area Reductions
222.060 Density

CHAPTER 224 SUBURBAN RESIDENTIAL (SR-2.5 & SR-1) DISTRICTS

224.010 Purpose
224.020 Permitted Uses
224.030 Conditional Uses
224.040 Parcel Area and Density Requirements
224.050 Parcel Area Reduction

CHAPTER 226 URBAN RESIDENTIAL (UR-10, UR-8, UR-6, & UR-4.5)

226.010 Purpose
226.020 Permitted Uses
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PAGE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>226.030 Conditional Uses</td>
<td>66</td>
</tr>
<tr>
<td>226.040 Lot Area</td>
<td>67</td>
</tr>
<tr>
<td>226.050 Density</td>
<td>67</td>
</tr>
<tr>
<td>CHAPTER 228 URBAN HIGH DENSITY RESIDENTIAL (UR-H) DISTRICT</td>
<td>68</td>
</tr>
<tr>
<td>228.010 Purpose</td>
<td>68</td>
</tr>
<tr>
<td>228.020 Permitted Uses</td>
<td>68</td>
</tr>
<tr>
<td>228.030 Conditional Uses</td>
<td>68</td>
</tr>
<tr>
<td>228.040 Lot Area</td>
<td>69</td>
</tr>
<tr>
<td>228.050 Density</td>
<td>69</td>
</tr>
<tr>
<td>228.060 Site Plan Review and Buffering Requirements</td>
<td>69</td>
</tr>
<tr>
<td>CHAPTER 230 INTERCHANGE COMMERCIAL (IC) DISTRICT</td>
<td>71</td>
</tr>
<tr>
<td>230.010 Purpose</td>
<td>71</td>
</tr>
<tr>
<td>230.020 Permitted Uses</td>
<td>71</td>
</tr>
<tr>
<td>230.030 Conditional Uses</td>
<td>72</td>
</tr>
<tr>
<td>230.040 Site Plan Review and Buffering Requirements</td>
<td>72</td>
</tr>
<tr>
<td>CHAPTER 232 RURAL SERVICE COMMERCIAL (RS) DISTRICT</td>
<td>73</td>
</tr>
<tr>
<td>232.010 Purpose</td>
<td>73</td>
</tr>
<tr>
<td>232.020 Permitted Uses</td>
<td>73</td>
</tr>
<tr>
<td>232.030 Conditional Uses</td>
<td>74</td>
</tr>
<tr>
<td>232.040 Site Plan Review and Buffering Requirements</td>
<td>74</td>
</tr>
<tr>
<td>CHAPTER 234 NEIGHBORHOOD COMMERCIAL (NC) DISTRICT</td>
<td>76</td>
</tr>
<tr>
<td>234.010 Purpose</td>
<td>76</td>
</tr>
<tr>
<td>234.020 Permitted Uses</td>
<td>76</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>234.030 Conditional Uses</td>
<td>77</td>
</tr>
<tr>
<td>234.040 Site Plan Review and Buffering Required</td>
<td>77</td>
</tr>
<tr>
<td>236.010 Purpose</td>
<td>79</td>
</tr>
<tr>
<td>236.020 Permitted Uses</td>
<td>79</td>
</tr>
<tr>
<td>236.030 Conditional Uses</td>
<td>81</td>
</tr>
<tr>
<td>236.040 Site Plan Review and Buffering Requirements</td>
<td>81</td>
</tr>
<tr>
<td>238.010 Purpose</td>
<td>83</td>
</tr>
<tr>
<td>238.020 Permitted Uses</td>
<td>83</td>
</tr>
<tr>
<td>238.030 Conditional Uses</td>
<td>85</td>
</tr>
<tr>
<td>238.040 Site Plan Review and Buffering Required</td>
<td>85</td>
</tr>
<tr>
<td>240.010 Purpose</td>
<td>87</td>
</tr>
<tr>
<td>240.020 Permitted Uses</td>
<td>87</td>
</tr>
<tr>
<td>240.030 Conditional Uses</td>
<td>89</td>
</tr>
<tr>
<td>240.040 Site Plan Review and Buffering Required</td>
<td>90</td>
</tr>
<tr>
<td>242.010 Purpose</td>
<td>91</td>
</tr>
<tr>
<td>242.020 Permitted Uses</td>
<td>91</td>
</tr>
<tr>
<td>242.030 Conditional Uses</td>
<td>93</td>
</tr>
<tr>
<td>242.040 Standards</td>
<td>94</td>
</tr>
<tr>
<td>242.050 Setback and Off-Street Parking Requirements</td>
<td>94</td>
</tr>
<tr>
<td>242.060 Site Plan Review and Buffering Requirements</td>
<td>95</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>CHAPTER 244 AGGREGATE RESOURCE (AR) DISTRICT</td>
<td>96</td>
</tr>
<tr>
<td>244.010 Purpose</td>
<td>96</td>
</tr>
<tr>
<td>244.020 Permitted Uses</td>
<td>96</td>
</tr>
<tr>
<td>244.030 Conditional Uses</td>
<td>97</td>
</tr>
<tr>
<td>244.040 Basic Standards of Operation</td>
<td>97</td>
</tr>
<tr>
<td>244.050 Modification of Standards</td>
<td>99</td>
</tr>
<tr>
<td>244.060 Emergency Exceptions</td>
<td>99</td>
</tr>
<tr>
<td>244.070 Registration Requirements</td>
<td>99</td>
</tr>
<tr>
<td>244.080 Review Required</td>
<td>99</td>
</tr>
<tr>
<td>CHAPTER 250 AIRPORT APPROACH (AA) OVERLAY</td>
<td>100</td>
</tr>
<tr>
<td>250.010 Purpose</td>
<td>100</td>
</tr>
<tr>
<td>250.020 Application of Airport Approach Provisions</td>
<td>100</td>
</tr>
<tr>
<td>250.030 Permitted Uses</td>
<td>100</td>
</tr>
<tr>
<td>250.040 Uses Subject to Administrative Approval by the Planning Department</td>
<td>101</td>
</tr>
<tr>
<td>250.050 Procedure</td>
<td>101</td>
</tr>
<tr>
<td>250.060 Limitations</td>
<td>102</td>
</tr>
<tr>
<td>250.070 Special Provisions for New Airports, Heliports, and Landing Fields</td>
<td>103</td>
</tr>
<tr>
<td>250.080 Administrative Approval</td>
<td>103</td>
</tr>
<tr>
<td>CHAPTER 252 AIRPORT CONCERN (AC) OVERLAY</td>
<td>104</td>
</tr>
<tr>
<td>252.010 Purpose</td>
<td>104</td>
</tr>
<tr>
<td>252.020 Appointments</td>
<td>104</td>
</tr>
<tr>
<td>252.030 Application of Airport Concern Provisions</td>
<td>104</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>252.040 Permitted Uses</td>
<td>104</td>
</tr>
<tr>
<td>252.050 Conditional Uses</td>
<td>105</td>
</tr>
<tr>
<td>252.060 Procedures</td>
<td>105</td>
</tr>
<tr>
<td>252.070 Limitations</td>
<td>106</td>
</tr>
<tr>
<td>252.080 Special Provisions for New Airports, Heliports, and Landing Fields</td>
<td>107</td>
</tr>
<tr>
<td>CHAPTER 254 FLOODPLAIN (FP) OVERLAY</td>
<td></td>
</tr>
<tr>
<td>254.010 Purpose</td>
<td>108</td>
</tr>
<tr>
<td>254.020 Application of Provisions</td>
<td>109</td>
</tr>
<tr>
<td>254.030 Permitted Uses</td>
<td>109</td>
</tr>
<tr>
<td>254.040 Uses Subject to Administrative Approval or Conditional Use Permits</td>
<td>110</td>
</tr>
<tr>
<td>254.050 Administration</td>
<td>111</td>
</tr>
<tr>
<td>254.060 General Standards</td>
<td>113</td>
</tr>
<tr>
<td>254.070 Special Standards</td>
<td>114</td>
</tr>
<tr>
<td>254.080 Special Requirements for Administrative or Conditional Use Permits</td>
<td>116</td>
</tr>
<tr>
<td>254.090 Warning and Disclaimer of Liability</td>
<td>117</td>
</tr>
<tr>
<td>CHAPTER 258 NONCONFORMING USES, STRUCTURES, AND LOTS</td>
<td></td>
</tr>
<tr>
<td>258.010 Preexisting Status Provisions</td>
<td>118</td>
</tr>
<tr>
<td>258.020 Nonconforming Lots</td>
<td>118</td>
</tr>
<tr>
<td>258.030 Nonconforming Structures</td>
<td>118</td>
</tr>
<tr>
<td>258.040 Nonconforming Uses</td>
<td>119</td>
</tr>
<tr>
<td>258.050 Requests for Alteration of Nonconforming Uses</td>
<td>120</td>
</tr>
<tr>
<td>258.060 Minor Lot Line Adjustments</td>
<td>120</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>258.070 Aggregate and Mining Nonconforming Uses</td>
<td>120</td>
</tr>
<tr>
<td>CHAPTER 260 CONDITIONAL USE PERMIT</td>
<td>122</td>
</tr>
<tr>
<td>260.010 Authorization</td>
<td>122</td>
</tr>
<tr>
<td>260.020 Preexisting Uses</td>
<td>122</td>
</tr>
<tr>
<td>260.030 Procedure</td>
<td>122</td>
</tr>
<tr>
<td>260.040 Standards and Criteria for Action on Application</td>
<td>123</td>
</tr>
<tr>
<td>260.050 Placing Conditions on a Permit</td>
<td>123</td>
</tr>
<tr>
<td>260.060 Compliance with Zoning District Provisions</td>
<td>124</td>
</tr>
<tr>
<td>CHAPTER 262 PLANNED UNIT DEVELOPMENT PERMIT</td>
<td>126</td>
</tr>
<tr>
<td>262.010 Purpose and General Concept</td>
<td>126</td>
</tr>
<tr>
<td>262.020 Authorization</td>
<td>126</td>
</tr>
<tr>
<td>262.030 Application Contents and Procedure</td>
<td>127</td>
</tr>
<tr>
<td>262.040 Permitted Uses</td>
<td>129</td>
</tr>
<tr>
<td>262.050 General Standards for Planned Unit Development</td>
<td>130</td>
</tr>
<tr>
<td>262.060 Special Landscaping Standards</td>
<td>131</td>
</tr>
<tr>
<td>262.070 Special Standards for Mobile Homes in Planned Unit Development</td>
<td>132</td>
</tr>
<tr>
<td>262.080 Common Open Space Standards</td>
<td>132</td>
</tr>
<tr>
<td>262.090 Minimum Site Size</td>
<td>134</td>
</tr>
<tr>
<td>262.100 Dwelling Unit Density</td>
<td>135</td>
</tr>
<tr>
<td>262.110 Findings for Project Approval</td>
<td>135</td>
</tr>
<tr>
<td>262.120 Approval Procedures for the Preliminary Development Plan by the Hearings Council</td>
<td>136</td>
</tr>
<tr>
<td>262.130 Approval of the Final Development Plan</td>
<td>137</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td></td>
</tr>
<tr>
<td>262.140 Changes to a Planned Unit Development Subsequent to its Completion</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 266 HISTORIC LANDMARK ALLOWABLE USE PERMIT</td>
<td></td>
</tr>
<tr>
<td>266.010 Purpose</td>
<td></td>
</tr>
<tr>
<td>266.020 Authorization</td>
<td></td>
</tr>
<tr>
<td>266.020 Reference</td>
<td></td>
</tr>
<tr>
<td>266.030 Application</td>
<td></td>
</tr>
<tr>
<td>266.040 Standards and Criteria for Action on Applications</td>
<td></td>
</tr>
<tr>
<td>266.050 Conditions of Approval</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 268 SOLID WASTE DISPOSAL PERMIT</td>
<td></td>
</tr>
<tr>
<td>268.010 General Concept</td>
<td></td>
</tr>
<tr>
<td>268.020 Reference</td>
<td></td>
</tr>
<tr>
<td>268.030 Conditional Uses</td>
<td></td>
</tr>
<tr>
<td>268.040 Application</td>
<td></td>
</tr>
<tr>
<td>268.050 Standards and Criteria for Action on Application</td>
<td></td>
</tr>
<tr>
<td>268.060 Conditions of Approval</td>
<td></td>
</tr>
<tr>
<td>CHAPTER 270 MOBILE HOME PARK PERMIT</td>
<td></td>
</tr>
<tr>
<td>270.010 Purpose</td>
<td></td>
</tr>
<tr>
<td>270.020 Application of Provisions</td>
<td></td>
</tr>
<tr>
<td>270.030 Permit Required</td>
<td></td>
</tr>
<tr>
<td>270.040 Application Procedure</td>
<td></td>
</tr>
<tr>
<td>270.050 Findings</td>
<td></td>
</tr>
<tr>
<td>270.060 Approval of Final Plans</td>
<td></td>
</tr>
<tr>
<td>270.070 Mandatory Design Standards and Requirements</td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>270.080 Expansion of Existing Mobile Home Parks</td>
<td>149</td>
</tr>
<tr>
<td>270.090 Variance</td>
<td>150</td>
</tr>
<tr>
<td><strong>CHAPTER 272 CONDITIONAL USE PERMITS FOR AGGREGATE OPERATIONS</strong></td>
<td><strong>151</strong></td>
</tr>
<tr>
<td>272.010 General Concept</td>
<td>151</td>
</tr>
<tr>
<td>272.020 Authorization</td>
<td>151</td>
</tr>
<tr>
<td>272.030 Application Procedure</td>
<td>151</td>
</tr>
<tr>
<td>272.040 Uses Which may be Permitted</td>
<td>151</td>
</tr>
<tr>
<td>272.050 Application and Operation Standards</td>
<td>152</td>
</tr>
<tr>
<td>272.060 Modification of Standards</td>
<td>154</td>
</tr>
<tr>
<td>272.070 Review Required</td>
<td>154</td>
</tr>
<tr>
<td>272.080 Emergency Exception</td>
<td>154</td>
</tr>
<tr>
<td><strong>CHAPTER 275 VARIANCES</strong></td>
<td><strong>155</strong></td>
</tr>
<tr>
<td>275.010 Authorization</td>
<td>155</td>
</tr>
<tr>
<td>272.020 Findings</td>
<td>155</td>
</tr>
<tr>
<td>275.030 Procedure</td>
<td>156</td>
</tr>
<tr>
<td><strong>CHAPTER 277 AMENDMENTS</strong></td>
<td><strong>157</strong></td>
</tr>
<tr>
<td>277.010 Zone Change or Ordinance Amendment</td>
<td>157</td>
</tr>
<tr>
<td>277.020 Action by Planning Commission</td>
<td>157</td>
</tr>
<tr>
<td>277.030 Consideration by Board of Commissioners</td>
<td>157</td>
</tr>
<tr>
<td>277.040 Intent to Rezone Procedure</td>
<td>157</td>
</tr>
<tr>
<td>277.050 Major Amendments</td>
<td>158</td>
</tr>
<tr>
<td>277.060 Minor Map Amendments</td>
<td>158</td>
</tr>
<tr>
<td>277.070 Standards for a Major or Legislative Map Amendment</td>
<td>158</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>PAGE NUMBER</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>277.080 Standards and Criteria for Minor Map Amendments</td>
<td>159</td>
</tr>
<tr>
<td>277.090 Procedure for Correcting Map Errors</td>
<td>159</td>
</tr>
<tr>
<td>277.100 Criteria for Determining Map Errors</td>
<td>160</td>
</tr>
<tr>
<td><strong>CHAPTER 280 SUPPLEMENTAL PROVISIONS</strong></td>
<td></td>
</tr>
<tr>
<td>280.010 Similar Uses</td>
<td>163</td>
</tr>
<tr>
<td>280.020 Temporary Mobile Home Permit</td>
<td>163</td>
</tr>
<tr>
<td>280.030 Access</td>
<td>166</td>
</tr>
<tr>
<td>280.040 Vision Clearance</td>
<td>166</td>
</tr>
<tr>
<td>280.050 Height, Setback, and Lot Coverage Requirements</td>
<td>166</td>
</tr>
<tr>
<td>280.060 Special Setback Requirements</td>
<td>170</td>
</tr>
<tr>
<td>280.070 Off-Street Parking Requirements</td>
<td>171</td>
</tr>
<tr>
<td>280.080 Sign Requirements</td>
<td>172</td>
</tr>
<tr>
<td>280.090 Determining Lot Area, Parcel Size, and Other Requirements when Streets, Roads, or Easements are Involved</td>
<td>176</td>
</tr>
<tr>
<td>280.100 Fire Safety Requirements and Guidelines</td>
<td>177</td>
</tr>
<tr>
<td>280.110 Areas of Special Concern</td>
<td>178</td>
</tr>
<tr>
<td>280.120 Standards for Home Occupations</td>
<td>180</td>
</tr>
<tr>
<td>280.130 Cottage Industries</td>
<td>183</td>
</tr>
<tr>
<td>280.140 Yard Sales or Flea Markets</td>
<td>186</td>
</tr>
<tr>
<td>280.150 Registration Requirements</td>
<td>186</td>
</tr>
<tr>
<td>280.160 Recycling Dropbox</td>
<td>187</td>
</tr>
<tr>
<td>280.170 Building and Septic Permits</td>
<td>187</td>
</tr>
<tr>
<td>280.180 Solid Waste Collection Site</td>
<td>187</td>
</tr>
</tbody>
</table>
DESCRIPTION | PAGE NUMBER
--- | ---
280.190 Existing Dwellings Exempt from Fire Safety Provisions | 187
280.200 Illegal Uses | 187

CHAPTER 282 SITE PLAN REVIEW PROVISIONS | 188
282.010 Purpose | 188
282.020 Site Plan Approval Required | 188
282.030 Plans Required, Information to be Submitted with Application | 188
282.040 General Standards | 189
282.050 Review by Staff or the Department of Planning and Development | 190
282.060 Time Limits | 191
282.070 Compliance | 191
282.080 Appeals | 192

CHAPTER 285 ADMINISTRATIVE PROVISIONS | 193
285.010 Administration | 193
285.020 Appeals | 193
285.025 Compliance with Zoning District Provisions and Permit Conditions | 193
285.030 Application Forms | 194
285.040 Public Hearings | 194

CHAPTER 290 MISCELLANEOUS PROVISIONS | 196
290.010 Interpretation | 196
290.020 Severability | 196
290.030 Penalties | 196
CHAPTER 200
INTRODUCTORY PROVISIONS

200.010 TITLE:
This ordinance shall be known as the Jackson County Zoning Ordinance of 1980.

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

1) To implement the 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; and,

6) To facilitate adequate provisions for services and facilities, such as water, sewerage, schools, parks, transportation, utilities, and other public requirements.

200.030 COMPLIANCE WITH ORDINANCE PROVISIONS:
All buildings, structures, or lots shall hereafter be used in conformity with the provisions of this ordinance.

200.040 DEFINITIONS:
As used in this ordinance, the following words and phrases shall be interpreted so as to give them the meaning they have in common usage, in order to give this ordinance its most reasonable application, unless otherwise specifically defined below:
ACCEPTED FARMING PRACTICE: Is 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.

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use shall be considered necessary to the operation or enjoyment of a lawful permitted use or conditional use, and is appropriate, incidental, and subordinate to any such building, structure, or use. 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. Guest houses or quarters for domestic service workers, employed on the premises, constitutes 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 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 Wildlife Department;

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.

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, road construction, or for on-site construction projects, are not considered an aggregate operation.
AGRICULTURAL PRODUCT STAND: A facility for the marketing of produce grown on the subject parcel or contiguous 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.

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 unreasonably obstructs the airspace required for the safe flight of aircraft in landing or taking off, at an airport or landing field, or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA: Any area of land upon which an airport hazard might be established, if not prevented.

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 a historic landmark, yet not require substantial alteration.

ALTERATION, HISTORIC LANDMARK: The addition to, removal of or from, or remodeling of any part or portion of a historic landmark.

AMUSEMENT, COMMERCIAL: Any amusement enterprise, offering entertainment or games of skill to the general public, for a fee or charge, wherein any portion of the activity takes place either indoor or outdoors, including, but not limited to, a golf driving range, archery range, miniature golf course, bowling alley, movie theaters, 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 (3) or more contiguous dwelling units, under common ownership, and each unit occupied by not more than one (1) family.

APARTMENT ACCESSORY USES: Permitted uses accessory to an apartment building shall include a recreation room, employee's washroom, manager's apartment and 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 (50) foot horizontal to one (1) foot vertical approach surface, 10,000 feet long, followed by a 40,000 foot long, forty (40) to one (1) approach surface. Visual runways have a 5,000 foot long, twenty (20) to one (1) approach surface.

BAR, LOUNGE 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 FLOOD: The flood having a one (1) 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.

BOARD: Jackson County Board of Commissioners.

BOARDING OF HORSES FOR PROFIT: A building in which horses are provided shelter and food for a fee. Synonymous with stable.
BOARDING OR ROOMING HOUSE: A residential building, other than a hotel or motel, where lodging or meals are provided to three (3) 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.

CAR WASH AND AUTO LAUNDRY: A facility for the washing and/or steam cleaning of passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, including gas service station, and which installation includes equipment customarily associated with an auto laundry, and is installed solely for the purpose of washing and cleaning of automobiles.

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.

COMMON OPEN SPACE: An 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, whether on a temporary or permanent basis.
COMMUNITY CENTER (PRIVATE): An integral part of a residential project or planned unit development, used by the tenants of such a project for 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 (20) to one (1), to a height of 350 feet above the airport reference point elevation.

CONVENT OR MONASTERY: The dwelling units of a religious order or congregation.

COTTAGE INDUSTRY: A small scale limited service or light manufacturing enterprise, contained wholly within an enclosed attached or accessory structure, which is compatible in character with primary residential structures and other permitted structures on the property and those in the general vicinity; provides employment for not more than five (5) persons, not more than three (3) of which may reside off the premises; and, shall be located outside of an adopted incorporated or unincorporated urban growth boundary and within an OSD-5, RR-5, and F-5 zoning district, requiring a minimum lot size equal to or greater than five (5) acres in size.

COUNCIL: The Jackson County Hearings Council.

DAY NURSERY OR DAY CARE CENTER: A child-caring institution, maintained and conducted, licensed by the state, under public or private auspices, which cares for more than six (6) children under sixteen (16) years of age, who are apart from their own family or relatives during any part of the twenty-four (24) hour day.

DEBRIS: Stumps, brush, mining waste, or other material resulting from clearing or excavation, or other uncontrolled materials which would create obstructions during periods of flooding.

DEMOLITION, HISTORIC: To raise, destroy, dismantle, deface, or in any other manner cause partial or total ruin of an 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: 20 dwelling units divided by 5 acres, equals a density of 4 units per acre.)

DEPARTMENT: The Jackson County Department of Planning and Development.

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, and excavation or drilling operations located within the area.

DRAG STRIP, GO-CART TRACK, OR COMMERCIAL RACING: Facility for races, including closed course, straight-away, and/or acceleration runs.

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, or portion thereof, designed or used as a residence or sleeping place for one (1) or more persons.

DWELLING GROUP: A group of three (3) 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 (3) or more families, and containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building, designed or used for residence purposes by not more than one (1) family and containing one (1) dwelling unit. A mobile home shall be considered a single-family dwelling.

DWELLING, TEMPORARY/SEASONAL: A mobile or permanently placed dwelling that is used in conjunction with forest uses for the purpose of managing forest lands on a seasonal basis, and is not in any way connected with the transfer or sale of property. Occupants of such dwellings shall be primarily engaged in forest management, operations, and activities. Temporary and seasonal forest management dwellings shall not be occupied more than nine (9) months of any year. Standards for solid waste and waste water disposal, as specified by the County Sanitation Division, shall be met by temporary or seasonal dwellings. Such dwellings may consist of a cabin of not more than five hundred (500) square feet in size or a travel trailer not greater than twenty-six (26) feet in length.
DWELLING, TWO-FAMILY OR DUPLEX: A building designed or used for residence purposes, by not more than two (2) families, and containing not more than two (2) contiguous dwelling units.

DWELLING UNIT: One (1) or more rooms for occupancy by one family.

DWELLINGS CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE: Dwelling units specifically designed to accommodate individuals or families whose principal place of employment is the farm. In no case, shall more than one (1) additional dwelling unit be deemed to be "in conjunction with farm use," when a dwelling unit already exists on the property which houses individuals or families whose principal place of employment is not the farm. In no case, shall additional dwelling units be deemed to be "in conjunction with farm use," when two (2) or more dwelling units already exist on the property, which house individuals or families whose principal place of employment is not the farm.

EATING AND SLEEPING ACCOMMODATIONS: Facility which offers overnight sleeping accommodations and/or restaurant accommodations to the general public. One or both accommodations may be utilized in conjunction with other commercial areas. Synonymous with hotel, motel, or restaurant.

ELECTRICAL SUBSTATION: Location for transforming electricity, prior to distribution, to individual customers.

EMERGENCY MEDICAL FACILITY: A first aid station and/or headquarters for an ambulance service which may include paramedics and/or a physician for emergency outpatient treatment only.

EMERGENCY WATER STORAGE FACILITIES: A facility for the storage of a quantity of water used for fire protection and suppression. Such facilities may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, a twenty (20) gallon per minute well, or other reasonable means to store an emergency water supply.

ENGINE OR MOTOR REPAIR SHOP: A shop for the disassembly, rebuilding, and repair of motor vehicle engines, electric motors, vehicle transmissions, or other major machinery components on an assembly line basis. General vehicle repair shall be classified as repair garage. No outside display.

FAIRGROUNDS: An outside area where a fair, circus, or exhibition is held.

FAMILY: An individual or two (2) 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 (2) additional persons, excluding servants, or a group of not more than five (5) unrelated persons, living together as one housekeeping unit, using one kitchen.

FARMHAND/RANCHAND: Person employed on a farm/ranch, and derives over 50 percent of their income from the farm/ranch. The burden of proof rests with the claimant.
FARM USE: As used in this ordinance, "farm use" means the current employment of land for the primary purpose of raising, harvesting, and selling of crops, stock, 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 man's use and animal use, and disposal by marketing or otherwise. It does not include the use of land, subject to the provisions of ORS Chapter 321, 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.

FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five (5) persons in addition to the primary owner or occupant of the home.

FLOOD OR FLOODING: A general and temporary condition of 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 administrator where the boundaries of the flood, mudslide (i.e., mudflow), and related erosion areas having special 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 (1) percent change of flooding in any given year, including the floodway and floodway fringe.
FLOODPROOFING: Any combination of structural and non-structural 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 (1) 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, and those determined by approximate method, as defined in Chapter 254 of this ordinance.

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.

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 the storage of household goods and 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). And, if the number of unrelated persons living together as one household, commonly, exceeds five (5).
GUEST HOUSE: Living quarters, within an accessory building, located on the same tax lot as the main dwelling and occupied solely by members of the owner's family, or temporary guests for not more than thirty (30) continuous calendar days. Such quarters shall not be rented or otherwise used as a separate dwelling unit.

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 or 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 individually create objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art; not a factory.

HATCHERY AND BREEDING OPERATION: Facility for hatching eggs and/or breeding of animals.

HAZARDOUS WASTE: Means 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 and OAR 340-63-100 to 135, and these rules. A hazardous material is a substance that meets this same definition except that it is not a waste.

HEAVY EQUIPMENT: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.

HEALTH RELATED CENTER OR SPA: A facility with sleeping and eating accommodations, 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, to the deck line of a mansard roof, or to 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; being incidental to the primary occupancy of the home as a dwelling without the employment of any persons other than a member of the family residing within the principal dwelling; for gainful employment involving the manufacture, provision, or sale of goods and/or services, without taking on an outward appearance of manifesting any characteristics of a business nor operation of a retail nature; and, shall conform to the standards specified by this ordinance for home occupations.

HOMESTEAD EXEMPTION - FARM: Allows the land owner's existing farm dwelling to be placed on a tax lot, separate from the remaining portion of the farm.

HOMESTEAD EXEMPTION - FOREST: Allows the land owner's existing dwelling to be placed on a tax lot, separate from the remaining portion of a legally conforming parcel, within the forest resource zoning district.

HORIZONTAL SURFACE ZONE: That flat, disc shaped, imaginary surface, one hundred and fifty (150) feet above the airport reference point elevation, through which no structures or uses should penetrate and which is necessary to protect the airspace.

HOTEL OR MOTEL: A temporary abiding place, containing six (6) 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 or suburban 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 - 1 animal per each acre;

2) Horses - 1 animal per each acre;

3) Sheep or Goats - 3 animals per each acre;

4) Swine - Two (2) breeding animals or five (5) barrow per each five (5) acres;

5) Poultry - Twenty (20) fowl per each acre;

6) Fur-Bearing Animals - Fifty (50) animals per each acre.
JACKSON COUNTY SURVEY 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, 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 of 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.

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 509.100 (1) are kept, when such dogs are kept for breeding or for sale, but not including any pet store; 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, pharmaceuticals, and the development and assembly of instruments and similar items.

LABORATORY, SCIENTIFIC TESTING-PRECISION: Facility which performs a scientific test, analysis, or experimental study.

LAND DIVISION: The act of dividing land by partitioning or subdividing.

LANDING STRIP: An area of land which is used, or intended for use, for the landing and takeoff of aircraft.
LANDSCAPE OR PLANT NURSERY: A facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

LIGHT FABRICATION AND ASSEMBLY PROCESS: Including, but not limited to, the manufacture of electronic components, jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust, or hazard.

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: Lodging shall mean where one or more dwelling units are occupied, or intended to be occupied, by five or more persons who are not husband and wife, son or daughter, mother or father, sister or brother, of the owner or operator. Boarding shall mean where meals are provided by the operator of a lodging house.

LOT: A parcel or tract of land.

LOT AREA: The total area of a lot within the lot boundary lines, measured in a horizontal plane.

LOT, CORNER: A lot or portion thereof, situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT LINE: The property line bounding a lot.

LOT LINE, FRONT: The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley. In the case of a flag lot or other lot where the majority of the lot does not front on a road, the front lot line shall be one of the shortest lines, if a rectangular lot.

LOT LINE, REAR: A property line, which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot, parallel to, and at a maximum distance from, the front lot line.

LOT LINE, SIDE: Any property line, not a front or rear lot line.
LOT WIDTH: The average, horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

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, selling and/or servicing machinery.

MARINA: A dock or basin providing secure moorings for motorboats, sailboats and/or yachts, and offering fuel, marine supplies, food, and marine repairs.

MOBILE HOME PARK: Any place where two (2) 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 that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation, when connected to the required facilities. Does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION: Structures for which the "start of construction" commenced or will commence on or after the effective date of this ordinance.

NONCONFORMING LOTS: Lots legally created, prior to the effective date of this ordinance, which do not meet the minimum lot area or width requirements of the zoning district in which the lot is located.

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 (5) persons under the direction of a physician, licensed by the state, or facility providing a variety of services to patients for the purpose of achieving rapid recovery. 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, and is shown as owner of record on the latest tax rolls or deed records of the county, or is purchasing a parcel of property under written contract.

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.

PET SHOP: Facility for the display and sale of small animals, fish, and birds as pets such as dogs, cats, parakeets, goldfish, tropical fish, or canaries, but not involving commercial boarding or treating of any animal, fish, or bird.

PLACE OF PUBLIC ASSEMBLY: A structure which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.

PLANNED UNIT DEVELOPMENT: A development of residential, commercial, industrial, or 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 dwelling units into clusters, 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/or his designated representative.

PRESERVATION, HISTORIC: The act or process of applying measures to sustain the existing form, integrity, and material of a 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.

PROCESSING: The crushing, washing, screening, weighing, sorting, stockpiling, and blending of sands, gravels, and other earth, natural materials, or precious metals, but not including concrete or asphalt batch plants.

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.

RADIO, TELEVISION OR MICRO-WAVE TOWERS: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial 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, and is 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 normal active and passive facilities as provided in a public park or playground.
RECREATIONAL VEHICLE: A vacation trailer or other unit with or without motive power, 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.

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.

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.

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.

SERVICE STATION: Commercial facility which offers petroleum and accessory products and limited vehicle repair services to the public.

SHELTER CARE FACILITY: A home licensed by the state to provide for short-term emergency care, for no more than nine (9) 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, and which is 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.

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, by placing the longest side of the structure facing south.

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 (6) 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 mass production.

**SUBSTANTIAL ALTERATION, HISTORIC SITE:** Any structural modification to a historic landmark that would diminish its recognized historic values.

**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, on parcel road construction, or on-site construction projects are not considered surface mining.

SWIMMING POOLS - PRIVATE: A swimming pool, constructed for the exclusive use of the residents of a single-family, duplex, townhouse, or apartment dwelling located and enclosed by a six (6) foot fence. Such private swimming pool shall not be operated as a business, nor maintained in such a manner as to be hazardous or obnoxious to adjacent property owners. Swimming pools shall comply with required zoning setbacks for the district(s) in which the pool is located.

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 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, including travel trailers, which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires twenty-four (24) hour care, according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

TEMPORARY USE PERMIT: Concerts, rallies, carnivals, circuses, or similar uses as an accessory use at public fairgrounds, parks, or stadiums, provided that sponsors of such events obtain a temporary use permit, post any bonds in an amount determined by the County Board of Commissioners, and secure clearances from the County Health Officer, Sheriff's Office, and the Sanitation Division or other agency responsible for protecting the health, safety, and general welfare of the public.

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 party wall, having a two-hour fire-resistive rating. Said fire walls shall have no penetrations whatsoever. Townhouses must be physically separable from their contiguous neighbors in the event of removal of the contiguous townhouse or townhouses. 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 party 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 (7) feet horizontal, to one (1) 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.

**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 utilizes renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. Nothing in this definition shall be interpreted or be construed to conflict with the authority of the Oregon Energy Facility Siting Council or its standing pursuant to Oregon Revised Statutes.

**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 205

ESTABLISHMENT OF ZONING DISTRICTS

205.010 CLASSIFICATION OF ZONING DISTRICTS:

For the purpose of this ordinance the following zoning districts are established:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Zoning Districts</th>
<th>Map Symbol and Abbreviated Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>210</td>
<td>Forest Resource</td>
<td>PR-160</td>
</tr>
<tr>
<td>212</td>
<td>Woodland Resource</td>
<td>WR-20</td>
</tr>
<tr>
<td>214</td>
<td>Open Space Reserve</td>
<td>OSR-20</td>
</tr>
<tr>
<td>216</td>
<td>Open Space Development</td>
<td>OSD-5</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-1</td>
<td>EFU-1</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-2</td>
<td>EFU-2</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-2/20</td>
<td>EFU-2/20</td>
</tr>
<tr>
<td>218</td>
<td>Exclusive Farm Use-3</td>
<td>EFU-3</td>
</tr>
<tr>
<td>220</td>
<td>Farm Residential</td>
<td>P-5</td>
</tr>
<tr>
<td>222</td>
<td>Rural Residential</td>
<td>RR-5</td>
</tr>
<tr>
<td>224</td>
<td>Suburban Residential-2.5</td>
<td>SR-2.5</td>
</tr>
<tr>
<td>224</td>
<td>Suburban Residential-1</td>
<td>SR-1</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-10</td>
<td>UR-10</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-8</td>
<td>UR-8</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-6</td>
<td>UR-6</td>
</tr>
<tr>
<td>226</td>
<td>Urban Residential-4.5</td>
<td>UR-4.5</td>
</tr>
<tr>
<td>228</td>
<td>Urban High Density Residential</td>
<td>UR-H</td>
</tr>
</tbody>
</table>
205.020 APPLICATION OF ZONING DISTRICTS:

This ordinance establishes zoning districts for application on the official comprehensive plan and zoning maps of Jackson County.

205.030 OFFICIAL COMPREHENSIVE PLAN AND ZONING MAPS:

The designations, locations, and boundaries of the zoning and overlay districts established by this ordinance shall be shown on official comprehensive plan and zoning maps of Jackson County. The official comprehensive plan and zoning maps will be numbered, dated, and signed by the Board of Commissioners and the County Clerk. The adopted comprehensive plan and zoning maps 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.

205.040 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.
205.050 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 maps. 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.

205.060 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.

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 pre-existing. 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 pre-existing. Uses or actions based upon such void permits shall be considered a violation of this ordinance.

2) Intent to rezone actions approved by the Jackson County Board of Commissioners after January 1978, shall continue in effect in accordance with the provisions included within the intent order.

3) Building permits and mobile home set-ups issued by the Department prior to the effective date of this ordinance, shall be exempt from all provisions of this ordinance.
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.

210.010 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

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, 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, and is 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 weighing stations.

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 said use does not adversely affect forest resource management activities or constitute a fire hazard, and is subject to the following 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 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 in conjunction with forest use, constructed under a permit, subject to the following special site plan review requirements:

   A) The dwellings and accessory structures will 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; and,

   B) The dwelling and accessory structures will not interfere with, or hamper forest practices on adjacent land devoted to forest or agricultural use; and,

   C) A minimum fuelbreak area of 100 feet in width, as defined in Section 200.040. Such fuelbreak shall be maintained in a cleared condition; and,

   D) Roofs shall be constructed of fire resistant material; and,

   E) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons or a year-around 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; and
F) In addition, the landowner shall submit the following to demonstrate that the dwelling is in conjunction with a forest use:

i) A legal description and map drawn to scale;

ii) A statement of the landowner's objectives;

iii) A description of the existing condition of timber stands, access, density, and management needs;

iv) A statement of the effect of the landowner's objectives on wildlife habitat, soil conservation, and streambank erosion.

G) The Department may inspect the site to ensure compliance with the provisions of this permit and any other requirements of the zoning ordinance.

17) One additional single family dwelling on a parcel when a density requirement of 160 acres per dwelling unit is maintained and the standards for single family dwellings in section 210.020 are satisfied. 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 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 additional dwellings which conform to the standards of the zoning and land division ordinances shall be allowed.

18) Temporary/seasonal dwellings in conjunction with forest uses provided that such dwellings are limited to a cabin not more than five hundred (500) square feet in size or a travel trailer not greater than twenty-six (26) feet in length per site, which are:

A) To be used for forest management and/or harvesting practices or such practices on adjacent lands by persons who are principally engaged in such activities; and,

B) Not in any way connected to the sale or transfer of property, and are not occupied more than nine (9) months of the year, and subject to permits which shall be renewed annually; and,

C) Sited on land that is least suitable for the production of timber, whenever possible; and,

D) Sited with a minimum area of not less than 30 feet, cleared of dry brush or grass and maintained as a fuelbreak; and,

E) Provided with reasonable access; and,
F) Subject to requirements for waste disposal specified by the Sanitation Division; and,

G) Limited to not more than one temporary/seasonal dwelling per each 160 acres, in addition to a permanent dwelling; and,

H) In compliance with Oregon’s Department of Forestry regulations regarding open burning.

19) 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.

210.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, and in section 210.070, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least a one-hundred (100) foot setback on all yards is maintained.

2) Recreation or destination resort type use, including but not limited to:
   - A) Campground.
   - B) Marina.
   - C) Guest ranch.
   - D) Riding stable.
   - E) Eating and sleeping accommodations.
   - F) Service station.
   - G) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.
   - H) Health related center or spa.

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) Solid waste disposal, subject to the provisions of Chapter 268.
5) Water impoundments for other than permitted uses.
6) Personal use landing strip or heliport for other than permitted uses.
7) Church.
8) Public or private elementary, junior high, or high school.
9) 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) Commercial hydro-electric or other power generating facilities.
   D) Sewage treatment plant.
Maximum utilization of existing rights-of-way and easements shall be made whenever possible.
10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.
11) Historic Landmarks - Alteration and use of historic landmarks and structures shall be subject to the provisions of Chapter 266.
12) Other additional single family residential dwellings when a density of one (1) dwelling unit per 160 acres is maintained and the standards for single family dwellings set forth in section 210.020 are satisfied. 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 ordinances shall be allowed.

210.040 PARCEL AREA REQUIREMENTS:

In the forest resource district the minimum parcel shall be 160 acres, or one-quarter section, for lands producing forest products, except that land exchange of less than 160 acres is permitted to consolidate existing private and public timber holdings, or to accomplish minor land ownership adjustments when the use of the land for managing, growing, and harvesting of timber and other forest products is not changed.
210.050 PARCEL AREA REQUIREMENTS:

Reduced minimum parcels for all other uses in the forest resource district may be granted by the Hearings Council. In granting a reduction in parcel size, the Hearings Council shall find:

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

2) That the request is consistent with the adopted comprehensive plan of land use; and,

3) That the property in question is suitable for reduction of area considering terrain, soil conditions, drainage, vegetation, and fire hazard, and other similar factors.

210.060 HOMESTEAD EXEMPTIONS:

A homestead exemption for the applicant's personal residence may be granted which allows for the creation of a separate lot, with existing dwelling, which does not meet the parcel size and lot width of the forest resource designation. The homestead may be granted once per conforming legal tax lot if the following conditions are met:

1) The dwelling must be a year-around residence which existed on the parcel prior to September 1, 1980; and,

2) No dwelling shall be constructed on the remaining parcel unless a maximum gross density of one dwelling per 160 acres in size is maintained for the entire tax lot which includes the homestead; and,

3) A deed restriction between the homestead owner and Jackson County shall be recorded to assure:

   A) That the development right to one-quarter section or 160 acres of the parcel has been utilized and no further development shall occur within the tax lot or portion thereof, thereby committing the remaining acreage of the tax lot to forest use.

   B) The homestead use shall not interfere with forest management and harvesting practices, including chemical spraying or burning on adjacent forest land.

   C) Fire safety considerations specified for single family residents allowed in this district shall be satisfied; and,

   D) The homestead parcel created under this section shall not exceed five acres in order that the dwellings and any related uses will have a minimum impact upon the harvest potential of the forest.
210.070 ADDITIONAL STANDARDS FOR CONDITIONAL USES IN THE FOREST RESOURCE DISTRICT.

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; and,

2) That the use will not interfere with forest management or harvesting practices; and,

3) That the use does not materially alter the stability of the overall land use pattern of the area; and,

4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of the tract; and,

5) That the use in question shall meet the standards relating to fire protection as outlined in section 280.100.

210.080 STANDARDS COMPLIANCE AND APPEALS:

The Jackson County Planning Director shall be responsible for determining conformance with the above standards for permitted uses. The decision of the Planning Director may be appealed to the Jackson County Hearings Council.
CHAPTER 212

WOODLAND RESOURCE (WR-20) DISTRICT

212.010 PURPOSE:

To protect, stabilize, and enhance land areas within Jackson County which are now, or 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 the intent of 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 values 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 that will 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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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, and is 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 weighing stations.

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 said use does not adversely affect forest resource management activities, or constitute a fire hazard and is subject to the following 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 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 in conjunction with forest use, constructed under a permit, subject to the following special site plan review requirements:

A) The dwellings and accessory structures will 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; and,

B) The dwelling and accessory structures will not interfere with, or hamper forest practices including chemical spraying or burning on adjacent land devoted to forest or agricultural use; and,

C) A minimum fuelbreak of 100 feet in width, as defined in section 200.040. Such fuelbreak shall be maintained in a cleared condition; and,

D) Roofs shall be constructed of fire resistant material; and,
E) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons or a year-around alternative source of water with its own 20 gallons per minute pump, adequate length of hose to reach all sides of the structure(s), and one-quarter (¼) 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; and,

F) In addition the land owner shall submit the following:
   i) A legal description and map drawn to scale;
   ii) A statement of the landowner's objectives;
   iii) A description of the existing condition of timber stands, access, density, and management needs; and,
   iv) A statement of the effect of the landowner's objectives on wildlife habitat, soil conservation, and streambank erosion.

G) The Department may inspect the site to ensure compliance with the provisions of this permit and any other requirements of the zoning ordinance.

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) One additional single family dwelling on a parcel when the density standard of this district and standards for single family dwellings listed in section 212.010 (16) are satisfied. 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 ordinances shall be allowed.

212.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below, and in section 212.070, and Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and a minimum of at least one-hundred (100) foot setback on all yards is maintained.
2) Recreation or destination resort type use, including but not limited to:
   
   A) Campground.
   B) Marina.
   C) Guest ranch.
   D) Riding stable.
   E) Eating and sleeping accommodations.
   F) Service station.
   G) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.
   H) Health related center or spa.

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) Solid waste disposal, subject to Chapter 268.

5) Water impoundments for other than permitted uses.

6) Personal use landing strip or heliport for other than permitted uses.

7) Church.

8) Public or private elementary, junior high, or high school.

9) 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) Commercial hydro-electric or other power generating facilities.
   D) Sewage treatment plant.

Maximum utilization of existing rights-of-way and easements shall be made whenever possible.
10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.

11) Historic Landmarks - Alteration and use of historic landmarks and structures shall be subject to the provisions of Chapter 266.

12) Boarding of horses for profit.

13) Other additional single family residential dwellings when a density of one (1) dwelling unit per 20 acres is maintained and the standards for single family dwellings set forth in section 212.020 are satisfied. 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 ordinances shall be allowed.

14) Temporary/seasonal dwellings in conjunction with forest uses, provided that such dwellings are:

   A) To be used for forest management and harvesting practices, or such practices on adjacent land for persons who are principally engaged in such activities; and,

   B) Not in any way connected to the sale or transfer of property; and,

   C) Sited on land that is least suitable for the production of timber, whenever possible; and,

   D) Sited with a minimum area of 30 feet, cleared of brush or dry grass, and maintained as a fuelbreak; and,

   E) Provided with reasonable access; and,

   F) Are limited to cabins of not more than five hundred (500) square feet or a travel trailer not greater than twenty-six (26) feet in length per site which are not occupied more than nine (9) months of the year and subject to permits which shall be renewed annually; and,

   G) Subject to requirements for waste disposal as specified by the Sanitation Division; and,

   H) In compliance with Oregon Department of Forestry regulations regarding open burning.

212.040 PARCEL AREA REQUIREMENTS.

The minimum parcel size in the Woodland Resource district shall be 20 acres.
212.050 PARCEL AREA REDUCTIONS:

The Hearings Council may permit the development of permitted and conditional uses listed in sections 212.020 and 212.030 on smaller parcels. Smaller parcels may be allowed only when the Hearings Council finds that the proposed use on a smaller parcel:

1) Would not interfere with accepted forestry or farming practices on the subject parcel or adjacent lands; and,

2) Would not materially alter the stability of the overall land use pattern for the area; and,

3) 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.

212.060 DENSITY:

All dwellings, including temporary or seasonal forest management dwellings, and additional dwellings allowed as a conditional use, shall not exceed a gross density of one dwelling unit per each 20 acres.

212.070 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; and,

2) That the use will not interfere with forest management or harvesting practices; and,

3) That the use does not materially alter the stability of the overall land use pattern of the area; and,

4) That the proposed use considers forest site productivity and minimizes the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of the tract; and,

5) That the use in question will meet standards relating to fire protection as outlined in section 280.100, with the exception of 212.030 (14).
212.080 STANDARDS COMPLIANCE AND APPEALS:

The Jackson County Planning Director shall be responsible for determining conformance with the above standards for permitted uses. The decision of the Planning Director may be appealed to the Jackson County Hearings Council.

212.090 EXCEPTIONS FROM WOODLAND RESOURCE ZONING:

The county may permit, through the Goal 2 exceptions process, a change from Woodland Resource (WR-20) to another zoning designation. In permitting a change from Woodland Resource to another zoning designation, substantial evidence must be submitted by the applicant to document that the parcel is not capable, now or in the future, of sustaining forest uses.

1) In making this determination, the following factors must be addressed:

   A) Adjacent land uses, public services, parcel size and ownership, land use characteristics, and natural boundaries.

   B) The long-term environmental, economic, social, and energy consequences of making the proposed zone change.

   C) Impacts this proposed zone change may have on adjacent forest lands and forest uses.

   D) Soil types, site class suitability, historic and future potential for maintenance of forest uses.

2) The Planning Commission shall review the application and forward its recommendations for approval, denial, or modification to the Board for final action.

3) In its review, the Planning Commission and the Board may approve the application if the following findings are made:

   A) The parcel is not capable, now or in the future, of sustaining forest uses; and,

   B) The subject property is needed for future rural uses; or

   C) The parcel is substantially developed in a nonforest use, is severely affected by the actions of a governmental agency, or is adversely impacted by other causes to the point where the maintenance of forest uses is not physically possible, and it can be determined that the land is therefore committed to another use.

4) The Planning Commission and Board shall only approve a rezoning if it is consistent with the requirements of Chapter 277. In all cases, the new
zoning designation shall be consistent with the rural character of the affected property and adjacent area, and the map designation criteria of the comprehensive plan. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases the amount of land rezoned from Woodland Resource to another zoning designation shall be the minimum necessary to enable the continued maintenance of forest uses, farming, or ranching on adjacent lands.

5) Hearings pursuant to this section shall be held by the Planning Commission and the Board of Commissioners according to procedures set forth in section 285.040.
CHAPTER 214
OPEN SPACE RESERVE (OSR-20) 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, forest, wildlife, or open space are not suited to intensive land development patterns as determined by the Jackson County Comprehensive Plan. Use of these districts may also allow for special assessment under the provisions of Oregon Revised Statute 308. Application of these districts shall not, however, be construed as providing automatic open space land valuation. To secure such assessment, application shall be made to the county assessor as set forth in Oregon law.

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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

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, and is 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 weighing stations.

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 said use does not adversely affect forest resource management activities, or constitute a fire hazard, and is subject to the provisions of section 280.100.

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) Single family dwelling.

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) One additional single family dwelling, provided that the density standard of section 214.040 of this ordinance 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 ordinances shall be allowed.

19) Energy producing facility only in conjunction with permitted uses on the subject property.

20) Recycling dropbox subject to the provisions of Section 280.160.

214.030 CONDITIONAL USES:

The following uses may be permitted subject to standards listed below and the provisions of Chapter 260:

1) Kennel, provided that indoor sleeping quarters are provided and at least a one hundred (100) foot setback on all yards is maintained.
2) Recreation or destination resort type use, including but not limited to:
   A) Campground.
   B) Marina.
   C) Guest ranch.
   D) Riding stable.
   E) Eating and sleeping accommodations.
   F) Service station.
   G) Store for the sale of gifts, sporting goods, recreation supplies, or groceries.
   H) Health related center or spa.

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) Solid waste disposal, subject to Chapter 268.

5) Water impoundments for other than permitted uses.

6) Personal use landing strip or heliport for other than permitted uses.

7) Church.

8) Public or private elementary, junior high, or high school.

9) 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) Commercial hydro-electric or other power generating facilities.
   D) Sewage treatment plant.

   Maximum utilization of existing rights-of-way and easements shall be made whenever possible.

10) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005.
11) Boarding of horses for profit.

12) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

13) Golf course or country club.

14) A seminary in conjunction with a church use.

15) Drag strip, go-kart track, or other type of commercial motor racing facility.

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 ordinances shall be allowed.

214.040 PARCEL AREA REQUIREMENTS:

The minimum parcel shall be 20 acres in the open space reserve district.

214.050 PARCEL AREA REDUCTIONS:

The Hearings Council may permit the development of permitted and conditional uses listed in this Chapter on smaller parcels. Smaller parcels may be allowed when the Hearings Council finds that the proposed use on a smaller parcel:

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

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

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

4) Is consistent with the adopted comprehensive plan text and map.

214.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each 20 acres.
CHAPTER 216
OPEN SPACE DEVELOPMENT (OSD-5) DISTRICT

216.010 PURPOSE:
To encourage desirable and appropriate land uses in areas of the county which by reason of location, soil, topography, flooding or wildfire, and other natural hazard characteristics as determined by the Jackson County Comprehensive Plan, require special management or development techniques. Use of this district may also allow for special assessment under provisions of Oregon Revised Statute 308. Application of these districts shall not, however, be construed as providing automatic open space land valuation. To secure such assessment, application shall be made to the county assessor as set forth in Oregon law.

216.020 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling.
2) Agriculture, including accessory use.
3) Managing, growing, and harvesting of timber and forest products including the operation of accessory equipment used in managing, growing, and harvesting forest products.
4) Home occupations subject to the operational standards and criteria set forth in section 280.120.
5) One additional single family dwelling subject to the density standards of this Chapter. 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 ordinances shall be allowed.
6) Energy producing facility only in conjunction with permitted uses.
7) Recycling dropbox, subject to the provisions of section 280.160.
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.
216.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below and the provisions of Chapter 260:

1) Public or private elementary, junior high, or high school.

2) Excavation, removal and processing of sand, gravel, stone, loam, dirt, or other earth or natural materials, subject to the standards of Chapter 272.

3) Solid waste disposal, subject to the provisions of Chapter 268.

4) 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.

5) Fairground, rodeo ground, or riding stable.

6) Golf course, country club, tennis club, or swimming club.

7) Church.

8) Seminary in conjunction with a church.

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

10) Recreation or destination resort use limited to:

   A) Campground.

   B) Marina.

   C) Picnic and swimming area.

   D) Wildlife park.

   E) Fishing, hunting, boating, packtrip outfitter, or guide headquarters.

   F) Gun club.

   G) Historical, botanical, or geologic areas, parks or recreation sites, or museums.
H) Store for sale of gifts, sporting goods, recreation supplies or groceries, eating and sleeping accommodations, laundromat and service station, when accessory to any of the above.

11) 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 a one hundred (100) foot setback on all yards.

12) Licensed shelter care facility, half-way home, group home, or other related residential or day treatment facility.

13) Sanitarium, rest home, home for the aged, nursing home, convalescent home, or retirement home, or institution for the care of alcoholic, narcotic, or psychiatric patients.

14) Airport or heliport.

15) Cemetery.

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

17) Cottage industry provided the operational standards and criteria set forth in section 280.130 are met.

18) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

19) 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 ordinances shall be allowed.

**216.040 PARCEL AREA REQUIREMENTS:**

The minimum parcel shall be five acres in the open space development district, except were otherwise required to accommodate setback standards specified in section 280.060.

**216.050 PARCEL AREA REDUCTIONS:**

The Hearings Council may permit development of churches, building, and uses of a public service or public utility nature and community buildings operated by a nonprofit organization on reduced parcel areas.

**216.060 DENSITY:**

All dwellings shall not exceed a gross density of one dwelling unit per each five (5) acres.
CHAPTER 218
EXCLUSIVE FARM USE (EFU) DISTRICTS

218.010 PURPOSE:
This district is intended to preserve, enhance, and stabilize the principal agricultural and farm use 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; to prevent the division of agricultural land when resulting parcels are less agriculturally productive than the original undivided parcel; 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:
This zoning district will be applied to ranching operations and large and small parcel farming operations which are identified as agricultural land by the Jackson County Comprehensive Plan. This single zoning designation will apply to agricultural land zoned Exclusive Farm Use-1 (EFU-1), Exclusive Farm Use-2 (EFU-2), Exclusive Farm Use-2/20 (EFU-2/20), and Exclusive Farm Use-3 (EFU-3).

218.030 PERMITTED USES:
The following uses are permitted outright:

1) Farm uses.

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

3) Public or private schools.

4) Churches.

5) The propagation or harvesting of forest products.

6) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.

7) Operations for the exploration of geothermal resources.
218.040 CONDITIONAL USES:

The following uses are permitted if in conformance with section 218.060, and if the property is zoned EFU-3 there must also be conformance with section 218.070 and other pertinent sections of this ordinance:

1) Commercial activities that are in conjunction with farm use.

2) Operations conducted for the mining and processing of geothermal resources or exploration, mining, and processing of aggregate and other mineral resources or other subsurface resources.

3) Private parks, playgrounds, hunting and fishing preserves, and campgrounds.

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) Home occupations carried on by the resident as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use.

6) 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. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

7) The boarding of horses for profit.

8) Single family residential dwellings, not provided in conjunction with farm use, may be established provided that each such proposed dwelling:
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; and,

B) Does not interfere seriously 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 materially 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 the tract; and,

E) Conforms with section 210.010 (16) if such land is zoned EFU-3.

218.050 CONDITIONAL USES WITH ADDED STANDARDS:

The following are permitted if in conformance with section 218.060, and 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. In addition, if the property is zoned EFU-3, there must also be conformance with section 218.070.

1) Commercial utility facilities for the purpose of generating power for public use by sale.

2) Golf courses.

3) Parks, playgrounds, or community centers owned and operated by a governmental agency or a nonprofit community organization.

218.060 STANDARDS REQUIRED OF ALL CONDITIONAL USES:

A conditional use may be approved only when findings can be made to satisfy all of the following:

1) That the use will not be injurious to property and improvements in the area of the request.

2) That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the area where the proposed use would be located.

3) That the use is compatible with farm uses in the nearby area.
4) That the use does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

5) That the use does not materially alter the stability of the overall land use pattern of the area.

218.070 ADDITIONAL CONDITIONAL USE STANDARDS FOR LAND ZONED EXCLUSIVE FARM USE-3 (EFU-3):

All conditional uses on land zoned EFU-3, with the exception of nonfarm dwellings which must conform with section 218.080, must conform with the following standards, and conformance with the following standards shall be deemed conformance with the forest lands element:

1) The proposed use must minimize the loss of productive forest land whenever possible by locating on land that is least suitable for timber production, taking into consideration such factors as terrain, adverse soil or land conditions, location and size of parcel.

2) Roofs shall be constructed of fire resistant material.

3) Emergency water storage facilities must be provided for fire protection with a minimum capacity of 500 gallons, or a year-around 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 a one-quarter (¼) 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.

4) A fuelbreak which is a minimum of 100 feet in width, as defined in section 200.040. Said fuelbreak shall be maintained in a cleared condition.

218.080 MINIMUM PARCEL SIZE:

The minimum parcel size for the Exclusive Farm Use-1 (EFU-1) district shall be twenty (20) acres; for Exclusive Farm Use-2 (EFU-2) district it shall be ten (10) acres; for Exclusive Farm Use-2/20 (EFU-2/20) district it shall be twenty (20) acres; and for the Exclusive Farm Use-3 (EFU-3) district, when designated by the comprehensive Plan map as Forest Resource, it shall be 160 acres; and, for the Exclusive Farm Use-3 (EFU-3) district when designated by the comprehensive plan as Woodland Resource, it shall be 20 acres; unless such minimum parcel sizes are otherwise excepted by this ordinance.
218.090 EXCEPTIONS TO THE MINIMUM PARCEL SIZE REQUIREMENTS FOR FARM USES:

1) A parcel smaller than that permitted in section 218.080 is permitted for agricultural purposes providing such parcel is not developed with a farm or nonfarm residence and providing such parcel conforms with other provisions of this ordinance. The creation of a parcel, per this section of the zoning ordinance, requires that the owner record an instrument on the deed which provides notice that the parcel may not be used for residential purposes.

2) The Jackson County Hearings Council may approve a reduction in the minimum parcel size upon which a farm dwelling may be placed when findings can be made documenting that all of the following requirements are met:

   A) Substantial evidence must be provided documenting that farming on the resultant parcels can, and very likely will, maintain or exceed production on the undivided lot.

   B) The exception does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use.

   C) The exception does not materially alter the stability of the overall land use pattern of the area.

   D) For only those parcels zoned EFU-3, all divisions must conform with the forest lands element of the Jackson County Comprehensive Plan.

3) In reviewing a proposed reduction of parcel size, the following factors shall be addressed when applicable:

   A) The typical acreage requirements of the proposed agricultural use.

   B) The types of crops grown, their yields, and equipment requirements.

   C) Farming practices in the area.

   D) Marketing requirements.

   E) Effects on surrounding farm uses.

   F) Surrounding parcel sizes.

   G) Other relevant factors.
218.100 EXCEPTIONS TO THE MINIMUM PARCEL SIZE REQUIREMENTS FOR NONFARM DWELLINGS AND CONDITIONAL USES:

1) 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; and,

2) All conditional uses shall be located on the smallest possible parcel needed to satisfy the proposed use.

218.110 EXCEPTIONS TO MINIMUM PARCEL SIZE FOR ESTABLISHMENT OF A HOMESTEAD:

A homestead exemption for the applicant's personal residence may be granted which allows for the creation of a separate lot which does not meet the parcel size and lot width requirements of the zoning designation. The homestead exemption may be granted if the following conditions are met:

1) The dwelling must have existed on the parcel prior to the effective date of this ordinance, and the dwelling must qualify as a dwelling which was customarily provided in conjunction with a farm use; and,

2) No dwelling shall be constructed on the remaining parcel supporting the farm use unless the parcel is at least 40 acres in size in an EFU-1 and EFU-2/20 zone; 320 acres in size in EFU-3 zones; and, 20 acres in size in an EFU-2 zone, and is not supporting an existing dwelling or dwellings, unless the parcel is demonstrated to be a farm unit in conformance with section 218.090 (2). The owner shall record an instrument on the deed to said parcel, clearly indicating a dwelling cannot be constructed on the parcel until such time as it is enlarged to at least 40 acres in size in an EFU-1 and EFU-2/20 zone, or enlarged to 320 acres in an EFU-3 zone, or enlarged to at least 20 acres in size in an EFU-2 zone.

EXAMPLE

FIRST EXAMPLE IN AN EFU-1 OR EFU-2/20 ZONE:

For example, Farmer A wants to sell his farm, but continue to live in the farm house. The homestead exemption could permit this division and allow a dwelling on the 48 acre parcel.

```
<table>
<thead>
<tr>
<th></th>
<th>50 acre tax lot</th>
<th>320 acre tax lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>house</td>
<td>house</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
```

A

3
SECOND EXAMPLE IN AN EFU-1 OR EFU-2/20 ZONE:

For example, Farmer A wants to sell his farm, but continue to live in the farm house. The homestead exemption could permit the division, but in this case would prevent the placement of a dwelling on the 28 acre tax lot.

1. 30 acre tax lot
   X house

2. 28 acre tax lot
   X house
   2 acre lot

In the first example, a farm dwelling may be placed on the 48 acre tax lot because the 48 acre farm parcel meets and exceeds the overall minimum 20 acre requirement per dwelling unit. If the tax lot supporting the farm use was less than 40 acres, as in the second example, no additional dwelling would be permitted on that parcel as it does not meet the 20 acre per dwelling unit requirement. There is a 40 acre minimum requirement for the parcel supporting the farm use in order to maintain an overall dwelling density of one house per 20 acres. The same standards apply to homesteads in an EFU-2 zone, except the parcel supporting a farm use must be at least 20 acres in size; or if less than 20 acres, no dwellings would be permitted on that parcel.

218.120 EXEMPTIONS FROM EFU ZONING FOR FARMLAND AFFECTED BY URBAN DEVELOPMENT:

1) Pursuant to Chapter 277, a farm residential zoning designation may be allowed on the periphery of land zoned EFU-1, EFU-2, or EFU-2/20, which is seriously impacted by nonfarm development if the following findings are met:

A) The EFU land abuts property which is developed with residences on lots predominantly one-half acre or smaller in size; and,

B) It is determined that the adjacent nonfarm development causes extreme buffering problems which are documented by the applicant and the applicant documents that such development makes it extremely difficult to farm the affected land; and,

C) It is determined that the zone change and resulting development will not interfere seriously with accepted farming practices in the area.
In determining if the above findings can be met, the following factors shall be addressed: adjacent land uses, public services, parcel size and ownership, land use characteristics of nearby properties, and natural boundaries. In addition, the long-term environmental, economic, social, and energy consequences of making the proposed zone change must be addressed.

2) If the above findings are met, an application may be approved for farm residential zoning subject to all of the following conditions:

A) The farm residential district shall consist of a row of lots separating the urban and farmland. The farm residential district may permit more than one row of lots, or the farm residential zoning may extend to natural boundaries, if such additional farm residential zoning is necessary to minimize problems caused by the nonfarm development; and,

B) The farm residential zoning designation shall provide for lots of 2.5 to 5 acres in size and these lots shall be at least 300 feet by 300 feet; and,

C) Residences placed on the parcels zoned farm residential shall be set back from the farmland a minimum of 200 feet. Depending on the adjacent farm activity, the county may vary this setback requirement in order to ensure minimal conflicts between houses in the farm residential zone and adjacent farming operations; and,

D) It is recognized that occasionally an entire parcel will require a change from an EFU zone to a farm residential zoning designation if the entire parcel is adversely affected by adjacent nonfarm development, and meets criteria (A) through (C) in (1) above. In all cases, the amount of land rezoned from EFU to farm residential shall be the minimum necessary to enable the continued farming on adjacent EFU lands.

218.130 OTHER EXEMPTIONS FROM EXCLUSIVE FARM USE ZONING:

The county may permit, through the Goal 2 exceptions process and pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which is needed for future urban or rural uses. The county may also permit, pursuant to Chapter 277, a change from Exclusive Farm Use to another zoning designation on a parcel which was originally incorrectly zoned, or is severely impacted by the actions of a governmental agency, or is adversely affected by other causes to the point where farming or ranching is no longer physically possible and it is determined the lands are therefore committed to other uses. In permitting a change from an EFU to another zoning designation, substantial evidence must be provided documenting the parcel is not capable, now or in the future, of obtaining money receipts for farm purposes. In making this determination, the following factors must be addressed:
1) Adjacent land uses, public services, parcel size and ownership, land use characteristics, and natural boundaries.

2) The long-term environmental, economic, social, and energy consequences of making the proposed zone change.

3) Impacts this proposed zone change may have on adjacent agricultural land uses.

4) Soil types, historic and future potential availability of irrigation, and historical land use.

In all cases, the new zoning designation shall be consistent with the rural character of the affected property and adjacent area. The zoning designation shall be compatible with all other land uses, including forest and agricultural land uses in the area. In all cases, the amount of land rezoned from an EFU to another zoning designation shall be the minimum necessary to enable the continued farming or ranching on adjacent EFU lands.

218.140 PLACEMENT OF DWELLINGS ON PREEXISTING LOTS SMALLER THAN THE ESTABLISHED MINIMUM PARCEL SIZE:

After the adoption of this ordinance, in order to place any dwelling on a parcel which is smaller than 20 acres if zoned EFU-1 or EFU-2/20, or is smaller than 160 acres if zoned EFU-3, or smaller than 10 acres if zoned EFU-2, it shall be necessary to demonstrate that the dwelling is a farm dwelling and conforms with section 218.090 (2) of this ordinance, or it will be necessary to demonstrate that the dwelling meets the standards of a nonfarm dwelling in conformance with section 218.040 (8) and other pertinent sections of this zoning ordinance.

218.150 RE-ESTABLISHMENT OF A NONFARM USE:

If a nonfarm use exists in a commercial agricultural district and is unintentionally destroyed by fire, other casualty, or natural disaster, such use can be re-established to its previous nature and extent, but re-establishment shall meet all other building, plumbing, sanitation, and other codes, ordinances, and permit requirements. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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. 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 ordinances shall be allowed.

7) Managing, growing, and harvesting of timber and forest products.

3) Energy producing facility, only in conjunction with permitted uses.

9) Recycling dropbox, subject to the provisions of section 280.160.
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) Gun club, 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 one hundred (100) foot setback for all yards.
* 6) Solid waste disposal subject to the provisions of Chapter 268.
* 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.
* 10) Public or private elementary, junior high, or high school.
* 11) Church.
* 12) Seminary in conjunction with a church.
* 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 ordinances shall be allowed.

220.040 PARCEL AREA REQUIREMENTS:

The minimum parcel area in the farm residential district shall be five (5) acres unless an exception has been specifically granted for 2.5 acre parcels, based upon the provisions set forth in Chapter 218. The uses listed in section 220.020 and 220.030 which are identified with an asterisk (*) shall not be permitted on 2.5 acre parcels. The minimum parcel size may be altered by special setback requirements specified in section 280.060.

220.050 PARCEL AREA REDUCTIONS:

The Hearings Council 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 Hearings Council finds that the proposed use on a smaller parcel:

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

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

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

220.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five acres, unless an exception has been specifically granted for 2.5 acre parcels under the provisions of section 218.120 and 220.050.
CHAPTER 222

RURAL RESIDENTIAL (RR-5) DISTRICT

222.010 PURPOSE:

To provide for large lot residential environments at housing densities consistent with the predominant rural character of the area and the physical capacity of the land and facility infrastructure, to accommodate such development as determined by the Jackson County Comprehensive Plan. Rural residential districts are intended to prevent land divisions which adversely affect the economic and efficient operation of nearby or adjacent exclusive farm and/or forest related uses, and to hold lands within urban growth boundaries in larger parcel sizes, and to allow for their orderly conversion to urban use.

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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling.

2) Agriculture, but not including intensive livestock, poultry, game cock, 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 provided that the density standard of this Chapter 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 ordinances shall be allowed.

5) Agricultural produce stand, limited to produce grown on the subject parcel or contiguous parcels.

6) Energy producing facility, only in conjunction with permitted uses.

7) Recycling dropbox, subject to the provisions of 280.160.
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.

222.030 CONDITIONAL USES:

The following uses may be permitted subject to the standards listed below, and the provisions of Chapter 260 are satisfied:

1) Public or private elementary, junior high, or high school.

2) Public or private kindergarten or day nursery.

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

4) Community center, fraternal, or lodge building.

5) Cemetery.

6) 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 a one hundred (100) foot setback on all yards.

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) Church.

9) Seminary in conjunction with a church.

10) 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.

11) Temporary sales or development office for subdivisions.

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

13) Licensed shelter care facility, half-way home, group home or other related residential or day treatment facilities.
14) Cottage industry, subject to the provisions of section 280.160.

15) Solid waste collection site, subject to the provisions of 280.180.

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 ordinances shall be allowed.

222.040 PARCEL AREA REQUIREMENTS:

The minimum lot size in the rural residential zoning district shall be five (5) acres except where otherwise required to accommodate setback standards as specified in section 280.060.

222.050 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.

222.060 DENSITY:

All dwellings shall not exceed a gross density of one dwelling unit per each five (5) 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 (2.5) or one (1) 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

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 280.160.
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. 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 ordinances shall be allowed.
7) Utility facilities necessary for public service in conjunction with per-
mitted or approved conditional uses, but not including substations, treat-
ment 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 elementary, junior high, or high 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
280.180.

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 ordinances shall be allowed.

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 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>
</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 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.
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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Single family dwelling in UR-10, UR-8, and UR-6 districts.

2) Home occupations, shall be permitted subject to the following operational standards and criteria set forth in section 280.120.

3) Recycling dropbox, subject to the provisions of section 280.160.

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 280.180.

10) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

11) Day nursery or day care center.

12) Power transmission lines.

226.040 LOT AREA:

The following lot requirements shall be observed unless special setbacks are required as specified in Chapter 280.

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>LOT AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>UR-8</td>
<td>8,000 square feet</td>
</tr>
<tr>
<td>UR-6</td>
<td>6,000 square feet</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>4,500 square feet</td>
</tr>
</tbody>
</table>

226.050 DENSITY:

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

<table>
<thead>
<tr>
<th>DESIGNATION</th>
<th>DENSITY (UNITS PER ACRE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR-10</td>
<td>4</td>
</tr>
<tr>
<td>UR-8</td>
<td>5</td>
</tr>
<tr>
<td>UR-6</td>
<td>7</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>9</td>
</tr>
</tbody>
</table>
CHAPTER 228

URBAN HIGH DENSITY RESIDENTIAL (UR-H) DISTRICT

228.010 PURPOSE:
This district established 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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 280.120.
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 plans, 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.

14) Power transmission lines.

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 1,450 square feet.

228.050 DENSITY:

All dwellings shall not exceed a density of thirty (30) dwelling units per acre in this district, except that mobile homes in mobile home parks may not exceed a density of nine (9) 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 Hearings Council 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

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 280.160.

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.
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 280.180.
6) Alteration and use of historic landmarks and structures, subject to the provisions of Chapter 266.

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 Hearings Council 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) 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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal:

1) Service station.
2) Church.
3) Feed and seed store.
4) Agricultural produce stand.
5) Auto, bicycles, 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, or neighborhood club.
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 230.160.
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.

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) Eating or drinking establishment.

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 twenty-five (25) feet in height.

5) Solid waste collection site, subject to the provisions of section 280.180.

6) Grocery store or 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.

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 Hearings Council 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 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

1) Barber or beauty shop.
2) Gift or antique shop.
3) Florist shop, garden shop, bake shop, fruit store.
4) Convenience grocery store, 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 280.160.

14) Day 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.

234.030 CONDITIONAL USES:

1) Service station.

2) Restaurant or 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.

234.040 SITE PLAN REVIEW AND BUFFERING REQUIRED:

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 Hearings Council 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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 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.

28) Wholesale business, but not including animal slaughtering or processing facility.

29) Bus storage and maintenance facility including terminal and freight forwarding facility.

30) Commercial or park and ride parking lots.

31) Mortuary.

33) Eating and drinking establishment.
34) Upholstery shop.
35) Other retail trade or service commercial establishment.
36) Body and fender shop fully conducted within an enclosed building, but not including salvage, junk, or wrecking yards.
37) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles.
38) Amusement or recreational facilities.
39) Heavy equipment sales and service.
40) Single family dwelling when accessory to a permitted use.
41) Recycling dropbox, subject to the provisions of section 280.160.
42) Broadcasting or recording studio.

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 sixty (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 280.180.
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.

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 Hearings Council 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 Hearings Council determines that noise abatement or additional visual screening is required.

C) Parking lots shall be landscaped; and,

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, the Land Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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 a manufacturing and processing plant.

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 transfer station when conducted within an enclosed building.

24) Solid waste collection site subject to the provisions of section 280.180.

25) Vocational, trade, or business schools.

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

27) Day nursery in conjunction with a permitted use.
28) Farm and heavy equipment sales and service.

29) Auto, bicycle, or equipment repair conducted within an enclosed building or yard screened from public view.

30) Rental of storage space or stalls for cars, boats, motorcycles, snowmobiles, travel trailers, and personal or business articles within enclosed buildings.

31) Landscape or plant nursery.

32) Wholesale business, but not including animal slaughter or processing facility.

33) Single family dwelling when accessory to a permitted use.

34) Recycling dropbox, subject to the provisions of section 280.180.

238.030 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 exceeding sixty (60) feet in height.

2) Solid waste disposal.

3) Planned unit industrial development limited to uses and standards contained within this section 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 one hundred (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) Park, playground, or community center owned and operated by a private entity, governmental agency, or a nonprofit community organization.

238.040 SITE PLAN REVIEW AND BUFFERING REQUIRED:

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 Hearings Council 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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 a manufacturing and processing plant.

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.

22) Solid waste collection site, subject to the provisions of section 280.180.

23) Vocational trade or business schools.

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

25) Park, playground or community center owned and operated by a private entity, governmental agency, or a 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 deck, storage 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 280.180.

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 sixty (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 REQUIRED:

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 Hearings Council 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 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 Division Ordinance of Jackson County, and Oregon Department of Environmental Quality rules governing sewage disposal.

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, 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) Any other use similar to those listed in this section.

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

34) Recycling dropbox, subject to the provisions of section 280.160.

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.
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.
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 Hearings Council 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 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.
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; and,

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 are permitted, subject to compliance with section 244.040 below:

1) Removal, processing, or excavation of aggregate materials.

2) Building structures, apparatus or appurtenances necessary or accessory to the operation of an aggregate site.

3) Manufacture and fabrication of concrete and aggregate products.

4) Sale of products related to aggregate materials.

5) Concrete or asphalt batch plant.

6) Storage of heavy equipment necessary for operation.

7) Agriculture.

8) Aggregate stockpiling.

9) Sedimentation ponds when used in conjunction with aggregate removal operations.

10) Forest: 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.
244.030 CONDITIONAL USES:

The following uses may be permitted if approved in conformance with section 244.040 and Chapter 260.

1) All uses identified as permitted uses in section 244.020, with the exception of item (2), if such uses are portable in nature; item (6), storage of heavy equipment; item (7), agriculture; and, item (10), forest uses, shall be reviewed by the Hearings Council if located within the 100-year floodplain, and such review shall be limited to the floodplain.

2) Sanitary landfill, landfill, or solid waste transfer station.

3) Public or private parks and recreation areas may be permitted, but 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.

244.040 BASIC STANDARDS OF OPERATION:

Aggregate operations must conform with the following standards:

1) The applicant must submit copies to the Department of the permits issued by all affected agencies.

2) Visual Impact: the following screening requirements apply unless site specific requirements are contained on the official comprehensive plan and zoning maps which exempt a site or portion of a site from the following standards:

   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 twenty-five (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 materials, 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. Each aggregate site shall obtain a Department of Environmental Quality Waste Water Discharge Permit, when applicable.

4) Air Quality: All aggregate sites in the district shall be operated in a manner that minimizes dust, odors, or other air pollutants that would adversely affect land uses on adjoining properties. All roads on private land shall be maintained in a dust-free condition when within 500 feet of a residence. Each aggregate site shall obtain a Department of Environmental Quality Air Discharge Permit, when applicable.

5) Noise Control: Each aggregate site shall operate with the applicable noise standards as required by the Department of Environmental Quality or other state or federal agencies.

6) Operating Setbacks: Each aggregate site within the district shall observe the following minimum operation setbacks, unless otherwise indicated on official county zoning maps:

A) No extraction or removal of aggregate is permitted within twenty-five (25) feet from the right-of-way of public roads or easements of private roads.

B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or residential zoning district.

C) Processing equipment, batch plants, and manufacturing and fabricating plants shall not be operated within fifty (50) feet of another property without written consent of the owner, nor within fifty (50) feet of a public road right-of-way, or within 200 feet of a residence or residential zoning district.

7) Hours of 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 all property owners within 1,000 feet radius of the aggregate site. If no request for a public hearing is made within ten (10) 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 decided by the Jackson County Hearings Council. The Department may approve one period of extended operation beyond the 7:00 p.m. to 6:00 p.m. operating hours once every six months, not to exceed a two week period.
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) 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 and 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.

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, 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.

244.070 REGISTRATION REQUIREMENTS:

Aggregate operations which are within an aggregate resource zoning designation must register with the Department within six (6) months after adoption date of this ordinance. Expansions thereafter of such sites must conform which Chapter 244 and other relative sections of the Jackson County Zoning Ordinance. Registration requirements for aggregate operations not within an aggregate resource zone are addressed in section 280.150.

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 zoning districts hereinbefore specified, the provisions of the Airport Approach Overlay District shall govern.

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


   B) Approach and Clear Zone Plan, Medford-Jackson County Airport, July 1978.


250.030 PERMITTED USES:
The following uses are permitted unless the use at its proposed location 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 a conditional use permit from the Hearings Council.

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

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

4) Water impoundment.

5) Game preserve or reservation.

6) Pipeline.

7) Underground utility wire.

8) Airports and heliports, subject to the approval of a master plan by the Board of County Commissioners, 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) A structure or building accessory to a permitted use.

2) A single family dwelling or commercial or industrial use if permitted in the primary zoning district and the requirements of this Chapter are met.

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 260.

250.050 PROCEDURE:

An applicant seeking a conditional use permit or an administrative approval for a proposed use from the Planning Director, shall follow procedures 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 the trees are taller than 35 feet. Height shall be measured in the manner defined in section 200.340.

3) A statement from the Federal Aviation Administration that the proposed use will not interfere with the operation of the landing facility.
4) 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 (1) 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 (2) 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 approved by 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 equal or exceed the height above the airport reference point of any approach or transitional surface indicated on an adopted Airport Approach and Clear Zone Plan, unless specifically authorized by the FAA and approved by 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 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.

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 zoning map 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.


   D) 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, or 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. Height shall be measured in the manner defined in section 200.040.

C) A description of the proposed use.

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 registered land surveyor, which clearly states that no airspace obstruction will result from the proposed use; or,

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 registered land surveyor, accurate to a plus or minus one (1) 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; and,
ii) A map of topographic contours at two (2) 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.

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 twenty (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 generally 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 help maintain a stable tax base by providing for the second use and development of the 100-year floodplain to minimize future flood blight areas;

7) To attempt to ensure that potential buyers are notified that property is in a designated floodplain; and,

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

In order to accomplish its purpose this Chapter includes 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 floodplains, 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 which may increase flood hazards in other areas.

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

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 zoning districts hereinbefore specified, 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, 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 section.

254.030 PERMITTED USES:

1) Agriculture, 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.

6) Fences.

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

8) Fishing platform.

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

10) Diversion points for irrigation purposes.

11) Water gauging station.

12) Water pump and accessory structure.

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

14) 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.

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 section 254.070 through 254.110 are satisfied. If any requirements of this Chapter are not met, the application shall be denied and forwarded to the Hearings Council for review. 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.

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

4) Campground, when allowed in the primary zoning district.

5) Replacement of dwelling, but not including replacement of a mobile home, in kind (with no increasing in square footage) within the floodway provided that the standards of this Chapter are satisfied.

6) Excavation, removal, and processing of sand, gravel, stone, loam, dirt, or other natural materials provided the additional requirements of Chapters 272 and 260 are satisfied.

7) Landing field or heliport.

8) Marina.

9) Flood water storage impoundment.

10) Public utility building or structure.

11) Bridge.

12) Commercial use when allowed in the primary zoning district.

13) Pipeline necessary for public service.

234.050 ADMINISTRATION:

1) 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); and,

C) Determine if the proposed development adversely affects the flood carrying capacity of the 100-year floodplain. For purposes of this ordinance, 'adversely affects' means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point. The burden of proof of compliance with this section rests with the applicant's Oregon licensed professional engineer.

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 section, 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, including flood-proofed structures, and floodproofing certificates. Elevations required under this provision shall be determined by an Oregon registered professional engineer or licensed land surveyor.

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 ('AI' 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 INSTRUCTIONS:

In all designated 100-year floodplains or areas of special flood hazards, the following requirements apply:

1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2) 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 fifty (50) feet in length, with two additional ties per side at intermediate locations; mobile homes less than fifty (50) feet long require one additional tie per side; or,

   B) Frame ties be provided at each corner of the home with five (5) additional ties per site at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side; and,

   C) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and,

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

3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

4) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

6) 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.

7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

8) All subdivision 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.
9) 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.

10) 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 (5) times the width of the normal rainy season stream bed measured from top of bank to top of bank, or one-hundred (100) feet, whichever is greater.

It shall be presumed that the floodway is equally distributed on either side of the centerline of the stream. Land lying outside the floodway boundary, but within the special flood hazard area, shall be deemed floodway fringe land.

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 SPECIAL 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 improvements of any residential structure shall have the lowest floor, including the basement, elevated one (1) foot above the base flood elevation.
B) New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

i) Be floodproofed, so that below the base flood level the structure is watertight 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.

C) Mobile homes shall be anchored in accordance with section 254.060.

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

i) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level;

ii) Adequate surface drainage and access for a hauler are provided

iii) In the instance of elevation on pilings that:

a) Lots are large enough to permit steps;

b) Piling foundations are placed in stable soil, no more than ten (10) feet apart; and,

c) Reinforcement is provided for pilings more than six (6) feet above the ground level.

E) No mobile home shall be placed in a floodway, except in an existing mobile home park, and then only if standards specified in this Chapter 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 erosion potential:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the base flood discharge.

B) If section 254.070 (1)(B) 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 of this district.

3) In areas designated floodplain, the Planning Director is authorized to require structures which could obstruct the channel of a floodway, to be designed to resist flotation or lateral movement.

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; and,

D) A proposed grading plan for the property.

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 258
NONCONFORMING USES, STRUCTURES, AND LOTS

258.010 PREEXISTING STATUS PROVISIONS:

1) The preexisting status of a lot created prior to September 1, 1973, must be clearly established by one of the following:

A) Records of the Jackson County Assessor, Clerk, or Surveyor which clearly indicate the existence of the parcel by map or legal description; or,

B) Unrecorded property deed or contract of land sale which identifies the preexisting lot by a dated, notarized, and properly signed legal description or document.

2) Lots created in conformance with the requirements of the ordinance in effect, prior to the effective date of this ordinance, are recognized as legal preexisting lots.

258.020 NONCONFORMING LOTS:
The following provision shall apply to nonconforming lots:

1) A lot which does not conform to the area, dimension, or access requirements of the zoning district in which it is located may be utilized, notwithstanding such nonconformity, subject to all other requirements of the zoning district.

2) Preexisting lots may be rendered nonconforming as a result of a change in zoning, but nonconforming lots shall not be created through the grant of a variance or special permit, except as provided in section 258.050.

3) Lots existing prior to September 1, 1973, which as of that date contained more than one (1) single family dwelling may be partitioned to allow each preexisting dwelling to be located on a separate parcel.

4) Setbacks on such lots shall be consistent with the zoning district the nonconforming lot most closely resembles.

258.030 NONCONFORMING STRUCTURES:
The following provisions shall apply to nonconforming structures:
1) A nonconforming structure may be remodeled, repaired, or enlarged where such work will not render the structure to be less in compliance with the requirements of the zoning district.

2) If a nonconforming structure is damaged by fire, other casualty, or natural disaster, the structure may be repaired or reconstructed to its original dimensions if such work is begun within one (1) year of the damage. Repair or reconstruction of a damaged nonconforming structure after such one (1) year limitation shall be subject to all requirements of zoning.

258.040 NONCONFORMING USES:

Subject to the provisions of section 258.070, regarding aggregate sites, the following provisions shall apply to nonconforming uses:

1) When a nonconforming use is interrupted for a period of one (1) 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 (1) 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. An owner of a nonconforming use shall be required to sign an affidavit prior to receipt of a building permit or sanitation permit for such maintenance or repairs, stating that no increase in nonconformity will result. Any maintenance or repairs legally required by a government agency shall be permitted within the intent of this ordinance.
258.050 REQUESTS FOR ALTERATION OF NONCONFORMING USES:

1) The Planning Director is hereby empowered to sit as Hearings Officer for hearings to consider requests for alterations of nonconforming uses. Hearings shall be scheduled as necessary to provide expeditious review of such requests and shall follow procedures similar to those utilized for other land use hearings. Public testimony shall be encouraged regarding such requests and their conformance with the intent of this ordinance.

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

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

258.060 MINOR LOT LINE ADJUSTMENTS:

The Planning Director shall be authorized to allow minor lot line adjustments to legally created nonconforming tax lots only when the following standards are met:

1) The adjustment would not result in a change in use or an intensification of a nonconforming use; a transfer of land from one legally created nonconforming parcel to another legal nonconforming parcel through this process shall not be considered an intensification of a nonconformity, provided that such a boundary adjustment does not increase the density of the affected properties;

2) No new nonconforming tax lots shall be created unless required by the office of Assessment and Taxation. Deed restrictions to which Jackson County is a party shall be applied to the properties to assure that any new nonconforming tax lot created as a result of the assessor's mapping procedures could not be used for residential purposes.

258.070 AGGREGATE AND MINING NONCONFORMING USES:

1) Notwithstanding the provisions of section 258.040, 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 thirty-six (36) consecutive months shall conclusively be presumed with 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.

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 not be considered a nonconforming use and 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; or,

B) The commencement of methods or procedures of processing such as crushing or blasting not previously performed on such premises; or,

C) An increase in production of more than fifty percent (50%) greater than the average rate calculated over the previous five (5) year period.

D) Any extension of operation to land not owned, leased, or under license on effective date of this ordinance.
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 in section 285.030. The hearing shall be held in accordance with the provisions of section 285.040.

2) The Hearings Council shall render a decision within thirty (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 (1) 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 (1) 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 (1) 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.

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; and,

2) That the location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the liveability, value, or appropriate development of abutting properties and the surrounding area when compared to the types of development which are listed as permitted uses in the district; and,

3) That the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants; and,

4) That the proposal will preserve environmental assets of particular interest to the community.

260.050 PLACING CONDITIONS ON A PERMIT:

In permitting a new conditional use or the alteration of an existing conditional use, the Hearings Council may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which may be imposed to avoid a detrimental environmental impact 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 the conditional classification of uses.

13) Requiring that public facilities are adequate to serve the proposed use.

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 for noncompliance with conditions set forth in the order of 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 penalty provisions of section 290.030; and/or,

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 hearings body.

iii) Modification or revocation of a permit may occur after proper notice and such public hearing.
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 Hearings Council intends:

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

2) To provide flexibility in the application of the general zoning provisions and the land division 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; and,

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.

The Hearings Council may authorize planned unit developments as conditional uses. The development as authorized shall be subject to all
conditions imposed by the Hearings Council and shall be excepted from other provisions of this ordinance and the land division ordinance only to the extent specified in the authorization. An application requiring a zoning amendment shall be subject to the procedures of Chapter 277.

2) Planned unit residential developments may be allowed by the Hearings Council in the Suburban Residential (SR), Urban Residential (UR), Urban High Density Residential (UR-H), Neighborhood Commercial (NC), and General Commercial (GC) 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), Light Industrial (LI), and Airport Development-Mixed Use (AD-MU) zoning districts.
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.

f) Environmental and/or economic impact studies as may be required by the Hearings Council.

B) A tentative plat or map as required by the county land division ordinance.

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; and,

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 which has been prepared by a licensed landscape architect.

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 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; and,

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 design 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 above 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.

262.060 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:

| A) Residential planned unit development in Suburban Residential (SR-2.5 or SR-1), Urban Residential (UR-10, UR-8, UR-6, or UR-4.5), or Urban High Density Residential (UR-H), Neighborhood Commercial (NC), or General Commercial (GC) districts. | 50% |
| B) Commercial or industrial planned unit development in Light Industrial (LI), General Industrial (GI), Interchange Commercial (IC), Neighborhood Commercial (NC), General Commercial (GC), or Airport Development-Mixed Use (AD-MU) zones. | 25% |
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 the duplex and/or multiple-family residential developments, and 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 cluster 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; or,

   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 twenty-five (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 location, shape, size, and character of the common open space is suitable for the planned development;

B) The common open space is for amenity or recreational purposes and the uses authorized are 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;

C) 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;

D) No more than one-half of the common open space requirement may be met with land having slopes exceeding twenty-five (25) percent or with submerged, marshy, or boggy land;

E) 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; and,

F) 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; or,

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 covenants governing the use, improvement, and maintenance of the common open space, the county shall be authorized to enforce their provisions.

6) Jackson County shall only accept the dedication of any common open space when it is provided for general public use and is consistent with adopted county open space acquisition policy or is otherwise specifically authorized by the county.

7) 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; and,

   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; and,

   C) The governing body of Jackson County shall be a party to these restrictions; and,

   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 (5) 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 is an effective and unified treatment of the development possibilities on the project site, while remaining consistent with the Jackson County Comprehensive Plan, and makes appropriate provisions for the preservation of natural features in a manner that benefits the general public sufficiently to justify necessary exceptions to the specific requirements of the zoning district in which the planned unit development is proposed to be located.

2) The proposed planned unit development meets the minimum standards specified in this Chapter for such development.

3) 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.

4) The development will not have a substantial adverse effect on the area surrounding the project site in terms of air and water quality, public facilities, natural hazards, or scenic quality.

5) The development will be planned and constructed to ensure a high degree of safety for users of the development and neighboring areas.

6) 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.

7) 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.
8) There are adequate provisions for the maintenance of open space and common areas, that 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.

9) Where applicable, consideration is given to the following items:

A) In residential planned unit developments, that the quality of the development in general and the use of open space and recreational areas are such as to provide a high degree of livability for its residents.

B) 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 ordinance 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, if any, to be met by the proposed development.

3) A preliminary development plan may be submitted, reviewed, and approved in stages not to exceed six (6) 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, dedication 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.

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 twelve (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 and conditions which may have been imposed by the Hearings Council and a final plat as required by the land division ordinance.

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 submission 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 ordinance, 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 (1) year after final approval is granted, or having commenced construction and discontinued for one (1) 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 (1) 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 purpose and intent of 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.

266.020 AUTHORIZATION:

Acknowledging the unique qualities of, and the increasing public interest in historic resources, and the mandate by the state goals, the Hearings Council 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, as defined under special definitions. The holder of said permit shall be required to apply for a demolition or moving permit under the authorization of the Hearings Council, if such action is contemplated in the future.

The two categories, allowable use and demolition and moving, are expanded as follows:

1) Allowable Use: The Hearings Council 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 and Moving: Officially designated historic landmarks listed on the Jackson County Register of Historic Landmarks shall not be demolished or moved prior to the issuance of a permit for said purpose from the Hearings Council. The council's decision shall be based on the criteria as stated under section 266.040.

266.030 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 4101-4109).

266.030 APPLICATION:

1) Historic Landmark - Allowable Use Permit: The property owner or authorized agent of an historic resource, listed or in the process of being listed on the Jackson County Register of Historic Landmarks, 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 Hearings Council for a Historic Landmark - Allowable Use Permit. The application with the accompanying materials shall be submitted to the Planning Department staff prior to the Hearings Council review.

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 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: All exterior elevations, 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;
X) 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.

2) Historic Landmark Demolition or Moving Permit: The owner or authorized agent of an historic landmark listed on the Jackson County Register of Historic Landmarks, which has received an Historic Landmark-Allowable Use Permit, requesting to demolish or move said landmark, shall submit an application to the Hearings Council to receive a permit for said purpose. The applicant shall show reason for requesting such permit as stated under section 266.040. Application shall be accompanied with such other information as is needed to determine reasonableness of the request and conformance with the purpose of this ordinance.

266.040 STANDARDS AND CRITERIA FOR ACTION ON APPLICATIONS:

1) In order to grant an Historic Landmark-Allowable Use Permit, the Hearings Council must find:

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; and,

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 or moving permit of an historic landmark, a ninety (90) day stay of issuance shall be in order while the Hearings Council, or their appointees, 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 or moving permit, the Hearings Council must determine that:

A) The historic landmark constitutes a hazard to the safety of the public or its occupants; or,
B) The improvement project is of substantial benefit to the county and cannot be reasonably located elsewhere, and overrides the public’s interest in the preservation of the historic landmark; or,

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.

266.050 CONDITIONS OF APPROVAL:

1) Historic Landmark - Allowable Use Permit: The Hearings Council shall require the historic landmark owner and permit holder to apply The Secretary of the Interior’s Standards for Historic Preservation Projects with Guidelines for Applying the Standards, as adopted by reference (section 226.020). In prescribing conditions, the Hearings Council 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; and,
   K) Any other factors deemed to be relevant to the application.

2) Historic Landmark Demolition or Moving Permit: If a designated historic landmark is to be demolished or moved, the Hearings Council shall direct the appropriate commission or organization to work with the landmark owner in recording the historic landmark and its setting by means of photographs, pictures, artifact or 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.
CHAPTER 268
SOLID WASTE DISPOSAL PERMITS

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, the Hearings Council intends:

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

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

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

4) To provide a 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. Such wastes shall not be stored for more than six (6) months without specific approval of the Oregon Department of Environmental Quality, pursuant to Oregon Administrative Rules, Chapter 340-63-400 to 435.

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, December 1969.

268.030 CONDITIONAL USES:

The Hearings Council may permit any one or a combination of the following uses:

1) Sanitary landfill.

2) Landfill.

3) Solid waste transfer station.
4) Special site for the 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 ORE 459.

5) Composting or recycling plant.

6) Incinerator.

7) Storage area for appurtenant equipment and collection vehicles.

8) Residence for caretaker.

9) Animal slaughter 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, watercourses 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.

268.060 CONDITIONS OF APPROVAL:

The conditions of approval for a Solid Waste Disposal Permit shall be those listed in section 268.050.
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) 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; and,
C) Oregon State Department of Commerce administrative rules regarding mobile home parks.

270.030 PERMIT REQUIRED:

A permit for new construction or the enlargement of an existing mobile home park shall be obtained from the Jackson County Planning Department. Said permit shall be issued upon approval of said mobile home park by the Jackson County Hearings Council. The Hearings Council approval shall be indicated by findings that the proposed project addresses all the requirements of this Chapter.

270.040 APPLICATION PROCEDURE:

An applicant proposing to construct or enlarge a mobile home park shall meet the following requirements:
1) Complete 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, main features, existing structures and facilities, hazard areas, and other significant features in the area.

3) Submit a map of the proposed site showing all existing features, topography with contour intervals at five (5) 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 sewage, 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.

8) Submit written information addressing applicable policies of the Jackson County Comprehensive Plan.

9) After preliminary discussions are held between the applicant and the Planning Department personnel, revised plans, as necessary, shall be submitted at public hearing to the Jackson County Hearings Council, pursuant to conditional use provisions found in Chapter 260.

270.050 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 proposed mobile home park is consistent with the standards and criteria for granting a conditional use permit found in section 260.040; and,

2) The proposed development is consistent with the minimum standards set forth in this Chapter; and,
3) The proposed development shall be completed in a timely period and in the fashion approved, and all improvements shall be completed prior to siting of individual mobile homes for each approved development stage of the mobile home park.

270.060 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 approved by the Hearings Council 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 MANDATORY DESIGN STANDARDS AND REQUIREMENTS:

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 1,500 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 the following standards:

1) Internal roads without parking shall have a paved width of eighteen (18) feet;
ii) Internal roads with parking on one side shall have a paved width of twenty-six (26) feet;

iii) The base, top course, and compaction of such paved roads shall meet specifications of a licensed civil engineer; and,

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 five-hundred (500) feet, water pressure and volume to meet rural fire protection district minimum requirements.

P) Street lights with one (1) foot candle illumination.

Q) Two (2) off-street parking spaces (3 feet X 18 feet each), on each site.

R) Site coverage: 50 percent maximum for all structures.

S) Patio - per site: Each one-hundred and twenty (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 (3.5) feet wide, paved or hard-surfaced.
V) Landscaping/open space/natural area: A standard of two hundred (200) square feet per unit each, to be located in the park, and a ten (10) foot buffer zone at the outer edge of the park, twenty (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.

200.006 EXPANSION OF EXISTING MOBILE HOME PARKS:

1) It is the intent of this section to provide for the upgrading and improvement of existing facilities. 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 if, and when, such an existing mobile home park is proposed for expansion.

3) 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. It is the intent of this ordinance and this section to only allow expansion of an existing nonconforming mobile home park when such expansion also includes 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 permits the Hearings Council to allow an increase in density of a mobile home park which may already exceed allowable density. In granting such density increase, the Hearings Council shall find that such increase is:

A) Necessary to allow improvement of the older part of the mobile home park; and,

B) Such increase is compatible with the neighborhood.
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.

270.090 VARIANCE:

Pursuant to Chapter 260 and 283, a variance may be granted from the requirements of this Chapter after it has been determined that unusual circumstances apply to the property which indicate that application of all requirements to the proposed mobile home park is deemed unreasonable by the Hearings Council. Variances may be granted only if the provisions of Chapter 275 and the Oregon Department of Commerce administrative requirements regarding mobile home parks are satisfied.
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 best interests of the public health, safety, and welfare.

272.020 AUTHORIZATION:

Aggregate Resource Site Permits for conditional uses may be issued only by the Hearings Council. 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 applicant for an Aggregate Resource Site Permit shall contact the Jackson County Department of Planning and Development and obtain an Aggregate Resource Site Permit form.

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.

6) Stockpiling of aggregate products.
7) Manufacture and fabrication of concrete and aggregate products.

8) Sale of products related to aggregate materials.

9) Storage of heavy equipment necessary for the aggregate operation.

10) Sedimentation ponds.

An applicant shall state on the Aggregate Site Resource Permit form the scope of the operation as related to the above-stated uses. The approved permit shall be limited to the use(s) listed in the Hearings Council's approved order. On the Aggregate Resource Site Permit, the applicant must describe the proposed removal area by survey or metes and bounds description.

272.050 APPLICATION AND OPERATION STANDARDS:

The following minimum application and operating standards shall be observed for each Aggregate Resource Site Permit approved by the Hearings Council in Jackson County:

1) The applicant 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 the issuance of a conditional use permit, or the applicant shall describe the schedule to be used in obtaining the necessary permits not received at the time of application.

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 twenty-five (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. Each aggregate site shall obtain a Department of Environmental Quality Waste Water Discharge Permit, when applicable.
4) Take measures so each site will not create dust, odors, or other air pollutants that will 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.

5) Include a written description of general types of equipment used in the operation and estimates of noise levels anticipated during operation periods.

6) Indicate that any public roads within the jurisdiction of a governmental agency and used for hauling up to one (1) mile from the site are cleared for such hauling by submission before the Hearings Council of a letter from the public agency having such jurisdiction. The Hearings Council may require the operator to provide dust control and take appropriate safety measures related to transport of aggregate.

7) Observe the following minimum operational setback requirements:

A) No extraction or removal of aggregate is permitted within twenty-five (25) feet from the right-of-way of public roads or easements of private roads.

B) No extraction or removal of aggregate is permitted within fifty (50) feet of another property without written consent of the owner, nor within 200 feet of a residence or residential zoning district.

C) Processing equipment, batch plants, and manufacturing and fabrication plants shall not be operated within fifty (50) feet of another property without written consent of the owner, nor within fifty (50) feet of a public road right-of-way, or within 200 feet of a residence or residential zoning district, excepting that the standard pertaining to a public road right-of-way may be modified when the purpose of the processing equipment is for construction or maintenance of the public road.

8) 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.

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) **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.

11) **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 reissuance of an Aggregate Site Permit by the Hearings Council.

12) **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 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 (10) 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 275
VARIANCES

275.010 AUTHORIZATION:
The Hearings Council or Hearings Officer may vary or modify requirements of this ordinance where strict application would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. A variance shall not be granted to density or lot area requirements in any district, or to the provisions of Chapter 254. Variances will, under most circumstances, be limited to requirements governing yards, lot dimensions and coverage, heights, and parking areas. In granting a variance, the Hearings Council or Hearings Officer may attach conditions which it finds necessary to protect the interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

272.020 FINDINGS:
A variance shall be granted only if the Hearings Council or Hearings Officer finds:

1) That exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the applicant has no control.

2) That the variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same zoning district or vicinity.

3) That the variance would not be materially detrimental to the intent of this ordinance, or to property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the objectives of any county plan or policy.

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

5) That the conditions for which the variance is requested were not self-imposed through the applicant's own actions, nor the actions of the applicant's agents, employees, or family members.
275.030 PROCEDURE:

1) An applicant seeking a variance shall follow procedures set forth in Chapter 285.

2) The Hearings Council or Hearings Officer shall render a decision within fifteen (15) 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.

3) Within five (5) business days after the decision has been rendered on a variance application, the Hearings Council or Hearings Officer shall provide the applicant and anyone presenting written or oral testimony with a written notice of its decision.

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 twelve (12) months from the date of denial.

5) In approving an application for a variance, the Hearings Council or Hearings Officer may establish time limits within which the use must commence or may set any other conditions of approval which it deems appropriate. The Hearings Council or Hearings Officer shall utilize section 260.050 to determine the appropriate conditions of approval for the application.

6) In establishing such conditions of approval, the Hearings Council or Hearings Officer shall utilize the standards and criteria listed in section 260.040, except the requirements of conformance with the zoning ordinance.
277.010 ZONE CHANGE OR ORDINANCE AMENDMENT:

A legislative amendment to the text of this ordinance or the official plan and zoning map may be initiated by the Board of County Commissioners or the Planning Commission. Quasi-judicial amendments to the official plan and zoning map 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 sixty (60) days after receiving the application at a public hearing, the Planning Commission shall recommend to the Board of County Commissioners approval, disapproval, or modification of the proposed text or official plan and zoning map amendment. However, such time limit may be extended upon the 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 shall hold a public hearing on the proposed text or map amendment within thirty (30) 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 twelve (12) months from the date of denial.

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 stipulations which the Board feels necessary to require as a prerequisite to final action on the application. Fulfillment by the applicant of the stipulations contained in the resolution shall make such resolution a binding commitment on the Board of Commissioners. Upon compliance by the applicant, the Board of Commissioners shall effect the 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 plan and zoning map 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 plan and zoning map into compliance, or more into compliance, with statewide planning goals.

3) Major or legislative amendments to the text and/or official plan and zoning map 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 plan and zoning map 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.

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.

277.070 STANDARDS FOR A MAJOR OR LEGISLATIVE MAP AMENDMENT:

Legislative map amendments shall:

1) Comply with all applicable statewide planning goals; and,

2) Be consistent with the policies, mapping criteria, and text of the Jackson County Comprehensive Plan, and the ordinance adopting said plan, map, and policies.
277.080 STANDARDS AND CRITERIA FOR MINOR MAP AMENDMENTS:

The rezoning of specific properties shall be based upon the following findings, unless the application is submitted under the provisions of section 218.120:

1) The rezoning conforms to the intent, policies, and mapping criteria of the text and map of the Jackson County Comprehensive Plan:
   A) For the area in which the proposed rezoning could occur; and,
   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, reveal:
   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; and,
   B) Whether or not the timing is appropriate to provide additional land for a particular use.

3) 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 which could include the statewide planning goals when more specific direction is provided by the goals than the comprehensive plan.

277.090 PROCEDURE FOR CORRECTING MAP ERRORS

During the development of the Official Plan and Zoning Map, a mapping error may have occurred by either wrongly applying the mapping criteria, or by using inaccurate or inadequate data. Errors of this nature shall be corrected when verified in the following manner:

1) The procedure to correct a map error may be initiated by either the landowner or by Jackson County.

2) The Planning Director shall review the request to determine compliance with the mapping criteria, as noted in section 277.100. Based on the review, findings shall be made which either concludes a mapping error did occur, or the criteria was appropriately applied and no error exists.
3) If the Planning Director finds that an error exists, he shall forward to the Board of Commissioners an ordinance which sets forth the findings which support the conclusion an error exists, and also findings which support the appropriate map designation for the property.

3) If the Planning Director finds the criteria was correctly applied, the applicant shall be notified of the decision. The decision of the Planning Director shall be final unless appealed. If appealed the procedures of Chapter 285, section 285.020 (2) shall apply.

4) The Board of Commissioners shall, after receipt of the Planning Director's findings, set this ordinance for first reading, second reading, and public hearing as required for ordinances by the Home Rule Charter. Notification to CACs or adjoining property owners is not required.

5) Upon adoption of the ordinance recognizing an error, the Official Plan and Zoning Map shall be corrected as instructed by the ordinance.

277.100 CRITERIA FOR DETERMINING MAP ERRORS

The criteria described in the map designations chapter of the comprehensive plan shall generally be used as a guide to determine the appropriate map designation on the Official Comprehensive Plan and Zoning Map. An error is deemed to exist when the following conditions exist:

1) Exclusive Farm Use Designations:

An error exists if any one of the appropriate exclusive farm use criteria cannot be met for the parcel or area, and the land is not included for the purpose of creating a buffer or cohesive block of land. A parcel may fail to meet these criteria, and still not be considered in error if the parcel or adjacent area failing to meet the criteria is less than 20 acres in size.

2) Forest Resource:

If site class data is not available, the process of (D) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all three of the following criteria:

A) Lands composed of existing and potential forest lands, identified as having a cubic foot site class rating ranging from two-plus through five, or the equivalent; and

B) Lands receiving a forest land tax designation or other tax deferral under ORS 321.257 (Western Oregon Forest Land and Severance Tax) or ORS 321.705 (Western Oregon Small Tract Optional Tax); and,
C) Mountainous lands, generally with slopes in excess of 20 percent which are predominantly in public ownership or owned by private timber companies.

D) Lands which generally occur within the following physiographic areas at, and above, the designated elevation/contour intervals:

1) Cascade Slopes (Klamath Mountains), located in the easterly sector of the county; the northerly portion of this region's forest resource land environment generally begins at the 2,300 foot elevation, while the southerly portion's forest resource land environment begins around the 3,000 foot elevation;

2) Rogue-Umpqua Divide, located in the northwest sector of the county; the forest resource land environment generally occurs at the 2,000 foot elevation;

3) South Siskiyous, located in the southwest sector of the county; the forest resource land environment begins generally at the 2,400 foot elevation; and

4) Rogue-Applegate Upland. This upland forest region lies in the west-central sector of the county. Within this region, the forest resource land environment begins at the 2,000 foot elevation on Rogue Valley slopes, and at the 3,000 foot elevation on Applegate Valley slopes.

3) Woodland Resource:

If site class data is not available the process of (D) below shall apply. Where site class data is available, then an error exists only when a site cannot satisfy all four of the following criteria:

A) Lands composed of existing and potential forest lands, identified as having a cubic foot site class rating of four through six, or the equivalent; and,

B) Lands receiving a forest land tax designation or other tax deferral under either ORS 321.257 (Western Oregon Forest Land and Severance Tax) or ORS 321.705 (Western Oregon Small Tract Optional Tax); and,

C) Lands located within lower elevation, mountainous and upland foothill areas, generally having steep to moderate slopes, which are predominantly in private, small woodland tract ownerships, along with some major private wood products industry companies and less productive publicly owned lands; and,
D) Lands in the above environments where the predominant parcel size is twenty (20) acres or larger.

4) All Other Zoning Designations:

The criteria used to map all of the nonresource lands is not as precise. More judgement is applied when interpreting the intent of the mapping criteria. When reviewing an application for possible mapping error, staff shall use the criteria as described in the mapping designation chapter of the Jackson County Comprehensive Plan. An error shall be deemed to exist when staff, through findings, determines the criteria for the proposed map designation, as noted in the comprehensive plan, clearly does not apply, and that the mapping criteria for some other designation does more clearly apply to the land under review.
CHAPTER 280
SUPPLEMENTAL PROVISIONS

280.010 SIMILAR USES:

The Hearings Council may permit, in any zoning district, other uses not specified in the district if the Council finds them similar to the uses listed. The administrative procedure for similar uses shall be the same as for conditional uses set forth in Chapter 260. Once a similar use has been found to be appropriate, the use shall thereafter be listed as a permitted or conditional use for the district in which the use was required.

280.020 TEMPORARY MOBILE HOME PERMIT:

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

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 a medical doctor, licensed by the State of Oregon, or a licensed responsible medical agency, and indicates 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 written statement shall indicate that twenty-four (24) hour care is required, if not, the application shall be denied.

   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 or travel trailer has been approved by the appropriate public agency by one of the following:
i) By connecting to the existing subsurface sewage disposal system or sanitary sewer outlet already located on the property; or,

ii) By installation of an individual subsurface sewage disposal system, which the applicant agrees will be abandoned when no longer used for purposes for which the permit is issued; excepting that 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 or travel trailer must conform with setback requirements of this ordinance.

E) No permit may be issued for a mobile home or travel trailer to be located within an identified 100-year floodplain.

F) The applicant shall certify that the placement of a mobile home or travel trailer does not violate the provisions of any deed restriction or subdivision covenant for the property.

G) The applicant has agreed to remove the mobile home or travel trailer within forty-five (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.

H) No request for hearing has been received from persons of notice.

3) Notice, Request for Hearing:

A) Upon verification of the completeness of the application, the Department shall send written notice to all record property owners within 1,000 feet of the applicant's property.

The notice shall state the applicant's name, the location in general, by address and/or legal description of the property on which the mobile home or travel trailer is to be located, and the general nature of the application. If no request for a hearing is made to the Department of Planning and Development within thirty (30) calendar days of mailing of notice, the permit shall be issued upon determination of the Department that the application complies with the requirements of this Chapter.

B) When a request for a hearing has been filed within the thirty (30) 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 (10) days prior to the date of the hearing. Said 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.

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 fifteen (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 application shall be eligible for submittal for a period of not less than one (1) 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.

5) Expiration of Permit; Renewal:

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

B) The Department of Planning and Development shall give permittees not less than thirty (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.

280.030 ACCESS:

All lots shall abut a public road, county road, dedicated way, or private road for a distance of at least twenty-five (25) feet, as described in the Land Division Ordinance, unless the owner-applicant records an instrument in the official records which provides notice that the parcel is not served with legal access and cannot be used for residential purposes until legal access is provided, or where private ways are created solely to provide ingress or egress to land in conjunction with the use of land for forestry, mining, or agricultural purposes. Parcels legally created, prior to September 1, 1973, are exempt from the requirements of 280.030 for the purposes of issuing development permits.

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 (3) and ten (10) feet above the street level within twenty (20) feet of the intersection of the rights-of-way lines of two streets, or 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. An appeal to the Director's decision shall be to the Board of Commissioners, 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 to provide for additional yard 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 Uses (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) **Yard Requirements:**

A) Yard 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 eighteen (18) inches into a required yard.

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, Yard, and Lot Coverage:**

The following minimum requirements shall be observed unless specified otherwise in this ordinance (all requirements are measured in feet):

<table>
<thead>
<tr>
<th>MAP DESIGNATION</th>
<th>BUILDING HEIGHT</th>
<th>YARD REQUIREMENTS FRONT</th>
<th>SIDE</th>
<th>REAR</th>
<th>MAXIMUM LOT COVERAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FR</td>
<td>--</td>
<td>30</td>
<td>30</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>WR</td>
<td>--</td>
<td>30</td>
<td>30</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>OSR-20</td>
<td>--</td>
<td>30</td>
<td>30</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>OSD-5</td>
<td>--</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>--</td>
</tr>
<tr>
<td>EFU-1</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>None Specified</td>
</tr>
<tr>
<td>EFU-2</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>None Specified</td>
</tr>
<tr>
<td>EFU-2/20</td>
<td>None Spec.</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>None Specified</td>
</tr>
<tr>
<td>MAP DESIGNATION</td>
<td>BUILDING HEIGHT</td>
<td>YARD REQUIREMENTS</td>
<td>MAXIMUM LCT COVERAGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>----------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>FRONT</td>
<td>SIDE</td>
<td>REAR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EFU-3</td>
<td>None</td>
<td>Spec.</td>
<td>30</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>F-5/F-2.5</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>--</td>
</tr>
<tr>
<td>RR-5</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>--</td>
</tr>
<tr>
<td>SR-2.5</td>
<td>35</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>--</td>
</tr>
<tr>
<td>SR-1</td>
<td>35</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>--</td>
</tr>
<tr>
<td>UR-10</td>
<td>35</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>40%</td>
</tr>
<tr>
<td>UR-8</td>
<td>35</td>
<td>25</td>
<td>6</td>
<td>10</td>
<td>40%</td>
</tr>
<tr>
<td>UR-6</td>
<td>35</td>
<td>25</td>
<td>6</td>
<td>10</td>
<td>40%</td>
</tr>
<tr>
<td>UR-4.5</td>
<td>35</td>
<td>25</td>
<td>6</td>
<td>10</td>
<td>50%</td>
</tr>
<tr>
<td>UR-H</td>
<td>45</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>50%</td>
</tr>
<tr>
<td>IC</td>
<td>45</td>
<td>20</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>RS</td>
<td>35</td>
<td>20</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>NC</td>
<td>35</td>
<td>20</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>GC</td>
<td>60</td>
<td>20</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>LI</td>
<td>60</td>
<td>30</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>AD-MU</td>
<td>35</td>
<td>30</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
<tr>
<td>GI</td>
<td>60</td>
<td>30</td>
<td>None</td>
<td>None</td>
<td>--</td>
</tr>
</tbody>
</table>

5) **Exceptions to the Minimum Yard Requirements:**

A) In urban residential zoning districts (UR-10, UR-8, UR-6, UR-4.5 and UR-H), the side and rear yard requirements shall be increased by one-half foot for each foot by which the building exceeds twenty-five (25) feet.
B) Setback and side or rear yard requirements may be adjusted to provide for solar orientation and access on urban residential and urban high density residential districts. An adjustment of up to thirty-three (33) percent may be administratively approved by the Planning Director for this purpose. Reductions of side yards in excess of thirty-three (33) percent, up to and including zero lot lines, or reductions in front yard requirements, shall be subject to Hearings Council review.

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 width:

i) In Light Industrial (LI) districts, the minimum side or rear yard shall be ten (10) feet plus one (1) foot for every foot by which the height of the building exceeds fifteen (15) feet.

ii) In General Industrial (GI) districts, the minimum side or rear yard requirements shall be forty (40) feet plus one (1) foot for every foot by which the height of the building exceeds fifteen (15) feet.

D) Where the side and/or rear yard of the following districts abut a residential district, then the yard requirements in those districts adjacent to such residential lot lines shall have the following minimum width:

i) In Rural Service Commercial (RS) and Neighborhood Commercial (NC) districts, the minimum side or rear yard shall be twenty-five (25) feet, plus one (1) additional foot for every foot by which the height of the building exceeds fifteen (15) feet.

ii) In General Commercial (GC), Interchange Commercial (IC), Light Industrial (LI), Airport Development-Mixed Use (AD-MU) districts, the minimum site or rear yard shall be fifty (50) feet plus one (1) additional foot for every foot by which the height of the building exceeds fifteen (15) feet.

iii) In General Industrial (GI) districts, the minimum side or rear yard shall be one-hundred (100) feet plus two (2) feet for every foot by which the height of the building exceeds fifteen (15) feet.

8) Nonconforming Lots:

A) Lots created prior to September 1, 1973, which do not meet the minimum lot area or width requirements of the zoning district in which the lot is located, shall meet the yard 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 special setbacks as a buffer between resource lands and adjacent districts as a means to prevent conflicts between resource and nonresource uses.

2) **Forest Land Setback Requirements:** Where the front, side, or rear lot line in any adjacent nonresource zoning district abuts a Forest Resource (FR-160), Woodland Resource (WR-20), or Exclusive Farm Use-3 (EFU-3) district, then a two hundred (200) foot setback shall be required for all dwellings on said adjacent district.

3) **Agricultural Lands Setback Requirements:** Where the front, side, and/or rear lot line of any adjacent nonforest district abuts Exclusive Farm Use (EFU-1 or EFU-2) districts which comply with the intent of the agricultural element of the Jackson County Comprehensive Plan, then a two-hundred (200) foot setback shall be required for all dwellings on said adjacent district.

4) **Aggregate Resource Setback Requirements:** Where the front, side, or rear lot line of any district abuts an Aggregate Resource (AR) district, then a five-hundred (500) foot setback shall be required for new dwellings in adjacent districts.

5) **Floodplain Setback Requirements:** 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.

6) **Stream Setbacks for Fishery and Riparian Habitat:** No structure other than boat landings, docks, bridges, or pumping or water treatment facilities shall be located closer than fifteen (15) feet to the banks of any permanent (Class 1) stream, lake, reservoir, or intermittent (Class 2) water courses or basins which contain water at least six (6) months of the year, which have been identified by the Oregon Department of Fish and Wildlife as salmonid fishery or riparian wildlife habitat.

7) **Exceptions to Minimum Parcel Sizes or Special Setback Requirements:**

   A) Parcel sizes in excess of the minimum prescribed for a district may be required through the division process to satisfy special setback requirements on newly created lots.
B) Where parcels 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.

C) The Department may approve variances to the special setback requirements if any of the following situations are determined to exist:

   i) The contiguous resource zoned parcel is not forested, is not productive agriculture, or does not contain an active aggregate operation; or,

   ii) The contiguous resource zoned parcel contains dwellings which would not be affected by the reduced setback; or,

   iii) The required setback will place the dwelling on a more productive resource area; or,

   iv) The maximum 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 Hearings Council. 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
   B) Dance hall or skating rink

7) Commercial Use:
   A) Retail Store
   B) Bank, Business, or Professional office, unless otherwise specified
   C) Repair shop or shop exclusively handling bulky merchandise
   D) Restaurant
   E) Mortuary or Funeral Home
   F) Medical or Dental Clinic or Office

8) Industrial Use:
   A) Manufacturing Establishment
   B) Wholesale Establishment

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:

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 neat, clean, and attractive condition.

D) Signs shall be removed by the property owner within thirty (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, and Jackson County:

- Interstate 5
- Oregon Highway 140
- Oregon Highway 227
- Oregon Highway 66
- Oregon Highway 62
- Oregon Highway 238

F) Signs of any size mounted on trailers, trucks, and other portable signs with an area on one side in excess of ten (10) 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.

2) Specific Requirements for Signs in Forest Resource, Woodland Resource, Open Space Reserve, Open Space Development, Exclusive Farm Use, and Farm Residential Zoning Districts:

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

B) One double-faced sign or two (2) separate signs identifying the use or occupancy of the property on which the sign is located; maximum sign area shall not exceed thirty-two (32) square feet in area.
C) One double-faced sign or two (2) separate signs advertising the sale of forest products; maximum sign area shall not exceed thirty-two (32) square feet in area.

D) Signs for conditional uses shall not exceed thirty-two (32) square feet in area.

E) The maximum height of the sign and any appurtenances shall not exceed ten (10) feet.

F) For home occupations, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure and not illuminated in any manner.

3) Specific Requirements for Signs in all Residential Zoning Districts:

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

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

4) Size and Height Limitations:

A) One name place or sign limited as follows:

i) For a single family dwelling, mobile home, or home occupation, one (1) sign shall be limited to one (1) square foot in area, mounted flush with the side of the primary structure and not illuminated in any manner.

ii) For a cottage industry, one (1) sign, limited to three (3) square feet in area, mounted flush with the side of the primary structure and not illuminated in any manner.

iii) For two-family and multi-family dwellings, and mobile home parks, not to exceed three (3) square feet per dwelling unit, but not exceeding eighteen (18) square feet of total sign area.

B) Signs for conditional uses shall not exceed twenty (20) square feet in area.

C) One temporary sign advertising the sale, lease, or rental of the property on which the sign is located, but not exceeding thirty-two (32) square feet of total sign area.
D) Signs identifying a subdivision and erected as an integral part of a gate or entrance structure, provided there are not more than two (2) signs, each one of which does not exceed twenty (20) square feet in area. The design and location of these signs shall be approved by the Hearings Council.

E) No sign or appurtenance shall exceed ten (10) feet in height.

5) Exempt Signs in all Zoning Districts:

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

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

C) House and building numbers.

D) Temporary sign in conjunction with political and civic campaigns, provided that such signs are removed within fifteen (15) calendar days following the conclusion of the campaign.

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

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

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

H) Signs indicating membership in farm or forestry organizations.

I) Signs located within a building.

J) On-premise directional signs.

K) Temporary signs identifying proposed or existing construction.

L) Signs posted by property owners indicating prohibited uses like "no trespassing," "no hunting," and "no fishing."
6) **Specific Requirements for Signs in Commercial or Industrial Districts:**

A) There shall be not more than one (1) on-site sign with a total sign surface not exceeding thirty (30) square feet for each thirty (30) feet of frontage on a dedicated public way or county road, not to exceed a maximum of one-hundred and fifty (150) square feet per face, for a double faced sign, or three-hundred (300) square feet for a single faced sign.

B) The maximum height of said sign and any appurtenances shall not exceed twenty-five (25) feet.

7) **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 LOT AREA, PARCEL SIZE, AND OTHER REQUIREMENTS WHEN STREETS, ROADS, OR EASEMENTS ARE INVOLVED:**

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

2) **County Roads or Streets, and Dedicated Public 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 public 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 public 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 or 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, street, or dedicated public way, the portion of said lot or parcel on either side of the road shall be recognized as a partitioned parcel, provided that each such portion meets all legal requirements to stand as a separate parcel with the exception of the minimum parcel area 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 county road, street, or dedicated public way, the area of such right-of-way may be considered as a portion of the lot or parcel for determining minimum lot or parcel area, only if the lot or parcel was so described prior to September 1, 1977. For purposes of determining lot or parcel coverage or setback requirements, the right-of-way line of the road shall be used.

280.100 FIRE SAFETY REQUIREMENTS AND GUIDELINES:

1) Purpose: As a matter of public safety and welfare, to provide minimum fire prevention and suppression standards for rural areas subject to high wildfire hazard. To provide for mandatory requirements in areas outside rural fire protection districts where no structural fire protection is provided, and within rural fire districts beyond a five (5) road mile radius of a responding fire station; and to provide guidelines for development in rural areas within a rural fire district and less than five (5) road miles from a responding fire station.

2) 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 a five (5) mile radius of a responding fire district.

A) A minimum fuelbreak of fifty (50) feet in width, as defined in section 200.030. Such fuelbreak shall be maintained in a cleared condition; and,

B) Wood roofing shakes and other highly flammable roofing materials, if used, shall be chemically 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 around alternative source of water with its own twenty (20) gallon per minute pump, adequate length of hose to reach all sides of the structure(s), and one-quarter (¼) 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.

D) The Department may inspect the site to ensure compliance with the provisions, and any other requirements of the zoning ordinance.
3) **Fire Safety Guidelines for Rural Development:**

A) Areas within a five (5) road mile radius of a responding fire station, which are located within rural fire protection districts, need only consider the items listed above in section 2 as guidelines.

B) The following fire safety guidelines should be considered in all rural areas:

   i) Automated sprinkler systems for the roof and/or interior of the structure should be considered.

   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 (10) 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.

C) Recommendations contained in the wildfire section of the Jackson County Comprehensive Plan and publications of the Northwest Interagency Fire Prevention Group (available through the Planning Department), should also be considered by those engaged in rural development actions.

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 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 a distinction between the comprehensive plan designation and zoning designation is necessary to accommodate a future staging strategy for future land use actions, or to prevent conversion of certain lands from a resource to a nonresource use, shall be indicated on the official plan and zoning map with both plan and zoning designations.

B) Areas where specific policy concern(s) must be successfully addressed by all applicants for a land use 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.

C) Areas in which planned unit development permits are required in order to meet a specific concern identified by the Planning Commission.

D) Areas in which 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 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; and,

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.

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 has a vested right to 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 280.080.
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 those permitted by section 280.080.

C) The use may not increase vehicular traffic flow or parking by more than one (1) 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, or 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 or 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, on lots equal to or greater than one (1) acre in size.
   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 districts 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 thirty (30) days after the Hearings Council has rendered its order. If the appeal is not filed within the thirty (30) day period, the decision of the Hearings Council is final.

**280.130 COTTAGE INDUSTRIES:**

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 which can be conducted within rural residential environments without adversely impacting the residential character of the neighborhood, as determined by the Jackson County Hearings Council at a public hearing.

2) The following uses are allowable as a cottage industry, subject to approval of a conditional use permit by the Jackson County Hearings Council, and compliance with Chapter 260:

A) The only uses permitted as conditional uses, are the following, and are subject to compliance with Chapter 260:

i) Storm window and door construction.

ii) Winery (with no retail sales).

iii) Landscape contractor.

iv) Blacksmith.

v) Boat construction.

vi) Custom cabinet manufacturing.

vii) Ceramics fabrication.

viii) Furniture manufacturing and upholstering.

ix) Gunsmithing.

x) Leather goods.

xi) Tent, awning, and tarpaulin fabrication.
3) Additional 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 (5) acres or larger in size in the Open Space Development (OSD-5), Rural Residential (RR-5), and Farm Residential (FR-5) zoning districts.

B) Cottage industries may employ a total of five (5) persons, of which not more than three (3) employees do not reside on the property. The operation shall not be allowed to operate longer than 10 hours in any 24 hour period.

C) One (1) 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 (1) 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 (10) hour shift.

F) A cottage industry shall be wholly contained with 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 L50 standards for decibles (dB(A)), 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 districts.

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.

O) No commercial vehicle type in excess of 9,500 gross 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.

4) 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.
5) **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.

6) **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 thirty (30) days after the Hearings Council has rendered its order. If the appeal is not filed within the thirty (30) day period, the decision of the Hearings Council shall be final.

---

280.140 **Yard Sales or Flea Markets:**

1) A yard sale or flea market 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 (3) such sales per year.

2) The duration of each sale shall not exceed two (2) days in length.

3) The hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.

280.150 **Registration Requirements:**

Aggregate operations which are not operating under an approved conditional use permit, or within an aggregate resource zoning designation, must register with the Department within six (6) months after adoption date of this ordinance. The registration must include the township, range, section, and tax lot number of the location of the site. Expansions thereafter of such sites would require approval of a conditional use permit. The denial of a conditional use permit would have no effect on an aggregate operation or portion of an aggregate operation which has a preexisting status. The required conditional use permit applies only to the aggregate operation or portion of the aggregate operation which does not have a preexisting status.
280.160 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 that:

1) The dropbox for recyclables shall be containerized, covered, and not located in such a manner as to constitute a fire hazard; and,

2) The organization responsible for recycling the materials left at such dropboxes shall pick up such materials on a regular basis and shall be responsible for keeping the area immediately around the dropbox clean and free of debris or waste.

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 SOLID WASTE COLLECTION SITE:

Solid waste collection sites may be allowed provided:

1) The receptacle(s) for refuse disposal is containerized and covered;

2) That the site is visually screened by fencing and plant material; and,

3) 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.

280.190 EXISTING DWELLINGS EXEMPT FROM FIRE SAFETY PROVISIONS:

Dwellings in existence as of the effective date of this ordinance are exempt from compliance with the fire safety and prevention requirements.

280.200 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.
CHAPTER 282
SITE PLAN REVIEW PROVISIONS

282.010 PURPOSE:
The purpose of site plan review is to provide flexibility in the application of standards which will assure quality land use development actions, buffering of incompatible uses, provisions for landscaping and aesthetic consideration, and inclusion of special public safety requirements. Site plan review is intended to be applied to properties where special review of development proposals is warranted because of the nature of surrounding areas, safety factors, public facilities such as water and sewer, roads, or other unique conditions of the site.

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

282.030 PLANS REQUIRED, INFORMATION TO BE SUBMITTED WITH APPLICATION:
1) An application for site plan review shall be submitted to the Department of Planning and Development on forms prescribed by the Department.

2) Each such application shall include:

A) A scale drawing showing existing structures, general topography, percent of slope, natural features, all easements, survey monuments, and all trees over 12 feet high. If the average slope is more than 10 percent, or if the property has running or standing surface waters, an accurate topographical contour map must also be submitted with contours at two (2) foot intervals.

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

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) Special considerations 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 lot, subject to site plan review shall be landscaped:

<table>
<thead>
<tr>
<th>USE</th>
<th>MINIMUM % OF LOT AREA TO BE LANDSCAPED</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Multi-family dwellings, single family dwellings within the Urban Residential 4.5 district, or mobile home parks of 6 or more units.</td>
<td>25%</td>
</tr>
<tr>
<td>B) Multi-family dwellings, duplexes, single family dwellings within the Urban Residential 4.5 district, or mobile home parks of 2 through 5 units.</td>
<td>20%</td>
</tr>
<tr>
<td>C) Uses allowed in LI, GI, GC, IC, RS, NC, and AD-MU zones.</td>
<td>15%</td>
</tr>
</tbody>
</table>

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 be considered a part of the required landscaping.

7) A landscape plan shall be prepared showing types, placement, and sizes of plantings, all irrigation facilities, and a maintenance plan. Such plan must meet minimum requirements as presented in this section, as well as comply with requirements determined in section 282.050.

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

9) 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.

10) 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.

11) In addition to the above, the Planning Director may review for adequacy of utilities, roads, and compatibility with any applicable policies or concerns which are expressed in the comprehensive plan. The decision of the Planning Director may be appealed pursuant to section 285.020.

282.050 REVIEW BY STAFF OR THE DEPARTMENT OF PLANNING AND DEVELOPMENT:

The Board of Commissioners hereby appoints the Planning Director to be empowered to issue permits which comply with this ordinance and, when necessary, to stipulate that any or all of the following must be submitted as a part of an application or must be completed as a condition of approval of a site plan review permit:

1) The landscape plan shall be prepared by an Oregon registered landscape architect, or similarly qualified professional designer, incorporating general standards and conditions of this Chapter.

2) Require view obscuring shrubbery, walls, or fences along property lines and around unsightly areas such as trash and equipment storage areas, and industrial and heavy commercial activities.

3) Require the retention of 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.

4) Require an Oregon licensed civil engineer or landscape architect to prepare and submit a grading plan and/or drainage plan for the collection and transmission of drainage waters.
5) Require specified size, placements, and grades for pedestrian and vehicle access.

6) Require sidewalks, dedication of rights-of-way for streets and pedestrian ways, and easements for utilities, waterways, or slopes.

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

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

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

10) Require a certain type and placement of lights for outdoor circulation and parking facilities. Such lighting shall not directly shine or reflect upon adjoining properties.

11) Require that the size, location, design, and lighting of all exterior signing is consistent with the purpose of this Chapter, and the nature of the proposed project.

282.060 TIME LIMITS:

The staff of the Department of Planning and Development shall render a decision on each properly filed application for a site plan review permit within ten (10) working days of receiving the application. This time limit may be extended by the mutual consent of the applicant and staff.

282.070 COMPLIANCE:

Any development subject to this Chapter shall be carried out in accordance with approved plans and conditions imposed by 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, or release utilities, unless and until satisfied of compliance. However, the Planning Director may order or release a temporary certificate of occupancy and a temporary release of utilities provided:

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

2) The owner has posted a performance bond, satisfactory to the Planning Director, to ensure the installation of said landscaping and design requirements within a specified time.
3) 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.

282.080 APPEALS:

Appeals from the action of the staff shall follow the procedures specified in Chapter 285.
CHAPTER 285
ADMINISTRATIVE PROVISIONS

285.010 ADMINISTRATION:
The Planning Director shall administer the provisions of this ordinance.

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

2) An action or ruling of the Planning Commission, Hearings Council, or Hearings Officer, pursuant to this ordinance, may be appealed to the Board of Commissioners within thirty (30) calendar days after the Planning Commission, Hearings Council, or Hearings Officer has rendered a decision. If the appeal is not filed within the thirty (30) calendar day period, the decision of the Planning Commission, Hearings Council, or Hearings Officer shall be final. If an appeal is filed, the Board of Commissioners shall receive a report and recommendation from the Planning Commission, Hearings Council, or Hearings Officer and may 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.

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 motion) 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 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 penalty provisions of section 290.030; and/or

   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 of, 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 APPLICATION FORMS:

Applications provided for in this ordinance 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.

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 (10) 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. The notice of hearing shall be mailed at least ten (10) 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 (5) 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.
CHAPTER 290
MISCELLANEOUS PROVISIONS

290.010 INTERPRETATION:
Where the conditions imposed by a provision of this 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 this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

290.030 PENALTIES:
1) It shall be a violation of county law for any person or other legal entity to violate this ordinance.

2) Any person or legal entity convicted of a violation of this ordinance shall be punished by a fine of not more than $500 for a noncontinuing offense, and a fine of not more than $200 per day for a continuing offense, not to exceed $10,000.

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

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