



Crook County
Community Development Department
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TO: Crook County Planning Commission

FROM: John Eisler, Community Development Director

DATE: October 28, 2025

SUBJECT: Code Updates

The proposed code updates are intended to address a longstanding and ongoing issue in Crook County regarding the ambiguity inherent in the definition of “dwelling unit” versus “accessory structure.” This ambiguity has caused confusion among staff, inconsistency with the public, and fire/life/safety concerns from accessory structures being used as dwellings.

Currently, the following definitions exist in our Code:

- “Accessory dwelling unit” means an interior, attached, or detached residential structure that is used in conjunction with or that is accessory to a single-family dwelling.
- “Accessory use” or “accessory structure” means a use or structure incidental and subordinate to the main use of the primary structure or the primary use of the property and which is located on the same parcel as the primary use.
- “Dwelling unit” means one or more rooms in a building designed for occupancy by one family and having not more than one cooking facility.

The Oregon Residential Specialty Code has the following definitions:

- “Dwelling” means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let hired out to be occupied, or that are occupied for living purposes.
- “Dwelling Unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- “Kitchen” means an area used, or designated to be used for the preparation of food.

The definition in our code does not provide much clarity. “One or more rooms” in a building, with “not more than one cooking facility” and *designed for occupancy*.

County practice had been to permit accessory structures with many features present in a typical dwelling as long as the structure did not contain an oven. Through either code compliance inspections or the pendency of a sale of the property, staff would often discover that following the permitting process, an oven was later installed, and the structure was being used and/or possibly marketed as a dwelling.

There is no perfect fix for this. Those intent on skirting the rules will likely find a workaround. For staff and general public, however, the following simple additions to our definitions section are the cleanest, most elegant means that I could come up with to address this issue:

18.08.040 D Definitions

The following definition would be added to this definitions section.

“Designed for occupancy” means a structure or portion of a structure with greater than three interior plumbing fixtures, designed to include permanent independent living facilities, including but not limited to a kitchen, bath, and space for a bedroom.

18.08.110 K Definitions

The following definition would be added to this definitions section.

“Kitchen” means an area within a habitable space designed to be used for the preparation of food, which includes a 240-volt electrical outlet or gas piping and at least two of the following: a sink, countertop exceeding 6 lineal feet, dedicated space and electrical outlet capable of supporting a refrigerator exceeding 5.0 cubic feet, or space with access to electrical and drain hookups that could reasonably be used for a dishwasher.

The definition for “designed for occupancy” should help fill in the blanks for the County Code’s definition of “dwelling unit.” The definition of “kitchen” helps inform “designed for occupancy.” The heart of the issue is that accessory structures should not provide complete living facilities that are *independent* of the primary dwelling. Incorporating these two definitions into our Code will hopefully remove ambiguity and provide clarity to all parties.

I have attached some approaches to this issue from other jurisdictions for your reference. Please let me know if you have any questions.



**Interpretation: Kitchens, Permanent Provisions for Cooking, and
ORSC R202 Definition of Dwelling Unit.**

From: Mark Whitmill, Building Official

Date: December 1, 2022

Q. What are “permanent provisions for cooking”?

A. By definition in the Oregon Residential Specialty Code (ORSC), a dwelling unit must contain “permanent provisions for cooking”.

That phrase is not defined in the codes, so the words have their ordinary accepted meanings in accordance with R201.4. Using common definitions, “permanent provisions for cooking” can be restated as: “Fixed, or not easily moved, space, equipment, fixtures or supplies for preparing food by a heating process.”

The term “kitchen” is also not defined in the codes. Webster’s defines a kitchen as a “room or space with facilities for cooking; a place for preparing meals”.

For code application, a kitchen is considered as providing permanent provisions for cooking.

Q. When is a room or space a kitchen?

A. For building code application, a room or space within a habitable building will be considered a kitchen if it contains three or more of the following:

1. Cooking appliance(s) or rough-in facilities for a cooking appliance(s). This may include but not necessarily be limited to a stove, stovetop, oven, microwave oven, or similar appliance; 240V electrical outlet, or gas piping outlet.
2. Cabinets and/or countertop area that exceed 6 lineal feet.
3. Sink.
4. Refrigerator exceeding 5 cubic feet capacity, or space with an electrical outlet that would reasonably be used for a refrigerator exceeding 5 cubic feet capacity.
5. Dishwasher, or space with access to electrical and drain hookups that could reasonably be used for a dishwasher.

Q. Can a single-family dwelling have more than one kitchen?

A. The ORSC does not limit the number of kitchens in a single-family dwelling. However, the ORSC defines a dwelling unit as “a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” (ORSC R202).

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To ensure that minimum levels of fire and life safety are provided to building occupants, it is important to determine when the addition of a second or additional kitchen creates a separate dwelling unit.

A second or additional kitchen may be allowed within a single-family dwelling unit as follows:

1. The additional kitchen may be in a portion of the building that also contains a living area and bathroom, only if that area cannot be separated from the rest of the building by walls or closing a door.
2. The additional kitchen may not be in a detached structure with a bathroom.
3. The additional kitchen must comply with the same electrical, plumbing, and mechanical code requirements as the main kitchen.
4. A deed restriction may be required to be signed by the property owner and recorded to inform future property owners of restrictions on the use of the building. Any required deed restriction will be binding on all successors in interest and will limit the use of the structure as permitted.

The deed restriction is the property owner's acknowledgement that the structure will remain a single-family dwelling, and that the accessory kitchen will not become part of an additional dwelling unit without obtaining a building permit for the creation of the additional dwelling unit.

CHECKLIST FOR CUSTOMER
Detached Living Space
(LDO Section 6.4.4)

The following material must be submitted with a request for detached living space. **Check off each item as you include it in your application.**

1. **A to-scale plot plan** (ie: 1"=100' or 1"=50') on 8/12 x 11 paper is included in this application.
 - The plot plan includes all relevant information outlined on the plot plan instruction form included in the Type 1 application. Met_____
 - The plot plan shows applicable setbacks are met.
Front_____ft. Rear_____ft. Side_____ft. Met_____
 - The plot plan shows the living space is located within 200 feet of the existing dwelling. Met_____
 - The plot plan shows utilities are metered through a single meter for each utility that serves the existing residence and the detached living space. Met_____
 - The plot plan and all components of the required plot plan have been provided. Met_____
2. **A floor plan** of the entire structure.
 - The floor plan identifies the 'as built' floor area and/or the proposed floor area. Met_____
 - The floor plan identifies the square footage dedicated to the detached living space. Met_____
 - If the detached living space is within an existing structure show the floor plan of the existing structure, all floors. Met_____
 - The floor plan shows no more than 400 square feet dedicated to detached living space. Met_____
 - The floor plan shows the components included within the area dedicated to detached living ie: Living, Sleeping, Eating, Cooking or Sanitation. Met_____
 - The floor plan shall show that no more than 3 of the 5 components are incorporated in the detached living space. Met_____
 - The floor plan and all components of the required floor plan have been provided. Met_____
3. **Sanitation:** An explanation as to how sanitation is provided. Met_____
4. **Signature:** The cover sheet and the supplemental application are signed. Met_____
5. **Checklist:** This checklist is included with the application. Met_____

JACKSON COUNTY, OREGON**TYPE 1 APPLICATION**

(Please print in black ink, or type all information except where a signature is required)

Legal description of subject property:

Township____ Range____ Section____ Tax Lot____ Acreage____

Township____ Range____ Section____ Tax Lot____ Acreage____

Street Address of the Property: _____

What is the Zoning of the Subject Property? _____

Is the purpose of this application to complete a Measure 49 Approval? ☐ YES ☐ NO

NOTE: Applications for review and approval of all development proposals may be initiated by the property owner, purchaser under a recorded land sale contract, condemner who has been granted immediate possession by a court of competent jurisdiction, agent duly authorized in writing, or a public agency.

PROPERTY OWNER:

At Time Application is Submitted

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

AGENT:

If Other than Applicant

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

APPLICANT:

If Other than Property Owner

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

OTHER:

Specify: _____

Name: _____

Mailing Address: _____

City: _____

State: _____ Zip: _____

Daytime Phone: _____

E-Mail Address: _____

IF AN AGENT, APPLICANT, OR "OTHER" IS ACTING ON BEHALF OF THE OWNER OR PURCHASER, A SIGNED STATEMENT OF OWNER AUTHORIZATION MUST BE SUBMITTED WITH THIS APPLICATION. THIS APPLICATION MUST BE ACCOMPANIED BY AN ACCURATE PLOT PLAN (MAP). SEE USER'S GUIDE FOR ASSISTANCE. THE BURDEN OF PROOF FOR APPROVAL OF AN APPLICATION RESTS WITH THE APPLICANT. YOU MUST PROVIDE DOCUMENTATION REGARDING THE PROPERTY AND APPLICATION CRITERIA IN SUFFICIENT DETAIL AND ACCURACY TO ENABLE THE DEPARTMENT TO FIND THAT YOUR APPLICATION COMPLIES WITH ALL APPLICABLE APPROVAL CRITERIA.

OFFICE USE ONLY

File N° _____

Fee Pd _____

Receipt N° _____

App. Type: _____

App. Received by _____

Date Received _____

Zoning Confirmed by Staff: _____

APPLICANT SUPPORTING INFORMATION

Describe your proposal: _____

Are Plans Attached?

☐

Yes

☐

No

THIS APPLICATION IS HEREBY SUBMITTED AND THE STATEMENTS AND INFORMATION HEREIN CONTAINED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT(S):

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

AGENT:

Print Name: _____

Signature: _____

Date: _____

OWNER or CONTRACT PURCHASER:*(See Attached Form)*

Note: Additional information may be submitted on 8½ x 11 inch white paper.

TYPE 1 REVIEW: DETACHED LIVING SPACE

(LDO Section 6.4.4)

APPLICANTS SUPPORTING INFORMATION

On the following page describe how your application complies with Section 6.4.4.

Detached Living Space

Detached living space may be allowed when it is accessory to and dependent on the primary residence. No detached living space may contain permanent provisions for living, sleeping, eating, cooking or sanitation in any combination that would constitute a separate dwelling unit. Detached living space may be permitted by the County when all of the following standards are met. Please answer the questions provided below in detail so that Staff can determine if the applicable standards are met.

- 1) The building will comply with all applicable setbacks, fire safety, riparian and Floodplain Overlay requirements of this Ordinance.
 - a) What are the minimum structural setbacks for this structure? Answer:
Front_____Rear_____Side_____
 - b) Does the proposed structure meet the required setbacks?
Answer:_____
 - c) Are the setbacks shown on the plot plan?
Answer:_____
- 2) The maximum square footage of the area used as habitable living space, either as a separate building or within a larger accessory structure, will not exceed 400 square feet.
 - a) What is square footage of the area dedicated to the detached living?
Answer:_____
 - b) Did you attach a floor plan of the detached living area showing no more than 400 square feet dedicated to detached living?
Answer:_____
- 3) Utility services (e.g., gas, electricity, telephone) will be metered through a single meter for each utility that serves both the existing residence and the detached living space.
 - a) Will the utilities metered through a single meter?
Answer_____
- 4) Sanitation will be provided by either connection to an existing on-site septic system or a public sanitary authority, whichever is currently in use on-site.
 - a) Will sanitation be provided to the detached living space area?
Answer:_____

- b) If the answer is yes, please explain how sanitation will be provided.

Answer: _____

- 5) The detached living space will be located within 200 feet of the existing primary residence.

- a) Does the plot plan show that the living space will be located within 200 feet of the existing dwelling?

Answer _____

- 6) No more than three (3) of the five (5) identified components of a dwelling will be incorporated into the detached living space.

- a) What components are incorporated within the detached living space? Please choose from the following options: Living, Sleeping, Eating, Cooking or Sanitation? Answer: _____

- b) Does the floor plan sufficiently depict the components listed above?

Answer: _____

- 7) A deed declaration that stipulates the detached living space is not and cannot be used as an independent dwelling unit must be recorded prior to issuance of building permits.

- a) Do you agree to sign a detached living space deed declaration which causes use limitation within the detached living space?

Answer: _____

APPLICANT (S) SIGNATURE:

AGENT SIGNATURE: _____

DEPARTMENT FILE NUMBER: _____

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CHAPTER 6¹ USE REGULATIONS

6.1 APPLICABILITY

6.1.1 Resource Districts

Uses established in the resource districts set forth in Chapter 4 are generally not required to comply with the provisions of this Chapter 6, unless such compliance is expressly indicated in the text of Chapter 4. For example, accessory uses and structures are allowed in accordance with Section 6.4.

6.1.2 All Other Districts

Uses established in any of the other general use districts, apart from the resource districts, will comply with all regulations set forth in this Chapter.

6.1.3 Overlay Districts

All uses established in overlay districts must comply with requirements described for each district as set forth in Chapter 7. Uses of the base zoning district continue to apply unless otherwise specifically stated in Chapter 7. General Use and Resource District development standards continue to apply for all uses except when superseded by more restrictive standards established in the overlay district.

6.2² TABLE OF PERMITTED USES

Table 6.2-1 sets forth the uses permitted within all base zoning districts, except for the resource districts. Uses allowed within the resource districts are set forth in Chapter 4 and those allowed in overlay districts are set forth in Chapter 7. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 1, 2, 3, or 4 review, unless otherwise specified in Table 6.2-1.

6.2.1 Explanation of Table Abbreviations

A) *Type 1*

A "1" in the Table indicates that a use type is allowed by-right in the respective zoning district, subject to review and approval of a plot plan showing compliance with all other applicable regulations of this Ordinance, including the Development Standards set forth in Chapter 9. Some uses may also require approval of a site development plan pursuant to Section 3.2 (e.g., new commercial or industrial uses on vacant parcels).

B) *Type 1/2*

A "1/2" in the Table indicates that such reviews may be either ministerial or part of an administrative review. A ministerial review is appropriate when the application can show all the development standards are met and this Ordinance does not require a higher level review. Development subject to discretionary review pursuant to Chapters 7 through 10 of this Ordinance requires an administrative review with opportunity for appeal.

C) *Type 2*

¹Ordinance 2006-10, effective 2-18-2007, Ordinance 2016-3, effective 6-19-2016; Ordinance 2023-2, effective 6-5-2023

²Ordinance 2013-3, effective 7-21-2013

A "2" in the Table indicates that a use type is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3. Some uses may also require approval of a site development plan pursuant to Section 3.2.

D) ***Type 3***

A "3" in the Table indicates that a use type is conditionally allowed only if reviewed and approved in accordance with the Type 3 review procedures of Section 3.1.4. Some uses may also require approval of a site development plan pursuant to Section 3.2.

E) ***Type 4***

A "4" in the Table indicates that a use type is subject to review and approval by the Planning Commission and Board of Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5. In addition, Type 4 land use permits require a site development plan pursuant to Section 3.2.

F) ***Uses Not Allowed***

A dash (-) indicates that the use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

G) ***Numerical References***

The references contained in the "See Also" column are references to additional standards and requirements that apply to the use type listed. The regulations are set forth immediately following the table, in Section 6.3, or as otherwise specified. Standards referenced in the See Also column apply in all zoning districts unless otherwise expressly stated. Uses are also subject to applicable standards of Chapters 7, 8 and 9.

H) ***Use Categories/Use Types***

All of the major use categories listed in Table 6.2-1 are described in Section 13.2 "Use Classifications." "Specific uses" are listed in the second column of the table. The use categories are intended to be mutually exclusive. If a use type is specifically listed in the table, that use type is allowed only in the districts indicated, not within the districts that allow the broader classification. If a use type is not listed, then the County will, upon the request of any interested party and pursuant to the procedures set forth in Section 6.2.3, "Procedure for classifying Unlisted Uses" make a determination within which use category, if any, such use type should be included.

I) ***Uses***

See Section 13.2 "Use Characteristics", and Section 6.2.3 "Procedure for Classifying Unlisted Uses." Accessory and temporary uses are allowed in all zoning districts.

6.2.2 Use Table for Base Zoning Districts³

Note: The urban residential zoning districts noted below include all urban residential and White City urban residential districts described in Section 5.4 of this Ordinance. Split use types may not be completely consistent with the "See Also" notes. Notwithstanding the permit review type listed under Commercial and Industrial uses, development subject to discretionary review pursuant to Chapters 7 through 10 requires a Type 2 administrative review, otherwise a new use or change of use on existing commercial or industrial sites are allowed subject to a Type 1 review.

TABLE 6.2 1:USE TABLE FOR BASE ZONING DISTRICTS																
1 = Type 1 Permit 2 Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit																
CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)																
Agriculture	Horse boarding & riding facilities	1	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Intensive Livestock	2	3	-	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Non intensive agriculture	1	1	1	1*	1*	1	1	1	1	1	1	1	1	1	6.3.1(A); 5.5.3; 12.3.1
	Plant nursery	1	2	3	-	-	2	-	-	2	2	2	2	-	-	6.3.1(B); 6.4.4(D)
Farm Use	Marijuana Production	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	3.13.2
	Psilocybin Production	-	-	-	-	-	-	-	-	-	-	-	-	1/2	1/2	3.14.2
Forestry	Manage, grow, harvest, process timber & forest products	1	1	1	-	-	-	-	-	-	-	-	-	-	-	
Mineral and aggregate	Aggregate or surface mining, stockpiling or processing (e.g. batch plants)	3	1	1	1	1	1	1	1	1	1	1	1	2	-	4.4.8; 6.3.4(A)
Fish and game	Fish hatchery/culture /game refuge or management	1	3	-	-	-	-	-	-	-	-	-	-	-	-	

³ Ordinance 2004-12, effective 2-6-2005; Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-14, effective 2-13-2005; Ordinance 2011-16, effective 2-26-2012; Ordinance 2015-7, effective 7-26-2015, Ordinance 2016-3, effective 6-19-2016

*See Section 6.3.1

TABLE 6.2 1:USE TABLE FOR BASE ZONING DISTRICTS																
1 = Type 1 Permit 2 Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit																
CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
RESIDENTIAL USES																
Household Living	Accessory dwelling unit	-	1	1	1*	-	-	-	-	-	-	-	-	-	-	6.4.4(H), *12.4.1(F) ⁴
	Co-housing	-	-	2	2	2	-	-	-	-	-	-	-	-	-	
	Detached single family dwelling, 1 st	1	1	1	1	2	2	-	2	2	2	3	2	2	2	6.3.2(C)
	Manufactured dwelling park	-	-	-	3	3	-	-	-	-	-	-	-	-	-	6.3.2(A)
	Multi-family dwelling	-	-	-	-	1	-	-	-	-	-	-	-	-	-	6.3.2(B); 3.2
	Rectory/parsonage	2	1	1	1	1	2	-	2	2	2	3	2	2	2	6.3.2(C)
	Single-family dwelling, two or more (attached or detached)	2	2	2	2	2	-	-	-	-	-	-	-	-	-	6.3.2(D)
Group Living	Convent or monastery	2	3	3	3	-	-	-	-	-	-	-	-	-	-	3.2
	Farm Labor housing	1	3	-	-	-	-	-	-	-	-	-	-	-	-	
	Nursing home	-	3	3	3	3	-	-	-	-	-	-	-	-	-	
	Residential facility/ Community housing	-	3	3	3	1	-	-	-	-	-	-	-	-	-	ORS 197.660; ORS 426.502
	Residential home/ in-home day care	1	1	1	1	1	1	-	1	1	1	1	1	1	1	ORS 197.660; 6.3.3(K); 12.3.1
	Substance abuse rehabilitation	-	3	3	3	-	-	-	-	-	-	-	-	-	-	
COMMERCIAL/OFFICE USES																
Agricultural Sales and Services	Agriculture produce stand	1	3	3	-	-	-	-	-	2	2	-	2	-	-	6.3.3(A)
	Farm equipment repair	3	-	-	-	-	1 / 2	-	-	2	2	3	2	1 / 2	1 / 2	
	Farm equipment sales	3	-	-	-	-	1 / 2	-	-	-	-	-	2	1 / 2	1 / 2	6.3.4(C)
	Farm equipment storage	1	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4
	Firewood retail sales	1	2	2	-	-	1 / 2	-	-	-	-	-	-	1 / 2	-	6.3.3(M)
	Stock auction yard	3	-	-	-	-	-	-	-	-	-	-	-	3	-	

4 *Only in an Urban Growth Boundary or White City.

Jackson County, Oregon

Chapter 6

Page 4

TABLE 6.2 1:USE TABLE FOR BASE ZONING DISTRICTS															
CATEGORY	SPECIFIC USE	1 = Type 1 Permit 2 Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit													
		ZONING DISTRICTS													
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL	
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI
	Winery, tasting room	1	3	3	-	-	3	-	-	-	3	3	3	1 / 2	1 / 2
Animal Sales and Services	Small animal clinic/hospital	-	3	-	-	-	1 / 2	-	-	3	3	3	2	-	3
	Large livestock/exotic animal clinic/hospital	3	3	3	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2
	Kennel	2	3	-	-	-	1 / 2	-	-	2	-	-	-	-	1 / 2
	Pet shop	-	-	-	-	-	1 / 2	-	1 / 2	-	-	-	-	-	-
Building Materials	Building material and lumberyard	-	-	-	-	-	1	-	-	3	3	-	2	1 / 2	1 / 2
Day Care	Adult day care/in-home child care	1	1	1	1	1	1	-	1	1	1	1	1	1	1
	Child care center	-	3	3	3	3	1 / 2	-	1 / 2	2	2	2	2	1 / 2	1 / 2
Eating and Drinking Establishment	Community commercial kitchen	-	-	-	-	-	-	-	-	2	2	-	2	-	1 / 2
	Eating establishment	-	-	-	-	-	1 / 2	1 / 2	1 / 2	2	2	2	2	-	3
	Drinking establishment	-	-	-	-	-	1 / 2	1 / 2	1 / 2	3	3	-	3	-	-
	Drive-thru food and beverage	-	-	-	-	-	3	3	-	-	-	-	-	-	-
Financial Institutions	Bank, credit union, check cashing center	-	-	-	-	-	1 / 2	-	1 / 2	3	3	2	2	-	-
Food and Beverage Sales	Foods and sundries convenience	-	-	-	-	-	1 / 2	3	1 / 2	-	-	3	-	-	-
	Famers Market	-	-	-	-	-	3	-	1 / 2	3	2	-	2	-	-
	Grocery Store	-	-	-	-	-	1 / 2	-	-	2 / 3	2 / 3	2	2	-	-
	Wine shop	-	-	-	-	-	1 / 2	-	1 / 2	2 / 3	2 / 3	2	2	-	-

TABLE 6.2 1:USE TABLE FOR BASE ZONING DISTRICTS																
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
Landscaping Sales/Service	Landscaping contracting	2	-	-	-	-	1 / 2	-	-	3	3	3	3	1 / 2	1 / 2	
	Landscape Maintenance	3	3	3	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	
Medical Services	Emergency medical center	-	3	3	3	3	1 / 2	-	-	2	2	2	2	-	-	
	Hospital	-	-	-	3	3	-	-	-	-	-	-	-	-	-	
	Medical / dental / optical clinic	-	3	3	3	3	1 / 2	-	1 / 2	2	2	2	2	-	-	12.3.1
	Psilocybin Service Center	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	3.14.4
Office	Studio: Broadcasting / recording	-	-	3	-	-	1 / 2	-	-	3	3	-	3	-	-	
	Information Technology Center	-	3	3	-	-	1 / 2	-	-	-	-	-	-	2	1 / 2	
	Business or professional office	-	-	-	-	-	1 / 2	-	1 / 2	3	2	2	2	-	-	12.3.1
	Studio: art / dance / music/ skills	-	-	-	-	-	1 / 2	-	1 / 2	2	2	3	2	-	-	12.3.1
Personal Services	Barber or beauty shop	-	-	-	-	-	1 / 2	1 / 2	1 / 2	2	2	-	2	-	-	6.3.3(F), 12.3.1
	Laundromat or dry cleaner	-	-	-	-	-	1 / 2	-	1 / 2	3	3	-	3	-	-	5.5.3, 6.3.3(S)
	Mortuary	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	
	Tanning salon	-	-	-	-	-	1 / 2	-	-	-	-	-	2	-	-	12.3.1
Recreation and Entertainment	Amusement establishment (indoors)	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	
	Amusement establishment (outdoors)	-	-	-	-	-	3	-	-	-	-	-	-	-	-	6.3.7(C)
	Theater (indoors)	-	-	-	-	-	1 / 2	-	1 / 2	-	-	-	-	-	-	
Retail Sales	Auction services, commercial	-	-	-	-	-	1 / 2	-	-	-	-	-	-	1 / 2	1 / 2	6.3.3(D)

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
	Auction services, temporary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(E), 12.3.1
	Feed / seed store	-	-	-	-	-	1 / 2	-	-	2	2	3	2	-	-	
	Flea market	-	-	-	-	-	-	-	-	-	-	-	-	-	3	6.3.3(N)
	Florist / garden shop, drug store, or bake shop	-	-	-	-	-	1 / 2	-	1 / 2	2 / 3	2 / 3	3	2	-	-	5.5.3, 6.3.3 (Y), 12.3.1
	Clothing / general merchandise store	-	-	-	-	-	1 / 2	-	1 / 2	2 / 3	2 / 3	2	2	-	-	6.3.3(I)
	Gift, antique or specialty shop	-	-	-	-	-	1 / 2	2 / 3	1 / 2	2	2	3	2	-	-	6.3.3(O), 12.3.1
	Hardware store	-	-	-	-	-	1 / 2	-	1 / 2	2	2	2	2	-	-	6.3.3(Q), 12.3.1
	Pawn/second hand store	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	6.3.3(X)
	Marijuana Retailing/Medical Marijuana Facilities	-	-	-	-	-	3	-	-	-	-	-	-	-	-	3.13.5
	Wholesale establishment	-	-	-	-	-	1 / 2	-	-	-	-	-	-	1 / 2	1 / 2	3.13.4
	Other retail sales	-	-	-	-	-	1 / 2	-	-	2 / 3	2 / 3	2 / 3	2	-	-	6.2.3, 6.3.3(AA)
Services and Repair Businesses	Appliance repair & incidental sales	-	-	-	-	-	-	-	1 / 2	2	2	3	2	-	-	6.3.3(C)
	Bicycle repair & incidental sales	-	-	-	-	-	1 / 2	-	1 / 2	2	2	3	2	-	-	
	Gun Repair	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	
	Rental facilities & equipment rentals	-	-	-	-	-	1 / 2	-	-	-	-	-	2	-	-	
	Small engine repair, machine, welding shop	-	-	-	-	-	1 / 2	-	-	3	3	3	2	-	1 / 2	

TABLE 6.2 1:USE TABLE FOR BASE ZONING DISTRICTS																
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
	Other (e.g. well driller, cabinet shop, sanitary service installer, upholstery	-	-	-	-	-	1 / 2	-	-	3	3	3	3	-	1 / 2	
Vehicles and Equipment	Body/fender shop	-	-	-	-	-	3	-	-	-	-	-	-	1 / 2	1 / 2	6.3.3(G)
	Manufactured dwelling, mobile home & RV sales	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	
	Motor vehicle impound	-	-	-	-	-	3	-	-	-	-	-	-	1 / 2	1 / 2	
	Motor vehicle sales and rental	-	-	-	-	-	1 / 2	-	-	-	-	-	2	1 / 2	1 / 2	6.3.3(U)
	Motor vehicle services and repair	-	-	-	-	-	1 / 2	-	3	3	3	3	2	1 / 2	1 / 2	6.3.3(U)
	Motor vehicle storage	-	-	-	-	-	1 / 2	-	-	-	-	-	2	1 / 2	1 / 2	6.3.3(V)
	Motor vehicle washing and detailing	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	-	
	Parking area commercial	-	-	-	-	-	1 / 2	-	-	-	-	-	-	-	1 / 2	6.3.3(W)
	Service station	-	-	-	-	-	1 / 2	1 / 2	3	2	2	3	2	-	-	
Visitor Accommodation	Destination resort large	4 PDP 2 FDP	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PD P 2 FD P	4 PD P 2 FD P	-	-	-	-	-	-	-	6.3.8
	Destination resort small	4 PDP 2 FDP	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PD P 2 FD P	4 PD P 2 FD P	-	-	-	-	-	-	-	6.3.8
	Guest Ranch	3	3	3	-	-	-	-	-	-	-	-	-	-	-	
	Hotel or motel	-	-	-	-	-	1 / 2	1 / 2	-	3	-	-	-	-	-	6.3.3(R)
INDUSTRIAL/MANUFACTURING USES																

TABLE 6.2 1:USE TABLE FOR BASE ZONING DISTRICTS																
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
Equipment Storage and Repair	Equipment storage	-	-	-	-	-	1 / 2	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4
	Heavy machinery /Equipment repair	-	-	-	-	-	1 / 2	-	-	3	3	3	2	1 / 2	1 / 2	6.3.4(B)
	Outdoor storage areas	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4
	Wrecking/salvage or junk yard	-	-	-	-	-	3	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4(E)
Industrial Services	Industrial services, low- impact	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4
	Industrial services, high- impact	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	-	6.3.4
	Laundry/dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	
	Psilocybin Testing Laboratories													1/2	1/2	3.14.5
Manufacturing & Production	Firewood processing/sales	2	-	-	-	-	-	-	-	-	-	-	-	1 / 2	-	
	Manufacturing and production, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4, 3.13.3, 3.14.3
	Manufacturing and production, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4, 3.13.3, 3.14.3
	Manufacturing paper and allied products	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
	Manufacturing petroleum by products	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
Warehouse and Freight Movement	Feed mills / elevators / granaries	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	1 / 2	6.3.4
	Mini-warehouse	-	-	-	-	-	1 / 2	-	-	2	-	-	2	1 / 2	1 / 2	6.3.4(D)
	Truck terminal, freight forwarding facility or yard	-	-	-	-	-	-	3	-	-	-	-	-	1 / 2	1 / 2	
	Warehouse, food storage	-	-	-	-	-	-	-	-	-	-	-	-	-	1 / 2	6.3.4
TRANSPORTATION USES																
Aviation	Airport/heliport	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.5(A) ORS Chapter 836
Bike Paths	All types	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(B), Chap. 9

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS														SEE ALSO
		RU	RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL							INDUSTRIAL		
			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI	LI	
Public Transportation	Station only	-	-	-	-	-	3	-	-	2	2	3	-	-	-	3.2
	Terminal/station	-	-	-	-	-	3	-	-	3	3	3	-	2	2	3.2
Transportation Facility	Park-and-ride lot	-	-	-	2	2	1	1	1	2	2	2	2	-	-	3.2, 6.3.3(W)
Transportation Improvements	All Types ⁴	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(C), 12.3.1
UTILITY/SOLID WASTE USES																
Utility	Building-mounted transmission towers	2	2	2	2	2	2	2	2	2	2	2	2	1	1	6.3.6(A)
	Co-location on existing towers	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1
	Concealed transmission towers (stealth)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1
	Freestanding transmission towers (new)	2	2	2	-	-	2	2	-	-	-	-	-	2	2	6.3.6(B)
	Major utility facilities	3	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.6(B)
	Minor utility facilities	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(B)
	Small scale energy production facility	3	3	3	-	-	-	-	-	-	-	-	-	2	2	6.3.6(B)
Waste-Related Use	Composting plant	4	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Incinerator	-	-	-	-	-	-	-	-	-	-	-	-	4	4	
	Modification of waste related use	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(D)
	Recycle drop-box	2	2	2	2	2	2	2	2	2	2	2	2	2	2	5.5.3, 6.3.6(C)
	Recycle plant	-	-	-	-	-	-	-	-	-	-	-	-	4	4	6.3.6(C)
	Sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Slaughter house/tannery/animal tallow/rendering plant	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Solid waste transfer station	4	-	-	-	-	3	-	-	-	-	-	-	3	3	3.2, 6.3.6(C)
PARKS/PUBLIC/QUISI-PUBLIC USES																

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Cemetery	Cemetery (including animals)	1	3	3	3	-	-	-	-	-	2	-	-	-	-	12.4.1(H)
Library	All types	2	3	3	3	3	1 / 2	3	3	3	2	2	2	1 / 2	1 / 2	6.3.7(B), 12.4.1(H)
Museum	All Types	2	3	3	3	-	1 / 2	-	1 / 2	2	2	-	-	-	-	12.4.1
Parks and Recreation	Campground/RV (new)	3	-	-	-	-	3	3	-	3	3	-	3	-	-	6..3.7(C), 12.4.1(H)
	Campground/RV (expand existing)	2	3	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Country club	-	3	3	-	-	-	-	-	-	-	-	-	-	-	6.3.7(C), 12.4.1(H)
	Fairgrounds or rodeo grounds	-	3	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Firearm training or shooting range	3	-	-	-	-	3	-	-	3	-	-	-	3	-	6.3.7(A), 12.4.1(H)
	Golf course	3	3	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Park/playground	2	2	2	2	2	1 / 2	1 / 2	1 / 2	2	2	2	2	1 / 2	1 / 2	6.3.7(C), 12.3.1, 12.4.1(H)
	Recreation/sports club, private	3	3	3	3	3	1 / 2	-	1 / 2	-	-	-	-	1 / 2	1 / 2	12.4.1(H)
	Recreation/sports club, public	2	3	3	2	2	1 / 2	-	1 / 2	-	-	-	-	1 / 2	1 / 2	12.4.1(H)
Post Office	Post office substation	-	-	-	-	-	1 / 2	-	1 / 2	2	2	2	2	-	1 / 2	5.5.3, 12.3.1, 12.4.1(H)
Public Assembly	Community/town hall/grange	2	3	3	3	3	1 / 2	1 / 2	1 / 2	2	2	2	2	1 / 2	1 / 2	12.3.1, 12.4.1(H)
	Convention and exhibit hall	-	-	-	-	-	1 / 2	-	-	-	-	-	-	1 / 2	1 / 2	12.4.1(H)
Public Works	Public works building and facilities	2	3	3	3	3	1 / 2	3	3	3	3	3	2	1 / 2	1 / 2	6.3.7(D), 12.4.1(H)
Religion	Religious assembly, house of worship (church)	1	2	2	2	2	1 / 2	-	1 / 2	2	2	2	2	-	-	2.7.4(C), 12.4.1(H)
	Seminary	-	3	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)

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			RR 00 & 10	RR 5 RR 2.5 & RR 5A	UR 1 UR 4 To UR 10	UR 30	G C	IC	N C	R S	A R S	R R S	S V R S	GI		LI
Safety Services	Emergency medical, ambulance services, fire/police stations	-	3	3	3	3	1 / 2	1 / 2	1 / 2	2	2	2	2	1 / 2	1 / 2	12.3.1, 12.4.1 (H)
Schools	Commercial or business school	-	-	-	-	3	1 / 2	-	3	-	-	-	-	1 / 2	1 / 2	12.4.1(H)
	College/university	-	-	-	3	3	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Public or private school (K thru 12)	1	3	3	3	3	-	-	-	-	1	-	-	-	-	12.4.1(H)
	Satellite campus	-	3	3	3	3	1 / 2	-	1 / 2	2	2	3	2	1 / 2	1 / 2	12.4.1(H)

6.2.3 Unlisted Uses

A) ***Procedure for Classifying Unlisted Uses***

In any zoning district other than Rural Limited Industrial, Limited Use, and Resource zones, where a particular use or class of uses is not identified in Table 6.2-1, such use(s) or class of uses may be permitted through a Type 2 procedure upon a finding by the Director that the criteria of subsection (B) below are satisfied. In addition, the Director may determine that a proposed use is not deemed to be within a classification, whether or not named within that classification, if its characteristics are substantially incompatible with those typical of uses named within the classification (see Section 13.2).

In making an unlisted use determination under Section 3.9, the Director may forward to the Planning Commission for review prior to rendering the decision. Any new or similar use that cannot be clearly determined to be in an existing use classification may be incorporated into the zoning regulations by an amendment to the text of this Ordinance, as provided by Section 3.8.

B) ***Criteria for Approving Unlisted Uses***

The following criteria are used to determine what classification an unlisted use is in, where it is permitted, and whether activities associated with it are considered principal or accessory uses. In order to be allowed in a specific zoning district an unlisted use must be found to create no greater impacts on adjacent properties than those already allowed through a Type 3 review. All relevant impacts of an unlisted use must be considered, including but not limited to the following:

- 1) Whether the proposed use(s) is of the same general character as uses listed in the zoning district. The Director will give due consideration to the intent of the Jackson County Comprehensive Plan and this Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question;
- 2) Whether the use or activities associated with it are likely to be found independent of other activities on the site;
- 3) Whether the impacts of the unlisted use are similar in nature, function, and duration to identified listed uses in relation to the following factors:
 - a) Any on-premise processing, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
 - b) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
 - c) The type, size and nature of buildings and structures, site area or floor space, and equipment or vehicles devoted to the activity;
 - d) On-premise signs, and how the use will advertise itself;
 - e) The relative number of employees and customers associated with each activity and per shift;
 - f) Hours and days of operation;

- g) Transportation requirements, for both people and freight, by volume and type; characteristics of traffic generation to and from the site; relative number of vehicle trips generated by the use; trip purposes and whether trip purposes can be shared by other uses on the site;
- h) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
- i) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and
- j) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.

6.3 ADDITIONAL USE-SPECIFIC REGULATIONS

6.3.1 Resource Uses

A) **Agriculture**

Agriculture, as defined, is a Type 1 use in all districts. Intensive livestock, poultry, or fur-bearing animal production is allowed in resource zoning districts, and other zones as depicted in Table 6.2-1; however, in the AA Overlay, the use will not include the raising of animals or fowl which would be adversely affected by aircraft passing overhead. Some farm animals and birds due to their nature and size are not permitted in the White City Urban Residential Districts. Within the White City Urban Residential Districts no owner or person in charge shall permit animals listed in Section 6.3.1 to run at large. Animal husbandry in excess of the following standards per each acre per animal over nine (9) months in age is considered intensive:

- 1) Large animals, such as cows, horses, mules, donkeys, llamas, camels, buffalo, and the like, must maintain a standard of one (1) acre per each animal. A single large animal may not be kept on a parcel smaller than 30,000 square feet in size; except in the White City Urban Residential Districts where large animals as described are not permitted;
- 2) Alpacas, sheep or goats, and miniature horses - three (3) per acre;
- 3) Poultry - 20 per acre; except roosters and peafowl in the White City Urban Residential Districts;
- 4) Ostriches - two (2) per acre; except in the White City Urban Residential Districts where ostriches are not permitted;
- 5) Emus and rheas - four (4) per acre; except in the White City Urban Residential Districts where emus and rheas are not permitted;
- 6) Fur-bearing animals - 50 per acre; or
- 7) Swine - on a parcel at least five (5) acres in size one (1) barrow (over four (4) months of age) per each acre, or, not more than two (2) breeding

animals per each five (5) acres, except in the White City Urban Residential Districts where swine are not permitted.

B) ***Plant Nursery***

In the RR, and RR-5(A) districts, this is a Type 3 review subject to the Home Business standards in Section 6.4.4(D). Limited incidental sales of related items is permitted, not to exceed 25% of total annual sales.

6.3.2 Residential Uses

A) ***Manufactured Dwelling Park***

1) ***Applicability***

- a) No person will establish or enlarge a manufactured dwelling park without first obtaining the land-use approvals and permits required by this Section.
- b) Construction standards for manufactured dwelling parks are regulated through the State Building Codes Agency and require separate approval from the Building Division.

2) ***Compliance with State Statutes, Regulations, and Rules Required***

In addition to the standards set forth in this Section, the manufactured dwelling park will meet the requirements set forth in state law, including:

- a) Oregon Revised Statutes regarding manufactured dwelling parks;
- b) Oregon State Health Division administrative rules regarding manufactured dwelling parks; and
- c) Oregon State Department of Consumer and Business Services administrative rules regarding the plans review and construction of the park.

3) ***Design Standards and Requirements for New Manufactured Dwelling Parks, a Type 3 Review***

- a) The manufactured dwelling park will be located within an adopted urban growth boundary or urban unincorporated community, unless the proposal is for expansion of an existing park;
- b) The manufactured dwelling park will be located on a single parcel meeting the density requirements of the applicable base zoning district;
- c) The minimum zoning district setbacks will apply to the perimeter of the property. The manufactured dwelling park perimeter setback will include landscaping that meets all standards applicable under Section 9.2;
- d) There will be no more than one (1) manufactured dwelling unit on any pad site;
- e) Scheduled solid waste pick-up will be arranged and maintained by the park owner. If centralized collection locations are used, these will be screened, secured and maintained by the owner;
- f) Each manufactured dwelling park with less than 20 total dwelling units will have a minimum of one (1) direct access point on a County maintained road that has adequate capacity to accommodate the use. Such access will be physically available

- to the property. Each park with 20 or more dwelling units will have a minimum of one (1) primary point of access and secondary points of access sufficient for use by emergency vehicles;
- g) There will be no driveway access from individual residences directly onto adjoining public roads;
- h) Easements for public utility lines will be located along property boundaries when possible; and
- i) An approved manufactured dwelling park may have a caretaker's residence (subject to density requirements), an office/community/administration building, and/or an indoor or outdoor recreation center as accessory uses. Residents of the park may engage in permitted home occupations provided that all conditions applicable to the home occupation in Section 6.4.4 can be met on the manufactured dwelling site.

4) *Limited Expansion of Existing Manufactured Dwelling Parks*

- a) Purpose
It is the express intent of the Jackson County Comprehensive Plan Rural and Suburban Lands Element Policy 3 to provide for limited expansions of existing manufactured dwelling parks. It is recognized that most existing manufactured dwelling parks do not meet all the mandatory requirements for new manufactured dwelling parks set forth in this Section. It is anticipated that some existing manufactured dwelling parks will not be able to meet all mandatory requirements proposed for expansion.
- b) General Review Procedure
As a condition of limited expansion of a nonconforming or substantially conforming existing park, the County will determine the extent and nature of improvements required in the existing park to conform with subsection (3) above, based on a detailed written description of the park's compliance with the above by the applicant.
- c) General Approval Criterion
Expansion of an existing nonconforming manufactured dwelling park will be processed as a Type 3 use approval as described in Chapter 3, and will be allowed only when such expansion includes substantial improvements in the existing manufactured dwelling park to such a degree that the existing park, including the expanded area, complies with or is substantially more in conformance with the provisions of this Ordinance and will have no greater adverse impact on the neighborhood in which the park is located.

d) Density Increases Restricted

An increase in the density of a nonconforming manufactured dwelling park that already exceeds allowable density under this Ordinance is prohibited, unless the County finds that all of the following are met:

- i) Such increase is required to allow improvement of the older part of the manufactured dwelling park;
- ii) Such increase is compatible with the neighborhood;
- iii) A limited increase in density is necessary to achieve the purpose of this Section;
- iv) The water and sanitary facilities will be adequate to meet the needs of the park's present and future residents; and
- v) The proposed expansion is consistent with subsection (e) below.

e) Standards for Expansion

- i) Notwithstanding the density requirements of the base zoning district, the expanded number of dwellings will not exceed more than 50 percent of the existing developed spaces within the park or 20 manufactured dwellings, whichever is less. The County may approve fewer spaces than proposed, depending on the proposed degree of improvement and conformance of the park with Section 3 above;
- ii) The County may require that some existing manufactured dwellings within the park be moved to the expansion area to make the manufactured dwelling park, as a whole, more conforming with the standards of the zoning district and the provisions of this Section;
- iii) The expansion will be allowed to occur only on a single lot, parcel, or ownership;
- iv) External streets or roads serving the park must be adequate in condition and capacity to serve the additional traffic;
- v) Urban development standards will apply to expansions and overall park improvements when within an urban growth or urban unincorporated community boundary;
- vi) The manufactured park expansion area will meet all standards set forth in Section 6.3.2(A)(3)(b) through (h), with the exclusion of density requirements;
- vii) All expanded manufactured dwelling parks will be included within a rural fire protection district, and will meet all applicable regulations of the local fire district, which may include construction and maintenance of at least one (1) on-site source of water supply for fire suppression; and

- viii) Only one (1) expansion pursuant to this Section will be permitted outside urban growth boundaries and urban unincorporated communities.

f) Additional Standards for Parks Near Resource Lands

The proposed expansion will not be allowed to adversely change or increase the cost of accepted farm or forest practices on adjacent or nearby resource zoned land. In order to mitigate the effects of urban development adjacent to resource land:

- i) A deed declaration will be recorded on the deed for the property if the park is near farm or forest land acknowledging and accepting the effects of customary and accepted farm or forest practices. The applicant will agree to provide a copy of the deed declaration to all existing and new residents of the park; and
- ii) In addition to complying with requirements for setbacks, buffering, and landscaping otherwise applicable in the zone district, the County may require additional perimeter buffering techniques, which may include additional fencing, berming, and/or landscape plantings, increased setbacks, altered road placements, and other measures designed to increase distance between residences and potentially conflicting resource uses.

5) *Manufactured Dwelling Park Conversion*

a) Purpose and Scope

The County may approve a parcel area reduction under a Type 4 subdivision procedure for the purpose of converting a manufactured dwelling park or mobile home park into a subdivision with individual lots, subject to the requirements of Chapter 10 of this Ordinance, and in compliance with this subsection.

b) Approval Criteria

- i) The manufactured dwelling park or mobile home park was lawfully established prior to July 2, 2001;
- ii) The park is in compliance with the standards in Section 6.3.2(A) for a manufactured dwelling park or is an approved nonconforming use. For the purposes of this Section, a park is in compliance if a written notice of noncompliance was not issued prior to July 2, 2001;
- iii) There will be no increase in the number of spaces (proposed for conversion to lots), no change in the boundary lines or setback requirements originally approved for the park or other development changes; and

- iv) Approval of the subdivision is conditioned on the park's owner offering to sell each lot in the park to the tenant who occupies the lot, in accordance with the requirements of ORS 92.840.

B) ***Multiple-Family Dwelling***

For multiple-family dwellings, the required yard setbacks will be maintained in a landscaped condition and may not be used to provide required parking.

C) ***Detached Single-Family Dwelling, First***

- 1) Except as provided in (3) below, in all Rural Residential, and UR districts, the first single-family dwelling on a lawfully created parcel is a use permitted by right.⁵
- 2) In all Rural Residential zoning districts outside urban growth boundaries, a deed declaration acknowledging and accepting customary farm and forest practices and irrigation rights must be recorded prior to issuance of building permits for new and replacement dwellings.
- 3) In the UR-10 and UR-30 districts, approval of a detached single-family dwelling is a permitted use subject to the Type 2 review provisions of Section 3.1.3.
- 4) In the RS, ARS, RRS, SVRS, NC, GC, LI, and GI districts, one (1) single-family dwelling is a permitted accessory use provided it is accessory to a permitted commercial or industrial use and subject to a deed declaration that limits it to use by the owner, operator, caretaker, or night watchman employed on the premises.
- 5) In the Floodplain Overlay, development must comply with the requirements of Section 7.1.2.

D) ***Attached or Detached Single-Family Dwelling, Two or More***

Except as provided below, the County will not allow more than one (1) permanent detached single-family dwelling to be placed on a lot or parcel.

- 1) ***Temporary Medical Hardship***
Medical hardship dwellings may be permitted pursuant to the requirements of Section 6.5.3(G).
- 2) ***Rural Residential and Rural Use⁶ Zones***
The County may allow more than one (1) dwelling on a single parcel in Rural Residential zones as a planned unit development (PUD), or allow the clustering of new dwellings on a single parcel if all of the conditions set forth below are met: (OAR 660-004-0040(7)(e) through (7)(h)).
 - a) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10;

⁵ Ordinance 2004-12, effective 2-6-2005

⁶ Ordinance 2008-1, effective 3-30-2008

- b) The number of new lots or parcels to be created does not exceed 10;
- c) None of the new lots or parcels will be smaller than two (2) acres;
- d) The development is not to be served by a new community sewer system;
- e) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community;
- f) The density of the development will not exceed the Maximum Gross Density specified for the zoning district in Table 8.2-1;
- g) Any group or cluster of two (2) or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there;
- h) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner must submit proof of irrevocable deed restrictions recorded in the County deed records. The deed restrictions will preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for while the lot, parcel, or tract remains outside an urban growth boundary; and
- i) Rural Residential zones within urban growth boundaries are exempted from the requirements of subsection 6.3.2(D)(2),(c),(e), and (g) above.
- j) In Rural Use Zones⁷: A written statement must be recorded in the public records with the deed or written contract, or its equivalent must be obtained from the land owner, binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief of cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

3) *Urban Residential Zones*⁸

The County may allow more than one (1) detached single family dwelling on a single parcel in the UR zones subject to the Type 2 review provisions of Section 3.1.3 if the density standards of the zoning district are maintained. Notwithstanding this provision, accessory dwelling units developed in accordance with the standards of Section 12.4.1 (White City Urban Unincorporated Community) are not subject to density standards.

4) *Resource Zones*

Development in the EFU, FR and AR zones are subject to the standards described in Chapter 4.

E) ***Replacement Dwellings***

Any dwelling unit documented as lawfully existing may be replaced provided health and safety codes, floodplain, and fire standards are met. See Chapter 4

⁷ Ordinance 2008-1, effective 3-30-2008

⁸ Ordinance 2008-1, effective 3-30-2008

for additional requirements related to replacement dwellings in resource zones (e.g., Section 4.2.6(B)). When the existing dwelling does not comply with setback standards required by Chapter 8, the replacement dwelling is exempt from such standards provided the setbacks that were established by the original dwelling will not be reduced.

6.3.3 Commercial/Office Uses

Commercial development on land outside urban growth boundaries may be subject to Goal 14 and Oregon Administrative Rule 660, Division 22, as applicable. For purposes of the Rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space. Small scale, low impact uses are limited to 3,000 square feet of floor space per building(s) outside acknowledged unincorporated communities.

The Rule does not establish square foot limitations for uses intended to serve the rural community and surrounding rural area, the needs of the traveling public, or resource based commercial enterprises (i. e., those uses authorized under ORS 215.283 and OAR 660-006-0025). Rather, the County may determine that a larger commercial building or buildings serves the rural community and surrounding rural area, or the travel needs of people passing through the area. Upon that determination, the County may approve the larger building or buildings for commercial use. Resource based commercial enterprises may be in a building or buildings of any size that is appropriate for that use. [OAR 660-022-0030]

(NOTE: DLCD previously stated commercial buildings outside unincorporated communities must be substantially less than 4000 square feet in size. 3000 square feet was the largest building size that could be negotiated under Periodic Review Task 21 during the 2004 LDO rewrite.)

- A) ***Agriculture Produce Stand***
In the RR and RR-5(A) districts, this is a Type 3 review subject to the Home Business standards in Section 6.4.4(D).
- B) ***Animal Clinics, Hospitals, and Kennels***
The use will provide indoor sleeping quarters for all animals that will be boarded or otherwise kept overnight. Outdoor runs will be required to maintain a minimum of at least a 100-foot setback from all adjacent property boundaries. Large animal clinics may also include care for small animals as an incidental component of the veterinary practice.
- C) ***Appliance Repair and Incidental Sales***
The use will be conducted within an enclosed building or within a yard screened from public view by a sight obscuring fence, or by a vegetative buffer that is at least 80% opaque and that will reach six (6) feet in height within three (3) years.
- D) ***Auction Services, Commercial***
The use will not include animal sales (stock auction).
- E) ***Auction Services, Temporary***

Temporary estate sales/auctions are allowed as a Type 1 use in all zones for a maximum of three (3) days once per year.

- F) ***Barber or Beauty Shop***
In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating and drinking establishment.
- G) ***Body and Fender Shop***
The use will be fully conducted within an enclosed building.
- H) ***Building Material and Lumberyard***
In the commercial zoning districts, the use will be conducted within an enclosed yard.
- I) ***Clothing or General Merchandise Store***
- 1) In the ARS district, the use will not exceed 2,500 square feet in size.
 - 2) In all other zones, the use may be permitted only within urban growth and unincorporated community boundaries.
- J) ***Food and Sundries, Convenience***
- 1) In the IC district, the use will be permitted only in conjunction with another permitted use and when the store is less than 1,000 square feet in size.
 - 2) In all other zones, the use may be permitted only within urban growth and unincorporated community boundaries.
- K) ***Adult Day Care, Child Care Center***
In the LI and GI districts, adult day care and child care facilities will be permitted only as accessory uses in conjunction with a permitted use.
- L) ***Drinking Establishment***⁹
- 1) In the IC district, the use will be permitted only in conjunction with a permitted hotel, motel, or eating establishment.
 - 2) Additionally, food and beverage drive-through establishments are allowed.
- M) ***Firewood Retail Sales***
The use will be permitted provided material is in a saleable form and is screened from public view by a sight-obscuring fence or enclosed buildings. The use will not include processing, except as noted in Table 6.2-1.
- N) ***Flea Market***
The use will be located within an enclosed building, and all parking associated with the use will be provided on-site. Flea markets will not be permitted in conjunction with a mini-warehouse unless approved under a Type 3 review.

⁹Ordinance 2004-12, effective 2-6-2005

O) ***Gift, Antique, or Specialty Shop***

- 1) In the IC district, the use will be permitted by-right only in conjunction with a permitted hotel, motel, or eating and drinking establishment, and allowed as a Type 3 review if not in conjunction with another permitted use.
- 2) In the RS, ARS, and SVRS districts, gift and antique sales will be permitted only if incidental and accessory to other permitted uses or if approved as a Type 3 review in this district. Under no circumstances will the total structural square footage exceed 4,000 square feet.
- 3) In all other zones, the use may be permitted only within urban growth or unincorporated community boundaries.

P) ***Grocery Store***

The use may be permitted only within urban growth or unincorporated community boundaries.

Q) ***Hardware Store***

- 1) In the GC district, the use will be conducted entirely within an enclosed building or within a yard screened from public view.
- 2) The use may be permitted only within urban growth or unincorporated community boundaries.

R) ***Hotel or Motel***

In the RS districts, the use will be limited to 35 units, and only if the use is:

- 1) Served by a community sewer system; and
- 2) Located at least 10 miles from the urban growth boundary (UGB) of any city adjacent to Interstate 5, regardless of its proximity to any other UGB.

S) ***Laundromat or Dry Cleaner***

The use may include pick-up and delivery or self-service coin-operated establishments, but will not include a dry cleaning or laundry plant.

T) ***Motor Vehicle Service and Repair***

- 1) The use will be conducted within an enclosed building or within a yard screened from public view.
- 2) In the SVRS district, a sales lot limited to 15 vehicles also may be approved if operated in conjunction with a vehicle repair business.

U) ***Motor Vehicle Storage***

In the AA Overlay, the use will be located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach.

- V) ***Parking Area, Commercial, or Park-and-Ride Lot***
In the AA Overlay, the use will be located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, result in glare, or in any other way impair visibility in the vicinity of the landing approach. Park-and-ride lots may be provided in conjunction with parks or churches as a Type 2 review.
- W) ***Pawn Shop or Secondhand Store***
In the GC district, the use will be conducted within an enclosed building.
- X) ***Retail Florist Shop, Garden Shop, Drug Store, Bake Shop or Wine Shop***
The use may be permitted only within urban growth or unincorporated community boundaries.
- Y) ***Winery, Tasting Room***
In the Rural Residential districts, this is a Type 3 review subject to the standards of Section 6.4.4(E).
- Z) ***Other Retail or Service Commercial Use not Listed***
 - 1) In the RS, ARS, RRS, and SVRS districts the use may be approved under a Type 3 review if the use is found to be consistent with the purpose of the district.
 - 2) In all other commercial or industrial zones, this is a Type 2 decision. See 6.2.3 Unlisted Uses.

6.3.4 Industrial/Manufacturing Uses

Industrial development on land outside urban growth boundaries is subject to Section 1, Chapter 688, Oregon Laws 2003, as amended (2005-HB 2458). Industrial development outside Urban Growth Boundaries (UGB) may also be subject to Goal 14 and Oregon Administrative Rule 660, Division 22, Sections .0030 and .0040. When applicable, the Rule limits such uses to: those allowed in resource zones; small scale, low impact industrial uses; uses that require proximity to a rural resource; uses not exceeding certain service capacities; and uses that only serve a rural work force. Small scale, low impact industrial uses are limited to 30,000 square feet of floor area outside acknowledged unincorporated communities, and 40,000 square feet of floor area within acknowledged rural unincorporated communities. Land outside a UGB that was designated for industrial use on January 1, 2004 is not subject to building size limitations unless within three (3) miles of the UGB of the cities of Medford and Ashland.

- A) ***Batch Plant, Concrete or Asphalt***
Temporary concrete or asphaltic batch plants may be permitted as a Type 1 use when the operation is necessary to construct an approved public road project, provided that no temporary plant may operate for more than 30 days within urban growth or urban unincorporated community boundaries, or 180 days outside those areas.

- B) ***Machinery and Equipment Repair***
The use will be fully confined within an enclosed building limited to service and repair.
- C) ***Mini-Warehouse***
No retail sales or business may occur except as approved under “Parking Lot Sales” in 6.5.3, unless approved under a Type 3 process as a flea market in an LI zoning district. A facility operator may conduct an auction for unclaimed contents on-site in accordance with 6.3.3(F).
- D) ***Wrecking, Salvage or Junk Yard***
 - 1) In the GC district, the use will be fully conducted within an enclosed building.
 - 2) In the GI, and LI districts, the use will be conducted within an enclosed building or screened by a sight-obscuring fence at least six (6) feet in height.

6.3.5 Transportation Uses

A) *Aviation Uses*

- 1) The new airport or heliport will not conflict with flight patterns established at an existing airport or otherwise interfere with aircraft using the existing airport;
- 2) The new airport or heliport will not force a significant change in or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- 3) All new airports, heliports, or landing fields, whether as primary or accessory uses, will be designed so that the incidence of aircraft passing in the vicinity of preexisting dwellings or places of public assembly is minimized. They shall be located so that air traffic shall not constitute a nuisance to neighboring uses. The applicant shall show that adequate controls or measures will be taken to reduce noise levels, vibrations, dust, or bright lights, as required by the Oregon Department of Environmental Quality rules and regulations; and
- 4) The new airport or heliport will not be established until permits from the Oregon Department of Aviation have been obtained.
- 5) “Through the fence operations” are a Type 2 permit at rural airports, as defined by ORS Chapter 836. “Through the fence operation” means a customary and usual aviation-related activity that:
 - a) Is conducted by a commercial or industrial user of property within an airport boundary; and
 - b) Relies, for business purposes, on the ability to taxi aircraft directly from the property employed for the commercial or industrial use to an airport runway.

B) ***Bike Paths***¹⁰

- 1) All proposed bike paths in conjunction with roadways, or otherwise proposed as a transportation improvement, will demonstrate consistency with the Jackson County Transportation System Plan, including compliance with Tables 7-9, Exhibit 1-3, and the Bicycle and Pedestrian Toolkit, and will consider the Rogue Valley Active Transportation Plan (RVATP) Conceptual Designs for Prioritized Projects (RVATP Chapter 3 and Appendix C Design Guidance).
- 2) Off-road recreational bike paths are Type 1 uses within any development.
- 3) Proposed bike paths will provide connectivity to the County's or adjacent urban area's transportation system.
- 4) Bike paths within the Bear Creek Greenway will be established in compliance with the, Bear Creek Greenway Plan: Management Policies and Guidelines (1982), the Bear Creek Greenway Plan: Ashland to Central Point (1988), and the Bicycle and Pedestrian Toolkit (2023 Jackson County Transportation System Plan).

C) ***Transportation Improvements***

- 1) Within existing rights-of-way, transportation improvements, such as bridges, culverts, streets, roads, highways, bike paths and pedestrian access will not require land use application approval for installation, repair or replacement unless subject to the requirements of Chapter 7. Accessory or incidental maintenance yards, stockpile sites, weigh stations, rest areas, and similar types of improvements are Type 2 uses in commercial or residential zones, and Type 1 uses in industrial zones. Such accessory uses may be sited within public rights-of-way or on publicly owned lands adjacent to them.
- 2) Within existing rights-of-way, cut or fill, temporary storage and processing activities, control signs, fencing, guardrail, median barriers, lighting, and similar improvements or activities are recognized as accessory to the transportation use and do not require a land use application unless subject to the requirements of Chapter 7.
- 3) Except as otherwise required by this Ordinance (see Chapter 4), the acquisition of right-of-way, and removal or displacement of buildings, may be included in the repair and reconstruction of existing roads.
- 4) When a road project would reduce the setback of an existing conforming structure or the acreage of a conforming parcel the right-of-way acquisition required for the project will not render the structure or parcel nonconforming.
- 5) When rights-of-way are acquired for new roads that bisect an existing parcel, the parcel is not deemed partitioned unless a land division is approved in accordance with Chapter 10.

¹⁰ Ordinance 2023-2, effective 6-5-2023

- 6) New roads will provide connectivity with the regional transportation system, as described in the Regional Transportation Plan, County and White City Transportation System Plans, applicable city Transportation System Plans, and the State Transportation Plan.

6.3.6 Utility/Solid Waste Uses

A) *Transmission Facilities*

- 1) Modifications to towers existing prior to adoption of this Ordinance will conform to any original approval requirements, FAA and FCC requirements and the following regulations. Co-location of antennae and related devices on an existing tower facility is a Type 1 use permitted by right.
- 2) *Concealed (Stealth) Transmission Towers*
Concealed (stealth) transmission towers, whether building-mounted or freestanding, are permitted as Type 1 uses in all zoning districts, except resource zones where they may be allowed as a Type 2 use. Concealed towers will comply with the applicable height and setback requirements set forth below, and meet FCC registration requirements and standards for exposure to microwave radiation per (5)(d)(iv)(a) below.
- 3) *All Other Building-Mounted Transmission Towers (non-stealth)*
Unless otherwise specified in Table 6.2-1, a Type 2 approval is required to erect any non-stealth, building-mounted tower. Towers may be located on non-residential buildings at the heights set forth in the following table:

Table 6.3-1	
Building Height	Maximum Tower Height (not including antennae)
Over 35 feet	50 percent of building height
35 feet and less	18 feet maximum

- 4) *Non-Stealth Freestanding Transmission Towers*
Monopole, lattice, and other freestanding antennae and towers are permitted as Type 2 or 3 uses. Freestanding towers will comply with the siting and decommission requirements in subsections (5) and (6), below.
- 5) *Siting Requirements*
 - a) Co-Location Required
 - i) Any tower greater than 100 feet high must be designed and constructed to permit the co-location of one (1) or more additional users.

- ii) Applicants seeking a permit for tower(s) greater than 100 feet in height, and proposed to be located within 3,000 feet of any communication tower greater than 100 feet in height, will document in their application that reasonable efforts have been made to lease space on an existing, planned or constructed tower(s); or, demonstrate that no existing tower(s) will technically satisfy the applicant's needs.

b) Height

i) Maximum Permitted Height

The maximum permitted height for transmission towers is 250 feet, except in resource zones.

ii) Bonus for Co-Location

As a bonus for co-locating one (1) or more additional antennae or other transmission device on a tower, an applicant may obtain an increase of 25 feet in height for every additional emission device (antennae) that is co-located in accordance with Table 6.3-2, provided that the maximum permitted height is not exceeded and that no intrusion into protected airspace or hazard to aircraft is created. There will be no increased setback requirements for towers receiving this bonus beyond those set forth in subsection (c) below.

Table 6.3-2 Height Bonus for Co-Location		
Additional Antennae or Devices	Bonus Height	Height After Bonus
1	25 feet	125 feet
2	50 feet	150 feet
3	75 feet	175 feet
4	100 feet	200 feet
5	125 feet	225 feet
6	150 feet	250 feet

c) Setbacks

- i) Transmission towers will be set back from all existing dwellings and residentially zoned property by a minimum of 200 feet, or the height of the proposed tower, whichever is greater.
- ii) Transmission towers on commercial/industrial zoned property will be set back a minimum of 50 feet from the property boundary.

- iii) The setbacks listed in this subsection may be increased or reduced upon consideration of circumstances that increase or reduce the off-site effects of the tower on adjacent properties, and the on-site effects on existing uses. Examples of means to reduce impacts include: topography, berms, the proximity of existing or potential uses, existing vegetation and improvements made to the site to obscure or reduce the visibility of the tower from adjacent properties, the concentration of proposed towers in the area, and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

d) Design and Operation Requirements

i) Oregon Department of Aviation and FAA Approval

All proposed tower applications will document prior Oregon Dept. of Aviation and FAA review and approval that the proposed tower will not encroach into protected airspace or create a hazard to aircraft. Any recommendations made by these agencies for tower lighting and painting, and any height or location limitations must be followed.

ii) Design and Neighborhood Compatibility

- (a) Except where otherwise required by the FAA or Oregon Dept. of Aviation for aircraft safety, the exterior appearance of associated support structures and buildings will be compatible with the other buildings and structures in the surrounding area. The exterior appearance of all buildings located in a residential district will include architectural details characteristic of residential dwellings, including pitched roof(s) and frame or brick veneer construction.
- (b) Tower design will comply with lighting and tower painting and other modifications recommended by the Oregon Dept. of Aviation and the FAA.
- (c) No portion of a tower or antennae may intrude into the imaginary surface of an airport.
- (d) Support buildings and any associated utility structures may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (e) Advertising signs or logos are prohibited on any tower.
- (f) Transmission towers will be located to minimize impact on wildlife.

- (g) The County may require additional conditions necessary to mitigate the impact of the tower on adjacent properties and uses.

- iii) Buffering and Screening

- (a) In order to provide sufficient opaque screening when the tower is adjacent to a residential use, zone, or public right-of-way, all fences and walls will be screened with plant materials so that no more than two-thirds (2/3) of the surface of the fence or wall is visible within three (3) years after erection of the structure. Painting, fencing and buffer landscaping must be maintained in good condition.
- (b) The base of the tower and each guy anchor will be surrounded by a fence or wall at least eight (8) feet in height.
- (c) All antenna(ae) will be screened to safeguard surrounding property provided that such screening will not interfere with the transmission and/or reception capabilities of any antennae located on the tower.

- iv) Technological Requirements

- (a) Output power levels from the tower and/or associated antennae will not exceed the current federally approved levels for exposing the public and maintenance workers to electromagnetic radiation.
- (b) Evidence will be submitted that radio, television, avionics, or other electromagnetic transmission(s) or reception will not be disturbed or diminished, including local emergency response frequencies.
- (c) The County may impose additional conditions necessary to address the impacts of new technologies.

- 6) *Decommission*

- a) Prior to issuance of permits for the tower, the property owner will sign and record a deed declaration which requires removal of decommissioned structures.
- b) In the event that an owner discontinues use of the transmission facility for more than six (6) consecutive months, the County may declare the facility decommissioned and require the property owner to remove it. A decommissioned facility may be declared a nuisance subject to the abatement procedures of the *Jackson County Codified Ordinance*.

- 7) *Outside Experts and Disputes*

- a) Siting of transmission facilities may involve complex technical issues that require review and input by outside experts. The County may require the applicant to pay the reasonable costs of a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal will be at the sole discretion of the decision-making body.
- b) If an applicant for a transmission facility claims that one (1) or more standards of this Ordinance are inconsistent with federal law in a way that would prohibit the effective provision of wireless communications within the relevant market area, the applicant's qualified engineer may submit, for County review, findings that one (1) or more standards of this Ordinance would prohibit effective service.

B) *Utility Facilities*

- 1) Maximum use of existing easements and rights-of-way will be made.
- 2) Small scale energy producing facilities will be permitted only in conjunction with approved uses.
- 3) Regulation of liquid petroleum gas containers or receptacles by the State Fire Marshal is not a program affecting land use. Siting, installation, maintenance or removal of liquid petroleum gas containers is not regulated by this Ordinance except as provided for in ORS 480.410 to 480.460.

C) *Waste Disposal*

1) *Solid Waste Disposal*

a) Applicability and Procedure

No person will engage in solid waste disposal without first obtaining the land-use approvals and permits required by this Ordinance. New uses of the types listed below may be approved under this Section, subject to Type 4 approval by the Board of Commissioners unless otherwise specified in Chapter 4. (See Tables 4.2-1 and 4.3-1)

- i) Animal tallow or rendering plant, nonresource zones only.
- ii) Composting or recycling plant.
- iii) Incinerator, nonresource zones only.
- iv) Sanitary landfill.

b) Standards and Criteria for Action on Application

The standards and criteria for action on an application for a new solid waste disposal use will be those applicable to all Type 4 approvals set forth in Section 3.1.5. Modifications of existing waste related uses may be approved under a Type 2 review. Special emphasis will be placed upon the environmental factors listed, due to the potential for nuisance which may result from improper siting or development of sanitary landfills. In addition, the applicant will demonstrate compliance with the *Solid Waste*

2) *Solid Waste Disposal Application*

An application for a Type 4 approval for a sanitary landfill, compost or recycling facilities will be filed on the County application form with all supporting materials specified by the County. At a minimum, the application will include the following:

- a) A plan drawn to an indicated scale showing:
 - i) The exterior boundaries of the property on which the use is to be located;
 - ii) Location of roadways, water courses or bodies, drainage ways, topography, and vegetation; and,
 - iii) Location of disposal sites and other improvements proposed;
- b) Copy of the operation franchise, if applicable;
- c) Statement from the State Department of Environmental Quality, outlining their investigation and findings on the proposal; and
- d) A plan for site reclamation and restoration.

3) *Solid Waste Transfer Station*

Solid waste transfer stations may be approved through a Type 3 review by the County provided:

- a) The receptacle(s) for refuse disposal is containerized and covered;
- b) The site is visually screened by fencing and plant material; and,
- c) Contractual arrangements for pickup specify that the franchise holder will be responsible for keeping the immediate area surrounding the site clean and free of debris and waste.

4) *Recycling Drop Box*

A recycling drop box is for deposit and temporary storage of recyclable materials including paper, glass, metal cans, or other recoverable materials, provided they are not injurious to public health. This Type 2 approval includes the following standards.

- a) The drop box for recyclables will be containerized, covered, and not located in such a manner as to constitute a fire hazard;
- b) The organization responsible for recycling the materials left at the drop boxes will pick up such materials every two (2) weeks minimum, and will be responsible for keeping the area immediately around the drop box clean and free of debris or waste;
- c) The drop box will be located at least 200 feet from the nearest residence, unless those residing within 200 feet of the drop box have indicated in writing that they have no objection to the placement of the recycling drop box; and

- d) The recycling drop box will not occupy an area greater than 144 square feet. No drop box structures will be higher than 56 inches measured from ground level.

D) ***Waste Disposal, Modification of Existing Waste Disposal Facilities***

Modifications, expansions or enlargements of existing waste disposal facilities may be allowed subject to a Type 2 review as provided below:¹¹

1) ***Significant Modification***

Except as set forth in (2) below, for the purpose of this Section, a “significant modification” to an approved waste related use, requiring a Type 4 Level of review shall be either of the following:

- a) An increase in the overall acreage of the waste area under the current approved permit; or
- b) A request by the permit holder for change in the approval conditions of the current permit.

2) ***Changes Not Constituting a Significant Modification***

Any changes to the site, facilities, equipment or any other operational or management practices which are required by law or encouraged as a matter of public policy by federal, state, or local regulatory agencies for the purpose of environmental protection, recycling, or energy recovery shall be permissible without need to obtain or modify land use permits by and through Jackson County or any other change which does not constitute a significant modification.

6.3.7 Parks/Public/Quasi-Public Uses

A) ***Firearm Training Facility/Shooting Range***

For purposes of this Section, a “firearms training facility” is an indoor or outdoor facility that provides training courses or issues certifications required:

- 1) For law enforcement personnel;
- 2) By the State Department of Fish and Wildlife; or
- 3) By nationally recognized programs that promote shooting matches, target shooting and safety.

No outdoor firearm training facility or shooting range facilities are permitted in commercial districts. Within the EFU district, any firearms training facility in existence on September 9, 1995 will be allowed to continue operating until such time as the facility is no longer used as a firearms training facility.

B) ***Library***

¹¹Ordinance 2004-12, effective 2-6-2005

Libraries are considered a public use, and may include indoor incidental retail and meeting activities.

C) ***Park and Playground***

- 1) In the Floodplain Overlay, picnic tables, play structures, and “camp place fireplaces” are accessory uses subject to Type 1 review, and will be designed and anchored to prevent flotation, collapse, or lateral movement. (See Section 7.1.2(B)(2))
- 2) 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.

D) ***Public Works Buildings and Facilities***

The use includes buildings and uses of a public works, public service, or public utility nature, but does not include equipment storage or repair yards, warehouses, or related activities, unless fully conducted within an enclosed building.

6.3.8 Destination Resorts¹²

A) **Applicability**

The provisions of this section apply to proposals for the development of destination resorts, as defined in Section 13.3. Development which meets the standards of Section 6.3.8(C) is referred to as a “large destination resort.” Development which meets the standards of Section 6.3.8(D) is referred to as a “small destination resort.” Except within Subsections 6.3.8(C) and (D), references in this section to “destination resorts” or “resorts” apply to both “large destination resorts” and “small destination resorts.” When any conflict exists between the development standards or procedures of this Section and any other part of this Ordinance, the provisions of this Section shall govern proposals for the development of large destination resorts and small destination resorts.

B) **Definitions**

The following definitions apply to proposals for the development of destination resorts under this Section:

- 1) ***Developed Recreation Facilities:*** Improvements constructed for the purpose of recreation and may include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities, ski runs and bicycle paths. [ORS 197.435(1)]
- 2) ***Map of Eligible Lands:*** A map of lands within the County potentially eligible for destination resort siting, adopted as part of the Jackson County Comprehensive Plan pursuant to ORS 197.455. Jackson County’s map of eligible lands is titled “Lands Eligible for Siting of a Destination Resort.” [ORS 197.435(3)]

¹² Ordinance 2007-7, effective 9-16-07

- 3) *Open Space*: Any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas. [ORS 197.435(4)]
- 4) *Overnight Lodgings*: Permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition. [ORS 197.435(5)]
- 5) *Self-Contained Development*: A development for which community sewer and water facilities are provided on site and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" must have developed recreational facilities provided on site. [ORS 197.435(6)]
- 6) *Tract*: A lot or parcel or more than one contiguous lot or parcel in a single ownership. [ORS 197.435(7)]
- 7) *Visitor-Oriented Accommodations*: Overnight lodging, restaurants, and meeting facilities designed to provide for the needs of visitors rather than year-round residents. [ORS 197.435(8)]

C) Large Destination Resort Standards

- 1) The resort is located on a site of 160 or more acres. [ORS 197.445(1)]
- 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
- 3) At least \$7 million must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index. [ORS 197.445(3) and (8)]
- 4) Visitor-oriented accommodations, including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodging shall be provided. However, the rentable

overnight lodging units may be phased in as follows:

- a) A total of 150 rentable units of overnight lodging shall be provided as follows:
 - i) At least 75 units of overnight lodging, not including any individually owned homes, lots or units, must be constructed or guaranteed through surety bonding or equivalent financial assurance prior to the closure of sale of individual lots or units
 - ii) The remaining overnight lodging units must be provided as individually owned lots or units subject to deed restrictions that limit their use to use as overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this subsection.
- b) The development approval must provide for the construction of required overnight lodging units within five years of the initial lot sales. The development approval shall state that if construction of the required overnight lodging units is not completed within five years after the initial lot sales, no additional development permits, other than for maintenance of existing facilities, shall be issued.
- c) The number of units approved for residential sale may not be more than two units for each unit of permanent overnight lodging provided under subparagraph (a)(i) of this paragraph. *[ORS 197.445(4)(a)]*
- 5) All required developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations shall be physically provided or guaranteed pursuant to Section 10.6.2 through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding as provided in Section 10.6.2. As used in this paragraph, "key facilities" means sanitary facilities, water facilities, storm drainage facilities, energy and communication facilities, and transportation facilities. *[ORS 197.465(3)]*
- 6) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted. *[ORS 197.445(5)]*
- D) Small Destination Resort Standards

In lieu of the standards set out in subsection (C), the standards set out in this subsection may be applied to a destination resort on land that is not defined as

agricultural or forest land under any statewide planning goal, or on land for which an exception has been taken to any statewide planning goal concerning agricultural lands, forest lands, public facilities and services and urbanization. [ORS 197.445(6)]

Developments which meet the following standards shall be considered a “small destination resort”:

- 1) The resort must be located on a site of 20 acres or more. [ORS 197.445(7)(a)]
- 2) At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas. [ORS 197.445(2)]
- 3) The primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream. [ORS 197.445(7)(f)]
- 4) At least \$2 million must be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount must be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index. [ORS 197.445(7)(b) and (8)]
- 5) At least 25 units, but not more than 75 units, of overnight lodging must be provided. A restaurant and meeting room with at least one seat for each unit of overnight lodging must be provided. [ORS 197.445(7)(c) and (d)]
- 6) Residential uses must be limited to those necessary for the staff and management of the resort. [ORS 197.445(7)(e)]
- 7) Commercial uses are limited to those listed in subsection (F)(10). Listed commercial uses shall be limited to the types and levels of use necessary to meet the needs of visitors to the resort. Industrial uses of any kind are not permitted. [ORS 197.445(5)]
- 8) The resort must be constructed and located so that it is not designed to attract highway traffic. Small destination resorts may not use any manner of outdoor advertising signing except:
 - a) Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and
 - b) On-site identification and directional signs. [ORS 197.445(7)(g)]

E) Permitted Uses

- 1) Visitor-oriented accommodations:
 - a) Overnight lodgings, as defined in subsection (B)(4).

- b) Convention and conference facilities and meeting rooms.
 - c) Retreat centers.
 - d) Restaurants, lounges and similar eating and drinking establishments.
 - e) Other similar visitor-oriented accommodations consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 2) Developed recreational facilities:
- a) Golf courses, driving ranges, practice facilities and clubhouses.
 - b) Indoor and outdoor swimming pools.
 - c) Indoor and outdoor tennis courts.
 - d) Indoor and outdoor playing fields.
 - e) Physical fitness facilities.
 - f) Equestrian facilities.
 - g) Marinas and boating facilities.
 - h) Ski runs, ski trails and snowmobile trails.
 - i) Walkways, bike paths, jogging paths, equestrian trails and nature trails.
 - j) Nature interpretive centers.
 - k) Wildlife observation facilities.
 - l) Other similar recreational facilities consistent with the purposes of the Destination Resort Statute, ORS 195.435 to 197.467.
- 3) Residential uses:
- a) Single-family dwelling (detached).
 - b) Single-family dwelling (attached).
 - c) Multi-family dwelling.
 - d) Living quarters for permanent or temporary employees.
- 4) Facilities necessary for public safety, transportation, and utilities serving the resort.

F) Accessory Uses and Structures

The following accessory uses and structures are allowed, provided they are subordinate in extent, area and purpose to the principal uses of the resort:

- 1) Visitor-related transportation facilities excluding airports and heliports, but including airstrips and helicopter landing pads.
- 2) Emergency medical facilities.
- 3) Storage structures and areas, including short-term recreational vehicle storage for resort visitors.
- 4) Kennels as a service for resort visitors only.
- 5) Recycling and garbage collection facilities.
- 6) Maintenance shops and facilities.
- 7) Dormitories.

- 8) Detached living space, as provided in Section 6.4.4(B).
- 9) Home occupations, as provided in Section 6.4.4(C).
- 10) Commercial uses and services, limited to a size and level necessary to meet the needs of resort visitors:
 - a) Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, book stores, craft stores, art galleries, gift shops, snack bars and specialty food shops.
 - b) Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios.
 - c) Real estate offices, banks and automated teller machines.
 - d) Automobile service stations limited to fuel sales, minor repairs, minor maintenance and incidental parts sales.
- 11) Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort.
- 12) Churches, community meeting halls, pre-school and day care facilities, limited to a size appropriate for serving residents of visitors to and employees of the resort.
- 13) Temporary or seasonal fairs, festivals, charity events and resort promotional activities, subject to the requirements of Section 6.5.2.
- 14) Other similar accessory uses.

G) Aggregate Operations

Temporary mining, crushing, or processing of aggregate into asphalt or Portland Cement, for use in roads, utilities and other construction activities on the site that implement an approved final development plan for the resort or phase of the resort.

H) Dimensional, Setback and Wildfire Safety Standards

The provisions of Chapter 8 (Dimensional Standards, Measurements and Adjustments) of this Ordinance shall apply to destination resorts only where indicated in this subsection.

1) Dimensional Standards

Lot area and building height shall be defined and measured as provided in Section 8.3.1. Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the dimensional standards for lot area, lot width and building height in a destination resort shall be as set forth below.

- a) The minimum lot area within a destination resort shall be:
 - Single-family dwelling (detached) 5,000 sq. ft.
 - Single-family dwelling (attached) 2,500 sq. ft.;
 - 2,000 sq. ft. for interior lots where three or more single-family dwellings are attached.
 - Multi-family dwelling 5,000 sq. ft. for two units; plus 2,000 sq. ft. for each additional unit.
 - b) The minimum lot width within a destination resort shall be:
 - Single-family dwelling (detached) 50 ft.
 - Single-family dwelling (attached) 30 ft.;
 - 20 ft. for interior lots where three or more single-family dwellings are attached.
 - Multi-family dwelling 60 ft.
 - c) Maximum building height shall be 35 ft.
- 2) Setback Standards
- a) Exterior Boundaries

The minimum setback from the exterior boundaries of a resort for all development, including structures, roads and sight-obscuring fences, but excepting pre-existing buildings, entry roadways, landscaping, utilities and signs, shall be:

 - i) 500 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts Aggregate Removal zoned land;
 - ii) 200 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts forest or farm zoned land;
 - iii) 100 feet for commercial, recreational or residential structures intended for human occupancy, where the resort abuts land not in a resource zoning district;
 - iv) 50 feet for above-grade development other than that listed in (i), (ii) or (iii);
 - v) 50 feet for golf courses and playing fields;
 - vi) 25 feet for internal roads; and
 - vii) 25 feet for jogging trails, nature trails and bike paths where they abut private property, but no setback is required where they abut public roads or public lands.
 - b) Unless otherwise determined by the Planning Commission in its decision approving the preliminary development plan, the minimum setbacks for structures on residential lots shall be:
 - Front 20 ft.
 - Side & Rear 10 ft. plus an additional . ft. for each ft. building height exceeds 25 ft.
 - c) Resort development shall comply with the Vision Clearance for Intersections requirements of Section 8.5.2(C).
 - d) Resort development shall comply with the Stream Corridor and

Riparian Habitat setback and other requirements of Section 8.6, with the exception that riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be retained. [ORS 197.460(1)]

- e) On land where irrigation district ditches or canals exist, resort development shall comply with the Special Setback requirements of Section 8.5.3(D).
- 3) Resort development shall comply with the Wildfire Safety provisions of Section 8.7.

I) General Development Regulations

The provisions of Chapter 9 of this Ordinance shall apply to resorts, provided that in lieu of the size standards for signs set out in Section 9.6.6, the following size limitations shall apply to signs designed to be visible from outside the resort:

- 1) Destination Resort
 - Main Entry Sign 250 sq. ft.
 - Secondary Entry Sign 150 sq. ft.
- 2) Small Destination Resort - see Section 6.3.8(D)(8)

J) Compliance with Transportation Planning Rule [OAR 660-012-0060]

Where the proposed destination resort development would significantly affect an existing or planned transportation facility, as part of preliminary development plan review the applicant shall propose, and County approval shall be conditioned to require, one or more of the measures listed in paragraph (2) below, to assure that the allowed land uses will be consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the transportation facility.

- 1) The proposed destination resort development significantly affects a transportation facility if, as measured at the end of the planning period identified in the Jackson County Transportation System Plan (TSP), the proposed development would:
 - a) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan; or
 - c) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.

- 2) Where the County approval authority determines that there would be a significant effect on a transportation facility, compliance with this subsection shall be accomplished through one or a combination of the following:
 - a) Adopting measures that demonstrate the land uses allowed as part of the proposed destination resort are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - b) Requiring other measures as a condition of development approval or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. The preliminary development plan approval decision shall specify when measures or improvements required pursuant to this subparagraph will be provided.
- 3) Notwithstanding paragraphs (1) and (2) of this subsection, the County may approve a destination resort development that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the transportation facility where:
 - a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan on the date the preliminary development plan application is submitted;
 - b) In the absence of the destination resort development, planned transportation facilities, improvements and services as set forth in paragraph (4) of this subsection would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;
 - c) Development resulting from the approved preliminary development plan will, at a minimum, mitigate the impacts of the destination resort in a manner that avoids further degradation to the performance of the facility by the time of destination resort development, through one or a combination of transportation improvements or measures;
 - d) The preliminary development plan does not involve property located in an interchange area as defined in paragraph (4)(d)(iii) of this subsection; and
 - e) For affected state highways, the Oregon Department of Transportation (ODOT) submits a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if the County provides the appropriate ODOT

regional office with written notice of a proposed destination resort preliminary development plan in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the County proceeding, and ODOT does not provide a written statement, then the County may proceed with applying paragraph (3)(a) through (d) of this subsection.

- 4) Determinations under paragraphs (1)-(3) of this subsection shall be coordinated with affected transportation facility and service providers and other affected local governments. The County shall mail written notice of destination resort preliminary development plan and final development plan applications, as provided in Section 2.7.3, and notice of hearings on destination resort applications, as provided in Section 2.7.6, to ODOT, other affected transportation facility and service providers and other affected local governments.
 - a) In determining whether a proposed destination resort will have a significant effect on an existing or planned transportation facility under paragraph (1) of this subsection, the County shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subparagraphs (b) and (c) below.
 - b) Outside of Interstate 5 interchange areas, the following are considered planned facilities, improvements and services:
 - (i) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.
 - (ii) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.
 - (iii) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.
 - (iv) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan, when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

- (v) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
 - c) Within Interstate 5 interchange areas, the improvements included in (b)(i)-(iii) are considered planned facilities, improvements and services, but the improvements included in (b)(iv) and (v) are considered planned facilities, improvements and services only where:
 - (i) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system; or
 - (ii) There is an adopted interchange area management plan, and the improvements are identified in that plan.
 - d) As used in paragraphs (3) and (4) of this subsection:
 - (i) “Planned interchange” means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
 - (ii) “Interstate interchange area” means property within one-half mile of an existing or planned interchange on an Interstate 5, as measured from the center point of the interchange; or the interchange area as defined in an Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
 - e) For purposes of this paragraph, a written statement provided pursuant to subparagraphs (b)(iv), (b)(v) or (c)(i) provided by ODOT or a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, the County shall rely only upon planned transportation facilities, improvements and services identified in subparagraphs (b)(i)-(iii) to determine whether there is a significant effect on a transportation facility that requires application of the remedies in paragraph (2).
- (5) As used in this subsection, “transportation facility” means any physical facility that moves or assist in the movement of people or goods, including facilities identified in OAR 660-012-0020 or Section 3 of the TSP, but excluding electricity, sewage and water systems. [OAR 660-012-0005(30)]

- K) Preliminary Development Plan
- 1) Review Procedure
The preliminary development plan for a resort subject to this section shall be reviewed through the applicable procedure for a Type 4 permit set out in Section 2.7, as identified in Table 2.7-2.
 - 2) Approval Criteria
 - a) The proposed resort is located on land shown as eligible for destination resort siting on the Comprehensive Plan Map titled "Lands Eligible for Siting of a Destination Resort." *[ORS 197.455(1)]*
 - b) A large or small destination resort, as applicable, is shown as a Type 4 (PDP) and Type 2 (FDP) use on Tables 4.2-1, 4.3-1, 4.4-1 or 6.2-1 of this Ordinance for all zoning districts applicable to the site of the proposed resort.
 - c) If the proposed resort occupies less than an entire "tract," as that term is defined in subsection (B)(6), the land not included in the resort is contiguous to the exterior boundary of the tract and occupies less than 30 percent of the total tract. *[ORS 197.435(7)]*
 - d) The proposed resort complies with either the Large Destination Resort Standards in subsection (C) or the Small Destination Resort Standards in subsection (D).
 - e) The proposed uses shown on the preliminary development plan are permitted under subsection (E), (F) or (G), and include rental housing sufficient to provide living quarters for at least 10% of the employees of the resort at a rate not to exceed 30% of the gross wage rate. This is intended to include employees at all levels of employment but especially those at the lower rates of pay.
 - f) Resort development shall comply with the dimensional, setback, wildfire safety provision of subsection (H), the sign size limitations of subsection (I) and the General Development Regulations of Chapter 9 of this Ordinance.
 - g) Resort improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:
 - i) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas and other similar types of buffers.
 - ii) Compliance with the setback standards of subsection (H)

(2)(a). [ORS 197.460(2)]

- h) The proposed uses are not conflicting uses with a significant Goal 5 resource designated in an adopted Goal 5 ESEE statement applicable to land included in the resort, or if the proposed uses include an identified conflicting use, that conflicting use shall be mitigated to substantially reduce or eliminate impacts on the designated Goal 5 resource. [LDO 3.1.4(B)(1)(c)] [also ORS 197.460(1)]
- i) The proposed resort complies with any applicable Overlay in Chapter 7 of this Ordinance. If the subject tract contains a resource site designated in the comprehensive plan for protection pursuant to Goal 5, the resource site shall be preserved by a conservation easement sufficient to protect the resource values of the resource site, as set forth in ORS 271.715 to 271.795. The conservation easement shall be recorded with the property records of the tract on which the destination resort is sited. [ORS 197.467]
- j) Adequate public facilities are available or can be made available to serve the proposed uses. [LDO 3.1.4(B)(1)(b)] Either community sewer and water facilities are provided on-site and are limited to meeting the needs of the resort development, or sewer and water facilities are provided by existing public sewer or water services as long as all costs related to service extension and any capacity increases are borne by the resort development. [ORS 197.435(6)]
- k) The preliminary development plan design promotes a proper relationship between existing and proposed streets and highways and other affected transportation facilities within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic; to ensure safe, efficient traffic flow and control; to ensure safe, easy access in cases of fire, catastrophe, and emergency; and so as not to create or contribute to undue traffic congestion on abutting public streets or affected state highways. An assessment of traffic impacts and identification of traffic impact mitigation measures shall be required to demonstrate compliance with this criterion. Such traffic impact mitigation measures are strongly encouraged to include reduction of vehicle miles traveled (VMT) through multi-modal facilities, encouragement of non-single occupant vehicle usage, and reduction of resident vehicle ownership (such as through car sharing or on-site transit operations). [LDO 3.2.4(C)]
- l) The applicant must provide evidence of an adequate water supply to serve the proposed uses in compliance with any applicable state or local laws. If the water supply is not provided by an existing municipal or quasi-municipal water purveyor, and the water appropriation or distribution system is located on or crosses property that is not owned by the applicant, the applicant must provide evidence of legal authorization to occupy properties of

affected owners. For the purposes of this subsection, evidence of an adequate water supply may include:

- i) A new water right or transfer of an existing water right granted for the project by the Oregon Water Resources Department (OWRD) sufficient for the uses described in the application, or if the OWRD application process is not complete, evidence that the applicant has filed any required application with OWRD and that it is feasible for the applicant to secure the required water right or transfer, in which case the County approval shall be conditioned to require successful completion of the water right or transfer process;
 - ii) Evidence that the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, in which case the applicant shall submit a copy of the Water Well Report that describes the construction of the well; or
 - iii) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water. *[LDO 4.3.12(E)]*
- m) The applicant has identified and can demonstrate due diligence in pursuing all Federal, State, and local permits required for development of the resort. *[LDO 3.1.4(B)(1)(d)]*
- n) In the Exclusive Farm Use zone, a destination resort may be approved only where it:
- i) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - ii) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The applicant may demonstrate that the standards set forth in this provision will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. *[ORS 215.296(1) and (2); OAR 660-033-0030(5)]*

- o) Any proposed temporary mining, crushing or stockpiling of aggregate, or processing of aggregate into asphalt or Portland cement, is limited to use in roads, utilities and other construction activities on the resort site and will comply with applicable operating standards in Section 4.4.8(A)(1) through (11) of this Ordinance as well as additional requirements for mining, crushing, stockpiling, and/or processing in the sections(s) for the zoning district in which the resort property or properties are located. The following additional requirements shall apply to any aggregate mining, crushing, stockpiling or processing operation located on

land zoned EFU:

- i) The aggregate mining, crushing, stockpiling or processing site must be included on an inventory of significant aggregate resource sites in the Comprehensive Plan. [ORS 215.298(2); OAR 660-023-0180(6)(c); LDO 4.2.8(C)]
 - ii) The amount of aggregate mined shall not exceed 500,000 tons. [OAR 660-023-0180(4)(a) and (6)(d)]
 - iii) No operation for processing of mineral or aggregate into asphalt shall be allowed within two miles of a planted vineyard. [ORS 215.301; LDO 4.2.8(D)]
 - iv) Where aggregate mining is allowed, the post-mining use shall be identified in the preliminary development plan. [LDO 4.4.4]
 - v) For aggregate sites on Class I, II and Unique farmland, post-mining use shall be limited to farm uses under ORS 215.203, uses listed under ORS 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. The site reclamation plan, approved by DOGAMI, required by Section 4.4.8(A)(3) of this Ordinance, shall be consistent with this requirement. [OAR 660-023-0180(5)(f) and (6)(b)]
- p) The proposed resort complies with any urban growth boundary agreement or urban growth management agreement that has been jointly adopted by the governing bodies of the affected city and the County.
- q) The applicant has proposed an acceptable method for providing an annual accounting to the Department to document compliance with the requirements for overnight lodging units, and the ratio of residential lots or units for sale to overnight lodging units, in subsection (C)(4) of this Section.

3) Duration of Preliminary Development Plan Approval

- a) An approved preliminary development plan will become void 24 months after the date of the final decision approving the preliminary development plan if an application for approval of the final development plan or, if the preliminary development plan provides for phased resort development, an application for approval of the final development plan for the first phase of resort development, has not been submitted to the Department for review. For the purposes of this section “date of the final decision” shall mean the date the final County decision approving the preliminary development plan is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good

cause, based upon a written request from the applicant made prior to the expiration of the original 24 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which to submit a final development plan will not exceed three years after the date of the final decision approving the preliminary development plan. [LDO3.3.2(C)]

- b) For a phased destination resort, once a final development plan for the first phase of the resort has been submitted to the Department and approved, the preliminary development plan shall remain valid for all subsequent phases of resort development, provided that if the Director determines that the resort has failed to comply with the phasing requirements of Section (C)(4) with regard to provision of overnight lodgings and sale of residential lots or units, the preliminary development plan approval shall be void for any phases of resort development for which final development plan approval has not yet been granted.

L) Final Development Plan

1) Review Procedure

The final development plan for a resort or phase of a resort, subject to this section shall be reviewed through the applicable procedure for a Type 2 permit set out in Section 2.7, and as identified in Table 2.7-1, except that Planning Division notice of the application pursuant to Section 2.7.3 shall be mandatory.

2) Approval Criteria

- a) The final development plan is in substantial conformity with the provisions of the approved preliminary development plan for the resort, including any changes required by the Approval Authority. "Substantial conformity" means that changes in the type, scale, location or other characteristics of the proposed development (1) would not significantly impact persons or property beyond the boundaries of the resort; and (2) are not such that the findings of fact upon which the preliminary development plan approval was based would be materially affected.
- b) Any conditions imposed on the preliminary development plan approval that relate to the final development plan have been satisfied.

3) Duration of Final Development Plan Approval

An approved final development plan will become void 12 months after the date of the final decision, if development has not been initiated, as provided in Section 13.3. For the purposes of this section "date of the final decision" shall mean the date the final County decision approving the final development plan is signed or, if the final County decision is

appealed, the date the final appellate body affirms the County decision or dismisses the appeal.

Notwithstanding Section 2.6.8, a time extension of not more than 12 additional months may be granted by the Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original 12 months, or within 30 days after that expiration date in accordance with Section 2.6.8(A) and (B). In any event, the total time period within which development must be initiated shall not exceed two years after the date of the final decision approving the final development plan. [LDO3.3.2(C)]

4) Effect of Final Development Plan Approval

Final development plan approval shall constitute the final land use approval for the subject resort, or phase of the resort, and will authorize administrative issuance of further permits and approvals necessary to commence construction. Construction, site development and landscaping shall be carried out in accord with the approved final development plan.

M) Modification of Approved Preliminary or Final Development Plan

An approved preliminary development plan may be modified in accordance with the procedures and standards in effect for approval of a preliminary development plan, as specified in subsections (J) and (K) of this section. An approved final development plan may be modified in accordance with the procedures and standards in effect for approval of a final development plan, as specified in subsection (L) of this section.

N) Land Divisions

The provisions of Chapter 10 (Land Division) of this Ordinance shall apply to resorts, except as provided in this subsection.

- 1) Notwithstanding Section 3.3.2, a subdivision or partition tentative plan may be submitted and processed concurrently with a final development plan for a resort or phase of a resort, through a Type 2 process.
- 2) A subdivision or partition tentative plan for land that is the subject of an approved resort preliminary or final development plan must be consistent with the approved resort final development plan.

6.4 ACCESSORY USES AND STRUCTURES

6.4.1 Purpose

This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses in all zoning districts, except as otherwise provided in Sec. 6.3.8 with regard to accessory uses and structures in destination resorts. The County's intent in adopting this Section is to allow a broad range of accessory uses and structures, provided such uses are located on the same site as the principal use and they comply with the standards set forth in this Ordinance.

Approved uses will be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, clearly incidental, and subordinate to, the principal uses allowed in zoning districts. Accessory uses and activities will be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated.

6.4.2 General Standards and Limitations

A) ***Applicability***

The provisions of this Section 6.4 are applicable to all accessory uses and structures in all zoning districts, including the Exclusive Farm Use, Forest Resource and Aggregate Removal zoning districts described in Chapter 4 of this Ordinance.

B) ***Compliance with Ordinance Requirements***

All accessory uses and accessory structures will conform to the applicable requirements of this Ordinance, including Chapters 4 through 8. The provisions of this Section establish additional requirements and restrictions for particular accessory uses and structures.

C) ***Approval of Accessory Uses and Structures; Deed Declaration***

Accessory uses or structures may be approved in conjunction with or subsequent to approval of the principal use or structure whether through a ministerial or discretionary review. At the County's option, an applicant for an accessory use or structure may be required to record a deed declaration acknowledging that the proposed use or structure is accessory to a permitted use on the property. The deed declaration will only be terminated upon the County's approval.

D) ***Time of Establishment***

No accessory use will be established, and no accessory structure will be allowed on a parcel, until all required permits and approvals for the principal use or activity have been obtained and the principal structure is under construction, or the principal use has been established.

E) ***Dimensional Standards for Accessory Buildings and Structures***

1) ***Compliance with Other Regulations Required***

All accessory structures and uses will comply with the dimensional standards for primary uses described in Chapter 8, as well as any additional dimensional standards applicable to any overlay district within which the accessory use or structure is located.

2) ***Landscaped Buffers***

An accessory building or structure will not be located in a landscape buffer, except that parking lots fronting rights-of-way may abut any streetscape or landscape buffer fronting the right-of-way.

- F) **Signs**
All signs will be governed by the standards and sign permit procedures set forth in Section 9.6 of this Ordinance.
- G) **Temporary Accessory Uses and Structures**
Temporary accessory uses and structures will be governed by the standards and temporary use permit procedures set forth in Section 6.5 of this Ordinance.

6.4.3 Accessory Uses Prohibited

In Urban and Rural Residential zoning districts, the following activities are prohibited:

- A) **Automotive Repair**
Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
- B) **Outdoor Storage of Inoperative Vehicles**
The outdoor storage of more than two (2) vehicles that do not display both a current lawful license plate and a current state inspection sticker.
- C) **Outdoor Parking/Storage of Large Commercial Vehicles**
The parking of any number of commercial vehicles with a combined total gross vehicle weight more than 26,000 pounds, except for one (1) vehicle and trailer used solely by the owner residing on the premises in his/her primary occupation when the property is in a Rural Residential zone.

6.4.4 Accessory Uses and Structures Allowed

- A) **General**
In addition to complying with the general standards in Section 6.4.1, the following types of accessory uses are subject to the specific regulations set forth in this Section.
- B) **Detached Living Space**
Detached living space may be allowed when it is accessory to and dependent on the primary residence. No detached living space may contain permanent provisions for living, sleeping, eating, cooking or sanitation in any combination that would constitute a separate dwelling unit. Detached living space may be permitted by the County when all of the following standards are met:
 - 1) The building will comply with all applicable setbacks, fire safety and Floodplain Overlay requirements of this Ordinance;
 - 2) The maximum square footage of the area used as habitable living space, either as a separate building or within a larger accessory structure, will not exceed 400 square feet;
 - 3) Utility services (e.g., gas, electricity, telephone) will be metered through a

single meter for each utility that serves both the existing residence and the detached living space;

- 4) Sanitation will be provided by either connection to an existing on-site septic system or a public sanitary authority, whichever is currently in use on-site;
- 5) The detached living space will be located within 200 feet of the existing primary residence;
- 6) No more than three (3) of the five (5) identified components of a dwelling will be incorporated into the detached living space; AND
- 7) A deed declaration that stipulates the detached living space is not and cannot be used as an independent dwelling unit must be recorded prior to issuance of building permits.

C) ***Home Occupations***

1) ***Purpose***

The purpose of a home occupation or home business is to make a profit in money. This Section provides standards for home occupations and businesses that permit the limited conduct of a business within a residential dwelling, attached or detached garage, or accessory structures in rural areas without adversely impacting the surrounding area. The standards for home occupations and home businesses in this Section are intended to ensure compatibility with other permitted uses and with the residential character of the property. In resource zones, the provisions of ORS 215.448 also apply.

2) ***Where Allowed***

Home occupations that comply with the regulations of this Section may be allowed in all zoning districts, except within accessory dwelling units.

3) ***Approval Required***

Home occupations are permitted as a Type 1 use in all residential zones, and a Type 2 use in resource zones, subject to provisions of this Ordinance.

4) ***Prohibited Home Occupations***¹³

Some uses by their nature have a pronounced tendency to rapidly increase beyond the limits permitted for home occupations and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home occupations:

- a) Auto or vehicle oriented (repair, painting, detailing, wrecking, transportation services, or similar activities);
- b) Retail sales or professional services, other than by appointment

¹³ Ordinance 2015-7, effective 7-26-15

- only; and
- c) Large appliance repair; and
- d) All marijuana production, processing, wholesaling and retailing/dispensing; and
- e) All psilocybin production, psilocybin processing, psilocybin testing laboratories, and psilocybin service centers.

5) *General Standards*

The following standards apply to all home occupations:

- a) There will be no signs other than as permitted by Section 9.6;
- b) The home occupation use, unless approved as a home business under Section 6.4.4(D), will not result in more than two (2) additional vehicles parked at the site of the home occupation at any given time. Any need for parking created by the conduct of a home occupation will be met off-street in a location other than in a required front yard setback, and in compliance with the standards in Section 9.4. In no event may the home occupation displace required parking on the site without replacement in-kind;
- c) In no way will the appearance of the structure be altered or the home occupation conducted in a manner that 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, using normal senses and taking measurements from any lot line of the parcel;
- d) Electrical or mechanical equipment that creates visible or audible interference in radio or television reception or causes fluctuations in line voltage outside of the home occupation will be prohibited;
- e) Home occupations will not store or warehouse, or use in their processes, materials which are Class 1 flammables as defined by the Uniform Fire Code;
- f) The home occupation will be completely conducted within an enclosed building. There will be no outside storage, display of goods, materials, supplies or equipment of any kind related to the home occupation;
- g) No persons other than residents of the premises will be engaged in a home occupation, unless otherwise allowed in resource zones pursuant to this Ordinance (see Chapter 4);
- h) A home occupation within an urban unincorporated community or urban growth boundary will be conducted only within the enclosed dwelling unit or garage;
- i) A home occupation outside an urban unincorporated community or urban growth boundary may be conducted within a garage, accessory structure, or lawfully permitted dwelling; and
- j) A home occupation may be subject to licensing when and if such a program is enacted by the County.

D) *Home Business*

1) *Purpose*

A home business is a more intensive kind of home occupation that may employ persons in addition to the residents of the property. The home business will be operated by a resident of the property, and may employ up to five (5) persons total, full- or part-time (See ORS 215.448).

2) *Where Allowed*

Outside urban growth and urban unincorporated community boundaries, home businesses that comply with the regulations of this Section may be allowed in residential and resource zones, subject to all applicable standards of this Ordinance. Home businesses are not allowed in urban unincorporated communities or urban growth boundaries. **Home Businesses are not allowed within accessory dwelling units.**

3) *Approval Required*

Home businesses are provided as a Type 3 use in residential zones and a Type 2 use in resource zones.

4) *Prohibited Home Businesses*

Some uses by their nature have a pronounced tendency to rapidly increase beyond the permitted limits, and have a character that is more suited to commercial or industrial districts. Therefore, the uses with the characteristics specified below will not be permitted as home businesses:

- a) Auto or vehicle oriented (repair, painting, detailing, wrecking or similar activities);
- b) Retail sales or professional services, other than by appointment only;
- c) Large appliance repair; and
- d) All marijuana production, processing, wholesaling and retailing/dispensing; and
- e) All psilocybin production, psilocybin processing, psilocybin testing laboratories, and psilocybin service centers.

5) *Standards*

A home business, other than specific business uses listed in this Section, is subject to the following requirements:

- a) The use will be operated in the dwelling or accessory buildings permitted and in character with the zone in which the property is located;
- b) The area committed to business activity (including storage) cannot exceed a ratio of 25% of home business square footage to 100% of primary residential use square footage, provided that in no event will the area dedicated to the home business exceed 3,000 square feet within a rural unincorporated community or 2,000 square feet outside a rural unincorporated community;
- c) The home business will not interfere with existing uses on nearby land or with uses permitted in the zone in which the property is located;
- d) A home business may include light fabrication of material;

- e) Storage of materials must be within an enclosed building, and equipment must be screened from view;
- f) Home businesses will not store or warehouse, or use in their processes, materials which are Class 1 flammables as defined by the Uniform Fire Code;
- g) Nothing in this Section authorizes construction of any structure that is not otherwise allowed in the zone or that is inconsistent with this Section;
- h) Once authorized by the County, the existence of a home business will not be used as justification for a Comprehensive Plan Map Amendment;
- i) Application for a home business will also include a Building Field Review application and fee to determine the extent of structural alteration required for the business;
- j) The proposed home business will be in compliance with the standards and other required findings, if any, of the district in which the proposed home business would be located;
- k) The location, size, design, and operating characteristics of the proposed home business will have no significant adverse impact on abutting properties or the surrounding area;
- l) The home business may be continued unless discontinued for a period of three (3) years;
- m) There will be no signs other than as permitted by Section 9.6; and
- n) A home business may be subject to licensing when and if such a program is enacted by the County.

6) *Bed and Breakfast*

A Bed and Breakfast is a type of home business that provides temporary travelers' accommodations and breakfast, for a fee, on a daily or weekly room rental basis, as an accessory use in an existing structure designed for and occupied as a single-family residence. Notwithstanding the provisions of (D)(2) above, a bed and breakfast may be permitted inside urban growth boundaries. All Bed and Breakfasts will comply with the following standards, in addition to all applicable general standards of this Section.

- a) The Bed and Breakfast will comply with all applicable standards and approval procedures for a home occupation, as described in Section 6.4.4(C);
- b) 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;
- c) The architectural integrity and arrangement of existing interior spaces must be maintained and the number of guest rooms will not be increased except as may be required to meet health, safety, and sanitation requirements;
- d) Off-street parking will be provided. The front yard will not be used for off-street parking for temporary guests unless the parking area is screened and the appearance is compatible with the neighborhood, as determined by the County;
- e) The number of guest rooms will be limited to six (6);

- f) Those facilities with more than two (2) guest rooms are not considered “license exempt” under state law and must comply with state hotel/motel restaurant licensing procedures administered by the Health Department (*ORS 624, 471.162, and OAR 333.170*). The issuance of such licenses will not be considered as conferring nonconforming commercial status to the use which would either allow alteration of the facility or otherwise compel rezoning of the property for commercial use beyond the scope of this Section;
- g) One (1) on-premise sign may be approved by the County, subject to compliance with the sign standards in Section 9.6;
- h) All necessary state and County permits, certifications, or requirements will be obtained as a condition of approval of a Bed and Breakfast service;
- i) Room rentals to families or individuals will not exceed 14 consecutive days;
- j) The Bed and Breakfast facility must be accessory to and primarily operated within the single-family dwelling occupied by the resident owner or manager. Some or all guest rooms may be contained within existing structures that lawfully exist on the same parcel at the time of application;
- k) The only meal to be provided to guests will be breakfast and it will only be served to guests taking lodging in the facility even if the facility is required to be licensed as a restaurant;
- l) Prior to approval of the application, the following evidence must be provided:
 - i) Two (2)-Room Bed and Breakfast: If the property is not connected to a public sewer system, the Environmental Quality Section must examine the sewage disposal system and determine that the system is, or can be made adequate for the proposed use. A domestic well serving a license-exempt Bed and Breakfast is not considered a public water supply, and therefore no inspections or certifications are required;
 - ii) Three (3)-Rooms or more:
 - (a) If the property is not connected to a public sewer system, the Environmental Quality Section must examine the sewage disposal system, and determine that the system is, or can be made adequate for the proposed use;
 - (b) If the property is not connected to a public water supply, the water system must be approved as a public water supply by the State Health Division;
 - (c) The facility must be inspected by the Building Division to determine that the Bed and Breakfast structure is, or can be made adequate for the proposed use;
 - (d) The applicant will not initiate any construction activity and other improvements related to the Bed and Breakfast facility or begin operation of the facility prior to a determination, in writing, by the

Health Department that the necessary inspections have been completed and any deficiencies have been corrected to the satisfaction of the Health Department; and

- m) Bed and Breakfasts in resource zones will also comply with all applicable provisions for home occupations contained in Chapter 4.

E) *Commercial Activities or Special Events in Conjunction With Farm Use*

- 1) Commercial activities accessory to farm use occurring on the same parcel are permitted subject to a Type 1 review in all zones where agriculture is a Type 1 use. Such activities may occur inside an existing building, outside, or both. Any regular activities conducted in conjunction with farm use must be primarily for the purpose of displaying, tasting, or otherwise consuming products primarily grown and produced on-site. Regular, ongoing activities may include sales, tasting or consumption of farm products, with or without music or artistic entertainment provided:
 - a) Ongoing activities' hours of operations are limited to 9 a.m. to 6 p.m. Sunday through Thursday, and 10 a.m. to 10 p.m. Friday and Saturday;
 - b) The activities will primarily occur in an enclosed structure that is located a minimum of 500 feet from any adjacent property ownerships;
 - c) No more than 25 percent of the proceeds of any products or items sold will be from non-farm product related sales; and
 - d) On-site parking and loading areas comply with Section 9.4.
- 2) Special events may also be allowed when specifically permitted by the County through a Type 3 review. Such events may include non-profit and charitable organization fund raisers, or other similar special events provided the primary purpose is to showcase, market, or provide education about the agricultural products produced by the farm. All special events must comply with the following standards in, addition to any specific conditions of approval associated with any prior County permit that authorized the commercial activity:
 - a) The special event must be sponsored or co-sponsored by the farm operation;
 - b) The event may not occur in a building that was built as an "Ag-Exempt" structure, unless specifically allowed by conditions of approval of a valid County land use permit. In the EFU and Rural Residential districts, no new building or existing building remodel will be permitted that will devote the building primarily to public assembly associated with the commercial activity;
 - c) The event is quarterly during any 12-month period and is not part of a series of similar events that occur throughout the year at the site, provided however that the event may continue for up to 72 hours;

- d) Hours of operation will be limited to 7 a.m. to 10 p.m., except on Sunday when hours will be limited to 8 a.m. to 9 p.m.;
- e) Less than 500 people are anticipated to attend and adequate parking up to a maximum of 250 spaces will be provided on-site to accommodate anticipated attendance (see Table 9.4-1);
- f) No permanent on-site restaurant facility will be used or constructed to accommodate the event; and,
- g) Compliance with all health and sanitation laws will be maintained throughout the event and all required health and sanitation permits will be obtained prior to the event.

F) *Outdoor Display, Sales, and Storage*

Outdoor display, sale, or storage of goods may be allowed as an accessory use for all approved commercial and industrial uses pursuant to this Section (see also Section 3.2). It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display of goods will meet all of the following conditions:

- 1) *Procedural Requirements*
Outdoor display, sales, or storage will require approval as part of the original application to allow the principal use, or as a new Type 2 review if the display, sales or storage will be in conjunction with an existing lawful use. Approval may be subject to appropriate conditions to reduce its potential impacts on nearby properties. Applications for all new development plans will show the location of such areas in accordance with this Section. Outdoor display, sales, or storage that will be in conjunction with an existing business will submit a plan showing the location of the activity, and how the requirements of this Section are to be met.
- 2) *Where Permitted*
Outdoor display, sales, or storage of goods will not be located within a required setback, and not in drive aisles, loading zones, fire lanes, or parking lots, and will not be located within five (5) feet of either side of any entrance/exit door.
- 3) *No Pedestrian Obstruction*
At least five (5) feet along the parking lot side of the display, sales and storage area adjacent to the building will be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- 4) *Temporary Sales Distinguished*
This Section will not apply in cases of temporary sales events, as described in Section 6.5.3.

G) *Swimming Pool, Private*

A private swimming pool, whether above or below ground, is an accessory use when it:

- 1) Complies with all required zoning setbacks for the district in which it is located; and,
- 2) Is not operated as a separate business nor maintained in such a manner as to be hazardous to adjacent property owners. For example, an approved bed and breakfast may include a swimming pool available for use by guests of the bed and breakfast.

H) ***Accessory Dwelling Unit***¹⁴

Accessory dwelling units are subject to review and approval through a Type 1 permit. For White City Urban Unincorporated Community Boundary (WCUUCB), see Section 12.4.1(F).

- 1) Inside an Urban Growth Boundary
 - a) Where Allowed

On lots or parcels in zoning districts that permit detached single-family dwellings, with the exception of detached single-family dwellings subject to Section 6.3.2(C)(4).
 - b) Standards
 - i) At least one detached single-family dwelling is sited on the lot or parcel;
 - ii) One accessory dwelling unit per detached single-family dwelling is permitted;
 - iii) The accessory dwelling unit shall not include more than 900 square feet of useable floor area, defined as all areas of an accessory dwelling unit included within the surrounding exterior walls;
 - iv) The accessory dwelling unit shall be located no farther than 100 feet from the existing detached single-family dwelling measured from the exterior wall of the existing detached single-family dwelling to the nearest wall of the usable floor area of the accessory dwelling unit;
 - v) The accessory dwelling unit shall comply with all applicable setbacks, including riparian and resource setbacks, as well as, fire safety, floodplain, and overlay requirements of this Ordinance;
 - vi) All building and fire codes shall be met;

¹⁴ Ordinance 2024-6, effective 11-25-2024

c) Site Condition

- i) No accessory structures will be permitted as incidental and customarily subordinate to an Accessory Dwelling Unit.

2) *Outside of an Urban Growth Boundary and Urban Reserve*

a) Where Allowed

On lots or parcels in Rural Residential zoning districts:

Rural Residential-00 (RR-00),
Rural Residential-2.5 (RR-2.5),
Rural Residential-5 (RR-5),
Rural Residential-5 Applegate [RR-5(A)],
Rural Residential-10 (RR-10).

b) Standards

- i) The lot or parcel is at least two acres in size;
- ii) Only one detached single-family dwelling is sited on the lot or parcel;
- iii) Only one accessory dwelling unit is permitted per lot or parcel;
- iv) The accessory dwelling unit shall not include more than 900 square feet of useable floor area, defined as all areas of an accessory dwelling unit included within the surrounding exterior walls;
- v) The accessory dwelling unit shall be located no farther than 100 feet from the existing detached single-family dwelling measured from the exterior wall of the existing detached single-family dwelling to the nearest wall of the usable floor area of the accessory dwelling unit;
- vi) The accessory dwelling unit shall comply with all applicable setbacks, including riparian and resource setbacks, as well as, fire safety, floodplain, and overlay requirements of this Ordinance;
- vii) The accessory dwelling unit has adequate access for firefighting equipment, safe evacuation and staged evacuation areas;
- viii) A deed declaration that stipulates the accessory dwelling

unit and the detached single-family dwelling cannot be used for vacation occupancy, as defined by ORS 90.100 shall be recorded, prior to the issuance of permits;

ix) All building and fire codes shall be met.

c) Site Conditions

i) No subdivision, partition or other division of a lot or parcel with an approved Accessory Dwelling Unit will be permitted if the subdivision, partition, or other division of the lot or parcel will result in an Accessory Dwelling Unit being located on a different lot or parcel than the detached single-family dwelling unit to which the Accessory Dwelling Unit is an accessory use;

ii) No accessory structures will be permitted as incidental or customarily subordinate to an Accessory Dwelling Unit

6.5 TEMPORARY USES AND STRUCTURES

6.5.1 Purpose

This Section allows for the establishment of certain temporary uses of limited duration in all zoning districts, provided that such uses are discontinued upon the expiration of a set time period. This section does not apply to an area that is the subject of a destination resort preliminary development plan approved under Sec. 6.3.8. Temporary uses usually do not involve the construction or alteration of any permanent building or structure.

6.5.2 General Regulations

The general regulations of this Section will apply to all allowed temporary uses unless otherwise expressly stated.

- A) Permanent changes to the site are prohibited;
- B) Permanent signs are prohibited. All temporary signs associated with the temporary use will be removed when the activity ends;
- C) Temporary uses will not violate any applicable conditions of approval that apply to the principal use on the site;
- D) The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as when Health Department permits must be obtained prior to issuance of Development Services Department permits under this Section; and
- E) Unless otherwise expressly stated, temporary uses are permitted as a Type 1 use.

6.5.3 Uses Allowed

Temporary uses will be allowed in accordance with the standards of this subsection.

A) ***[RESERVED]***

B) ***Response to Natural Disasters and Emergencies***

Temporary uses and structures needed as the result of an emergency declared by the Board of County Commissioners, State of Oregon, or Federal Government are allowed for the duration of the emergency. No site plan review or other review as would ordinarily be required by this Ordinance will be necessary during the emergency. Land use activities that must occur for the purpose of alleviating the hardship resulting from the emergency are expressly allowed. When the state of emergency has been terminated by the body or agency that declared it, all temporary uses will cease and structures associated with the emergency will be removed.

C) ***Parking Lot Sales***

Parking lot sales are allowed in Commercial or Industrial districts for up to two (2) consecutive weeks at any one time. Two (2) events are allowed per calendar year.

D) ***Real Estate Sales Offices***

Sales offices are allowed on sites under development in any zoning district until all lots or houses are sold.

E) ***Seasonal Outdoor Sales***

Seasonal outdoor sales are allowed by right for up to one (1) month at any one time. One (1) event is allowed per calendar year. Longer time periods may be permitted as a Type 2 permit subject to subsection (J).

F) ***Storage of Manufactured Dwelling***

1) ***General***

Temporary storage of one (1) manufactured dwelling on a lawful parcel may be approved pursuant to this Section.

2) ***Standards***

The stored manufactured dwelling will comply with the following standards:

- a) The manufactured dwelling will not be used for residential use;
- b) There will be no electrical, plumbing, or sewer connections to the stored manufactured dwelling;
- c) All normal setback standards of the district will be met; and
- d) The manufactured dwelling will not be located in a Floodplain Overlay.

3) ***Duration; Extension***

- a) A manufactured dwelling may not be stored on a tract longer than six (6) months, unless an extension has been granted by the County;

- b) Only one (1) extension, for a maximum of an additional six (6) months, may be granted. The applicant must request the extension in writing prior to the expiration date of the manufactured dwelling storage permit; and
- c) Only one (1) manufactured dwelling storage permit may be issued to a property owner for a specific parcel within any five (5) year period.

G) ***Temporary Medical Hardship Dwelling***

1) ***Applicability***

- a) A permit may be issued using the procedure set forth in this Section for the placement and use of a temporary structure or existing accessory structure for occupancy by an infirm person incapable of maintaining a residence on separate property, or by one (1) or more individuals engaged in caring for an infirm person residing on the property, provided that all the provisions of this Section are satisfied;
- b) A permit may be issued using the procedure set forth in this Section for the use of a recreational vehicle as a temporary medical hardship dwelling, provided that the Building Division conditions for issuance of a mobile home setup permit are met and that all other applicable provisions of this Section are satisfied; and
- c) A temporary medical hardship dwelling may not be located in a Commercial or Industrial district, unless located as an accessory use to an existing dwelling unit on the property.
- d) Temporary medical hardship permit in resource zones must also comply with all applicable provisions of Chapter 4.

2) ***Conditions for Issuance***

a) **Existence of Infirmary or Hardship**

- i) The nature of the infirmity or hardship will be certified by two (2) written statements; one from the patient's primary care medical doctor (MD) or osteopath (DO), as well as a second opinion from a licensed MD, DO, physician's assistant or licensed nurse practitioner (NP). The statements will be on the care provider's stationery or stamped by the office, and will indicate that the patient is not physically or mentally capable of maintaining him/herself in a residence on a separate property, and is dependent upon someone being close by for assistance. These certifications must be dated within one (1) year of the date of application or permit renewal; and
- ii) The infirmity will 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.

b) Residency

- i) At least one (1) other person will reside on the premises who can provide the needed assistance; and
- ii) The approved occupant(s) of the temporary medical hardship dwelling will occupy the temporary dwelling at least nine (9) months out of each calendar year.

c) Site Conditions

- i) The temporary medical hardship dwelling will either (a) connect to a public sanitary sewer system, or (b) use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling, as determined by the Environmental Quality Section. If the Environmental Quality Section determines that the existing subsurface sewage disposal system is not adequate to accommodate the additional dwelling, the applicant may meet the requirement for adequate sewage disposal by installing a new individual subsurface sewage disposal system, provided that (a) the applicant agrees that one (1) of the existing septic systems is decommissioned when the medical hardship is over, or (b) the new system is put to another use lawfully allowed by this Ordinance;
- ii) The location of the temporary structure will conform to all applicable setback requirements of this Ordinance;
- iii) The applicant will certify that the placement of the temporary structure will not violate the provisions of any deed declaration or subdivision covenant for the property;
- iv) No additional driveways, access roads or permanent accessory buildings to serve the temporary structure will be permitted; and
- v) The temporary structure will be located within 300 feet of the existing residence on the property, except to conform with subsection (c)(ii) above.

d) Removal

The applicant will agree to remove the temporary dwelling within three (3) months after the unit has ceased to be used for the person for which the permit was issued. In any event, the unit will be disconnected from water and sewer service by the day of the expiration of the permit, unless the permit has been renewed in conformance with subsection (4), below, or the structure has been put to another lawfully permitted use.

3) *Application Processing*

Upon receipt of an application for a temporary medical hardship dwelling permit, the County will determine if the request satisfies the standards of this Section and will render a written decision pursuant to the provisions

for approval of a Type 2 use as described in Chapter 3.

4) *Expiration of Permit; Renewal*

- a) A temporary medical hardship permit is valid for up to two (2) years from the date of initial issuance. All permits will have an expiration date of January 31. The County will process all temporary medical hardship permit renewal requests once per year;
- b) The County will give permittees not less than 30 calendar days written notice of the pending expiration of their permits, advising that a renewal will be required. Failure to receive notification of pending expiration does not constitute an extension of time for the permit. All renewal requests will comply with the conditions for issuance specified in subsection (2) above at the time of renewal, except that only one (1) updated certification of hardship from an Oregon licensed medical doctor or osteopath will be required; and
- c) The permit will not be renewed until a review has been conducted by the County to determine the continued validity of the hardship.

5) *Addition of Residents*

- a) One (1) additional resident who is to receive care may be added under an existing temporary medical hardship permit, provided the additional resident is also infirm and incapable of maintaining a residence on separate property; and
- b) Provided the existing permit is in compliance with the standards set forth in subsection (3) above, the holder of the existing permit will pay the required fee and submit medical documentation demonstrating the infirmity or hardship of the new resident. A new permit will not be required.

6) *Revocation*

A temporary medical hardship permit may be revoked by the County, pursuant to Section 1.8, for violating the conditions of a permit. If the permit is revoked, the Director will require removal of the temporary structure pursuant to Section 1.8.

H) ***Use of Recreational or Camping Vehicles***

Recreational or camping vehicles are not generally designed for residential purposes in accordance with the standards and specifications for manufactured housing or conventional construction under the Uniform Building Code unless authorized for use during the term of a temporary medical hardship under Section 6.5.3(G). Unless permitted for use as a dwelling, recreational or camping vehicles may be occupied temporarily subject to the following standards:¹⁵ [see 2005 HB2247]

- 1) Recreational or camping vehicles will not be used for temporary housing

¹⁵Ordinance 2004-12, effective 2-6-2005

to accommodate visitors of the current resident more than 30 days in any 12-month period;

- 2) A maximum of one (1) self-contained recreational or camping vehicle may be used for recreational purposes for up to three (3) months in any 12-month period on vacant property with the owner's consent, subject to the provisions of this Ordinance (e.g., Section 7.1.2(B)) and full compliance with health and sanitation regulations; or,
- 3) Not more than one (1) self-contained camping vehicle may be used as temporary housing for not more than nine (9) months on property owned by the owner of said vehicle, and only after permits have been issued for construction of the first dwelling, or during remodeling or replacement of a lawfully established dwelling. Such uses are subject to full compliance with the provisions of this Ordinance and health and sanitation regulations.

I) ***Yard Sales***

A yard sale for the purpose of selling household goods and equipment, plants, clothing, furniture and similar goods will be a permitted temporary use in a noncommercial zoning district provided:

- 1) There will be no more than three (3) such sales per year per site;
- 2) The duration of each sale will not exceed three (3) days in length; and
- 3) The hours of operation will be limited to 7:00 a.m. to 6:00 p.m.

J) ***Other Uses***

The County may approve other temporary or seasonal uses and activities, or special events that are not exempt from land use permitting under ORS 433.735-770, if it is determined through a Type 2 review that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

BEFORE THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON
FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF AMENDING THE JEFFERSON)
COUNTY ZONING ORDINANCE AS IT PERTAINS) ORDINANCE NO.
TO ACCESSORY STRUCTURES AND DECLARING) 0 - 121 - 23
AN EMERGENCY)

WHEREAS, the Jefferson County Planning Commission held public hearings on April 27, May 11, May 25, June 22, and July 13, 2023 to consider the amendments proposed in Casefile 23-PA-02, during which time the Planning Commission received a staff report, accepted testimony and deliberated on the information presented therein; and

WHEREAS, the Jefferson County Board of Commissioners received a recommendation from the Jefferson County Planning Commission related to accessory structures, held work sessions on July 26, 2023 and August 2, 2023 to consider the recommendations, after which it revised the Planning Commission recommendations; and

WHEREAS, following notice in accordance with ORS 203.045, the Jefferson County Board of Commissioners conducted public hearings on August 23, 2023, September 13, 2023, and October 4, 2023 and accepted testimony on the proposed ordinance amendments. At the conclusion of the hearing, the Board closed the record and deliberated on the amendments. After considering information and testimony, and upon reading by title only, the Board voted to approve the Amendments;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby Ordains as follows:

A. Adoption of Zoning Ordinance Amendments. The Jefferson County Zoning Ordinance is amended to reflect the changes in the attached Exhibit A as follows:

- Section 105: Insert proposed language alphabetically.
- Section 304: Replace Section 304(A)(h) and add (A)(l).
- Section 306: Replace Section 306(A)(6) and add (A)(8).
- Section 318: Replace Section 318(A)(8) and add (A)(9).
- Section 319: Replace Section 319(A)(6) and add (A)(9).
- Section 434: Add new Section 434.

B. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or exhibits thereto is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

C. Corrections. This Ordinance may be corrected by an order of the Board of County Commissioners to cure editorial and/or clerical errors.

D. Effective Date. These amendments being necessary for immediate implementation, an emergency is declared to exist and this Ordinance shall be effective upon adoption.

Date of First Reading: 10/4/2023

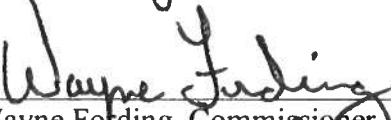
Date of Second Reading: _____

Adoption Date: 10/4/2023

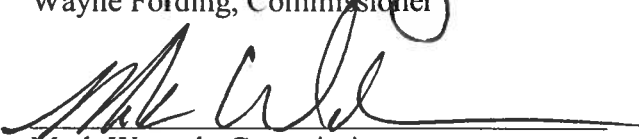
JEFFERSON COUNTY BOARD OF COMMISSIONERS



Kelly Simmelink, Commission Chair



Wayne Fording, Commissioner



Mark Wunsch, Commissioner

ATTEST


Lyndsay Hessel, Recording Secretary

EXHIBIT A – PROPOSED AMENDMENTS

Section 105 – Definitions

Bathroom: A room containing a toilet and sink and typically also a bathtub and/or shower.

Accessory Structure, Habitable: A building, or portion of a building, that is located on the same lot as the primary use, but is incidental and subordinate to the primary use of the property and is an extension of the primary dwelling and, therefore, occupants and users of the habitable accessory structure live together as one housekeeping unit sharing the kitchen and laundry facilities in the primary dwelling. Examples include, but are not limited to, guest quarters, home offices, exercise rooms, music/art studios, and bonus rooms (including “she sheds” and “man caves”).

Accessory Structure, Non-habitable: A building, or portion of a building, located on the same lot as the primary use, but is incidental and subordinate to the primary use of the property and complies with the standards for non-habitable structures in Section 434.

Section 304 – Rural Residential (RR-2, RR-5, RR-10, RR-20)**A. Uses Permitted Outright.**

The following uses and their accessory uses are permitted outright:

- h. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.
- l. One habitable accessory structure in accordance with Section 434.

Section 306 – Existing Rural Development (ERD)**A. Uses Permitted Outright.**

The following uses and their accessory uses are permitted outright:

- 6. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for

onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.

8. One habitable accessory structure in accordance with Section 434.

Section 318 – Crooked River Ranch Residential (CRRR)

- A. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

8. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.
9. One habitable accessory structure in accordance with Section 434.

Section 319 – Three Rivers Recreation Area Zone (TRRA)

- A. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

6. Non-habitable accessory structures, in accordance with Section 434, such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers or converted manufactured dwellings shall be permitted or used for onsite storage purposes. Shipping containers shall be painted in earth tones, painted to match nearby structures, or finished in natural wood or any siding that matches the dwelling and shall be limited to two containers per parcel with a minimum 30-foot setback from adjacent dwellings.
9. One habitable accessory structure in accordance with Section 434.

Section 434 – Accessory Structures

1. Accessory structures are those that are incidental and subordinate to the primary use or structure on the same lot. There are two types of accessory structures, non-habitable (also referred to as *non-residential*) and habitable. Non-habitable and habitable accessory structures must meet the requirements of the current building code.

2. Non-habitable accessory structures must comply with all of the following standards and the applicable land use zone.

A. Primary Use Required. A non-habitable accessory structure is only allowed on a lot or parcel after the primary use is established. The non-habitable accessory use must be a permitted use in the land use zone.

1. Exception. An accessory structure without a primary use is allowed in certain situations when specifically stated in a land use zone, subject to the restrictions in B.2. of this section.

B. Restrictions.

1. With Primary Use Established

- a. Shall not include a stove, oven, or other cooking appliance or any mechanical ventilation intended to facilitate installation of a cooking appliance.
- b. May include a water heater and a maximum of five additional internal plumbing fixtures. If internal plumbing is going to be installed, a plumbing declaration shall be signed and recorded with the County Clerk. There is no limit to external plumbing fixtures (i.e. outdoor faucets or sinks).
- c. Laundry facilities may be allowed as one of the three plumbing fixtures.
- d. A non-habitable accessory structure may not be attached to or share a roof line with any other structure on the property.

2. Without Primary Use Established

- a. Shall not include a kitchen, wet bar, stove, oven or other cooking appliance.
- b. No interior plumbing is allowed.
- c. The building must be a single story.
- d. Glass doors are not allowed.
- e. A single window is allowed on one side of the building.

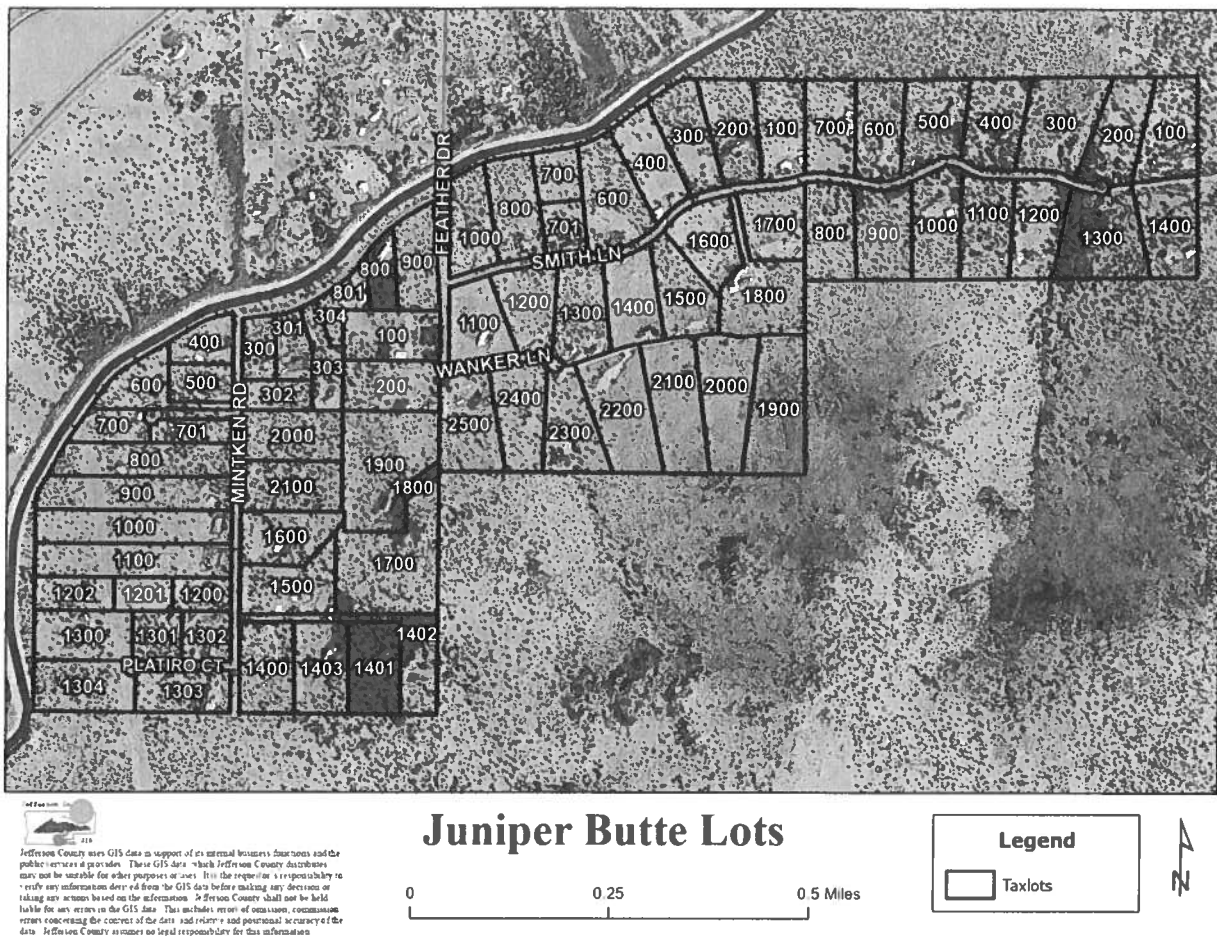
3. Habitable accessory structures must comply with all of the following standards and the applicable land use zone.

A. Primary Use Required. A habitable accessory structure is only allowed on a lot or parcel after the primary residential use is established. The residential accessory use must be a permitted use in the land use zone.

B. Restrictions.

1. Use. May only be used by members of the family residing in the primary dwelling or their nonpaying guests. May not be used as a source of income.
2. Number. Only one habitable accessory structure shall be allowed per lot of record. If accessory dwelling units (ADUs) are allowed, an eligible property may have one ADU or one habitable accessory structure, but not both.
3. Maximum floor area. The maximum floor area shall be 900 square feet.

4. Maximum Separation Distance. Shall be located within 100 feet of the primary dwelling to which it is accessory. This distance shall be measured from the closest portion of each structure. In the case of a structure that contains both habitable and non-habitable areas, the distance shall be measured from the closest point of the building, regardless of classification. Exception: a habitable accessory structure may exceed this distance if the building in which it is being constructed was legally built on or before December 31, 2023.
5. Facilities. Occupants and users of the habitable accessory structure shall live together as one housekeeping unit, sharing the kitchen and laundry facilities in the primary dwelling. The habitable accessory structure shall be limited to one bathroom and one additional internal plumbing fixture other than a water heater. It shall not include a stove, oven, or other cooking appliance or any mechanical ventilation intended to facilitate installation of a cooking appliance.
6. Utilities. All public water, electric, natural gas, and sanitary sewer service for the habitable accessory structure shall be extended from the primary dwelling service. No separate meters for the structure shall be allowed.
7. On-site Wastewater Treatment Systems. A habitable accessory structure shall use the same on-site wastewater treatment system as the primary dwelling except when a separate system is required by the County due to site constraints, failure of the existing system, or where the size or condition of the existing system precludes its use.
8. Area of Critical State Concern. Habitable accessory structures shall not be allowed on any lot or parcel within a designated area of critical state concern.
9. Juniper Butte. Properties south of the Feather Drive Bridge are restricted from adding habitable accessory structures until the bridge can maintain a 75,000 pound load carrying capacity. The map below identifies lots affected by this temporary restriction.



4. Combined Structures with both habitable and non-habitable components, such as a habitable space attached to or above a shop or garage, are allowed but with the following restrictions in addition to the other requirements listed in this Section.

- A. One bathroom is allowed in the habitable portion of the structure along with one additional plumbing fixture other than a water heater.
- B. Five plumbing fixtures are allowed, in addition to a water heater, in the non-habitable portion of the structure.
- C. Laundry facilities are allowed only in the non-habitable portion of the structure as one of the five permitted internal plumbing fixtures.
- D. Any habitable portion of a combined structure will be reviewed as such by the Building Department, under the same standards as a single family dwelling.
- E. The maximum floor area for the habitable portion of the building shall not exceed 900 square feet.



Marion County
OREGON

Accommodations for Family Members



Regulations for creating more living space on your property

Marion County Planning Division
5155 Silverton Rd. NE, Salem OR 97305
(503) 588-5038;
email: planning@co.marion.or.us

Are there options for additional living space for family members?

Generally speaking, Marion County land use regulations prohibit more than one dwelling per property. However, recent changes in these regulations have given the County more options to offer residents. These housing options and regulations vary depending on location and zone of the property. There are too many regulations to list for each type of living space in this brochure and vary depending on the zone. Contact Planning staff for more information.

Urban? Rural? Inside a city?

Rural areas of the County outside city limits and urban growth boundary areas are covered by the Rural Zone Code. Urban areas, also outside city limits but within an urban growth boundary of a city, are covered by the County's Urban Zone Code. If your property is in a city, contact that city for zoning and land use information.

Types and Definitions

There are many types of housing referred to by many names: tiny home, granny flat, guest house, mother-in-law quarters, etc. Here are a few definitions to help as you read on:

“Accessory Dwelling Unit” is a second dwelling built on a lot with an existing house, attached house or manufactured home. There are standards on size, location, height, etc. A manufactured home can be used as an ADU provided it meets the ADU standards, must be Energy Star certified and exhibit the US Housing and Urban Development (HUD) certification label.

“Domestic Suite” is living space attached to a single family dwelling. It can have its own entrance, kitchen, bathroom, living room, etc. There must be a common wall between it and the house, but not through a garage, attic, passageway or hallway. It cannot have its own address and all kitchens in the dwelling and suite are used by only one family.

“Duplex” means a dwelling on a single lot containing two independent dwelling units.

“Guest facility” means a separate accessory building to provide temporary and gratuitous (free of charge) accommodations. It relies on the main dwelling for cooking and bathroom facilities. It cannot have a kitchen.

“Hardship Dwelling” – allows either a manufactured home or RV (only) on property with an existing house for family members to care for another family member that needs daily assistance due to medical conditions. Requires approval of a Conditional Use Permit and form signed by patient's primary care provider indicating the need for daily care and the person is unable to care for themselves. Manufactured home or RV must be removed when person no longer needs care or has moved to assisted living, passed away, etc. It must be renewed each year by submitting a new Primary Care Provider form.

Park models – these units are typically built to RV standards and can be registered with the DMV. As such, they cannot be used as additional permanent living space or as an ADU.

“Recreational Vehicles” - are considered a type of vehicle and allowed only for medical hardship Conditional Use Permits.

Tiny houses - if a “tiny house” is on wheels, it cannot be used as a permanent living space or dwelling. If it is not on wheels, it could be used as an ADU if it meets all of the ADU standards.

“Two family shared housing” is a single-family dwelling that has been converted to two dwelling units and subject to standards including minimum size, limited added space, ownership occupation, etc.

“Family” means: 1) one or two adults and children related by blood or legal guardianship to one or both of the adults living together in a dwelling; or 2) one to five persons any of whom are not related by blood, marriage, or legal guardianships, living together in a dwelling; or, 3) one or more persons any of which are not related by blood, marriage, legal guardianship and who qualify as handicapped under the Federal Fair Housing Act; or 4) residents of a residential care home.

“Guest” means a person occupying a room or lodging room for living or sleeping purposes on a temporary and gratuitous basis (free of charge).

“Zero lot line dwelling” means a dwelling located in a building constructed contiguous to an interior side lot line.

What is allowed in urban areas of Marion County?

Generally, the following are types of additional living space are allowed in most of

the County’s urban residential zones that has an existing dwelling or manufactured home:

- Domestic Suite;
- Duplex;
- Zero Lot Line Dwelling;
- Two family shared housing;
- Hardship Dwelling - only allowed in the UT zones in certain situations;
- Accessory dwelling units.

What is allowed in rural areas of Marion County?

Generally, the following are types of additional living space allowed in most of the County’s rural residential zones and possibly other zones that allow dwellings under certain conditions. These would be allowed only on a property that already has an existing dwelling or manufactured home:

- Hardship Dwelling;
- Farmworker housing – allows a manufactured home on a temporary basis to be occupied by a person working full-time on a commercial agricultural operation;
- Domestic suite.

ADUs are not allowed in rural areas of the County, based on current State regulations that cover the County’s rural zones (Exclusive Farm Use, Farm/Timber, etc.).

What about tiny homes or park models?

Generally, any structure on wheels **cannot** be used as a permanent dwelling in the urban or rural areas. This regulation is based on current State of Oregon building codes primarily for safety and sanitation reasons. The only

exception is temporary use of an RV for medical hardships, as noted above.

Can I have a rental unit in addition to my home?

Generally speaking, a second dwelling to be used as a permanent rental unit is not allowed in either the urban or rural areas of Marion County. As noted above, the general rule is one dwelling per property with the exceptions for family noted here.

The exception is in the residential zones in urban areas of the County that allow an ADU. These can be used as rentals within certain guidelines.

Are there standards that must be met?

Yes. There are specific zoning and building regulations for all of these family living space options. There are too many to list for each type of living space in this brochure and can vary depending on the specific zone. Contact Planning staff for regulations and requirements.

Is a permit required?

Yes. All of these living options will require various building permits and inspections, possibly including septic systems. Contact Marion County Building Inspection for more information at (503)588-5147 or building@co.marion.or.us.

For more information: contact the Planning Division at (503) 588-5038, email at planning@co.marion.or.us or visit our website at: <http://publicworks.co.marion.or.us/planning>

Definition of Bedroom

PURPOSE

This policy is intended to provide guidance to PRMD staff when reviewing permit applications, checking plans, investigating complaints and inspecting buildings as to the approved intended use of a room. These guidelines will be used by all staff in determining whether a room will be considered a bedroom (sleeping room).

GENERAL

The Zoning Ordinance, the California Building Code and PRMD regulations relating to septic systems contain various definitions of bedrooms. This policy will provide a uniform interpretation for all of these codes.

AUTHORITY

Chapter 7, Sonoma County Code
California Building Code

FORMS

- A. Conditional Statement Acknowledgment
- B. Notice of Use Restrictions

PROCEDURE

A. Definitions

1. Attached room: Rooms will be considered to be attached to and part of a dwelling unit if they are connected by a common wall, or by a common roof, covered walkway, carport or garage, not more than twenty feet (20') wide.
2. Bathroom (full bathroom): A room equipped with a toilet, sink and shower or bathtub.
3. Half bath: a bathroom which contains a toilet and sink but does not contain a bath tub or shower.
4. Bedroom: any space in a dwelling unit or accessory structure which is 70 square feet or greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room (maximum of one per dwelling unit); dining room (in proximity to kitchen, maximum of one per dwelling unit); family room (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom.

The Director of PRMD or his/her designee may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted. If a home office, library

or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet and at least one of the following is present: a) permanently built-in bookcases, desks and other feature that encumber the room in such a way that it cannot be used as a bedroom; b) a minimum 4 foot opening, without doors, into another room; or c) a half wall (4 foot maximum height) between the room and another room. A detached building which contains only a half bath will not routinely be considered as having a bedroom unless it is specifically identified and permitted as a guest house.

When an exception is made per the above, it shall be documented in Permits Plus in the comments section so that all staff are aware of the determination. A conditional statement may be required to be signed by the property owner if the permit is for an outbuilding which has been determined to be a use other than a bedroom or other living space. This statement may be recorded as necessary to inform future property owners of restrictions on use of the building.

5. Conditioned space: An area, room or space normally occupied and being heated or cooled by any equipment for human habitation.

B. Applicability

1. All PRMD staff shall use the above guidelines in the course of their work. Any differences in interpretation shall be brought to the attention of the Director or designated supervisory staff, who will render a decision as to interpretation.
2. If an applicant desires to convert a structure from one use to another, the above guidelines shall be used as appropriate. Any modifications needed to the structure to effect a change of use shall be permanent and shall effectively remove any infrastructure associated with the original use of the structure.
3. In most cases, an accessory structure with a full bathroom will be considered as having a bedroom or bedrooms. The Director of PRMD or his/her designee may approve a full bath if necessary for agricultural or other purposes. Sufficient sewage disposal capacity must be available for the bathroom. If a full bath is approved, a conditional statement will be required to be signed by the property owner stating that the accessory structure is not approved as a dwelling unit and any use other than the approved use may constitute a violation of County Code. The conditional statement shall be recorded with the property deed.

ATTACHMENTS: None

Approved by:

/s/ Tennis Wick
Tennis Wick, Director

Lead Author: Rich Holmer, Ben Neuman, Patrick Mullin

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Definition of a Kitchen and Determination of a Dwelling Unit

PURPOSE

This policy provides guidance to PRMD staff as to the allowable design and use of an accessory structure and in determining the number of kitchens within a dwelling unit. It shall be used when reviewing permit applications, checking plans, investigating complaints and inspecting buildings. The provision of a kitchen is one of the primary factors used to determine whether a structure is considered to be a dwelling unit and for determining the number of units within a structure or allowed on a given site. These guidelines shall be used by all staff in determining whether a building contains a kitchen and is an allowable dwelling unit.

GENERAL

The Sonoma County General Plan and Zoning Ordinance limits allowable residential densities (units per acre) in all zoning districts and allows additional dwelling units, such as second units, agricultural employee units, and farm family units, in some areas. Dwelling units are defined in the zoning code as “*a permanent building or portion thereof including manufactured and mobile homes designated or used exclusively as the residence, sleeping room or quarters with kitchen facilities which constitutes an independent housekeeping unit, for one (1) or more persons*”. Efficiency dwelling units can be as small as 220 square feet. Similarly, the Building Code defines a dwelling unit as “*A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation*”.

This policy should be used in conjunction with Policy 1-4-1, *Definition of a Bedroom* in determining whether a structure or portion of a structure is considered a *dwelling unit* that must conform with the allowable density under the General Plan and Zoning Code or other applicable zoning requirements (e.g., second units). A *dwelling unit* must also conform to applicable septic system standards.

A non-commercial structure, or portion thereof, shall be considered a *dwelling unit* if it contains a kitchen as defined herein, and an area that constitutes a bedroom as defined in Policy 1-4-1. In most cases, a structure with a full bathroom will be considered as having a bedroom pursuant to Policy 1-4-1. Structures that meet this definition will be considered a *dwelling unit* regardless of how they are labeled on the plans (e.g., pool house, cabana, recreation room, guest house, studio, etc.). Where an additional dwelling unit cannot be allowed, the design of an accessory structure can be modified to eliminate the bedroom or kitchen facilities that constitute a dwelling unit.

AUTHORITY

Chapter 26, Sonoma County Code. Currently, the Sonoma County Code does not include a definition of a kitchen, but a kitchen is one of the determining features in the definition of a dwelling unit. Since dwelling units are limited by the allowable density and zoning standards, the definition of a kitchen is important in making the determination about whether a structure is a *dwelling unit* under the code.

Chapter 2 of the Sonoma County Code authorizes staff to record the conditions of approval of an issued permit.

PROCEDURE

PRMD staff shall determine whether an area is a kitchen and whether the structure is a *dwelling unit*. This determination shall be based on the design of the physical facilities rather than the proposed use or how the area is labeled on the plans. Staff shall use the following criteria.

DEFINITIONS

- A. **Kitchen.** A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains one or both of the following:
1. Cooking appliances or rough in facilities including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 240 volt electrical outlets or any gas lines.
- OR
2. A sink less than 18 inches in depth with a waste line drain 1-½ inches or greater in diameter AND a refrigerator exceeding five (5) cubic feet in capacity or space opening with an electrical outlet that may reasonably be used for a refrigerator exceeding five (5) cubic feet in capacity.
- B. An approved kitchen may have more than one sink, stove, oven or refrigerator in the same room.
- C. **Wet Bar.** A single sink with a waste drain line no greater than 1-1/2 inches in diameter and an under counter refrigerator no greater than 5 cubic feet in size with cabinets and/or counter top area not exceeding 6 lineal feet. A wet bar shall not include a refrigerator in excess of 5 cubic feet in size or a kitchen sink greater than 2 square feet in size or a gas or electric range, stove top and/or oven (but may include a microwave oven).

EXCEPTIONS

Notwithstanding the criteria above, the following shall not be considered to be a kitchen:

- A. Gas lines and/or electrical outlets of 240 volts in a residential garage, barn, workshop or similar structure, if an operable garage door is provided and the space is unconditioned as defined in the adopted model codes. A garage may contain a refrigerator or freezer but cannot contain any cooking appliances.
- B. One laundry room in a dwelling unit. The laundry room may include utility hook-ups for gas or electric laundry appliances and may include a utility sink with a sink depth 18 inches (18") or greater and/or a full size refrigerator or freezer. A laundry room shall not contain cooking appliances.
- C. An "outdoor kitchen" that is placed in an unenclosed area that may be roofed but is open on at least two sides and exposed to weather.
- D. Any room where the director of PRMD or his/her designee determines that the room, by its design, clearly cannot reasonably be used as a kitchen. In considering whether a room is a kitchen that would designate a structure as a dwelling unit, the director may also consider but not be limited to, whether or not the structure has a full bathroom and/or potential sleeping area pursuant to Policy 1-4-1. When an exception is made per #4 above, it shall be documented by a Zoning Permit application and a "Notice" on the subject parcel shall be placed in PRMD's permitting computer system so that anyone researching the parcel is aware of the determination. A Deed Restriction and/or an Agreement may be required to be signed by the property owner and recorded to inform future property owners of restrictions on the use of a building and future permit requirements for any change in use.

An electrical outlet of 240 volts in capacity or a gas outlet including "rough-in" openings that provide for future installation of any kitchen facilities described in Section "A" above must receive planning approval/clearance prior to building permit issuance or final inspection. The criteria noted above shall be used to determine if the structure is an allowable use, if it constitutes a dwelling unit, and/or if it requires a deed restriction and agreement. Kitchen facilities described in Section "A" above, including "rough ins" may be allowed in structures that meet the criteria for a second unit and are designated and permitted as such, even though the structure is not used as a dwelling (i.e. allowing a gas line, refrigerator and sink in a workshop or artist studio or allowing a stove, refrigerator and sink in a pool house). The deed restriction/agreement will be binding on all successors in interest and will limit the use of the structure as permitted.

ATTACHMENTS

Sample Deed Restriction and Agreement

Approved by: /s/
Tennis Wick, Director

Lead Authors: Jennifer Barrett, Dean Parsons
DeWayne Starnes, Ben Neuman

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