

CHAPTER 8. DIMENSIONAL STANDARDS, MEASUREMENTS AND ADJUSTMENTS

8.1	APPLICABILITY	1
8.2	TABLE OF DENSITY AND DIMENSIONAL STANDARDS.....	1
8.3	HEIGHT, LOT/PARCEL MEASUREMENTS AND REQUIREMENTS	5
8.3.1	Definition/Measurement	5
8.3.2	General Requirements.....	5
8.3.3	Exclusions/Exemptions	6
8.4	ADDITIONAL REGULATIONS.....	6
8.4.1	Rural Residential Zoning Districts	6
8.4.2	Urban Residential Zoning Districts	6
8.4.3	General Site Development and Buffering Requirements	6
8.5	SETBACK MEASUREMENT AND REQUIREMENTS	7
8.5.1	Setback Measurement.....	7
8.5.2	General Setback Requirements	7
	A) Required Setbacks	7
	B) Signs and Fences.....	7
	C) Vision Clearance for Intersections	7
	D) General Exemptions to Yard Requirements.....	7
8.5.3	Special Setback Requirements	8
	A) Adjustments for Solar Orientation.....	8
	B) Side or Rear Yards Abutting Commercial Districts.....	8
	C) Nonresidential Accessory Farm Use Structures in EFU Zone.....	8
	D) Irrigation Ditches or Canals	9
	E) Increases to Front Yards to Accommodate Future Street Improvements..	9
	F) Setbacks from Resource Lands and Reduction Requests	9
	G) Mount Ashland Road.....	12
	H) Reduced Setbacks in White City Commercial Zoning Districts	12
8.6	STREAM CORRIDORS AND RIPARIAN HABITAT	12
8.6.1	General Setback Requirement for Structures.....	12
8.6.2	Limitations on Roadway Development	13
8.6.3	Review of Bridge/Stream Crossings.....	13
8.6.4	Retention of Vegetation and Tree Cover	13
8.6.5	Reduction of Riparian Setbacks	14
8.7	WILDFIRE SAFETY	14
8.7.1	Fire Safety Requirements	14
	A) Applicability	14
	B) Fuelbreaks	14
	C) Roof Coverings.....	16
	D) Access	16
	E) Chimneys	16
	F) Rural Fire Protection	17
	G) General Fire Safety Guidelines.....	17
	H) Address Signs	17

8.7.2	Exemptions to the Wildfire Safety Requirements.....	17
8.7.3	Fuelbreak Reductions	18
8.7.4	Conditional Approval Requirements When Deemed Necessary.....	18
8.8	STORMWATER MANAGEMENT.....	18
8.8.1	Purpose	18
8.8.2	Applicability.....	19
8.8.3	Required Review.....	19
8.9	PARCEL AREA REDUCTIONS	19
8.9.1	Purpose and Scope	19
8.9.2	Approval Criteria	20
8.9.3	Cluster and Planned Unit Developments in Rural Use Districts.....	20

CHAPTER 8 DIMENSIONAL STANDARDS, MEASUREMENTS AND ADJUSTMENTS

8.1 APPLICABILITY

Except as provided in Section 6.3.8 with regard to destination resorts, all new development and redevelopment in the resource districts described in Chapter 4 or any of the other zoning districts described in Chapter 5 will comply with the dimensional requirements set forth in this Chapter. See also Section 1.7 and Chapter 11 for regulations relating to preexisting uses, and nonconformities.

8.2 TABLE OF DENSITY AND DIMENSIONAL STANDARDS

All primary and accessory structures are subject to the density and dimensional standards set forth in Table 8.2-1. Any lot that is created through land division will meet the minimum lot area and lot width requirements set forth in Table 8.2-1 for the zoning district in which it is located, unless created pursuant to the requirements of Section 8.9. Footnoted regulations are referenced in italicized brackets, and in the final column of the Table. Rules of measurement and reductions are set forth in Sections 8.3 and 8.5. These standards may be further modified by other applicable sections of this Ordinance, including the overlay district standards set forth in Chapter 7. *(Amended by Ordinance 2004-12, effective 2-6-2005)*

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS								
District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] 2(dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
RESOURCE DISTRICTS								
EFU, FR,WR, OSR, AR	80 acres	600	1/80	30	30	30	35	8.5.3(C)
RURAL RESIDENTIAL ZONING DISTRICTS								
RR-5, RR-5(A)	5 acres	300	1/5	30	20	20	35	8.4.1
RR-10	10 acres	300	1/10	30	20	20	35	8.4.1
RR-00	N/A	N/A	1 per parcel	30	20	20	35	8.4.1
RR-2.5	2.5 acres	175	1/2.5	30	20	20	35	8.4.1

¹Ordinance 2006-10, effective 2-18-07; Ordinance 2010-9, effective 2-13-2011.

² See Section 4.3.11 and 4.4.9 for special regulations for land divisions in resource districts. Temporary medical hardship dwellings, accessory dwelling units, and farm help dwellings are not subject to density standards.

³ All development may be subject to additional setback requirements beyond those set forth in this table, including irrigation ditch/canal setbacks (Section 8.5.3), stream setbacks (Section 8.6), or fuelbreak requirements (Section 8.7).

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] 2(dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
URBAN RESIDENTIAL ZONING DISTRICTS (*See Chapter 12 for White City UUCB Special Regulations)								
UR-1	1 acre	100 (1:2.5 width to depth ratio for divisions)	1/1	25	10 side & rear, plus addl. 1/2 ft for each ft bldg height exceeding 25 ft	35		
UR-4 WCUR-4*	10,000 sq ft	60	4/1	20 [4]	10 side (5 side in WCUUCB) & rear, plus addl. 1/2 ft for each ft bldg height exceeding 25 ft	35	8.4.2	
UR-6 WCUR-6*	7,200 sq ft	60	6/1	20 [4]	6 side (5 side in WCUUCB) & 10 rear, plus addl. 1/2 ft for each ft bldg height exceeding 25 ft	35	8.4.2	
UR-8 WCUR-8*	5,400 sq ft	50	8/1	20 [4]	6 side (5 side in WCUUCB) & 10 rear, plus addl. 1/2 ft for each ft bldg height exceeding 25 ft	35		
UR-10 WCUR-10*	4,300 sq ft	45	10/1	20 [4]	5 side & 10 rear, plus addl. 1/2 ft for each ft bldg height exceeding 25 ft	35		
UR-30 WCUR-30*	6,000 sq ft for first SFD or SFA; 10,000 sq ft min. for 3 or more DU per parcel/lot	30	30/1 Mfd dwellings in mfd parks: 9/1	20	10 side & rear, plus addl. 1/2 ft for each ft bldg height exceeding 25 ft	45	8.4.2 8.4.3	

⁴ Within WCUUCB, see Section 12.4(G) for reduced front yard option.

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] 2(dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
COMMERCIAL ZONING DISTRICTS								
GC	Dimensional standards for commercial divisions will be based on location and type of use. New parcels may only be created for an existing use or a use approved through the site development plan and Type 3 review procedures. Within WCUUCB new parcels may be created for an existing use or commercial division purposes, provided all new vacant lots created are a minimum of 20,000 sq. ft. New parcels must have adequate area for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.		20	30 side & rear if adjacent to residential district.	60	8.3.2 8.4.3		
IC	The dimensional standards for commercial divisions will be based on location and type of use. Residential development in accordance with UR-30 standards may be allowed in conjunction with commercial uses. New parcels may only be created for an existing use or a use approved through the site development and Type 3 review procedures. New parcels must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.		20	30 side & rear if adjacent to residential district	45	8.3.2 8.4.3		
NC			20	20 side & rear if adjacent to residential district	35	8.3.2 8.4.2 8.4.3		
ARS			20	25 side & rear if adjacent to residential district	35 (ARS: 2 stories)	8.3.2, 8.4.3 Commercial use bldgs 2,500 sq ft max. (4,000 sq ft for Type 3 use). Limit applies to parcel, not use.		

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] 2(dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
RS, RRS, SVRS	The dimensional standards for commercial divisions will be based on the location and type of use. New parcels may only be created for an existing use or a use approved through the site development plan and Type 3 review procedures. The new parcel must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division.			20	25 side & rear if adjacent to residential district		Type 3 use if over 25	See Sections 8.3.2, 8.4.3
				20	25 side & rear if adjacent to residential district		Type 3 use if over 25	Commercial use bldgs will not exceed 4,000 sq ft floor space.
INDUSTRIAL AND SITE-SPECIFIC ZONING DISTRICTS								
LI	The dimensional standards for industrial divisions will be based on the location and type of use. New parcels will be a minimum of one (1) acre in size. The new parcel must be shown to have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance. See Ch. 10 for land division. In WCUUCB, minimum parcel size for LI zone will be 20,000 sq. ft.			30	20 side & rear if adjacent to residential district. Within WCUUCB, no side or rear setbacks are required, except where adjacent to a residential district; where adjacent to a residential district, setbacks must be 10 side, and 20 rear if adjacent to residential district.		60	See Sections 8.3.2, 8.4.3, and 8.5.3
GI				30	20 side & rear if adjacent to residential district Within WCUUCB, 10 side, and 20 rear <i>if adjacent to residential district</i>		60	See Sections 8.3.2, 8.4.3, and 8.5.3
RLI	New parcels may only be created for an existing use or a use approved through site plan review (Sec. 3.2) and Type 3 review procedures. The new parcel(s) must have adequate area to provide for setbacks, parking, access, landscaping, and any other requirements of this Ordinance.			30	20 side & rear if adjacent to residential district		60	See Sections 8.3.2, 8.4.3, and 8.5.3
LU				20	10 side & rear Within WCUUCB, 10 side, and 20 rear <i>if adjacent to</i>		45	See Sections 8.3.2, 8.4.3, and 8.5.3

TABLE 8.2-1: TABLE OF DENSITY AND DIMENSIONAL STANDARDS

District	Minimum Lot/Parcel Dimensions		Max. Gross Density [2] 2(dwelling units/acre)	Minimum Setbacks (ft) [3]			Max. Height (ft)	See Also
	Area	Width (ft)		Front	Side	Rear		
				<i>residential district</i>				
RU-20	20 acres (15) [5]	N/A	1/20	30	20	20	35	See Sections 3.5,
RU-30	30 acres (25) [5]	N/A	1/30	30	20	20	35	See Sections 3.5,
<i>RU-40</i>	<i>40 acres (30) [5]</i>	<i>N/A</i>	<i>1 / 40</i>	<i>30</i>	<i>20</i>	<i>20</i>	<i>35</i>	<i>See Sections 3.5, 8.9.3</i>

8.3 HEIGHT, LOT/PARCEL MEASUREMENTS AND REQUIREMENTS

8.3.1 Definition/Measurement

- A) The height of a building will be measured as the vertical distance from the average slope of the natural grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. For purposes of this Section, “natural grade” is defined as the elevation of the ground level at the building site in its natural state, before construction, filling, or excavation.
- B) Lot area is calculated as the total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane. When a road lies within the boundaries of a lot, it is included for the purpose of determining the area contained in the lot or parcel.
- C) In cases of existing irregularly shaped lots or parcels, average lot width or depth is used to determine compliance with the setback requirements of this Ordinance. Average lot width/depth is determined by measuring the diameter of the largest circle that can be wholly contained within the boundaries of the lot or parcel.

8.3.2 General Requirements

- A) Building height limits specified in Table 8.2-1 apply to all development unless specified otherwise in the Airport Approach (AA), Airport Concern (AC), overlay district regulations of Sections 7.2.1 and 7.2.2.
- B) Minimum lot/parcel area dimensions specified in Table 8.2-1 apply to all development unless otherwise specified in this Ordinance. A lawfully created lot or parcel that does not meet the minimum area dimensions specified in Table 8.2-1 is entitled to the same rights that such a lot or parcel would otherwise have if it met the minimum area dimension requirements.

⁵ In the RU zones, land division is allowed at gross densities of 1 unit per 15, 25 or 30 acres (for RU 20, RU 30, RU 40) when designed as a cluster or planned unit development in accordance with Section 3.5 and 8.9.3. Ordinance 2008-1, effective 3-30-08.

- C) Within urban growth or urban unincorporated community boundaries, all accessory buildings and structures will be built to the rear or side of the principal structure, and will meet the minimum setbacks for the zone.

8.3.3 Exclusions/Exemptions

Except in airport zoning districts (AA or AC), height limitations will not apply to barns, silos, water towers, or other farm structures, or projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy.

8.4 ADDITIONAL REGULATIONS

8.4.1 Rural Residential Zoning Districts

All development within the Rural Residential districts is subject to the following:

- A) A deed declaration, which acknowledges and accepts customary farm and forest practices, and irrigation rights as provided by the County, will be recorded prior to the issuance of permits.
- B) All Type 2-4 applications within the RR-5(A) District will be reviewed by each permitting agency having jurisdiction prior to issuance of development permits, as indicated by the agency's sign-off on a checklist.

8.4.2 Urban Residential Zoning Districts

See also Section 6.3.2 and Section 12.4.1(C). Two (2) or more single-family attached dwellings may be developed on UR zoned parcels subject to all of the following:

- A) A land division is approved subject to the standards of Chapter 10;
- B) No recorded deed declarations, conditions, restrictions, or plat provisions prevent the land division;
- C) No new residential lot created will be less than 3,000 square feet in size or less than 25 feet wide, except in the WCUR-30 zoning district as described in Section 12.4.1(C) (see also Table 12.4-1); and
- D) All structural setbacks from lot lines required by Table 8.2-1, except for lot lines traversed by common walls, are met.

8.4.3 General Site Development and Buffering Requirements

The standards of this Section will apply in the following districts: UR-30, IC, RS, ARS, RRS, SVRS, NC, GC, LI, and GI.

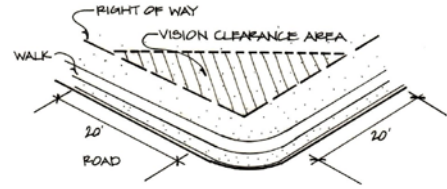
- A) Type 1 and 2 uses allowed within these districts will conform to the site development review requirements of Chapter 9;
- B) Buffering techniques are required to separate Type 1 or 2 uses from abutting incompatible uses. Such techniques will include, but are not limited to, the following:
 - 1) Open outdoor storage is prohibited unless the use is properly screened or fenced in accordance with Chapter 9;

- 2) Berms or solid walls may be required when the County determines that noise abatement or additional visual screening is required;
- 3) Parking lots will be landscaped in accordance with Section 9.2; and
- 4) Sidewalks will be required when the surrounding area has developed with sidewalks and is zoned for urban residential, commercial, or industrial uses (See Sections 9.5.6 and 10.4.3(F)).

8.5 SETBACK MEASUREMENT AND REQUIREMENTS

8.5.1 Setback Measurement

To ensure buildings will not be placed in or encroach on recorded easements for roads, setbacks will be measured as the distance from a right-of-way of a public or private road or access easement, or from a property line to the nearest point of a structure, except as allowed under Section 8.5.2(D).



8.5.2 General Setback Requirements

A) **Required Setbacks**

Setback requirements specified in Table 8.2-1 above will be observed unless otherwise specified in this Section or this Ordinance. Yard setback requirements will be modified by fuelbreak requirements and any of the special setbacks set forth in Sections 8.5.3 and 8.6, if applicable.

Structures on lawfully created lots or parcels that do not meet the minimum area or width requirements of the zoning district in which the lot or parcel is located must meet the yard setback requirements of the zoning district with which the lot or parcel most closely conforms.

B) **Signs and Fences**

All signs and fences under eight (8) feet in height are exempt from the requirements of Table 8.2-1 except as provided in 8.5.2(C).

C) **Vision Clearance for Intersections**

No structure, fence, wall, hedge, sign, or other visual obstruction will be created or allowed to grow, be placed, or maintained between the heights of three (3) and 10 feet above the street level within 20 feet of the intersection of the rights-of-way lines of two (2) roads, or of a road and a railroad property line.

D) **General Exemptions to Yard Requirements**

The following projections are permitted within required yard areas:

- 1) Architectural features such as cornices, sills, eaves, canopies, sunshades, gutters, fireplaces and flues, and mechanical (heating and cooling equipment) will not project more than 18 inches into a required yard.

- 2) Open uncovered accessory structures such as fire escapes, patios, porches, balconies, or outside stairways may extend a maximum of one (1) foot into the required side and rear yard and a maximum of six (6) feet into a required front yard. Porches, decks or stoops which are open and uncovered and not exceeding 18 inches in height may be located within 18 inches of any lot line.
- 3) Except for vision clearance (Section 8.5.2(C)) and riparian habitat (Section 8.6) setbacks, nonhabitable one (1)-story detached accessory structures as described in the *State of Oregon One-and Two Single Family Dwelling Specialty Code*, are exempt from the mandatory setback requirements of this Ordinance, provided the floor area does not exceed 200 square feet and a height of 10 feet, as measured to the highest point.
- 4) Within commercial districts, awnings may be allowed to extend a maximum of six (6) feet into the required front yard.
- 5) On a parcel where the abutting lots, adjoining the same street or road, contain lawfully constructed buildings whose setbacks are equal to or less than that required by the underlying zone, the front yard setback may be reduced to a distance equal to the average setback established on the abutting parcels.

8.5.3 Special Setback Requirements

A) ***Adjustments for Solar Orientation***

The side and rear setback requirements may be adjusted to provide for solar orientation in Urban Residential Zoning districts. An adjustment of up to 33 percent may be approved as an Administrative Adjustment in accordance with Section 3.12. Reductions of side setbacks in excess of 33 percent, or reductions in front yard requirements, will be subject to review through the Type 3 procedure contained in Section 3.1.4.

B) ***Side or Rear Yards Abutting Commercial Districts***

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, will have the following minimum setback width measured from the zoning district boundary. If the zoning district boundary lies in the centerline of a dedicated street or road, the entire width of the right-of-way may be calculated as part of the setback.

- 1) In the LI and RLI districts, the minimum side or rear yard setback will be 10 feet plus one (1) foot for every foot by which the height of the building exceeds 15 feet.
- 2) In the GI district, the minimum side or rear yard setback requirements will be 40 feet plus one (1) foot for every foot by which the height of the building exceeds 15 feet.

C) ***Nonresidential Accessory Farm Use Structures in EFU Zone***

Nonresidential accessory farm use structures on lands zoned Exclusive Farm Use (EFU) may be placed within five (5) feet of a side or rear property line when the County determines through a Type 1 review that

the standard yard width requirement will not adversely affect agricultural uses on the subject or adjacent properties.

D) ***Irrigation Ditches or Canals***

On lands where irrigation district ditches or canals exist, applicants will not establish dwellings or out buildings, septic or drainfields, water wells, or any other obstruction within 30 feet or easement width whichever is greater from the center of the ditch or canal, on the side of the canal or ditch where the maintenance/access road is located. Applicants will be required to sign a deed declaration to allow access and maintenance including:

- 1) Mechanical cleaning;
- 2) Brush and tree removal; and,
- 3) Any repairs deemed necessary to maintain proper water storage, diversion or carriage of water.

The County may waive or reduce this setback when the setback is otherwise impracticable due to the specific configuration or use of the property, and such a reduction will not impair maintenance functions as attested by the appropriate irrigation district, or in those cases where no district exists, by downstream users of the ditch.

E) ***Increases to Front Yards to Accommodate Future Street Improvements***

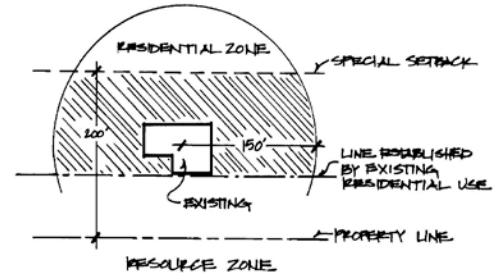
The front yard setback may be increased up to 30 feet from the right-of-way or 60 feet from the centerline of a dedicated road or access way, whichever is greater to accommodate planned future street improvements.

F) ***Setbacks from Resource Lands and Reduction Requests***

Building setbacks provide a buffer between resource and abutting nonresource land as a means to prevent conflicts between resource and non-resource uses. Unless otherwise approved as provided below, a 200-foot setback from forest and farm zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure⁹ (see Section 13.2.3(A)) sited in a nonresource zoning district. A 500-foot setback from Aggregate Removal zoned lands will be maintained by any new, replacement of a lawfully established or enlarged residential structure, notwithstanding the adjacent zoning district. If the zoning boundary lies in the centerline of a County or state roadway, the entire width of the dedicated roadway may be calculated as part of the special setback. In addition to the regulations in this subsection, residential structures must also comply with all other applicable siting standards in Chapters 7, 8 and 9 of this Ordinance. A replacement dwelling in the floodway subject to Section 7.1.2 (F)(7) is exempt from the provisions of this subsection and Section 8.7.

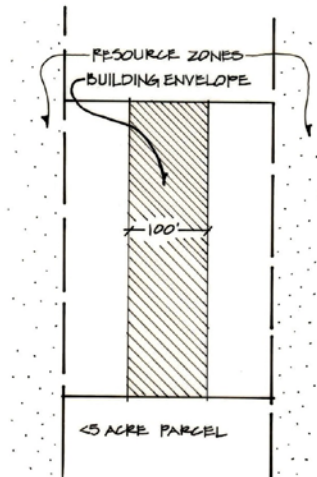
⁹All references to a residential structure in this section also includes detached living space as defined in Chapter 13. All references to replacement structures shall indicate that the structure to be replaced was lawfully established and meets the definition of dwelling as defined in Section 4.2.6(1) of the LDO.

An addition or replacement to a lawfully established residential structure that does not qualify for an exception under subsections 1(a) and 1(b) below, is not required to meet special setback requirements when the addition or replacement will not be any closer to the resource zone than the existing residential structure. Any lawfully placed residential structure may be replaced within a 150-foot radius of the centroid of the existing foundation or mobile home pad, provided that setbacks from any resource district boundaries that were established by the original residential structure will not be reduced. Section 9.2.10 applies when a replacement dwelling will be adjacent to an intensive agricultural use.



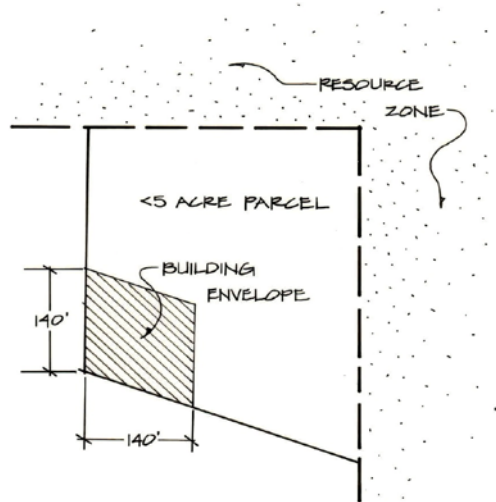
- 1) When an Aggregate Removal setback is not involved, and the parcel is five (5) acres or less in size, the County will allow reduction of the special setback requirement set forth in this subsection under a Type 1 review for a new, replacement of a lawfully established or enlarged residential structure provided the applicable structural setbacks required by Table 8.2-1 are maintained. A Type 1 special setback reduction may be approved if one (1) or more of the following requirements are met:
 - a) If a parcel has a resource zone on one (1) side but not on the opposite side a new, replacement of a lawfully established or enlarged residential structure may be sited within 140 feet of the property line which is opposite the resource district boundary. The 140-foot requirement may be applied for the entire length of the property line, except where it coincides with a resource district boundary. If the parcel configuration allows multiple applications of the 140-foot measurement, then the method that results in the maximum setback possible from abutting resource lands will be used (see Figure "1"); or

FIGURE 1



- b) If a parcel has resource zoning on opposite sides, a new, replacement of a lawfully established or enlarged residential structure may be placed within the middle 100 feet between the resource zoned lands. If the parcel configuration allows multiple applications of the 100-foot measurement, then the method that results in the maximum possible setback from abutting resource lands will be used (see Figure “2”)

FIGURE 2



The special setback reductions listed above may be applied concurrently on the same parcel to allow flexibility in siting a new, replacement of a lawfully established or enlarged residential structure. If there appear to be multiple methods for application of these provisions, then the method that results in the greatest building setback from resource district boundaries will be used;

- 2) When no conforming location exists on the property that can accommodate the proposed residential structure, the County may approve reductions of special setback requirements adjacent to Exclusive Farm Use or forest zoning districts under a Type 2 review upon making findings of compliance with this Section and Sections 4.2.3 or 4.3.4, as applicable (see also Section 9.2.10). To be approved, the applicant must provide substantial findings to document that one (1) or more of the following situations exist:
- a) Lawfully established residential structures on abutting resource zoned parcel(s) are near the common lot line with the nonresource parcel, and a reduction of the setback would not affect the resource (see Sections 4.2.3 and 4.3.4); or

- b) Existing residential structures are within the prescribed setback on the subject parcel or abutting nonresource zoned parcels and the County determines that a setback reduction consistent with established building lines will not adversely affect adjacent resource lands; or
- c) The required setback would prohibit the placement of the residential structure on the parcel due to topography, flood hazard, or would adversely impact other physical or natural areas; or
- d) An intervening physical feature such as a river or highway substantially mitigates the adverse effects of placing a residential structure closer to the resource zoned parcel;

When a special setback reduction is requested to place a new, replacement of a lawfully established or enlarged residential structure on any property adjacent to land zoned Aggregate Removal, the only criteria that may be considered is 8.5.3(F)(2)(c) and (d). When a setback reduction is authorized, development must maintain as much setback from the resource as practicable.

Whenever a setback reduction is allowed under (1) and (2) above, a deed declaration must be recorded wherein the owner of record and any successors, heirs, or assigns accept the potential for resource uses on adjacent resource zoned land to affect the use and enjoyment of the property granted a setback reduction. The deed declaration must also prohibit the landowner and their successors in interest from pursuing a claim for relief or cause of action alleging injury from mining activities, or farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 [see OAR 660-033-0130(30)].

G) ***Mount Ashland Road***

All new structures adjacent to or nearby Mount Ashland Road will be set back a minimum of 100 feet from the center line of Mount Ashland Road west of its intersection with Colestin Road in order to avoid severe damage from snow removal activities of the Oregon Department of Transportation. Encroachment within the 100 feet will only be permitted by the Department on the recommendation of the Oregon Department of Transportation who may also recommend an increased setback.

H) ***Reduced Setbacks in White City Commercial Zoning Districts***

In the White City Urban Unincorporated Community, commercial building setbacks facing public rights-of-way in the Neighborhood commercial (NC) zone may be reduced to 10 feet, exclusive of clear view areas, when all on-site parking is provided solely to the rear or side of the building. Setbacks for buildings in the General Commercial (GC) zone may be similarly reduced to 15 feet when on-site parking is provided exclusively to the side or rear of a commercial building. (Amended by Ordinance 2004-12, effective 2-6-2005)

8.6 STREAM CORRIDORS AND RIPARIAN HABITAT

8.6.1 General Setback Requirement for Structures

- A) Except as allowed by subsection (B), no structure or other development, including grading, will be located closer than 75 feet to the top of bank of the Rogue River, or closer than 50 feet to the top of bank of any Class 1 or 2 stream or other fish-bearing water area, including lakes, ponds perennial and intermittent fish-bearing streams, but excluding man-made farm ponds. The top of bank will be defined as “bankfull stage” in OAR 141-085-0010(2), “Bankfull Stage means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two (2)-year recurrence interval flood elevation may be used to approximate the bankfull stage.”
- B) The following uses may be allowed in the riparian setback area provided they are designed and constructed to minimize the intrusion into the riparian area and the removal of riparian vegetation. Lands disturbed by development activities will be reclaimed (see Section 8.6.4 below).
- 1) Water-related and water-dependent uses such as boat landings, docks, marinas, bridges, dams and hydroelectric facilities.
 - 2) Drainage facilities, utilities, and irrigation pumps.
 - 3) Replacement of existing structures with structures in the same location provided that no additional riparian area is disturbed.
 - 4) Roads and driveways, in accordance with the requirements of Sections 8.6.2 and 8.6.3, and County approved pedestrian/bicycle paths.
 - 5) Public use observation deck or boardwalks when part of an approved park master plan, or bicycle/pedestrian path

8.6.2 Limitations on Roadway Development

Roadway development, including fill, will not be located within the riparian setback area required by Section 8.6.1 except at vehicular crossings. Roads and driveways will be designed to minimize slope cut and fill. Areas disturbed during development will be revegetated.

8.6.3 Review of Bridge/Stream Crossings

All bridge and stream crossings, and removal or fill operations may require a review for compliance with Section 7.1.2, Floodplain Overlay prior to issuance of any development permits. Such projects may be subject to ODFW review for impact on fish and wildlife habitat and the Oregon Division of State Lands (DSL) or Army Corps of Engineers may also require a permit for such operations. Any required state or federal permit must be obtained prior to issuance of County development permits.

8.6.4 Retention of Vegetation and Tree Cover

- A) In order to protect stream corridors and riparian habitat, all vegetation and tree cover will be retained within 75 feet of the top of the bank of the Rogue River, or within 50 feet of the top of the bank of any Class I or 2 stream or other fish-bearing water area including lakes, ponds, perennial, and intermittent fish-bearing streams, but excluding man-made farm

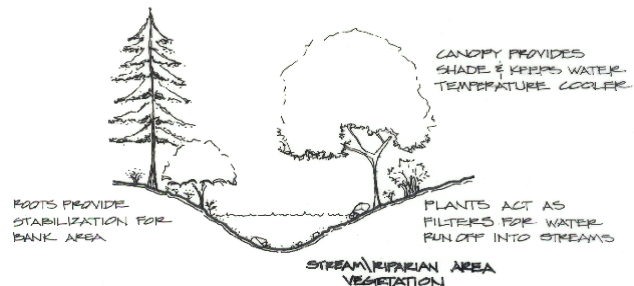
ponds. The definitions in Section 8.6.1(A) apply to this Section. Exceptions are as follows:

- 1) Non-native vegetation may be removed and replaced with native plant species, subject to a landscape plan approved by Oregon Department of Fish and Wildlife (ODFW).
 - 2) Vegetation may be removed if necessary for the development of water-related or water-dependent uses, subject to a landscape plan approved by ODFW.
 - 3) Vegetation may be removed for forestry activities that have been granted a permit under the Forest Practices Act.
- B) No understory vegetation or tree canopy may be removed in order to comply with the fuelbreak requirements of Section 8.7.1(B), which are superseded by the requirements of this Section within the area in which the riparian setback applies.

8.6.5 Reduction of Riparian Setbacks

Riparian setbacks and areas for retention of vegetation and tree cover may be reduced by up to 25 percent if an applicant demonstrates through a Type 2 review either of the following:

- A) The setbacks required by Section 8.6.1 will render the parcel unbuildable; or
- B) Equal or better protection will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. An application under this provision must include the recommendation of the Oregon Department of Fish and Wildlife (ODFW) that the habitat is adequately protected even if the setback is reduced. As part of any such determination, the applicant must submit materials describing what measures designed to mitigate adverse impacts on riparian habitat will be implemented, along with an ODFW approved map showing existing and proposed vegetation (tree type and location, understory type), structure location, and stream bank description



8.7 WILDFIRE SAFETY

8.7.1 Fire Safety Requirements

- A) **Applicability**
This Section contains mandatory standards for all new and existing structures not exempted through Section 8.7.2 located in areas subject to wildfire hazard as identified on the "Hazardous Wildfire Area Map." The

official version of the “Hazardous Wildfire Area Map” will be maintained by the Planning Division. (OAR 660-006-0035, 40).

Compliance with the standards of this section will be verified through a Fire Safety Inspection as coordinated through Jackson County Development Services and shall occur prior to issuance of building permits.

B) ***Fuelbreaks***

A minimum 100-foot fuelbreak will be developed and maintained around all new structures in areas identified on the “Hazardous Wildfire Area Map.”

A fuelbreak may be extended onto an adjoining property with a recorded fuelbreak easement. The 100-foot fuelbreak will not be applied on the side of a property that abuts a county, state or federally improved and maintained road right-of-way, but a minimum 100-foot fuelbreak will still be required on the other sides. Additionally, the 100-foot fuelbreak will not be applied on the side of the property that abuts an improved local access road, approved private road, or a private access easement when the accessway is maintained through an enforceable written agreement between property owners served by the accessway and the fuelbreak complies with the requirements of 8.7.1(D).

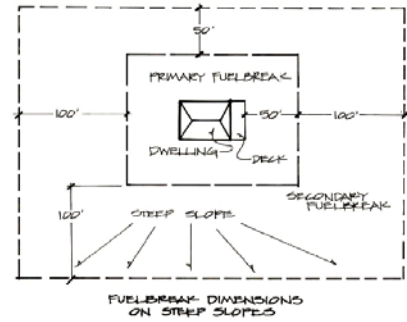
In accordance with Section 8.6.4, no riparian habitat may be removed in order to comply with this section. Where the required fuelbreak is located within a protected riparian area, a fuelbreak reduction will be required for that portion of the required fuelbreak.

All proposed structures will meet the minimum structural setback requirements. A fuelbreak is measured from a structure's outermost walls, combustible decks, or other combustible attachments. Fuelbreaks will meet the following standards:

1) ***Primary Fuelbreak***

The goal within the primary fuelbreak is to remove fuels that will produce flame lengths in excess of one (1) foot. A minimum 50-foot primary fuelbreak is required for all lands identified as a wildfire hazard. Vegetation within the primary fuelbreak may include grass maintained at less than six (6) inches in height and low fuel volume, fire resistant shrubs. Highly combustible shrubbery, such as juniper, is prohibited. Trees will be horizontally spaced with more than 15 feet between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet above the ground. A 10 foot clearance between branches and stove pipes or chimney outlets must be maintained. Deciduous tree branches must be no closer than 10 feet from the roof; evergreen branches must be no closer the 25 feet from the roof. Accumulated leaves, needles, limbs and other dead vegetation must be removed. Flammable groundcover materials (e.g., bark mulch) may not be used in landscaping within 12 inches of buildings. Firewood piles, slash piles, and woodsheds will be placed at least 30 feet from all structures.

- 2) **Secondary Fuelbreak**
 The goal of the secondary fuelbreak is to reduce fuels so that the overall intensity of a wildfire will be lessened and the likelihood of crown fires and crowning is reduced. A minimum 50 foot secondary fuelbreak is required which extends in all directions around the primary fuelbreak. An



additional 50 feet, for a total of 100 feet, will be added to the secondary fuelbreak when the natural slope of the area within 100 feet of the proposed structure exceeds 20 percent. This additional 50 feet will be added to the area below and to each side of the proposed structure. Trees will be spaced with more than 15 horizontal feet between the trunks, and will be pruned to remove branches that are dead or that are less than 10 vertical feet above the ground. Ornamental and fruit trees are excluded from the spacing standards, provided they are kept green and free of dead material. Small trees and brush growing underneath larger trees should be removed. Dead plant material must be removed, which includes pruning dead branches from trees and shrubs. Understory vegetation may include grass or groundcover maintained at less than 12 inches in height and low fuel volume, fire resistant shrubs (see the User's Guide for drought and fire resistant landscape materials).

C) **Roof Coverings**

All structures will have Class A or B roofing according to the International Building Code for commercial structures, and State of Oregon Structural Specialty Code for residential structures. This prohibits wood roofing of any type, including pressure treated wood shingle or shakes.

When 50 percent or more of the roof covering of any building is repaired or replaced within one (1) year, the entire roof covering will be made to comply with the requirements for roof coverings for new structures within wildfire hazard zones.

D) **Access**

For purposes of public safety, access will be constructed to the standards of Section 9.5.3, 9.5.4, or 9.5.5 whichever is applicable. A fuelbreak shall be required along private accessways including driveways, private roads, and private access easements in accordance with Section 8.7.1(B)(1) except that the fuelbreak shall be allowed to be a minimum of 22 feet in width, which includes the driving surface. If the property line or an easement boundary used for driveway access purposes is within 5 feet of the edge of the driveway surface, the fuelbreak need only be developed within the property or access easement.

E) **Chimneys**

All chimneys will have a spark arrester.

- F) **Rural Fire Protection**
Dwellings will be located within a rural fire protection district or contract with a rural fire protection district for residential fire protection. If the dwelling is not within a rural fire protection district and contracting is not possible, evidence will be provided to show that the applicant has asked to be included in the nearest such district, and that said district cannot or has refused to provide protection.
- G) **General Fire Safety Guidelines**
The following fire safety guidelines are suggested in all rural and forested areas, and may be required by the County when a finding is made that such measures are necessary to protect public safety (see OAR 660-006-0035 for additional standards in forest zones):
- 1) Bridges constructed of noncombustible materials or as otherwise approved by the local fire official having jurisdiction through a Type 1 Review;
 - 2) On-site water storage approved by the fire district serving the proposed use;
 - 3) Permanent signs posted along the access route to indicate the location of the emergency water source; and
 - 4) Other measures as recommended by the fire agency commenting on the application or the County Fire Safety Inspector.
- H) **Address Signs**
Address signs will be posted where the driveway, private access easement, and private road intersects with the public right-of-way in such a manner as to be visible from both directions on the roadway providing the access. Directional address signs must also be posted at all road/driveway junctions.

8.7.2 Exemptions to the Wildfire Safety Requirements

- A) Interior remodels are exempt from the wildfire safety requirements of this section.
- B) Existing structures that have been lawfully constructed and were in compliance with the permit and regulations in effect at the time of construction are exempt from the fuelbreak distance requirements of Section 8.7.1(B) and may be expanded or replaced within a lawful non-conforming fuelbreak if:
- 1) The expansion/replacement is less than 50% of the square footage of the existing originally approved and constructed building floor plan or 1,000 square feet whichever is less; and
 - 2) Any expansion/replacement is not placed further inside a lawful non-conforming fuelbreak than what currently exists.

- C) Non-habitable structures less than 400 square feet in size, which are not located in a forest zoning district, are exempt from the wildfire safety requirements of this section.
- D) Transmission and Utility Towers, which are not located in a forest zoning district, are exempt from the wildfire safety requirements of this section.
- E) The fire district having jurisdiction or the Oregon Department of Forestry (ODF) if not in a fire district may authorize or make the determination that existing trees can remain if it is found that they do not pose a significant wildfire hazard.

8.7.3 Fuelbreak Reductions

The County, upon receipt of a written authorization from the fire district having jurisdiction, or the Oregon Department of Forestry (ODF) if not in a fire district, shall approve a reduction in the width of the fuelbreak as prescribed by the agency. The written authorization will be made on forms supplied by the County and be signed by the Fire Chief or an ODF official with authority to make fuelbreak reduction decisions, or their designee. Such authorizations will be processed as a Type 1 permit. Authorization to reduce the fuelbreak requirement will not, however, release an applicant from compliance with any other applicable standard of this Ordinance.

When a Type 1 fuelbreak reduction for a structure is not authorized by a fire district or ODF official, a fuelbreak reduction may be approved by the County under a Type 2 review when the applicant documents, and the County confirms through a site inspection, that one or more of the following conditions affect development of the proposed use:

- A) A stream or irrigation canal, road, topographic feature, or other site characteristic serves as an adequate fuelbreak;
- B) A better fire suppression and prevention strategy is proposed by the applicant; or
- C) Because of parcel or lot configuration, a portion of the fuelbreak would be located on an adjoining property, and an adjustment of the building site is not practicable.

8.7.4 Conditional Approval Requirements When Deemed Necessary

Except where superseded by existing non-conforming situations as outlined in Section 8.7.2, the County's decision to authorize a fuelbreak reduction or approve a fire safety inspection will consider the advice of the fire protection district, County Fire Safety Inspector or ODF official to assure compliance with these regulations. Any adjustment to these requirements will be processed through a Variance as stipulated in Section 3.11 of the Land Development Ordinance.

8.8 STORMWATER MANAGEMENT

8.8.1 Purpose

Managing stormwater is an essential part of maintaining livability in urban areas. Typical urban development often interferes with the hydrologic process of rain

filtering through the soil, recharging the groundwater, and slowly reaching the nearby streams. Most rooftops, parking lots, roadways and other impervious surfaces collect stormwater runoff from developed areas, often increasing the temperature and amount of pollutants, and quickly discharge the flow to the closest water body. Provisions within the Clean Water Act require the County to limit stormwater pollution sources. As such, the County is a Designated Management Agency (DMA) under the Rogue Basin Water Quality Implementation Plan and is responsible for reducing pollutant loads transported to surface waters from runoff.

8.8.2 Applicability

In order to ensure the health of the Rogue Basin Watershed, developments within the Rogue Valley Sewer Services (RVS) Phase II boundary or those that require an approved Stormwater Pollution Control Plan and National Pollutant Discharge Elimination System (NPDES) permit are required to meet the development standards of Section 8.8.3 below.

8.8.3 Required Review

Development within the RVS Phase II boundary or that requires an approved Stormwater Pollution Control Plan (SWPCP) and NPDES Stormwater permit shall provide evidence from an Oregon registered professional Engineer that the proposed methods of stormwater management are consistent with the permitting jurisdiction's regulations. Development within the RVS Phase II boundary shall provide Development Services a final approval of the stormwater facility from RVS prior to the authorization of building permits.

Developments that are not consistent with the approved SWPCP or NPDES permits shall provide the County with plan approved by an Oregon registered professional Engineer to bring the proposal into compliance with all NPDES rules and regulations.

8.9 PARCEL AREA REDUCTIONS

8.9.1 Purpose and Scope

The County may approve a parcel area reduction as a Type 1 permit for the purpose of dividing land to separate preexisting dwellings onto individual parcels, subject to the land division requirements of this Ordinance and compliance with the following: (*OAR 660-004-0040, 7(h) or (8)(g)*)

- A) The parcel to be divided contains two (2) or more permanent habitable dwellings;
- B) The dwellings were lawfully established before April 3, 2001, except in forest zones where they must have lawfully existed prior to November 4, 1993;
- C) Each new parcel created by the partition contains at least one (1) of the permanent habitable dwellings;
- D) The partition will not create any vacant parcels or lots; and
- E) If the parcel to be divided is within one (1) mile of the Ashland, Central Point or Medford urban growth boundary (i.e., the urban fringe), the

resulting parcels will also comply with the provisions of OAR 660-004-0040(7)(h) or (8)(g).

See Chapter 4 for additional requirements concerning multiple dwellings located on land zoned Exclusive Farm Use or Forest Resource. Site-Specific (i.e., LU, RLI and RU) zoning districts are not eligible for land division in accordance with this subsection (See Section 8.9.3, below).

8.9.2 Approval Criteria

Applications will be processed under the Type 2 procedures of Section 3.1.3, unless otherwise specified in this Ordinance, and may only be approved when all of the following criteria are met:

- A) The requested adjustment will not have an appreciable adverse impact on the health, safety, or welfare of surrounding property owners or the general public;
- B) The requested adjustment does not interfere with accepted farming practices on adjacent lands devoted to farm use and, does not adversely alter the stability of the overall land use pattern of the area;
- C) If the requested adjustment is to the minimum lot size, the applicant has demonstrated that all reasonable efforts to obtain the requisite amount of additional land needed to conform with the minimum lot size requirement through purchase, partitioning, or lot line adjustment are unfeasible; and
- D) Nonconforming lots or parcels created pursuant to this subsection must meet the access requirements of this Ordinance. To the extent possible nonconforming lots or parcels created pursuant to this subsection will meet setback and area requirements. If, however, any of the setback and area requirements are found to be physically impossible to meet, then the proposed division must maintain the maximum feasible distance between buildings and the new lot lines. Except as indicated above, divisions made under this Section will comply with all other land division procedures and standards set forth in this Ordinance.

8.9.3 Cluster and Planned Unit Developments in Rural Use Districts

The County may approve land division of parcels zoned Rural Use (RU) based on either;

The minimum density prescribed by Table 8.2-1 (i.e., 1 unit per 20, 30 or 40 acres, respectively), or

As planned unit or cluster development of the property subject to a Type 4 review (see Section 3.5). When a cluster or planned unit development is approved, the non-residential portion of the parcel will be dedicated for open space use through a deed dedication, conservation easement or plat restriction.