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Steve Erickson
8/24-81
Date Retyped: 8-24-81

BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

RECEIVED

AUG 27 1981

ORDINANCE NO. 81-63

JACKSON COUNTY CLERK

AN EMERGENCY ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE, ALTERING THE PROCESS FOR REVIEW OF NONFARM DWELLINGS IN THE EXCLUSIVE FARM USE ZONING DISTRICTS, FILE 81-24-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 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 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.

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.

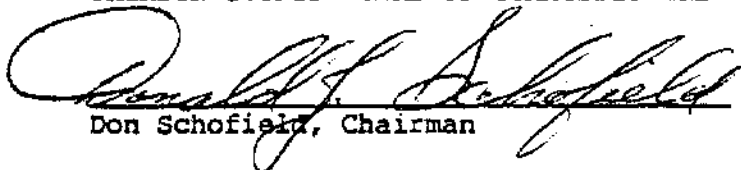
F) Section 218.140 (1) (b) is amended to read as follows: (b) The dwelling meets the standards and procedures for approval of a nonfarm dwelling in conformance with the requirements of section 218.045 of this ordinance; or

SECTION 2. EMERGENCY DECLARED

2.1 An emergency is declared to exist in regards to this ordinance to eliminate processing delays that would otherwise occur until a permanent ordinance is adopted and in effect. Therefore, this ordinance shall become effective upon adoption.

ADOPTED this 26th day of August, 1981, at Medford, Oregon.

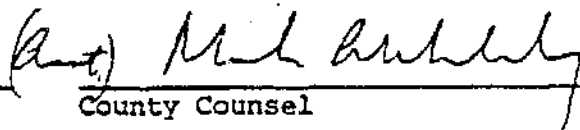
JACKSON COUNTY BOARD OF COMMISSIONERS


Don Schofield, Chairman

ATTEST:

APPROVED AS TO FORM:


By: Recording Secretary


County Counsel

81-38
Eff 6-17-81
Exp 10-15-81
6-11-81

BEFORE THE BOARD OF COUNTY COMMISSIONERS
STATE OF OREGON, COUNTY OF JACKSON

ORDINANCE NO. 81-38

AN ~~EMERGENCY~~ ORDINANCE AMENDING THE JACKSON COUNTY ZONING ORDINANCE SECTION 280.080 PERTAINING TO SIGN REQUIREMENTS.

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)."

#81-38

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."

D) 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:

1) 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."

2) 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."

3) 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."

4) 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."

5) 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."

F) 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:

"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) 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."

G) 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.

"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 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(6).
- 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:

"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:

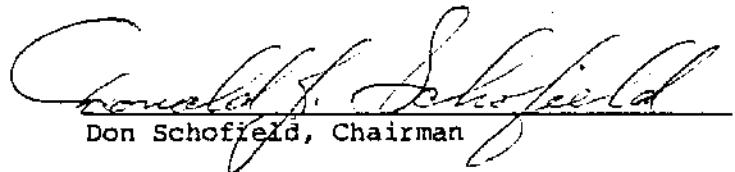
"M) Informational signs limited to time and temperature display, drive-up window menus or similar such purposes as approved by the Planning Director. Such signing shall be included in the total sign area calculation for the use.

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 17th day of June, 1981, at Medford, Oregon.

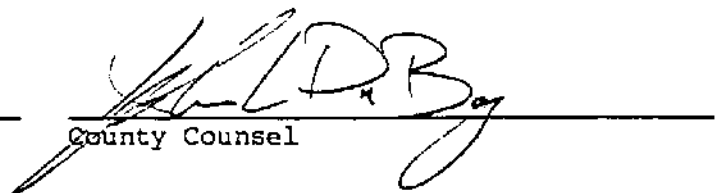
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Don Schofield, Chairman

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