Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

8/5/2010

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment
DLCD File Number 005-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, August 20, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Margaret Boutell, Jefferson County
Jon Jinings, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative

<paa> YA

FORM 2 DLCD Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE STAMP

DEPT OF

AUG 2 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **Jefferson County**

Local file number: **09-PA-02**

Date of Adoption: **7/28/10**

Date Mailed: **7/30/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 2/4/09

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Various Amendments to the County's Zoning Ordinance – Sec.105 – add definition of Hobby Kennel, Sec.204 & 502 – allowing partitions to follow zoning boundaries on split zoned parcels; Sec.301 – Add hobby kennels on farm and RL, add Destination Resorts (DR) as a Conditional Use (CU), moved "facility for processing farm crops" from Outright Permitted Uses to Administrative Review; Sec.303 – Added DR as a CU; Sec.304-added storage bldgs as a permitted use if property is within 2 miles of Lake Billy Chinook, Lake Simtustus or assoc. river arms; Sec.318- require RV hookups removed when residence built, Sec.319 – allow storage bldg prior to residence, require RV hookups removed when residence built, require multiple RV storage in Community property; Sec. 321 – Exclude UC's from minimum lot size in WA zone, shifted requirements for 321.6 to 321.5, removed ODFW "veto" power from 321.6B; Sec. 323- changed language to be consistent with URA language; Sec. 343-Specified 100'setback for new development, alteration of existing development within 100' setback subject to Sec. 501&419; Sec. 401-provide for basic level improvements to access roads when new development; Sec. 406 – Correct scriveners error; Sec. 414 – Change one approval standard in SP Review section to better address 414.6(D); Sec. 423 – Changed some parking standards; Sec. 705 – Accommodate M49 flaglot divisions and require improvements be shown on plot plan; Sec. 707 – Add requirement for CD with final plats, specify that water and sewer service requirements apply to partitions and subdivisions; Sec. 713-Changed property line adjustment requirements to comply with HB 3629.

Does the Adoption differ from proposal? Please select one

Yes, slightly. Additional amendments proposed during the Planning Commission and Board of Commissioners hearings.

Plan Map Changed from: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☒	☒	☒	☒	☐	☒	☐	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?	☒ **Yes**	☐ **No**
If no, do the statewide planning goals apply?	☐ **Yes**	☐ **No**
If no, did Emergency Circumstances require immediate adoption?	☐ **Yes**	☐ **No**

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jon Skidmore** Phone: **(541) 475-4462** Extension: **4150**

Address: **85 SE "D" St** Fax Number: **541-325-5004**

City: **Madras, OR** Zip: **97741** E-mail Address:

jon.skidmore@co.jefferson.or.us

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

IN THE MATTER OF ADOPTING AMENDMENTS TO THE JEFFERSON COUNTY ZONING ORDINANCE TEXT

Ordinance No. O-074-10

WHEREAS, Jefferson County wants to encourage assure consistency with state law by updating the Jefferson County Zoning Ordinance; and

WHERAS, Jefferson County desires to improve the zoning code so that standards are clear and easily implemented

WHEREAS, the Planning Commission held a public hearing on March 26, 2009 and June 10, 2010 and directed staff to make specific changes to the proposed zoning ordinance text; and

WHEREAS, the Board of Commissioners held a public hearing on July 14, 2010 and listened to testimony from the public; and

WHEREAS, it is necessary for Jefferson County to pass an ordinance to amend the Zoning Ordinance language to enact the proposed changes; and

WHEREAS, Jefferson County, by this ordinance, intends to adopt the attached Exhibit B which contains the proposed zoning code language;

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

1. **Adoption of Findings**

   The Findings of Fact and Conclusions in the attached Staff Report (Exhibit A) are hereby adopted and incorporated herein by reference as the basis for the decisions to adopt the amendments to the Jefferson County Zoning Ordinance.

2. **Amendment to Zoning Ordinance**

   The text amendments to the Jefferson County Zoning Ordinance contained in the attached Exhibit B are hereby adopted and by this reference incorporated herein as if fully set forth.

3. **Severability**

The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or any exhibit 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.

4. **Effective Date**

These amendments being necessary for immediate implementation, an emergency is declared to exist, and the specified amendments shall therefore take place and be effective on July 14, 2010.

DATED this 28TH day of July, 2010.

BOARD OF COMMISSIONERS:

Wayne Fording, Commission Chair

Mike Ahern, Commissioner

John Hatfield, Commissioner

Attest:

0-074-10

Appeal Information

Planning Casefile #09-PA-02

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: July 28, 2010

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

0-074-10

EXHIBIT A

JEFFERSON COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

85 S.E. "D" St., Suite A • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 325-5004

Est. 1914

July 14, 2010 Board of Commissioners Hearing

STAFF REPORT
CASEFILE 09-PA-02

Applicant: Jefferson County
85 SE D St.
Madras, OR 97741

Proposal: Amendment of the text of the Jefferson County Zoning Ordinance to make minor changes and incorporate new legislation.

This staff report provides background and findings in support of the proposed ordinance amendments. The Planning Commission held a hearing on June 10, 2010 and unanimously recommended approval of the proposed amendments with specific changes incorporated into the proposed language.

Further, one additional request has been submitted since the hearing by a member of the public to add one outright permitted use to specific Rural Residential zones. This issue is explained in the staff memo that was submitted to the Board.

Notice of the initial Board of Commissioners hearing on March 3, 2010 was sent to all property owners in the County in compliance with Measure 56 and continued to July 14, 2010 at that meeting.

APPLICABLE STANDARDS: Section 803.1 of the 2007 Jefferson County Zoning Ordinance (JCZO).

FINDINGS OF FACT:

JCZO Section 803.1 states that an amendment to the text of the Zoning Ordinance may be approved if the proposal complies with the following criteria:

A. The amendment complies with applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.

Goal 1 - requires that the county provide the opportunity for citizens to be involved in the planning process. Notice of the public hearing in front of the Planning Commission to consider the proposed amendments was sent to interested parties and published in the Madras Pioneer on May 26, 2010. A hearing was held with opportunity for public comment however none was provided. Notice of the public hearing with the Board of Commissioners was published in the Madras Pioneer on June 23,

2010. The hearing with the Planning Commission in June and this hearing with the Board of County Commissioners provides the opportunity for public input consistent with Goal 1.

Goal 2 – To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land to assure an adequate factual base for such decisions and actions. The proposed amendments to the Zoning Code will follow the process established in adopted County Zoning Ordinance prior to adoption. This complies with Goal 2.

Goal 3 requires the protection of agricultural lands. There are 3 proposed change to Section 301 (EFU A-1, A-2, and RL zone). First, Hobby Kennels are added as a permitted use. The definition is in the Jefferson County Code as "*Hobby kennel* means a premises accessory to an occupied residence on which five to ten (10) dogs which have a set of permanent canine teeth or are four months old or older are kept primarily in a kennel for purposes other than those defined in *Kennel.*"

Second, "Facility for processing farm crops or the production of biofuel" now requires an administrative review consistent with OAR 660-033-0130(5)&(28) versus being allowed as an outright permitted use.

Third, Destination Resorts were added as a conditional use subject to mapping of resort eligible areas.

These amendments do not change the protections for agricultural land and Goal 3 will continue to apply.

Goal 4 requires the protection of forest lands. There is one change proposed for the Forest Management Zone. Destination Resorts were added as a conditional use subject to mapping of resort eligible areas. The amendment does not change the protections for forest land and Goal 4 will continue to apply.

Goal 5 requires the protection of natural resources, scenic and historic areas and open space. Specific changes are proposed to section 321 Wildlife Area Overlay Zone (WA). The changes would remove Unincorporated Communities from the minimum lot size standards in section 321.3. Next, the changes in sections 321.5 and 321.6 seek to clarify that specific siting standards in 321.5 apply to proposals for new dwellings and accessory structures and the siting criteria in 321.6 apply to other types of development within the Wildlife Area Overlay Zone. Further, the amendment in 321.6(B) removes the requirement for ODFW to approve wildlife management plans prior to County approval of land use applications. The new language encourages land owners to work with ODFW and gain approval for such plans prior to submittal of applications to the County. The County is required by state law to make most land use decisions within a 150-day timeline. ODFW is not subject to the same timeline requirements. The proposed language will not jeopardize the County's ability to make final land use decisions in compliance with the 150-day timeline requirement and still requires coordination with ODFW to address wildlife habitat area concerns.

Goal 6 requires that the air, water and land resources of the state be maintained or improved. One of the proposed amendments requires that RV hookups be removed when a residence is built in the Crooked River Ranch Residential Zone. This will reduce the number of septic hookups in the zone that could adversely affect streams or water bodies. None of the other amendments are subject to Goal 6.

Goal 7 requires that jurisdictions protect people and property from natural hazards. None of the proposed amendments is subject to Goal 7.

Goal 8 is to provide for the recreational needs of citizens of the state. Proposed amendments to sections 301 and 303 add destination resorts as a conditional use subject to mapping of resort eligible areas, the conditional use review and the two-step resort review process. No destination resort eligible areas have been mapped by Jefferson County.

Goal 9 requires jurisdictions to provide adequate opportunities for economic development. None of the proposed changes are aimed directly at Goal 9 however a few amendments could affect economic development projects within the County. First, changes have been proposed to the parking standards within section 423 to better ascertain the true parking needs for industrial and commercial uses proposed in the County. Second, one of the criteria in section 414 Site Plan Review has been amended to allow impacts to agricultural or forest uses to be avoided or mitigated. The current standard requires that development not adversely affect such uses. This is a very challenging standard to meet especially in light of the fact that impacts can be mitigated.

Goal 10 requires that sufficient buildable lands be provided in urban and urbanizable areas to provide for the housing needs of the citizens of the state. None of the proposed amendments are subject to Goal 10.

Goal 11 requires development of public facility plans. None of the proposed amendments are subject to Goal 11.

Goal 12 requires jurisdictions to provide a safe, convenient and economic transportation system. None of the amendments propose changes to the County's requirements for transportation.

Goal 13 relates to the conservation of energy. None of the proposed amendments relate specifically to Goal 13.

Goal 14 requires an orderly transition from rural to urban land uses. Amendments are proposed for section 323 Urban Reserve Area to reflect changes required by DLCD in its review of the Madras Urban Reserve Area. Last summer changes were made to the code reflecting the amendments required by DLCD however, other language in section 323 was also inadvertently changed. The current amendment blends all of the language reviewed and approved by DLCD.

Statewide **Goals 15 – 19** do not apply to Jefferson County.

A few amendments are proposed to comply with state law. The changes to processing facilities in section 301 comply with OAR 660-033-130. Changes were made to the Section 705 to accommodate Measure 49 land divisions. Amendments are proposed to section 713 Property Line Adjustments to comply with state law enacted through House Bill 3529 signed into law in March 2008.

B. The amendment will be consistent with all applicable Comprehensive Plan goals and policies.

Staff finds that the proposed amendments are relatively minor in nature and typically were proposed to assure consistency with state law or to correct inconsistencies and problems with existing language in the Zoning Ordinance. The Zoning Ordinance will continue to conform with and implement Comprehensive Plan policies. Staff and the Planning Commission recommend approval.

EXHIBIT B

Text Amendments to the following sections of the Jefferson County Zoning Ordinance:

105 – Definitions
204 – Zone Boundaries
301 – Exclusive Farm Use Zones
303 – Forest Management (FM)
304 – Rural Residential
305 – Service Community (SC)
318 – Crooked River Ranch Residential Zone (CRRR)
319 – Three Rivers Recreation Area Zone (TRRA)
321 – Wildlife Area Overlay Zone (WA)
323 – Urban Reserve Overlay Zone
343 – Camp Sherman Rural Residential Zone (CSRR-3, CSRR-5)
401 - Access
406 - Sign Regulations
414 - Site Plan Review
423 - Off Street Parking Requirements
502 - General Exceptions to Lot Size Requirements
705 - Standards and Criteria for Approval
707 - Final Plats
713 - Property Line Adjustments

Section 105 – Definitions

Grade (Ground Level), Finished: The average elevation of the finished ground elevation at the centers of all walls of a building.

Grade (slope), Natural: The grade or elevation of the ground surface that exists or existed prior to man-made alterations such as grading, grubbing, filling, or excavation.

Grandfathered Use: (See Nonconforming Structure or Use)

Height of Building: The vertical distance from the average grade to the highest point of the roof.

High-value Farmland: Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or II or not irrigated and classified prime, unique, Class I or II. Includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards, but not including seed crops, hay, pasture or alfalfa. Soil classes, soil ratings or other soil designations are those of the Soil Conservation Service in its most recent publication for that class, rating or designation before November 4, 1993.

Historic Resources: Buildings, districts, sites, structures and objects that have a relationship to events or conditions of the human past and are of local, regional, statewide or national historic significance.

Hobby Kennel: (as defined in Section 6.08.010 of the Jefferson County Code.)

Home Occupation: A business carried on by a resident of the property in the dwelling or in an accessory building on the same parcel in such a manner that does not impair the outward appearance of the property in the ordinary meaning of the term, does not cause or lead to an unreasonable increase in the flow of traffic in the neighborhood, or the production of noise or other forms of environmental pollution.

Irrigated Land: Cropland watered by an artificial or controlled means, such as sprinklers, furrows, ditches or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including lands that receive water for irrigation from a water or irrigation district or other provider. For purposes of review of applications in farm zones, a parcel or tract within a water or irrigation district that was once irrigated continues to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

Kennel: (as defined in Section 6.08.010 of the Jefferson County Code.)

Ladder Fuel: Branches, leaves, needles and other combustible vegetation that may allow a fire to spread from lower growing vegetation to higher growing vegetation.

Section 204 - Zone Boundaries

Unless otherwise specified, zone boundaries are section lines, subdivision lot lines, center lines of road or railroad right-of-ways or water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or such lines extended. Whenever uncertainty exists as to the boundary of a zone as shown on the Zoning Map or amendment thereto, the following regulations shall control:

A. Where a boundary line is indicated as following a road, waterway, canal, or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.

B. Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line.

C. If a zone boundary as shown on the Zoning Map divides a lot or parcel, ~~between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lie.~~ **the individually zoned areas may be developed for uses permissible within the applicable zoning district subject to the specific requirements of the underlying zone.**

D. The exact location of district boundary lines shall be interpreted by the Planning Director through an administrative review process as outlined in section 903.

Section 502 – General Exceptions To Lot Size Requirements

A. Lawfully created lots and parcels may be developed in accordance with the requirements of the zone in which they are located even if they do not comply with the minimum lot size requirement for the zone.

B. Lots and parcels that will be dedicated to the public for use as a park, utility site or similar public purpose are exempt from the minimum lot size requirements of the zone, except in the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones.

C. Partition and subdivision proposals are exempt from the minimum lot size provisions of the underlying zoning district when through a legislative zone change, the subject property (lot, parcel, or tract of land) was split between an Exclusive Farm Use, Range Land, Forest Land, Rural Land, Urban & Urbanizable Land or Unincorporated Community Comprehensive Plan boundary, the subject property may be divided along the Plan boundary line, subject to the subdivision or partition requirements of this Ordinance. Development on the resulting lots, parcels, or tracts of land shall be subject to the provisions of the underlying zoning district.

CHAPTER 3
LAND USE ZONES

Section 301 - Exclusive Farm Use Zones (EFU A-1, EFU A-2 and RL)

301.1 Purpose

This Section sets forth regulations for land use and development within the County's three exclusive farm use zones: Exclusive Farm Use A-1 (EFU A-1), Exclusive Farm Use A-2 (EFU A-2) and Range Land (RL).

A. The EFU A-1 zone has been established to preserve areas containing predominantly irrigated agricultural soils for existing and future farm uses related to the production of agricultural crops or products.

B. The EFU A-2 Zone has been established to recognize and preserve areas of agricultural land which are less productive than lands in the EFU A-1 zone due to soil class and lack of irrigation water.

C. The RL zone has been established to recognize and preserve areas containing predominantly non-irrigated agricultural soils which are being used, or have the capability of being used, for livestock grazing.

D. All three agricultural zones recognize the right to farm for all land owners within the zone, and provide regulations that are reasonable and prudent in order to protect the performance of typical farm use practices, growing various farm crops, conducting animal husbandry, and producing horticultural or other farm related products for the purpose of obtaining a profitable income for the property owner.

301.2 Permitted Uses

The following uses are permitted outright in the EFU A-1, EFU A-2 and RL zones:

A. Farm use, as defined in Section 105 and ORS 215.203.

B. Nonresidential buildings customarily provided in conjunction with farm use.

C. Farm Stand, provided:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings, or public entertainment.

3. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area; "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product, but not prepared food items; "local agricultural area" includes Oregon.

~~D. Facility for processing farm crops or the production of biofuel. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage, or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.~~

E. The transportation of biosolids by vehicle to a tract on which the biosolids will be applied to the land, under a license, permit or approval issued by the DEQ under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055 or in compliance with rules adopted under ORS 468.095.

F. Propagation or harvesting of a forest product.

G. Creation, restoration or enhancement of wetlands.

H. Breeding, kenneling and training of greyhounds for racing, except the use is not allowed on high-value farmland.

I. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

J. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

K. Fire service facilities for rural fire protection.

L. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

301.2 M. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right-of-way;

2. Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or

3. The property to be served by the utility.

N. On-site filming and accessory activities for 45 days or less. The use is permitted, provided activities will involve no more than 45 days on any site within a one year period and will not involve erection of sets that would remain in place for longer than any 45-day period.

1. The use includes:
   a. Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming;
   b. Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.

2. The use does not include:
   a. Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or
   b. Construction of new structures that requires a building permit.

O. A site for the takeoff and landing of model aircraft, including such buildings or facilities as are reasonably necessary. Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility existed prior to establishment of the takeoff and landing site. The site shall not include an aggregate surface or hard surface area unless the surface existed prior to establishment of the takeoff and landing site. As used in this Section "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible, or balloon that is used or intended to be used for flight and controlled by radio, lines, or design by a person on the ground.

P. Personal exempt wind energy facilities.

Q. Hobby kennel, as defined in Jefferson County Code Section 6.08.010. A permit for a hobby kennel is required from the Jefferson County Dog

Control Department in accordance with Chapter 6.08 of the Jefferson County Code.

[O-037-10, **O-XXX-10**]

301.3 Uses Permitted Subject to Administrative Review
The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, subject to findings of compliance with the listed standards and criteria and any other applicable requirements of this ordinance:

A. A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud mill, or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Approval is subject to compliance with Section 301.5 and the following:

1. The timber being processed shall be grown on the parcel where the processing facility is located or on contiguous land.

2. The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses described in Section 105.

3. The facility must be intended to be only portable or temporary in nature.

4. The facility may be approved for a one-year period, which is renewable.

B. Parking no more than seven log trucks, subject to compliance with Section 301.5.

C. Commercial activity in conjunction with farm use, including the processing of farm crops into biofuel not otherwise permitted as a farm use as defined in Section 105 or as a facility for processing farm crops or the production of biofuel under Section 301.2(D). Approval is subject to compliance with Section 301.5. A commercial activity is considered in conjunction with a farm use when any of the following criteria are met:

1. The commercial activity is either exclusively or primarily a customer or supplier of farm uses;

2. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or

3. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part.

D. Winery. A winery is a facility that produces wine with a maximum annual production of:

1. Less than 50,000 gallons and that:
   a. Owns an on-site vineyard of at least 15 acres;
   b. Owns a contiguous vineyard of at least 15 acres;
   c. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
   d. Obtains grapes from any combination of paragraphs (a), (b), or (c) above; or

2. At least 50,000 gallons and no more than 100,000 gallons and that:
   a. Owns an on-site vineyard of at least 40 acres;
   b. Owns a contiguous vineyard of at least 40 acres;
   c. Has a long-term contract for the purchase of all the grapes from at least 40 acres of a vineyard contiguous to the winery; or
   d. Obtains grapes from any combination of paragraphs (a), (b), or (c) above.

   The applicant must show that a qualifying vineyard described in subsection (1) or (2) above has been planted or that the contract has been executed.

3. Product sales at a winery approved in accordance with this Section shall be limited to:
   a. Wines produced in conjunction with the winery; and,
   b. Items directly related to wine, the sales of which are incidental to retail sale of wine on site. Such items include those served by a limited service restaurant. "Limited service restaurant" means a restaurant serving only individually portioned prepackaged foods prepared from an approved source by a commercial processor and nonperishable beverages.

   Conditions of approval shall include language limiting the winery to the sale of the items listed above.

4. Standards imposed on the siting of a winery shall be limited to the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
   a. Establishment of a setback not to exceed 100 feet from all property lines for the winery and all public gathering places.
   b. Direct road access and adequate internal circulation and parking.

301.3 E. Land application of reclaimed water, agricultural or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation, subject to a determination by DEQ that the application rates and site management

practices for the land application ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

1. Uses allowed under this Section include:
   a. The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application.
   b. The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment that are accessory to and reasonably necessary for the land application to occur on the subject tract; and
   c. The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:
      i. A public right-of-way; or
      ii. Other land if the landowner provides written consent and the owner of the facility is responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility; and

2. Uses not allowed under this Section include:
   a. The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or
   b. The establishment and use of utility facility service lines allowed under Section 301.2(M).

3. If the Planning Director's decision to allow the use is appealed, prior to the County making a final decision the applicant shall explain in writing how any alternatives identified in public comments were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives. A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives.

4. The use of a tract on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred may not be changed to allow a different use unless:

a. The tract is within an acknowledged urban growth boundary;
b. The tract is rezoned to a zone other than EFU A-1, EFU A-2 or RL;
c. The different use of the tract is a farm use as defined in Section 105; or
d. The different use of the tract is a use allowed under ORS 215.283(1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x) or 215.283(2)(a), (j), (l), or (p) to (s).

F. Operations for the extraction and bottling of water from a natural water source on the parcel where the operation will occur. Approval is subject to compliance with Section 301.5.

G. Home occupation, subject to compliance with Sections 301.5, 410 and the following:

1. The home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.

2. The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

301.3 H. Dog kennel. New dog kennels are not permitted on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval is subject to compliance with Section 301.5 and findings that the kennel will have a minimal adverse impact on abutting properties and the surrounding area.

I. Public or private schools, including all buildings essential to the operation of a school, subject to the following:

1. New schools are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

2. Public or private schools and school facilities shall not be approved within three miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved.

3. For the purposes of this Section, "public and private schools" means schools providing elementary and secondary education only, and does not include adult career education, colleges or universities.

J. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, subject to the following:

1. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

2. The use shall not be approved within three miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved.

K. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community. Approval is subject to compliance with Section 301.5.

L. Firearms training facility in existence on September 9, 1995. The facility may continue operating until such time as the facility is no longer used as a firearms training facility. A "firearms training facility" is an indoor or outdoor facility that provides training courses and 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.

301.3 M. Living history museum. Approval is subject to compliance with Section 301.5. "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and are located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the Board of Commissioners and organized under ORS Chapter 65.

N. On-site filming and accessory activities for more than 45 days. Approval is subject to compliance with Section 301.5 and the following:

1. Approval under this Section is required when on-site filming and accessory activities will involve: (1) activities for more than 45 days on

any site within a one-year period; or (2) erection of sets that will remain in place longer than 45 days.

2. The use includes:
   a. Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming;
   b. Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.

3. The use does not include:
   a. Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or
   b. Construction of new structures that requires a building permit.

4. When approved under this Section, these activities may include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or similar temporary facilities. Such temporary facilities may be used as temporary housing for security personnel.

301.3 O. A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

P. A residential home or facility as defined in ORS 197.660 may be allowed in an existing lawfully established dwelling, subject to compliance with Section 301.5. A condition of approval shall require that the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or 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.

Q. Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. Approval is subject to the following. Approval of a wireless communication tower is also subject to the requirements of Section 427:

1. A utility facility is necessary for public service if the facility must be sited in the EFU A-1, EFU A-2 or RL zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the EFU A-1, EFU A-2 or RL zone due to one or more of the following factors:

a. Technical and engineering feasibility;
b. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
c. Lack of available urban and non-resource lands;
d. Availability of existing rights-of-way;
e. Public health and safety; and
f. Other requirements of state and federal agencies.

2. Costs associated with any of the factors listed in subsection (1) above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

3. The owner of a utility facility approved under this Section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

4. The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding agricultural lands.

5. In addition to the provisions of subsections (1) to (4) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of OAR 660-011-0060.

6. The provisions of this Section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

R. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.

S. Facility for processing farm crops or the production of biofuel. The farm on which the processing facility is located must provide at least one-quarter of the

farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage, or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.

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301.4 Conditional Uses

The following uses may be approved in the EFU A-1, EFU A-2 and RL zones unless specifically stated otherwise. Applications will be reviewed at a public hearing before the Planning Commission in accordance with the procedures in Section 903.5. In order to be approved, the use must comply with the criteria in Section 301.5, Section 602, any standards and criteria listed under the specific use and any other applicable requirements of this ordinance.

A. Propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission, or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The County shall provide notice of all applications under this Section to the State Department of Agriculture at least 20 calendar days prior to any administrative decision on the application.

B. Parks and playgrounds. The use is not allowed on any portion of a parcel that is high-value farmland unless an exception to applicable statewide planning goals is approved, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract. A public park may be established consistent with the provisions of ORS 195.120, and may include only the uses specified under OAR 660-034-0035 or 660-034-0040.

C. Private parks, playgrounds and hunting and fishing preserves. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.

301.4 D. Campground. New campgrounds are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Approval of a campground is subject to the following:

1. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.

2. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. The campground shall provide opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding, and other similar activities. Outdoor recreation, as used in this Section, does not include off-road vehicle or other motorized recreation use.

4. A campground shall be designed and integrated into the rural agriculture and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized in this zone shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.

5. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (6) below. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six (6) month period.

6. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

E. Golf course. New golf courses are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Expansion of an existing golf course shall comply with all of the requirements of this section, but shall not be expanded to contain more than 36 total holes.

"Golf course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A golf course for the purposes of this section means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:

1. A regulation 18-hole golf course is generally characterized by a site of approximately 120 to 150 acres of land, with a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.

2. A regulation 9-hole golf course is generally characterized by a site of approximately 65 to 90 acres of land, with a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes.

3. Non-regulation golf courses are not allowed. "Non-regulation golf course" means a golf course or golf course-like development that does not meet the definition of golf course in sections (1) and (2) above, including but not limited to executive golf courses, Par three (3) golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges.

4. Accessory uses provided as a part of a golf course shall be limited to those uses consistent with all of the following:
   a. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners' course as part of an 18-hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing, such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing.
   b. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to play golf. An accessory use that provides commercial service (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.
   c. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

301.4 F. Guest ranch. "Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services as set forth in this section, that are incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. "Guest lodging unit" means guest rooms in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence. An application for a guest ranch must be submitted before January 2, 2010 when Chapter 728, Oregon Laws 1997 is repealed, unless that law is extended. Approval of a guest ranch is subject to the following:

1. The guest ranch shall be in conjunction with an existing and continuing livestock operation, using accepted livestock practices. "Livestock" means cattle, sheep, horses and bison.

2. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres and is not high-value farmland;

3. The guest ranch shall be located on the parcel containing the dwelling of the person conducting the livestock operation.

4. The guest lodging units cumulatively shall include not less than 4 nor more than 10 overnight guest lodging units, and shall not exceed a total of 12,000 square feet of building floor area excluding the kitchen area, rest rooms, storage and other shared indoor space. However, for each doubling of the initial 160 acres required under subsection (1), up to 5 additional overnight guest lodging units not exceeding a total of 6,000 square feet of building floor area may be added to the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of building floor area.

5. The guest ranch may provide recreational activities that can be provided in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding, camping or swimming. Intensively developed recreational facilities, such as golf courses, shall not be allowed. A campground as described in Section (C) shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course under Section (D) or with an existing campground.

6. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch, an individual

accompanying a guest or an individual attending a special event at the guest ranch.

7. A proposed division of land for a guest ranch, or to separate a guest ranch from the dwelling of the person conducting the livestock operation, shall not be approved.

301.4 G. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. "Personal use airport" means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Dept. of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Dept. of Aviation.

H. Commercial utility facilities for the purpose of generating power for public use by sale. A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4, or more than 12 acres if the land is high-value farmland.

For purposes of this rule a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances. A proposal for a wind power generation facility shall be subject to the following provisions:

1. For high-value farmland soils described at ORS 195.300(10), the County must find that all of the following are satisfied:
   a. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
      (i) Technical and engineering feasibility;
      (ii) Availability of existing rights of way; and

(iii) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Section 301.4(H)(2).

b. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils.

c. Costs associated with any of the factors listed in Section 301.4(H)(1) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary.

d. The owner of a wind power generation facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

e. The criteria of Section 301.4(H)(2) are satisfied.

2. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:

a. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices; and

b. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval; and

c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and

county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and

d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

3. For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of Section 301.4(H)(2)(d) are satisfied.

4. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Section 301.4(H)(2) and (3) the approval criteria of Section 301.4(H)(2) shall apply to the entire project.

I. Transmission towers over 200 feet in height. Approval is subject to compliance with Section 427.

J. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise allowed by Section 301.2(I). Approval is subject to compliance with Section 411.

K. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and subsurface resources. Aggregate sites that have been reviewed under the procedures in OAR 660-023-0180(3) and (5) are <u>not</u> subject to compliance with the criteria in Sections 301.5 and 602. Approval of all operations under this section are subject to compliance with Section 411 and the following:

1. County approval is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one acre.

2. A permit for mining may be approved only for a site included in the Comprehensive Plan Inventory of significant Mineral and Aggregate Resources.

3. No part of the operation may occur on any portion of the parcel that is high-value farmland.

301.4 L. Operations conducted for processing of aggregate into asphalt or Portland cement. Approval is subject to compliance with Section 411 and the following:

1. The use is not allowed within two miles of a planted vineyard. "Planted vineyard" means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

2. No part of the operation may occur on any portion of the parcel that is high-value farmland.

M. Operations conducted for processing of other mineral and subsurface resources, subject to compliance with Section 411. No part of the operation may occur on any portion of the parcel that is high-value farmland.

N. Composting facilities for which a permit has been granted by the DEQ under ORS 459.245 and OAR 340-96-020. Composting facilities are not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. Except for those composting facilities that are a farm use as defined in OAR 660-033-0020(7), composting facilities on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2), or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

O. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the DEQ together with equipment, facilities or building necessary for its operation. The use is not allowed on high-value farmland, but existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. The Planning Commission shall make a recommendation to the Board of Commissioners as to whether the conditional use permit should be approved. The Board of Commissioners shall make the final decision on whether to approve the permit after holding a public hearing in accordance with the procedures in Section 903.6.

P. A destination resort on property identified as destination resort-eligible by the County Comprehensive Plan subject to the standards in section 430 of this ordinance.

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301.5 Approval Criteria
Uses listed in Section 301.4 and specified uses in Section 301.3 may be approved only where the use:

A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

B. 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 these criteria will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective.

301.6 Dwellings

A dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed standards and criteria and any other applicable requirements of this ordinance. The County Assessor will be notified when a dwelling is approved. A condition of approval will require that the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or 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.

A. "Large Tract" Farm Dwelling

On land not identified as high-value farmland a dwelling shall be considered customarily provided in conjunction with farm use if:

1. The parcel on which the dwelling will be located is at least 160 acres if in the EFU A-1 or EFU A-2 zone or 320 acres if in the Range Land zone;

2. The subject tract is currently employed for farm use, as defined in Section 105;

3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

4. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract.

B. "Income Test" Farm Dwelling

A dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use, as defined in Section 105, at a level that produced in the last two years or three of the last five years one of the following:
   a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or

b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products.

2. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1); and

3. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation. "Farm or ranch operation" means all lots or parcels of land in the same ownership that are used by the farm or ranch operator for farm use as defined in Section 105.

4. In determining the gross income required by subsection (1), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

5. Noncontiguous lots or parcels zoned for farm use in Jefferson, Deschutes, Crook, Wheeler or Wasco Counties may be used to meet the gross income required by subsection (1). If one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation has been used to comply with the gross farm income requirement, within 12 days of receiving a tentative approval the applicant shall provide evidence that irrevocable deed restrictions have been recorded with the county clerk of the county where the property subject to the deed declarations, conditions and restriction is located. The deed declarations, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary medical hardship dwellings or replacement dwellings on the lots or parcels that make up the farm or ranch operation or to use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling. The deed declarations, conditions and restrictions are irrevocable unless a statement of release is signed by the Planning Director.

C. "Median Test" Farm Dwelling

On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract;

2. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (1);

3. The subject tract is currently employed for a farm use, as defined in Section 105, at a level capable of producing the annual gross sales required in subsection (2), or, if no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of a farm use at a level capable of producing the required annual gross sales;

4. The subject lot or parcel on which the dwelling is proposed is not less than 20 acres;

5. Except for seasonal farmworker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; and

6. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

D. "Relocated Farm Operation" Dwelling
A dwelling may be considered customarily provided in conjunction with farm use if:

1. Within the previous two years, the applicant owned and operated a farm or ranch operation that earned in each of the last five years or four of the last seven years one of the following, whichever is applicable:
   a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or
   b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products;

2. The subject lot or parcel on which the dwelling will be located is currently employed for farm use, as defined in Section 105, at a level that produced in the last two years or three of the last five years one of the following, whichever is applicable:
   a. On land not identified as high-value farmland, at least $40,000 in gross annual income from the sale of farm products; or
   b. On land identified as high-value farmland, at least $80,000 in gross annual income from the sale of farm products;

3. The subject lot or parcel on which the dwelling will be located is at least 80 acres in size if in the EFU A-1 or EFU A-2 zone or at least 160 acres if in the RL zone;

4. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract; and

5. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (1).

6. In determining the gross income required by subsections (1) and (2), the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.

E. "Commercial Dairy" Farm Dwelling

A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:

1. The subject tract will be employed as a commercial dairy. A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk:
   a. On land identified as high-value farmland, at least $80,000 in gross annual income; or
   b. On land not identified as high-value farmland, at least $40,000 in gross annual income.

2. The dwelling will be sited on the same lot or parcel as the buildings required by the commercial dairy;

3. Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;

4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;

5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and

6. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to 468B.230 and a Producer License for the sale of dairy products under ORS 621.072.

F. Accessory Farm Dwelling for a Relative
A dwelling on real property used for farm use may be approved if:

1. The dwelling will be located on the same lot or parcel as the dwelling of the farm operator;

2. The dwelling will be occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, step sibling, niece, nephew or first cousin of either;

3. The farm operator does or will require the assistance of the relative in the management of the existing commercial farming operation; and

4. The farm operator will continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

Notwithstanding ORS 92.010 to 92.190 or the minimum lot size under Section 301.8, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purposes of this Section, "foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(7)(a).

G. Accessory Farm Dwellings
A second or subsequent farm dwelling for year-round and seasonal farm workers may be allowed if each accessory farm dwelling meets all of the following:

1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;

2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling;

3. The primary farm dwelling to which the proposed dwelling would be accessory is located on a farm or ranch operation that is currently employed for farm use, as defined in Section 105, and that met one of the following:
   a. On land not identified as high-value farmland, the farm or ranch operation produced in the last two years or three of the last five years at least $40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
   b. On land identified as high-value farmland, the farm or ranch operation produced at least $80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
   c. It is located on a commercial dairy farm and:
      i. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
      ii. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and ORS 468B.200 to .230 and a Producer License for the sale of dairy products under ORS 621.072.

   A "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk:
      i. On land identified as high-value farmland, at least $80,000 in gross annual income; or
      ii. On land not identified as high-value farmland, at least $40,000 in gross annual income.

4. The accessory farm dwelling will be located:
   a. On the same lot or parcel as the primary farm dwelling; or,
   b. On the same tract as the primary farm dwelling if the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other lots and parcels in the tract; or,
   c. On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only a manufactured home and a deed restriction is recorded with the County Clerk requiring that the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain on the land when the land is conveyed to another party if the dwelling is re-approved as a

primary farm dwelling under Section 301.6(A), (B), (C), (D) or (E); or,

d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code, or similar types of farm labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. If approved under this subsection, a condition of approval will require that all accessory farm dwellings be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in size in the EFU A-1 or EFU A-2 zone or 160 acres in the Range Land zone and the lot or parcel complies with the gross farm income requirements of Section 301.6(B).

5. No land division may be approved for an accessory farm dwelling unless an application is made and approved converting the accessory farm dwelling to a primary farm dwelling under Section 301.6(A), (B), (C), (D) or (E), and both parcels satisfy the 80-acre or 160-acre minimum lot size requirement of Section 301.8.

6. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a nonfarm dwelling under Section 301.6(I).

7. For the purposes of this Section, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

H. Lot of Record Dwelling

1. A dwelling may be approved subject to the following:
   a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:
      i. Since prior to January 1, 1985; or
      ii. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;
   b. The tract on which the dwelling will be sited does not include a dwelling;

c. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;

d. The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, Zoning Ordinance and other provisions of law;

e. The lot or parcel on which the dwelling will be sited is not high-value farmland, except as provided in subsection (4) below;

f. When the lot or parcel on which the dwelling will be sited lies within a Wildlife Habitat Overlay Zone, the siting of the dwelling shall be consistent with the limitations on density upon which Section 321 is based;

g. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed; and

h. The lot or parcel on which the dwelling will be sited is at least ten (10) acres in size if in the RL zone, or at least two (2) acres in size in the EFU A-1 zone, except as provided in subsection (7) below.

2. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

3. When the County approves an application for a lot of record dwelling under this Section, the approval may be transferred by a person who has qualified under this Section to any other person after the decision is final.

4. Applications for lot of record dwellings on high-value farmland will be forwarded directly to the Planning Commission for a public hearing. Notwithstanding the requirements of subsection (1)(e), a single-family dwelling may be sited on high-value farmland if it meets the other requirements of this section and the Planning Commission determines that:

   a. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary"

circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, road, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;

b. The dwelling 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; and

c. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 301.6(I)(2).

5. The County shall provide notice of all applications for lot of record dwellings on high value farm land to the State Department of Agriculture at least 20 calendar days prior to the Planning Commission hearing.

6. For purposes of lot of record dwelling applications only, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:

   a. Submits a statement of agreement from the Natural Resources Conservation Service that the soil class, soil rating or other soil designation should be adjusted based on new information; or

   b. Submits a report from an ARCPACS certified soils scientist that the soil class, soil rating or other soil designation should be changed, and a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report and finds the analysis in the report to be soundly and scientifically based.

7. An application for a lot of record dwelling on a parcel less than ten (10) acres in size in the RL zone or less than two (2) acres in size in the EFU A-1 zone will be forwarded directly to the Board of Commissioners for a public hearing. The dwelling may be approved if it meets the other requirements of this section and the Board of Commissioners determines that the dwelling will not exceed the facilities and service capabilities of the area, including, but not limited to, road maintenance, law enforcement, school bus service and fire protection. If approved, a condition of approval may be imposed requiring the property owner to sign and record in the deed records for the County a document acknowledging that specified facilities and services will not be provided to the property by the County or other agency.

I. Nonfarm Dwelling

A single-family dwelling, not provided in conjunction with farm use, may be approved in the EFU A-2 zone or RL zone if the following standards are met. Nonfarm dwellings are not permitted in the EFU A-1 zone.

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

2. The dwelling and all amenities to serve the dwelling, including but not limited to a driveway and septic system, will be situated upon a lot or parcel, or portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.
   a. A lot or parcel, or portion of a lot or parcel, shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
   b. A lot or parcel, or portion of a lot or parcel, is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel, or portion of a lot or parcel, can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, then the lot or parcel, or portion of the lot or parcel, is not "generally unsuitable." A lot or parcel, or portion of a lot or parcel, is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel, or portion of a lot or parcel, is unsuitable for one farm use does not mean it is not suitable for another farm use; or
   c. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as part of forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest

practices or significantly increase the cost of those practices on the surrounding land;

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the area, the cumulative impact of possible new nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. To address this standard, the applicant shall:
   a. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
   b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under Section 301.9(B) or (C). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwelling under this subparagraph; and
   c. Determine whether approval of the proposed non-farm/lot-of-record dwellings, together with existing non-farm dwellings, will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

4. The dwelling will be situated on:

a. A lot or parcel lawfully created before January 1, 1993; or
b. A lot or parcel lawfully created on or after January 1, 1993, as allowed under Section 301.9(B) or (C);

5. The lot or parcel on which the dwelling will be located does not contain a dwelling; and

6. If in the RL zone, the lot or parcel on which the dwelling will be located is at least forty (40) acres in size.

7. Final approval shall not be granted and septic or building permits shall not be issued on a lot or parcel which is, or has been, receiving special assessment until evidence has been submitted that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308A.050 to 308A.128, or for other special assessment under ORS 308A.315, 321,257 to 321.381, 321.730, or 321.815, and that any additional taxes that have been imposed as a result of the disqualification have been paid. Final approval under this section will not change the date the County's decision becomes final or the permit expiration period under Section 301.7.

J. Replacement Dwelling

Alteration, restoration or replacement of a lawfully established dwelling may be approved subject to the following:

1. The lawfully established dwelling to be altered, restored, or replaced shall have:
   a. Intact, exterior walls and roof structure;
   b. Indoor plumbing including a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
   c. Interior wiring for interior lights; and,
   d. A heating system.

2. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

3. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this Section shall comply with all applicable siting standards of this Ordinance. However, such standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records of the County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of

release is placed in the deed records for the County. The release shall be signed by the County and shall state that the provisions of this Section regarding replacement dwellings have changed to allow the siting of another dwelling.

4. The dwelling being replaced shall not have been established as a temporary medical hardship dwelling. However, at such time as the hardship ends, the temporary dwelling may replace the permanent dwelling, provided the permanent dwelling is removed, demolished or converted to an allowable nonresidential use as required by subsection (2).

5. An accessory farm dwelling authorized pursuant to Section 301.6(G)(4)(c), may only be replaced by a manufactured dwelling.

6. Approval of a replacement dwelling is valid for the time period specified in Section 301.7(A). However, an applicant may request a deferred replacement permit to allow construction of the replacement dwelling at any time. If a deferred replacement permit is approved, the existing dwelling shall be removed or demolished within three months after the deferred replacement permit is issued or the permit becomes void. A deferred replacement permit may not be transferred, by sale or otherwise, except to the spouse or a child of the applicant.

K. Historic Dwelling Replacement
A replacement dwelling to be used in conjunction with farm use may be allowed provided the existing dwelling has been listed on the county inventory of historic property as defined in ORS 358.480 and is listed on the National Register of Historic Places.

L. Temporary Medical Hardship Dwelling
One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to the requirements of Section 422.3 and compliance with the approval criteria in Section 301.5.

301.7 Permit Expiration

A. Approval of a lot of record, nonfarm or replacement dwelling under Sections 301.6(H), (I) or (J) will be void four (4) years from the date of the final decision if the development has not been initiated. An extension of up to two (2) years may be granted pursuant to the provisions in subsection (C).

B. All other land use decisions approving dwellings and other uses in the EFU A-1, EFU A-2 and RL zones will be void two (2) years from the date of the final decision if development has not been initiated, or if the use has not been

established in cases where no new construction is proposed. An extension of up to 12 months may be granted pursuant to the provisions in subsection (C).

C. The County may grant an extension of the approval periods specified in subsections (A) and (B) provided:

1. The extension request is made in writing and is filed with the Community Development Department prior to the expiration of the original approval period;

2. The written request states reasons that prevented the applicant from beginning or continuing development within the approval period; and

3. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Additional one year extensions may be authorized where applicable criteria for the decision have not changed. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4.

301.8 Minimum Lot Size

The minimum size of a new parcel shall be 80 acres in the EFU A-1 and EFU A-2 zones, and 160 acres in the RL zone, except as allowed in Section 301.9. If the parcel is in a Wildlife Overlay Zone, the minimum parcel size requirements of Section 321 supersede this section if they require a larger minimum lot size. Compliance with the minimum parcel size does not mean that a dwelling is permitted outright on the parcel.

301.9 Land Divisions for Nonfarm Uses

A partition to create new parcels less than the minimum lot size specified in Section 301.8 may be approved for the nonfarm uses listed in this section, subject to all land division requirements of Chapter 7. If the parcel is in a Wildlife Overlay Zone, the minimum parcel size requirements of Section 321 supersede this section:

A. A new parcel may be created for any of the following nonfarm uses, provided the use has been approved by the County and the parcel created from the division is the minimum size necessary for the use:

1. A facility for the primary processing of forest products, as described in Section 301.3(A).
2. Commercial activities that are in conjunction with farm use, as described in Section 301.3(C).
3. Operations for the extraction and bottling of water, as described in Section 301.3(F).
4. Dog kennel, as described in Section 301.3(H).
5. Community center, as described in Section 301.3(K).
6. Living history museum, as described in Section 301.3(M).

7. The propagation, cultivation, maintenance and harvesting of aquatic or insect species, as described in Section 301.4(A).
8. Parks and playgrounds, as described in Section 301.4(B).
9. Private parks, playgrounds and hunting and fishing preserves, as described in Section 301.4(C).
10. Campground, as described in Section 301.4(D).
11. Golf course, as described in Section 301.4(E).
12. Personal use airport, as described in Section 301.4(G).
13. Commercial utility facility, as described in Section 301.4(H).
14. Transmission tower over 200 feet in height, as described in Section 501.4(I).
15. Operations conducted for mining and processing of geothermal resources, oil or gas, as described in Section 301.4(J).
16. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and subsurface resources, as described in Section 301.4(K).
17. Operations conducted for processing of aggregate into asphalt or Portland cement, as described in Section 301.4(L).
18. Operations conducted for processing other mineral and subsurface resources, as described in Section 301.4(M).
19. A site for the disposal of solid waste, as described in Section 301.4(O).

B. Up to two new parcels may be created in the EFU A-2 zone only (and not in the EFU A-1 or RL zones), each to contain a dwelling not in conjunction with farm use, if:
1. The nonfarm dwellings have been approved under Section 301.6(I);
2. The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001;
3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is more than 80 acres in size;
4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings will be at least 80 acres in size; and
5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

C. A lot or parcel in the EFU A-2 zone only (and not in the EFU A-1 or RL zones) may be partitioned into two parcels, each to contain one nonfarm dwelling if:
1. The nonfarm dwellings have been approved under Section 301.6(I);
2. The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001;
3. The parcels for the nonfarm dwellings will be divided from a lot or parcel that is between 40 and 80 acres in size;
4. The parcels for the nonfarm dwellings are:

a. Not capable of producing more than 20 cubic feet per acre per year of wood fiber; and
b. Either composed of at least 90 percent Class VII and VIII soils, or composed of at least 90 percent Class VI through VIII soils that are not capable of producing adequate herbaceous forage for grazing livestock.

5. The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
6. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

D. A new parcel which contains an existing dwelling may be created if the existing dwelling has been listed in a County inventory as historic property and is listed on the National Register of Historic Places.

E. A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels may be approved, provided that:
1. Any parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel; and
2. Any parcel created by the land division that does not contain a dwelling:
   a. Is not eligible for siting a dwelling, except as may be authorized in a state park under ORS 195.120;
   b. May not be considered in approving an application for siting any other dwelling;
   c. May not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space, or other natural resource use; and
   d. May not be smaller than 25 acres unless the purpose of the land division is:
      i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
      ii. To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
   e. As a condition of approval, the owner of any parcel not containing a dwelling shall sign and record in the county deed records an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of

relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 30.937.

F. A land division to create a parcel for a nonfarm use under subsections (A) through (E) of this Section shall not be approved unless any additional tax imposed for the change in use has been paid.

G. The following land divisions are prohibited:

1. Subdivisions.

2. A division for the purpose of creating a new parcel for an accessory farm help dwelling for relatives as described in Section 301.6(G).

3. A division to create a new parcel for a temporary medical hardship dwelling as described in Section 301.6(L).

4. A division that would have the effect of separating a farm crop processing facility from the farm operation that provides at least one-quarter of the farm crops processed at the facility, as described in Section 301.2(D).

5. A land division for the land application of reclaimed water, agricultural or industrial process water or biosolids, as described in Section 301.3(E).

6. A division for a guest ranch, or to separate a guest ranch from the dwelling of the person conducting the livestock operation, as described in Section 301.4(F).

H. This Section does not apply to the creation or sale of cemetery lots, if a cemetery was within the boundaries designated for a farm use zone at the time the zone was established, or to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.

301.10 Setback Requirements (minimum): Front – 30 feet, Side – 30 feet, Rear – 30 feet.

Section 303 - Forest Management (FM)

303.1 Purpose

The purpose and intent of the Forest Management Zone is to provide for timber production, harvesting, and related activities, and to help protect timber areas from fire, pollution, and encroachment of non-forestry activities. This zone is also intended to preserve and protect watersheds, scenic areas, and wildlife habitats, and to provide for recreational opportunities and agriculture.

303.2 Uses Permitted Outright

In a Forest Management Zone the following uses are permitted outright. However, any use involving the construction of a building must be reviewed by the Planning Director under the Administrative Review procedures of Section 903.4 for compliance with the siting standards in Section 303.7, the fire safety standards in Section 426 and any other requirements of this ordinance:

A. Management, propagation, and harvesting of forest products in conformance with the Oregon Forest Practices Act including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.

B. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

E. Farm use as defined in Section 105.

F. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.

G. Temporary portable facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable chipper, stud

mill, or other similar methods of initial treatment of a forest product in order to enable its shipment to market. The processing facility shall be located on the parcel on which the forest products are grown, or on a contiguous parcel.

H. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

I. Private hunting and fishing operations without any lodging accommodations.

J. Towers and fire stations for forest fire protection.

K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

L. Caretaker residences for public parks and public fish hatcheries.

M. Uninhabitable structures accessory to fish and wildlife enhancement.

N. Temporary forest labor camps.

O. Personal exempt wind energy facilities.

[O-037-10]

303.3 Uses Permitted Subject to Administrative Review
The following uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4, if found to comply with the approval criteria in Section 303.5, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.

A. Permanent facility for the primary processing of forest products.

B. Permanent logging equipment repair and storage.

C. Log scaling and weigh stations.

D. Television, microwave and radio communication facilities and transmission towers. Approval of a wireless communication tower is also subject to the requirements of Section 427

E. Fire stations for rural fire protection.

F. Aids to navigation and aviation.

G Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

H. Reservoirs and water impoundments. As a condition of approval, a written statement shall be recorded with the deed or written contract with the county which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

I. Cemeteries.

J. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.

K. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.

L. Home occupations, subject to the standards in Section 410. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

M. Expansion of existing airports.

N. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations. This use includes research and experimentation instituted and carried on by the State Board of Higher Education to aid in the economic development of the State of Oregon, to develop the maximum yield from the forest lands of Oregon, to obtain the fullest utilization of the forest resource, and to study air and water pollution as it relates to the forest products industries.

O. Small Wind Energy Systems subject to compliance with section 431 of this Ordinance.

[O-037-10]

303.4 Conditional Uses

In a Forest Management Zone, the following uses may be approved after review by the Planning Commission at a public hearing in accordance with the procedures in Section 903.5. In order to be approved, the use must comply with the criteria in Section 303.5 and Section 602, the siting standards in Section 303.7, the fire safety standards in Section 426 and any other applicable requirements of this ordinance.

A. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

B. Private parks and campgrounds. Recreational activities associated with a private park must be appropriate in a forest environment. Campgrounds in private parks shall comply with the following:

1. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.

2. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

3. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.

4. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. No more than one-third, or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

5. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites, except electrical service may be provided to yurts.

6. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

7. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

8. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

C. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head, subject to the standards in Section 411.

D. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under subsection (C), above, (e.g., compressors, separators and storage serving multiple wells), subject to the standards in Section 411.

E. Mining and processing of aggregate and mineral resources as defined in ORS Chapter 517. Approval **is** not subject to compliance with the criteria in Sections 303.5 and 602. All operations are subject to the standards in Section 411.

F. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR chapter 660, division 004.

G. Firearms training facility.

303.4 H. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

I. **A destination resort on property identified as destination resort-eligible by the County Comprehensive Plan subject to the standards in section 430 of this ordinance.**

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J. Private seasonal accommodations for fee hunting operations subject to the following requirements:

1. Accommodations shall be limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted; and

3. Accommodations shall be occupied only temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

K. Private accommodations for fishing occupied on a temporary basis subject to the following requirements:

1. Accommodations shall be limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

2. Only minor incidental and accessory retail sales are permitted;

3. Accommodations shall be occupied only temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

4. Accommodations must be located within 1/4 mile of fish bearing Class I waters.

5. As a condition of approval, a written statement shall be recorded with the deed or written contract with the County Clerk which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

L. Youth camps. A youth camp is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Youth camps shall comply with the following:

1. The number of overnight camp participants that may be accommodated shall be determined by the Planning Commission or Board of Commissioners, but shall not exceed overnight accommodations for more than 350 youth camp participants, including staff. However, if requested in the application and approved by the County, the number of overnight participants may exceed the approved number for up to eight (8) nights during the calendar year.

2. Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

3. A campground as described in Section 303.4(B) shall not be established in conjunction with a youth camp.

4. A youth camp shall not be allowed in conjunction with an existing golf course.

5. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

6. The youth camp shall be located on a lawfully created parcel that is:
   a. At least 80 acres;
   b. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography,

geographic features and any other characteristics of the proposed site for the youth camp, as well as the number of overnight participants and type and number of proposed facilities;

c. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f); and

d. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the County determines that a proposed lesser setback will:

   i. Prevent conflicts with commercial resource management practices;

   ii. Prevent a significant increase in safety hazards associated with vehicular traffic; and

   iii. Provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

7. A youth camp may include the recreational, cooking, eating, bathing, laundry, sleeping, administrative and other facilities listed in OAR 660-006-0031(6). A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the property.

8. A fire safety protection plan that includes the following shall be developed for the youth camp:

   a. Fire prevention measures;

   b. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire; and

   c. On-site pre-suppression and suppression measures. At a minimum, the on-site fire suppression capability shall include:

      i. A 1,000 gallon mobile water supply that can access all areas of the camp;

      ii. A 30-gallon per minute water pump and an adequate amount of hose and nozzles;

      iii. A sufficient number of fire fighting hand tools; and

      iv. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

   d. An equivalent level of fire suppression facilities may be approved if the camp is within an area protected by the Oregon Department of Forestry (ODF). The equivalent capability shall be based on the ODF Wildfire Hazard Zone rating system, the response time of the

effective wildfire suppression agencies, and consultation with ODF personnel.

e. The on-site fire suppression measures in (c) may be waived if the youth camp is within a fire district that provides structural fire protection and the fire district indicates in writing that on-site fire suppression at the camp is not needed.

303.5 Approval Criteria

Uses listed in Sections 303.3 and 303.4 may be approved if they comply with the following criteria:

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and

B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

303.6 Dwellings

A dwelling may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the criteria in this section, the siting standards in Section 303.7, the fire safety standards in Section 426, and any other applicable requirements of this ordinance.

A. Alteration, restoration or replacement of a lawfully established dwelling may be approved if the existing dwelling meets all of the following:

1. Has intact exterior walls and roof structures;

2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

3. Has interior wiring for interior lights;

4. Has a heating system; and

5. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

6. A temporary medical hardship dwelling may not be replaced. However, at such time as the hardship ends the temporary dwelling may replace the permanent dwelling provided the permanent dwelling is removed, demolished or converted to an allowable nonresidential use as required in subsection (5).

B. Temporary Medical Hardship Dwelling.
A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling, may be approved as a temporary use for the term of a hardship suffered by the existing resident or a relative, subject to compliance with Section 422.3 and the following:

1. The dwelling complies with the approval criteria in Section 303.5; and

2. As a condition of approval, a written statement shall be recorded with the deed or written contract with the county which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

C. Large Tract Forest Dwelling
A large tract dwelling may be approved if all of the following criteria are met:

1. The dwelling will be sited on a tract:
   a. Of at least 240 contiguous acres; or
   b. Of at least 320 noncontiguous acres that are under the same ownership, are located in Jefferson County or adjacent counties, and are zoned for forest use.

   A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

2. The tract on which the dwelling will be sited does not currently include a dwelling;

3. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and

4. No dwellings will be allowed on other lots or parcels that make up the tract under subsection (1)(a), or on the noncontiguous parcels that were used to meet the acreage requirement in subsection (1)(b). Irrevocable deed restrictions precluding all future rights to construct a dwelling on the other lots or parcels that make up the tract or to use the noncontiguous parcels to total acreage for future siting of dwellings for present and any future owners shall be recorded with the deed for each lot and parcel. The deed restrictions shall remain in effect until the parcels are no longer subject to protection under the goals for agricultural lands or forest lands.

D. Lot of Record Dwelling
A lot of record dwelling may be approved if all of the following criteria are met:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (2) below:
   a. Since prior to January 1, 1985; or
   b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985;

2. For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in- law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members;

3. The tract on which the dwelling will be sited does not include a dwelling;

4. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling currently exists on another lot or parcel that was part of that tract;

5. The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species;

6. The tract on which the dwelling will be sited is located within 1,500 feet of a maintained public road that is either paved or surfaced with rock. The road shall not be a U.S. Bureau of Land Management (BLM). The road shall not be a U.S. Forest Service (USFS) road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the USFS and landowners adjacent to the road, a local government or a state agency;

7. When the lot or parcel on which the dwelling will be sited lies within a designated big game habitat area, the siting of the dwelling shall be consistent with the standards in Section 321;

8. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law;

9. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel.

10. No dwellings shall be allowed on the other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct

a dwelling on the other lots or parcels that make up the tract or to use the lot or parcel to meet acreage requirements for future siting of a dwelling for present and any future owners, unless the tract is no longer subject to protection under the goals for agricultural lands or forest land, shall be recorded with the deed for each lot and parcel; and

11. If the dwelling is approved, the approval may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.

E. Forest Template Dwelling

A forest template dwelling may be approved if all of the following criteria are met:

1. The tract on which the dwelling will be sited does not include a dwelling;

2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:
   a. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber and all or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels;
   b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber and all or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels; or,
   c. Capable of producing more than 50 cubic feet per acre per year of wood fiber and all or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
   d. Lots or parcels within an urban growth boundary shall not be used to satisfy the eligibility requirements under this subsection.

3. If the tract on which the dwelling will be sited abuts a road that existed on January 1, 1993, the measurement required by subsection (2) above may be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible aligned with the road;

4. If the tract on which the dwelling will be sited is 60 acres or larger and abuts a road or perennial stream, the measurement required by subsection (2) above shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible aligned with the road. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
   a. Be located within the 160-acre rectangle; or
   b. Be within one-quarter (¼) mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
   c. A dwelling is considered to be in the 160-acre rectangle if any part of the dwelling is in the rectangle.

5. If a road crosses the tract on which the dwelling will be sited, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling;

6. The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law; and

7. No dwellings will be allowed on other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the lots or parcels that make up the tract or to use the tract to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under the goals for agricultural lands or forest lands shall be recorded with the deed for each lot and parcel.

303.7 Siting Standards:

The following siting standards shall apply to all new dwellings and structures in the Forest Management zone. The standards are designed to make uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards shall not be used to deny a structure that would otherwise be allowed, but shall be considered to identify the most appropriate building site. Replacement dwellings and accessory structures that will be located within 100 feet of the existing dwelling are presumed to comply with the siting standards.

A. Dwellings and structures shall be sited on the parcel so that:

1. They have the least impact on nearby or adjoining forest or agricultural lands;

2. Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

4. The risks associated with wildfire are minimized.

B. Criteria in section (A) may be met through setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

C. The applicant must provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR Chapter 629). For purposes of this section, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

2. A water use permit issued by the Water Resources Department for the use described in the application if water will be obtained from a stream, creek, river, lake or other surface water source; or

3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

D. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of an easement or long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

E. If the lot or parcel is more than 30 acres, a condition of approval for a dwelling will require the following:

1. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules. The Community Development Department will notify the county assessor of the above condition at the time the dwelling is approved;

2. The property owner shall submit a stocking survey report to the county assessor. The Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor will inform the Department of Forestry if the survey report indicates that minimum stocking requirements have not been met.

3. Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

F. As a condition of approval for a dwelling, the owner shall sign and record in the deed records for the county the following declaration:

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this deed declaration, or the acceptance and recording of this instrument, that the property herein described is situated on or near farm and or forest land, and as such may be subject to common, customary, and accepted agricultural and forest practices, which ordinarily and necessarily may produce noise, dust, smoke, and other types of visual, odor, and noise pollution. This deed declaration binds the land owner and the land owner's successors in interest, prohibiting them from pursuing a claim for relief or 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."

303.8 Permit Expiration

A. Approval of a permanent dwelling in the Forest Management zone will be void four (4) years from the date of the final decision if development has not been initiated. An extension of up to two (2) years may be granted pursuant to the provisions in subsection (C).

B. A decision approving a temporary medical hardship dwelling or any other administrative or conditional use in the Forest Management zone is void two (2) years from the date of the final decision if development has not been initiated, or if the use has not been established in cases where no new construction is proposed. An extension of up to 12 months may be granted pursuant to the provisions in subsection (C).

C. The County may grant an extension of the approval periods specified in subsections (A) and (B) provided:

1. The extension request is made in writing and is filed with the Community Development Department prior to the expiration of the original approval period;

2. The written request states reasons that prevented the applicant from beginning or continuing development within the approval period; and

3. The County determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Additional one year extensions may be authorized where applicable criteria for the decision have not changed. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4.

303.9 Minimum Parcel Size

The minimum parcel size in the Forest Management zone is 80 acres or one-eighth Section, except as specified in this Section. If the parcel is in a Wildlife Overlay Zone, the minimum lot size requirements in Section 321 supersede this section if they require a larger minimum lot size. Land divisions to create new parcels less than the 80 acre minimum parcel size may be approved subject to the requirements and procedures of Chapter 7 and compliance with the following standards:

A. A new parcel may be created for the following uses, provided that the use has been approved by the County and the parcel created from the division is the minimum size necessary for the use:
   1. Permanent facility for the primary processing of forest products, as described in Section 303.3(A).
   2. Permanent logging equipment repair and storage, as described in Section 303.3(B).
   3. Log scaling and weigh station, as described in Section 303.3(C).
   4. Television, microwave and radio communication facilities and transmission towers, as described in Section 303.3(D).
   5. Fire station, as described in Section 303.3(E).
   6. Aids to navigation and aviation, as described in Section 303.3(F).
   7. Water intake facilities, related treatment facilities, pumping stations, and distribution lines, as described in Section 303.3(G).
   8. Reservoirs and water impoundments, as described in Section 303.3(H).
   9. Cemetery, as described in Section 303.3(I).
   10. Disposal site for solid waste, as described in Section 303.4(A).
   11. Private parks and campgrounds, as described in Section 303.4(B).
   12. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, as described in Section 303.4(C).
   13. Mining and processing of oil, gas, or other subsurface resources, as described in Section 303.4(D).

14. Utility facilities for the purpose of generating power, as described in Section 303.4(F).
15. Firearms training facility, as described in Section 303.4(G).
16. Public parks, as described in Section 303.4(H).
17. Residential lots in a destination resort, as described in Sections 303.4(I) and 430.

B. A new parcel may be created for an existing dwelling provided:

1. The new parcel shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten acres;

2. The dwelling existed prior to June 1, 1995; and

3. The remaining parcel, not containing the dwelling:
   a. Meets the 80 acre minimum lot or parcel size, or is consolidated with another parcel and together the parcels meet the minimum lot size; and
   b. Is not entitled to a dwelling unless subsequently authorized by law or goal.

4. The applicant for a division under this subsection shall provide evidence that a restrictive deed declaration on the remaining parcel not containing the dwelling has been recorded with the Jefferson County Clerk. The restriction shall prohibit a dwelling on the parcel, unless authorized by law or goal. The restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to Statewide Planning Goals pertaining to agricultural land or forest land.

C. A new parcel may be created to facilitate a forest practice as defined in ORS 527.620. Approval shall be based on findings which demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the 80 acre minimum lot or parcel size in order to conduct the forest practice. Parcels created pursuant to this subsection:

1. Shall not be eligible for siting of a new dwelling;

2. Shall not serve as justification for the siting of a future dwelling on other lots or parcels;

3. Shall not, as a result of the land division, be used to justify rezoning of resource lands; and

4. Shall not result in a parcel of less than 35 acres, unless:
   a. The purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or,
   b. The purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.

5. If associated with the creation of a parcel where a dwelling is involved, the division shall not result in a parcel less than 80 acres, or 160 acres if the dwelling was approved as a large tract forest dwelling under subsection 303.6(C).

D. When there is more than one dwelling on a parcel, a new parcel may be created for each dwelling if the following requirements are met

1. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

2. Each dwelling complies with the standards for a replacement dwelling pursuant to subsection 303.6(A);

3. Except for one lot or parcel, each lot or parcel created will be between two and five acres in size;

4. At least one dwelling will be located on each lot or parcel;

5. None of the dwellings were approved under a land use regulation that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; and

6. The applicant shall provide evidence that a restrictive deed declaration has been recorded with the County Clerk prohibiting the landowner and the land owner's successors in interest from further dividing the lot or parcel. The restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the Director indicating that the Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to Statewide Planning Goal 4 (Forest Lands) or unless the land division is subsequently authorized by law or by a change in Statewide Planning Goal 4.

E. A land division to create two parcels for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels may be approved, provided that:

1. The parcel created by the land division that is not sold to a provider of public parks or open space, or a not-for-profit land conservation organization must comply with the following:
   a. If the parcel contains a dwelling or another use allowed under ORS 215, the parcel must be large enough to support continued residential use or other use allowed on the parcel; or
   b. If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized in a state park under ORS 195.120, or as may be authorized under Section 303.6, based on the size and configuration of the parcel.

2. As a condition of approval before the final plat is signed, the provider of public parks or open space, or not-for-profit land conservation organization shall record with the County Clerk an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from establishing a dwelling on the parcel or developing the parcel for any use not authorized in the FM zone except park or conservation uses.

3. As a condition of approval, if the land division results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the final plat is signed.

F. A landowner granted approval of a land division under subsections (A) through (E) shall sign a statement that shall be recorded with the County Clerk, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

303.10 Setback Requirements:

A. In the Forest Management Zone, the minimum setback from all property lines shall be 40 feet. However, a larger setback may be required to comply with the siting standards in Section 303.7 and the fire safety standards in Section 426.

B. Stream Setbacks: All residences, buildings or similar permanent fixtures shall be set back from streams or lakes in accordance with the standards in Section 419.

Section 304 - Rural Residential (RR-2, RR-5, RR-10, RR-20)

Purpose: The Rural Residential (RR) Zones are intended to provide for low-density rural residential home-sites in sparse settlements in an open space environment. RR zones provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources.

In RR Zones, the following regulations shall apply:

A. Uses Permitted Outright.
The following uses and their accessory uses are permitted outright:

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Crop cultivation or farm gardens.

3. Raising of livestock, subject to Section 407.

4. Day Care Home.

5. Residential homes.

6. Limited Home Occupation, pursuant to Section 410.1.

7. Non-residential accessory buildings 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.

8. **Notwithstanding the language in subsection 7 above, on rural residentially zoned land within 2 miles of Lake Billy Chinook, Lake Simtustus, and the associated river arms as identified on Exhibit A at the end of this section, storage facilities for the personal use of the owner(s) of the subject property.**

~~8~~**9.** Personal exempt wind energy facilities. The wind energy system's manufacturer's sound level estimate shall be in compliance with noise regulations established by the Oregon Department of Environmental Quality in OAR Chapter 340, Division 35.

[O-037-10]

B. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.

3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

C. Conditional Uses

The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Public buildings, structures and uses

2. Church, grange, cemetery, community center, school and similar uses.

3. Day Care Facility.

4. Golf Course.

D. Minimum Lot Size:

1. The minimum lot size for new parcels shall be 2 acres in the RR-2 zone.
2. The minimum lot size for new parcels shall be 5 acres in the RR-5 zone.
3. The minimum lot size for new parcels shall be 10 acres in the RR-10 zone.
4. The minimum lot size for new parcels shall be 20 acres is the RR-20 zone.

E. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.

F. Height Requirements: The maximum structure height shall be 35 feet, except as authorized by Section 504.

G. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

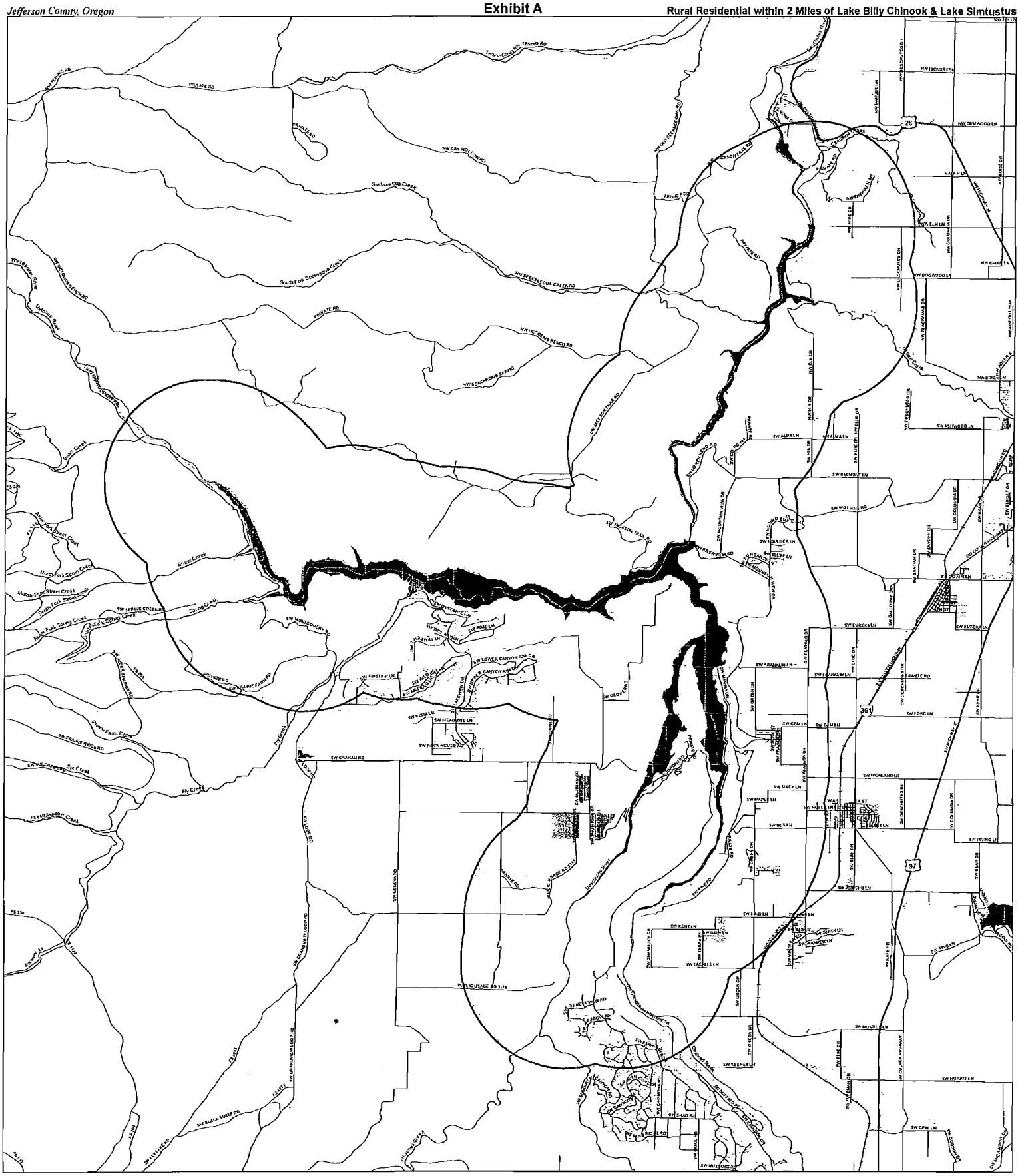
H. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

0-074-10

Jefferson County, Oregon

Exhibit A

Rural Residential within 2 Miles of Lake Billy Chinook & Lake Simtustus



O-074-10

Section 318 - Crooked River Ranch Residential Zone (CRRR)

A. Uses Permitted Outright:
The following uses and their accessory uses are permitted outright.

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Crop cultivation or farm gardens.

3. Public Parks.

4. Residential Home.

5. Day Care Home.

6. Raising of Livestock, subject to compliance with the standards in Section 407.

7. Limited Home Occupation, pursuant to Section 410.1.

8. Non-residential accessory buildings 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.

B. Administrative Uses:
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary Medical Hardship Dwelling, subject to Section 422.3.

3. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

4. Personal exempt wind energy system subject to the notification requirements in section 431.3A of this ordinance.

[O-037-10]

C. Conditional Uses:

The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the conditional use criteria in Section 602:

1. Church, grange, cemetery, community center, school and similar uses.

2. Public buildings, structures and uses.

3. Day care facility, rest homes, or nursing homes.

D. Occupancy of Recreational Vehicles

1. Seasonal occupancy of a Recreational Vehicle on a vacant parcel by the property owner or an invited guest is permitted to continue as a nonconforming use, provided:

   a. A septic permit was issued and an onsite septic system was installed prior to July 8, 1994;

   b. An RV permit was issued by the County; and

   c. The use has not been discontinued for a period of more than one year.

2. For purposes of this section, "seasonal" means a period of six months or less in any calendar year.

3. Seasonal occupancy of a Recreational Vehicle is considered to be a nonconforming residential use of the property, which shall end when a permanent residence is placed on the property.

4. **One month after receiving a Certificate of Occupancy for a permanent residence, the property owner must decommission the connection from the Recreational Vehicle to the septic tank and remove all permanent electrical and other utility hookups from the seasonal RV.**

E. Riparian Protection Standards:
All structures and uses shall comply with the riparian protection standards of Section 419, if applicable, including the requirement that buildings within one-half mile of a state scenic waterway or federal wild and scenic river be finished in natural wood or earth tone colors if the building will be visible from the river.

F. Minimum Lot Size: Minimum lot size for new lots and parcels shall be ten (10) acres.

G. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.
Rim setback distance shall be in accordance with the standards in Section 412

H. Height Requirements: No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height, except as authorized by Section 504.

I. Fire Safety Standards: All new construction shall comply with the fire safety standards in Section 426.

J. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

[O-XXX-10]

Section 319 - Three Rivers Recreation Area Zone (TRRA)

In a TRRA Zone, the following regulations shall apply:

A. Uses Permitted:
The following uses and their accessory uses are permitted on any parcel in the TRRA zone:

1. One single-family dwelling or a manufactured home subject to Section 408.

2. Seasonal RV and/or tent camping, subject to installation of a septic system or vault toilet and gray water sump constructed to Department of Environmental Quality standards. **However, one month after receiving a Certificate of Occupancy for a permanent residence, the property owner must decommission the connection from the Recreational Vehicle to the septic tank and remove all permanent electrical and other utility hookups from the seasonal RV.**

3. ~~Individual on-site RV storage facility~~**Storage facilities for the personal use of the owner(s) of the subject property.**

4. Day care home.

5. Limited Home Occupation, pursuant to Section 410.1.

6. Non-residential accessory buildings 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.

7. Raising of livestock, subject to compliance with the standards in Section 407 and the fencing standards in Section 321.4.

8. Personal exempt wind energy system.

[O-037-10, O-XXX-10]

B. Uses Permitted in Common Area.
The following uses and their accessory uses are permitted in common areas owned by the Three Rivers Recreation Area Homeowners Association:

1. RV dumping/waste disposal facility.

2. Park, playground, golf course and similar community recreational facilities, including accessory uses such as a concession stand.

3. Community fire station.

4. Gate house.

5. Laundromat.

C. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Home Occupation, subject to compliance with the standards and criteria in Section 410.

2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.

2. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.

3. Small Wind Energy System subject to the requirements of section 431.

[O-037-10]

D. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602:

1. Public buildings, structures and uses.

2. Church, grange, cemetery, community center, school and similar uses.

3. Airport.

4. **Multiple RV storage facility on Community owned property.**

[O-XXX-10]

E. Minimum Lot Size: The minimum lot size for new lots shall be five (5) acres.

F. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet.
Rim setback distance shall be in accordance with the standards in Section 412.

G. Riparian Protection Standards: All structures and uses shall comply with the riparian protection standards of Section 419, if applicable.

H. Fire Protection Standards: All new construction shall comply with the fire safety standards in Section 426.

I. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

J. Exterior Building Materials: Exterior walls, trim and roof on any building within ½ mile of Lake Billy Chinook shall be finished in a non-reflective, flat tone in earth colors to blend with the surrounding landscape.

Section 321 - Wildlife Area Overlay Zone - (WA)

321.1 Purpose:

The purpose of the Wildlife Area Overlay Zone (WA) is to conserve important wildlife areas in Jefferson County; to protect an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

321.2. Applicability

A. The provisions of this section apply to the areas identified on the Jefferson County Zoning Map as the Metolius Deer Winter Range, Metolius Elk Winter Range, Grizzly Deer Winter Range, Grizzly Elk Winter Range and the Grizzly Antelope Winter Range.

B. In a WA Zone, the requirements and standards of this section apply in addition to the requirements of the underlying zone.

321.3 Minimum Lot Size

The minimum lot size for new lots and parcels in a WA zone shall be as follows, unless the underlying zone requires a larger minimum lot size:

A. In the Metolius Deer and Elk Winter Range and Grizzly Deer and Elk Winter Range the minimum lot size shall be 160 acres. [Ord. 0-160-08]

B. In the Grizzly Antelope Winter Range the minimum lot size shall be 320 acres.

C. Unincorporated communities are exempt from the minimum lot sizes of the Wildlife Area Overlay Zone.

321.4 Fencing Standards

A. Fences in the WA zone, except as specified in subsection (B), shall comply with the following standards unless evidence is submitted that the Oregon Department of Fish and Wildlife (ODFW) has approved an alternative design:

1. The distance between the ground and bottom strand or board of the fence shall be at least 18 inches.

2. The height of the fence shall not exceed 42 inches above the ground level.

B. Exemptions:

1. Fences encompassing less than 10,000 square feet, which surround or are adjacent to residences or structures.

2. Corrals used for working livestock.

321.5 ~~Building Location~~ **Approval Criteria for Dwellings:**

A. New **dwellings and their accessory** buildings ~~and structures~~ in the WA zone shall be located entirely within 300 feet of at least one of the following, except as provided in (B):

1. An existing lawfully established dwelling that existed as of August 31, 1995; or

2. A public road or county-approved private road that existed as of August 31, 1995; or

3. A driveway that existed as of August 31, 1995 that provides the primary access to an existing dwelling either on the same parcel or on another parcel.

~~**B. Dwellings and structures shall be located near each other and existing roads, as specified in Section 321.5;**~~

~~**C. Development shall be located to avoid habitat conflicts or adverse impacts to cover, forage or access to water;**~~

~~**D. Road and driveway development shall be the minimum necessary to support the use.**~~

~~**B**~~**EB**. A **new dwelling or its accessory** building may be placed in a location that does not comply with the standards in (A) if ODFW agrees with the proposed development and if the applicant can demonstrate that ~~the~~ **big game winter range** habitat values and migration corridors are afforded equal or greater protection through a different development pattern.

C. Considering the locations for new dwellings and their accessory buildings allowed under paragraphs A and B of this section, the proposed development shall have minimal adverse impact on big game winter range habitat based on the following factors:

1. New dwellings and structures shall be clustered with one another;
2. Development shall be located to avoid conflicts with big game winter range habitat or adverse impacts to cover, forage or access to water;
3. Road and driveway development shall be the minimum necessary to support the use.

321.6 Approval Criteria for ~~Other~~ Development **Other than Dwellings:**

A. When the requirements of the underlying zone require that a land use application be submitted for a proposed use **other than a dwelling**, the application shall also be subject to compliance with the criteria in this section. The ~~land use decision shall contain findings that the~~ proposed development ~~will~~ **shall** have minimal adverse impact on big game winter range habitat based on **the following factors**:

1. ~~Dwellings and~~ sStructures shall be located near each other and existing roads, as specified in Section 321.5;

2. Development shall be located to avoid habitat conflicts or adverse impacts to cover, forage or access to water;

3. Development shall be located to utilize the least valuable habitat areas on the parcel;

4. Road and driveway development shall be the minimum necessary to support the use.

B. ODFW will be notified of any application that is subject to the requirements of this section, and will be given 30 days to provide comments. If ODFW indicates that habitat will be adversely affected by the proposed development, the property owner shall provide ODFW and Jefferson County with a management plan to protect habitat values. ~~The application shall not be approved unless ODFW has approved the management plan.~~ **County approval of the application does not guarantee compliance with ODFW standards and criteria. The applicant is encouraged to obtain ODFW approval for such management plans prior to submitting land use applications to Jefferson County.**

C. Reasonable conditions may be placed on the proposed use in order to ensure that it will not destroy wildlife habitat or result in abandonment by the protected wildlife of the area.

321.7 Waiver of Remonstrance

Prior to issuance of building permits for a new dwelling in a WA Zone, the property owner(s) shall sign and record in the County deed records a Waiver of Remonstrance and Agreement acknowledging that the property is located in a wildlife habitat area, and agreeing that current and future land owners will hold Jefferson County and ODFW harmless for any wildlife damage to the property, including damage to any landscape and gardens.

Section 323 – Urban Reserves Area Overlay Zone – (URA)

323.1 Purpose

The urban reserve area contains lands that have been identified for future inclusion in the urban growth boundary and eventual annexation and development for urban uses. The purpose of the Urban Reserve Area (URA) Overlay Zone is to protect land within the urban reserve area from patterns of development that would impede future urbanization.

323.2 Applicability

A. The provisions of this section apply to urban reserve areas as identified on the Jefferson County Plan and Zoning Map. These provisions shall remain in effect until such time as the land is included in the urban growth boundary.

B. In the URA Zone, the requirements and standards of this section apply in addition to the requirements of the underlying zone. Where there is a conflict between regulations, the more restrictive shall apply.

323.3 Prohibited Uses

A. ~~Zoning Map amendments to change the zoning of nonresource land or land in an exception area if the amendment would allow more intensive uses or higher residential density.~~ **Plan or Zoning Map amendments to change the zoning of land in an urban reserve area to a zone with a minimum lot size of less than ten acres.**

B. Exploration, processing, mining, crushing or stockpiling of aggregate and other mineral and subsurface resources.

C. Hunting and fishing preserves.

D. Campgrounds.

E. Personal use airport for airplanes and helicopter pads.

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

G. Solid waste disposal sites.

[Ord. O-129-09, **Ord. O-XXX-10**]

323.4 Minimum Lot Size

The minimum lot size for new lots and parcels in a URA Zone shall be ten (10) acres except when the underlying zone requires a larger minimum.

323.5 Development Regulations

The following development regulations apply to new buildings, dwellings, and accessory structures on parcels created after the effective date of the adoption of an Urban Reserve Area. Accessory structures, for the purpose of this section, are defined as permanent buildings with concrete base foundations, whose size is determined by foundation measurements and not structural extensions beyond the foundation footprint. Accessory structures and uses do not include pump houses, drain fields, livestock shelters, or structures with foundations consisting only of block or perimeter footings.

A. New dwellings and accessory buildings shall be clustered within an area not exceeding ½ acre (21,780 square feet) of the lot or parcel **unless a variance is approved in accordance with Section 508**.

~~B. New buildings, structures and other improvements shall be sited on lots and parcels in a location and manner consistent with any approved Conversion Plan for the area.~~

~~C~~**B**. Development shall be sited in a manner that will not interfere with the creation of ~~new transportation facilities~~ or the extension of existing roads or utilities ~~or those~~ shown in an adopted Transportation System Plan, ~~Urban Reserve Area~~ **Conversion** Plan or public facility plan for the area. ~~When a new or extended road is proposed in an adopted Transportation System Plan or Urban Reserve Area Plan, buildings and structures shall be set back at least 50 feet from the identified or most likely location of the road right of way~~. **New buildings and accessory structures shall be sited with setbacks according to road classification and the requirements cited in the table below.**

Road Classification	**Minimum ROW**	**Minimum Setback from ROW**
Minor Arterial	80 feet	Per Existing Underlying Zone
Major Collector	72 to 80 feet	Per Existing Underlying Zone
Minor Collector	60 to 72 feet	Per Existing Underlying Zone
Future Urban Road	60 feet	City Standards
Existing Local Road	50 feet	Per Existing Underlying Zone
Future Local Road (shown in Conversion Plan)	50 feet	20 feet

[Ord. O-180-08, Ord. O-129-09, **Ord. O-XXX-10**]

Section 406 - Sign Regulations

406.1 Regulations for all Signs

The following regulations shall apply to any sign erected, moved, or altered after adoption of this Ordinance. Official traffic control signs and instruments of the state, county, or municipality are exempt from all provisions of this Section.

A. All outdoor advertising signs shall be in compliance with the provision of ORS Chapter 377 when applicable.

B. No outdoor advertising sign permitted by ORS 377 shall be erected within 100 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.

C. No sign shall be placed in a manner that will interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.

D. No sign shall cause glare, distraction or other driving hazards, or by position, shape, color or other characteristic be similar to any traffic signal.

E. Light from a sign shall be directed away from roads and adjacent parcels. The light source shall be shielded to illuminate downward and the light source shall not be visible beyond the property line or parcel on which the sign is located. No sign may incorporate a bare incandescent bulb with wattage exceeding 20 watts, except as a shielded indirect light source. Illuminated signs require an electrical permit.

F. Sign structures may be placed within the required setbacks from property lines provided they comply with the vision clearance standards of Section 403, but may not be placed within or overhang a dedicated right-of-way unless a permit approving the location has been issued by the Oregon Department of Transportation or County Public Works Department.

G. No sign may be situated in a manner that results in the blanketing of an existing sign.

406.2 Prohibited Signs

The following types of signs are allowed in commercial, industrial and service community zones, but are prohibited in all other zones:

A. Moving or flashing signs or signs which incorporate video or fiber optic displays or other mediums that display changing or moving text or images.

B. Anchored balloon or other inflatable signs.

C. Roof-mounted signs.

406.3 Sign Size Standards

Sign area shall be calculated based on the overall dimensions of all panels that display messages. When the sign message is not mounted on a panel, the sign area shall be calculated by drawing a regular geometric shape around the message area. For signs that are incorporated into murals, awnings and similar architectural features, only the portion of the sign considered to contain a message will be calculated as sign area. Signs shall meet the following size standards:

A. Free-standing signs shall not exceed 35 feet or the height limit of the zone, whichever is less.

B. Signs mounted above an entrance to a building shall have a minimum ground clearance of eight feet.

C. Building-mounted signs shall not extend more than one foot above the exterior wall of the building.

D. Temporary signs that are 32 square feet or smaller are permitted in any zone.

E. In the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land, Forest Management, Park Management, Blue Lake, and Three Rivers Recreation Area Waterfront zones, one or more signs with a combined total area not exceeding 32 square feet are permitted on any tract. No more than one free-standing sign is permitted per parcel.

F. In the County Commercial, County Industrial, Airport Management, and Crooked River Ranch Commercial zones, one or more signs with a combined total area not exceeding 300 square feet are permitted on any parcel. No individual sign shall exceed 150 square feet in area. No more than one free-standing sign is permitted per parcel.

G. In all other zones not specified in ~~(F)~~ **(E)** and ~~(G)~~ **(F)** except the Camp Sherman Rural Center and Camp Sherman Vacation Rental zones, one or more signs with a combined total area not exceeding eight square feet are permitted on any parcel.

Section 343 - Camp Sherman Rural Residential Zones (CSRR-3, CSRR-5)

Purpose: The purpose of Camp Sherman Rural Residential (CSRR) Zones is to establish minimum development standards for single family dwellings and duplexes and for selected service and support uses, in order to assure continuation of the rural character and companion rural service levels, all in harmony with the unique environmental character of the area.

A. Permitted Uses: The following uses and their accessory uses are permitted outright in the CSRR-3 and CSRR-5 zones, subject to compliance with applicable standards of this section:

1. Single Family Dwelling or a manufactured home subject to Section 408

2. Duplex, on a parcel at least five acres in size in the CSRR-3 zone or at least eight acres in size in the CSRR-5 zone.

3. Crop cultivation or farm gardens.

4. The raising of livestock, subject to Section 407.

5. Residential Home.

6. Limited Home Occupation, pursuant to Section 410.1.

7. Non-residential accessory buildings 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.

B. Administrative Uses:
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:

1. Temporary medical hardship dwelling subject to compliance with the standards and criteria in Section 422.3.

C. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602, the Site Plan Review standards in Section 414 and other standards in this section:

1. Community hall, limited to 2,400 square feet of building floor area.

2. Fire station.

D. Minimum Lot Sizes.

1. The minimum lot size in the CSRR-3 zone shall be three (3) acres.

2. The minimum lot size in the CSRR-5 zone shall be five (5) acres.

3. Any new subdivision shall be a Planned Unit Development in accordance with the requirements of Section 710. At least 50 percent of the Planned Unit Development shall be dedicated as open space.

E. Setback Requirements: The minimum building setback shall be 30 feet front and 15 foot side and rear.

F. Fencing: Fencing shall comply with the standards in Section 404, except sight-obscuring fences shall be limited to those needed to screen outdoor storage areas not exceeding 400 square feet per site, and shall be set back at least 50 feet from the front lot line and 20 feet from side and rear lot lines.

G. Riparian setback: **New** ~~D~~**d**evelopment and structures shall comply with the riparian protection standards of Section 419, if applicable, ~~with the exception~~ **provided** that **except as allowed by subsections 419.2 through 419.5,** the setback shall be 100 feet from the top of bank of a river, stream or other natural water body. **Alterations, replacement and remodels of existing structures within the 100-foot setback are subject to Section 501.6 and 419 of this ordinance.**

H. Height Requirements. No building or structure shall be erected or enlarged to exceed twenty-five (25) feet in height, except as authorized by Section 504

I. Building Appearance:

1. The exterior walls, roof and trim on any building shall be finished in non-reflective, flat tones in earth or forest colors to blend with the surrounding landscape.

2. All buildings shall have a minimum 3:12 roof pitch.

J. Fire safety: All development shall comply with the fire safety standards in Section 426.

K. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.

CHAPTER 4
SUPPLEMENTARY PROVISIONS

Section 401 – Access

401.1 Minimum Access Requirement
Evidence of legal access providing physical ingress and egress that meets the emergency vehicle access standards of Section 426.2(E) is required prior to issuance of building or septic permits. Access shall be provided by one of the following means:

A. A driveway connecting via direct parcel frontage to a public road, a nonconforming private road or private road in a destination resort, a Bureau of Land Management (BLM) road, or U. S. Forest Service (USFS) road.

B. A recorded, exclusive easement for ingress and egress.

C. A long-term special use permit for ingress and egress across BLM or USFS land.

D. A shared driveway, provided the driveway will serve no more than two parcels and the property owner submits evidence that they have an easement or other legal right to use the driveway for ingress and egress.

E. A decree or judgment granting ingress and egress issued by a Court of competent jurisdiction.

401.2 Access Across More Than One Zone
When a new use or development is proposed in one zone, and the only access is by easement or driveway through a different zone, the access is considered to be accessory to the use. The use or development may only be approved if it is permitted in both zones.

401.3 Access from an Undeveloped Right-of-Way, **Public Access Easement or Private Access Easement.**

Prior to issuance of building permits for a lot or parcel that will obtain access from an undeveloped dedicated or platted public right-of-way, **public access easement or private access easement,** the road(s) that will be used to access the lot or parcel shall be improved to applicable city, county or state standards, unless the County Public Works Director approves a deferral of improvements or a local improvement district is formed. The Public Works Director may authorize incremental improvements so that the first property owner who will use the road(s) only needs to improve it to the emergency vehicle access standards of Section 426.2(E) **or other appropriate standard**, and subsequent owners proposing to use the road(s) will each be responsible for additional improvements.

401.4 Access Standards

Access shall comply with the emergency vehicle access standards of Section 426.2(E), the clear vision area standards of Section 403, and the requirements of Section 12.18 of the Jefferson County Code.

401.5 Driveway Connection Permits

A. A Driveway Connection permit shall be obtained prior to the construction of any new driveway that accesses a county or local access road.

B. A Driveway Connection permit shall be obtained prior to issuance of a building permit for any new, remodeled or replacement building that will obtain access via an existing driveway that does not meet current driveway connection standards of Section 12.18 of the Jefferson County Code, unless the Public Works Director has authorized a variation of those standards.

C. Evidence that the Oregon Department of Transportation has approved the access shall be submitted prior to issuance of a building permit for any new, remodeled or replacement building that will obtain access from a state highway.

Section 705 - Standards and Criteria for Approval

705.1 Tentative Plan Approval Criteria

The County may approve a tentative plan for a subdivision, partition or replat upon finding that it complies with the following:

A. The tentative plan complies with all applicable standards of the Comprehensive Plan and this Section, meets the minimum lot size, setback and other requirements of the zone in which the property is located, and complies with any other applicable standards of this Ordinance such as Wildlife Area Overlay Zone dimensional standards. The area to the centerline of a road right-of-way that will be created as part of the land division may be included when calculating the size of a proposed lot or parcel.

B. The physical characteristics of the proposed lots or parcels and the surrounding area will not preclude development for the proposed use, taking into consideration the size and shape of the lots or parcels, topography, soil conditions, and potential hazards such as flood plain, fire danger, landslide potential and pollution.

C. Any new roads or other transportation improvements comply with the requirements of Section 402 and are laid out so as to conform to any adopted Transportation System Plan and the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and other respects, unless the County determines that it is in the public interest to modify the road pattern. Roads may be required to provide access to adjacent properties when deemed necessary by the County to allow the adjoining land to be developed or divided in conformance with the standards of the zone in which the adjoining property is located. Dead-end roads may serve a maximum of 19 lots.

D. All lots or parcels will have at least 50 feet of road frontage that will provide legal and physically practicable access that complies with the access standards in Section 401 and Title 12 of the Jefferson County Code. The frontage may be on a public road, a private road in a destination resort, an existing nonconforming private road, or a federal road (Bureau of Land Management, US Forest Service). A variance to this standard may be requested if the property that is proposed to be divided does not have road frontage. When phased development is proposed, the access standards must be met for each phase, including adequate turnarounds at the end of the improved portion of any partially completed road, even if the road will later be extended to serve the next phase.

E. The traffic generated by the proposed new lots or parcels will not result in traffic volumes that will reduce the performance standards of a transportation facility below the minimum acceptable level identified in the Transportation System Plan (LOS C), and will comply with all applicable standards in Section 12.18 of the Jefferson County Code. This criterion may be met through a condition of approval requiring improvements to the transportation facility.

F. The following standards are met if access will be provided through a flag lot configuration **(flagpole standards may not apply in a M49 land division if the applicant can show it has met the "maximize suitability for farm land" criteria)**:

1. The flagpole section of the flag lot shall be at least 50 feet, but not more than 60 feet in width.

2. No more than one flag lot is permitted to the rear of another lot or parcel.

3. Access to the rear lot or parcel shall be by way of a driveway located entirely within the flagpole section of the lot or parcel. The driveway shall meet the emergency vehicle access standards of Section 426.2(E). No re-division or property line adjustment shall be allowed that would alter the status of the flagpole for driveway use unless other access meeting all the requirements of this Ordinance is provided.

4. A flag lot may have only one flagpole section.

5. Adjoining flagpole sections of flag lots are not allowed.

6. The driveway within the flagpole will have at least 75 feet of separation from any other existing driveway.

G. Utility easements are provided abutting roads where necessary to provide services to proposed lots and parcels, and where necessary to allow for development of adjoining lands. Utility easements may be required in other locations if specifically requested by a public utility provider. The easements shall be clearly labeled for their intended purpose on the tentative plan. All utilities serving a proposed division shall be placed underground where the surrounding area is presently developed, or is in the process of developing with underground utilities. For land within an urban growth boundary, utilities shall be placed underground if the city's regulations would require underground utilities.

H. ~~Existing i~~**I**mprovements (e.g., septic systems, **drainage systems,** wells, driveways, etc.) shall be located on the same lot or parcel as the use or structure they serve, unless an easement to allow the improvement to be on a different lot is provided and is shown on the final plat.

I. If a lot or parcel that is partially in another county or the incorporated limits of a city is proposed to be divided, the following regulations apply:

1. No new lots or parcels shall be created that will be partially inside a city and partially outside. If an existing lot or parcel overlaps a city limits, the

property may be divided along the city limits line provided that the portion of the property outside the city meets the standards of this Ordinance.

2. No new lots or parcels shall be created that will overlap the county line. If an existing lot or parcel overlaps the county line, the property may be divided along the county line provided the portion in Jefferson County meets the standards of this Ordinance.

J. If the tentative plan is for a subdivision, the following additional standards are met:

1. The proposed name of the subdivision has been approved by the County Surveyor. The name shall not duplicate, be similar to, or be pronounced the same as the name of any existing subdivision in the county unless the proposed new lots are contiguous to and platted by the same party that platted the subdivision bearing that name, or the party that platted the contiguous subdivision consents in writing to use of the name.

2. Subdivision block lengths and widths are suitable for the uses contemplated and will not inhibit the proper development of adjoining lands. Block widths shall allow two rows of lots unless exceptional or topographic conditions make this unfeasible. The subdivision shall not use block numbers or letters unless it is a continued phase of a previously recorded subdivision bearing the same name that has previously used block numbers or letters, in which case the lot and block numbers must be continued.

K. If the subdivision will be developed in phases, each phase when considered individually shall comply with all standards and criteria in this section.

705.2 Conditions of Approval

A. In granting approval of a tentative plan, the County may impose conditions of approval deemed necessary to comply with the requirements of this Ordinance. The recommendations and comments of other public agencies will be considered and may also provide the basis for conditions of approval.

B. Conditions may require that substandard roads leading to the land being divided be improved to the road standards in Chapter 12.18 of the County Code. Any requirement for road improvements or dedication of additional right-of-way will be based on a direct nexus between the level of road impacts that will be caused by the increased traffic generated by the new lots or parcels and the level of road improvements that are required.

C. Installation of fire-fighting water supplies may be required when recommended by the appropriate fire protection agency.

D. Conditions may include dedication of land for roads or other public improvements, in accordance with Section 706.

E. Conditions will require that the standards of Section 707.3 be met prior to approval of the final plat.

F. A traffic control device in the form of an easement granted to the county may be required for the purpose of controlling access to or from a lot or parcel for any of the following reasons:

1. To prevent or limit access to roads.

2. To prevent access to a transportation facility from abutting property that is not part of the subdivision or partition.

3. To prevent access to land unsuitable for development.

Traffic control device easements shall be shown on the final plat and shall include a note prohibiting direct motor vehicle access across the traffic control device easement unless authorized by the road authority having jurisdiction over the adjacent road.

G. A condition of approval may require the provision of areas for school bus stops and turnarounds and mail boxes.

H. If the division includes common area(s) for use as open space, recreation, utility facilities or other purposes, a condition of approval will require evidence of provisions to guarantee ongoing property tax responsibility and maintenance of the area. The common area may be conveyed by leasing or conveying title to a corporation, homeowner's association or other legal entity. The terms of the lease or other instrument of conveyance shall include provisions that guarantee:

1. The continuation of use of the land as common area;

2. The continuity of property maintenance, including the necessary financial arrangements for such maintenance; and

3. That the legal entity formed for the joint ownership and maintenance of the common area will not be dissolved, nor will it dispose of any common area by sale or otherwise, except to another legal entity which has been conceived and organized for the purpose of maintaining the common area.

I. When approval is granted to allow a subdivision to be platted and developed in phases, conditions of approval will specify the improvements that must be completed prior to approval of the final plat for each phase.

Section 414 - Site Plan Review

414.1 Purpose

The purpose of site plan review is to provide for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development that is compatible with the natural and man-made environment and is consistent with applicable requirements of this Ordinance.

414.2 Procedure:

A. The requirements of this Section apply when site plan review is required for a use that is administratively or conditionally permitted in a zone. The requirements apply to new development; a change in use of an existing building; the addition of outdoor uses not previously reviewed, such as storage or parking; or an addition to an existing building of more than 500 square feet.

B. An application for site plan approval will be processed under the Administrative Review procedures of Section 903.4 unless it is submitted concurrently with an application that requires a higher level of review.

C. No building permit shall be issued until the site plan has been approved in accordance with this section and no certificate of occupancy shall be issued unless the development complies with the approved site plan and all conditions of approval.

D. Approval of a site plan shall be valid for two (2) years from the date of final approval. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original two year approval period. Notice of a decision to grant an extension shall be provided in accordance with Section 906.4. If construction is commenced by issuance of an approved building permit, the site plan shall stay in full force and effect. If not, the site plan approval shall expire.

E. Site Plan Review Committee-Approval Authority:
The Planning Director, Director of Public Works, County Sanitarian, County Building Official, and a representative from the Jefferson County Fire Protection District or other fire district with jurisdiction over the property shall constitute the site plan review committee. This committee shall have the authority to review the tentative site plan for compliance with the requirements of this Ordinance, state and federal regulations, and may recommend that the application be modified, approved, approved with conditions, or denied.

F. An approved site plan may be amended through the same procedure as in the initial approval of such site plan; except, that minor alterations or modification to a previously approved site plan may be approved by the Planning Director;

provided that, in the judgment of the Planning Director, such modifications or alterations do not represent deviations of a substantial nature.

414.3 Application Requirements

An application for site plan review must include 8 copies of a tentative plan that includes the information listed below. Additional information may be required if requested by the Site Plan Review Committee. The tentative plan must be clearly and legibly drawn on white paper to a standard engineer's scale (i.e., 1" = 100', 1" = 400' etc.). The scale used shall be large enough so that all required information is clearly legible. Separate sheets may be submitted showing different facets of the site plan, such as landscaping, parking, drainage, etc. The tentative plan must contain the following:

A. The words "Tentative Site Plan", the property owner's name, the township, range, section, and tax lot number of the property, the date, a north point, and the scale of the plan.

B. Lot dimensions and orientation.

C. The location, size and purpose of all existing and proposed easements.

D. The location of any proposed fire protection system, hydrants or water supply available for fighting fire.

E. Location and dimensions of all existing and proposed buildings and structures, with distances between buildings and setbacks from property lines clearly shown.

F. The location of all buildings and other development on abutting parcels that is within ten feet of the subject property.

G. Existing and proposed walls and fences; location, height and materials.

H. Off street parking and loading facilities, in accordance with Sections 423 and 424, including:

1. Location, dimensions and methods of improvement of all driveways and parking areas.

2. Number of spaces and internal circulation pattern.

3. Access: Pedestrian, vehicular, service; and the location of all points of ingress and egress.

4. Loading: Location, dimensions, number of spaces, internal circulation and access from public right of way.

I. The location, size, and height of all proposed signs, and information on whether each sign will be lighted. Signs must comply with the sign standards in Section 406.

J. Lighting: General nature, location and hooding devices (not including interior building lighting). All exterior lighting sources are to be shielded to illuminate downward and the light source shall not be visible beyond the property boundary in accordance with the standards in Section 405.

K. The location, dimensions and methods of improvement for all property to be dedicated to general public purposes or to public utilities.

L. A detailed plan for any required or proposed landscaping that shall clearly illustrate:

1. Plants and tree species, their initial sizes and other proposed landscaping materials.

2. The location and dimensions of all areas to be devoted to landscaping, and location of any automatic sprinkler systems.

M. Outdoor storage and activities, if permitted in the zone: Type, location and height of screening devices.

N. Topographic information for any area with slopes exceeding 10 percent. Contour intervals shall be ten feet or smaller.

O. Drainage plan, in accordance with the requirements of Sections 414.4, or evidence that stormwater runoff will be accommodated by an existing storm drainage system.

P. Identification of proposed trash storage locations, including proposed enclosure design construction and access for pickup purposes.

Q. Location of all existing and proposed utilities and septic systems on or abutting the property.

R. Elevation drawings showing the exterior appearance of all proposed buildings.

414.4 Drainage

A. Applications for site plan review shall include a drainage plan prepared by a registered professional engineer or other expert that contains the following information:

1. The methods to be used to minimize the amount of runoff, siltation and pollution created during construction.

2. The methods that will be used to prevent runoff from the completed development onto adjoining properties, streams or rights-of-way.

3. Evidence that the drainage system will be adequate to handle runoff from a five year frequency storm.

B. All runoff shall be retained on site unless easements are obtained to allow a detentions pond, bioswale or other method of stormwater retention to be located on another property.

C. Drainage shall be designed to prevent water ponding unless a permanent retention or detention pond will be used. Drainage retention or detention ponds shall have slope edges not exceeding 1:3. Adequate security measures must be provided to prevent a safety hazard if ponds are used.

D. The drainage system shall incorporate methods to filter runoff from parking areas and access roads to prevent pollution of surface or subsurface waters.

414.5 Traffic Impact

A Traffic Impact Study in accordance with Section 421 may be required if, in the opinion of the Planning Director, the proposed development may result in traffic levels that are inconsistent with the functional classification of a road or would reduce the performance standard of a road or intersection below acceptable performance levels (LOS C), or if access to the property may cause a safety hazard.

414.6 Approval Standards:

The Site Plan Review Committee shall review the tentative site plan for compliance with the following standards:

A. All provisions of this zoning ordinance and other applicable regulations are compiled with.

B. Elements of the site plan are arranged so that:

1. Traffic congestion is avoided.

2. Pedestrian and vehicular safety and welfare are protected.

3. Significant features and public amenities are preserved and maintained.

4. Surface drainage systems are designed so as not to adversely affect neighboring properties, roads, or surface and subsurface water quality, in accordance with the requirements of Section 414.4.

5. Structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, etc.), loading and parking and similar accessory areas shall be buffered or screened to minimize adverse impact on neighboring properties.

C. The development will not result in traffic volumes that will reduce the performance standard of a transportation facility below the minimum acceptable level identified in the Transportation System Plan (LOS C), and will comply with all applicable standards in Section 12.18 of the Jefferson County Code. This standard may be met through a condition of approval requiring improvements to the transportation facility.

D. ~~The development will not adversely affect agricultural or forestry uses.~~ **The site plan application shall demonstrate how the proposal will avoid or mitigate adverse impacts to agricultural or forestry uses on adjacent property.**

414.7 Conditions of Approval

A. In granting approval of a site plan, the County may impose conditions of approval deemed necessary to comply with the requirements of this Ordinance.

B. Installation of sprinklers or fire-fighting water supplies may be required when recommended by the appropriate fire protection agency.

C. A survey may be required if there is a question about the location of a property line, easement or other feature.

D. A bonding agreement in accordance with the provisions of Section 413 may be required to assure that conditions attached in granting approval of a site plan are met.

Section 423 – Off-Street Parking Requirements

423.1 Applicability

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section.

423.2 Number of Parking Spaces Required

A. The minimum number of parking spaces required for various uses is shown in this section. Square feet specifications refer to the floor area of the building containing the use. ~~In addition to these requirements, one space is required per employee working on the premises during the largest anticipated shift at peak season, including proprietors.~~

USE	NUMBER OF SPACES
Residential	2 spaces per dwelling unit
Visitor-oriented Accommodations	1 space per guest unit + **1 space for each employee working on the premises during largest anticipated shift at peak season including proprietors**
Nursing Home, Hospital	1 space per 3 beds
Retail store, general merchandise	1 space per ~~2~~300 square feet
Retail store, bulk merchandise	1 space per 4500 square feet
Eating and drinking establishment	1 space per 2 seats
Office, medical	1 space per 200 square feet
Office, financial and other businesses	1 space per 400 square feet
Industrial or manufacturing use	~~2 spaces~~ **1 space per employee on the largest working shift**
Public Assembly, church, meeting hall	1 space per ~~2~~ **4** seats **or 8 feet of bench length in the main auditorium, or one space for each 100 feet of floor area of main auditorium not containing fixed seats.**

Public Assembly, school	1 space per 4 feet of bleacher seating in gymnasium or ball field, whichever is greater

B. Parking requirements for uses not specified in (A) shall be based on the listed use that is most similar to the proposed use. If no use listed in (A) is similar to the proposed use, the applicant shall submit a parking study that includes an estimate of the parking demand based on recommendations of the Institute of Traffic Engineers or similar data.

C. Accessible (ADA) parking spaces shall be provided in accordance with current state Structural Specialty Code and ODOT adopted standards.

D. In the event several uses occupy a single structure or parcel of land, the number of required spaces shall be the total of the requirements for all of the uses.

E. Uses that require more than ten parking spaces shall include an area designated for bicycle parking, with bike racks that will accommodate at least one bicycle for each ten vehicle parking spaces. The bicycle parking area may be in the same location as the vehicle parking spaces or may be located closer to the building entrance or use.

423.3 Location of Off-Street Parking

A. Required parking spaces for residential uses shall be located on the same lot or parcel as the dwelling unit, but shall not be located in the front setback except within an approved driveway.

B. Parking spaces for non-residential uses may be located on a different lot or parcel than the use they will serve, subject to compliance with the following:

1. The parking area shall be within 500 feet, measured in a straight line, from the primary entrance of the building or use the parking area will serve.

2. The lot or parcel where the parking area will be located shall be in the same zone as the use that the parking area will serve, or may be in a different zone provided the use that the parking area will serve is permitted in that zone. Parking areas shall not be located in a zone that does not allow the use that the parking area will serve.

3. If the lot or parcel where the parking will be provided is under different ownership than the parcel on which the proposed use will be located, evidence shall be submitted that a written agreement, lease or contract authorizing the parking has been recorded in the County deed records. The contract shall specify the area that may be used for parking and contain provisions outlining responsibility for maintenance. The contract

may not be terminated unless alternative parking in compliance with the requirements of this section is provided or the use that required the parking no longer exists.

4. Accessible (ADA) parking spaces may not be located off-site.

C. Parking spaces shall not be located in a clear-vision area as required by Section 403 or within an area that is required to be landscaped.

D. Parking within a public right-of-way is prohibited unless written approval from the County Public Works Director is submitted.

423.4 General Standards

A. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by shared use of the same parking or loading spaces, provided the owners or operators of the uses, structures or parcels attest that their operations and parking needs do not overlap at any point of time. Shared parking spaces that are not on the same lot or parcel as all of the uses that will utilize the spaces shall meet the locational requirements of Section 423.3.

B. Use of Parking Facilities. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business.

C. The minimum size of each parking space shall be 9' x 15'.

D. All run-off generated by the parking area shall be collected and retained on-site. A drainage plan shall be submitted as part of a proposal for any parking area that will have an impervious surface and more than five spaces. The drainage plan shall meet the requirements of Section 414.4.

E. Any lighting used to illuminate off-street parking areas shall be arranged so that it will not project light rays directly upon any adjoining property in a residential zone, and shall otherwise comply with the requirements of Section 405.

F. Except for single-family and duplex dwellings, groups of more than three (3) parking spaces shall be so located and served by a driveway such that their use will require no backing movements or other maneuvering within a road or right-of-way other than an alley.

G. Areas used for parking and maneuvering of vehicles shall have a durable and dustless surface maintained adequately for all weather use, but not necessarily paved.

H. Except for parking to serve residential uses, parking and loading areas within residential zones or adjacent to residential uses shall be designed to minimize the disturbance of residents.

I. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

J. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. Service drives providing for two-way traffic shall be at least 20 feet in width if less than 500 feet in length, or 26 feet in width if more than 500 feet in length, and shall be located in accordance with the driveway access standards of Section 12.18 of the Jefferson County Code. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a road right-of-way, or stacking of vehicles within the right-of-way.

K. Service drives to parking areas shall have a minimum vision clearance area formed by the intersection of the driveway edge with the road right-of-way line and a straight line joining side lines through points thirty (30) feet from their intersection, in accordance with Section 403.

L. Parking areas adjacent to a property line shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or into a road right-of-way.

M. Any parking area containing more than five spaces that will be located adjacent to a road shall include a landscaped strip at least five feet in width between the parking area and the property line abutting the road.

Section 707 - Final Plats

707.1 Preparation of Final Plat

A. Once a tentative plan has been approved, a final plat shall be prepared consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. Final plats must conform to the tentative plan and any conditions of approval. **A compact disk containing the CAD drawing of the final plat is recommended to be submitted when in final form.**

B. Lots and parcels shall be surveyed and monumented by an Oregon registered professional land surveyor, consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. However, parcels larger than 10 acres that are created outside an urban growth boundary are not required to be surveyed and monumented, provided the approximate acreage of each unsurveyed parcel is shown on the plat and the word "unsurveyed" is placed in bold letters adjacent to the parcel number.

C. When presenting the final plat for filing, an extra paper copy must be included if the property contains water rights subject to ORS 92.120(5) or a water right permit.

D. Final plats that include the creation of a road shall be accompanied by any written certificates pertaining to improvement assurances or responsibilities, such as a road maintenance agreement prepared consistent with the requirements of Section 402.

707.2 Final Plat Procedures

A. The final plat shall be submitted to the County Surveyor, who will review the plat for conformance with the requirements of ORS 92 and ORS 209.250, and will sign the plat if all requirements have been met.

B. The plat shall be forwarded to the County Assessor, Public Works Director and Planning Director for signature prior to filing the plat with the County Clerk. Final subdivision plats must also be signed by the Chair of the Board of Commissioners. Plats that include a dedication of land to the public must be signed by the Board of Commissioners. Granting approval or withholding approval of a final plat by any of the required signatories is not a land use decision or a limited land use decision, as defined in ORS 197.015.

C. The Planning Director shall review the final plat for consistency with the approved tentative plan. If the final plat complies with the approval criteria of Section 707.3, the Planning Director will sign the final plat. No additional conditions will be imposed on the final plat. If the Planning Director determines the final plat does not comply with the requirements of Section 707.3, the plat will

be returned to the applicant to correct the deficiencies. The corrected plat must be resubmitted for approval prior to expiration of the approval period specified in Section 704.5. The determination of whether the final plat conforms to the tentative plan is not a land use decision or limited land use decision, as defined in ORS 197.015.

D. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained. A subdivision or partition plat may not be recorded unless all ad valorem taxes have been paid, including additional taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the land or which will become a lien during the tax year, in accordance with ORS 92.095.

707.3 Approval Criteria for Final Plats
A final plat will be approved if all of the following are met:

A. The final plat conforms to the tentative plan as approved by the County, including compliance with any conditions imposed or modifications required at the time of tentative plan approval.

B. The final plat was prepared according to applicable specifications of ORS Chapters 92 and 209.

C. All public and private roads are named and shown on the final plat. The surveyed center line and easement width of private roads must be included on the plat.

D. Unless specifically stated otherwise in the conditions of approval for the tentative plan, all roads, drainage and other required improvements are completed, unless a bonding agreement has been executed in accordance with the provisions in Section 413. Improvements include, but are not limited to, the construction of roads and repair of existing roads and any other public facilities damaged in the development of the partition or subdivision. Where the County is not empowered to inspect and approve public improvements (e.g., improvements to a state highway), written certification of the acceptance by the appropriate agency shall be submitted.

E. The plat contains a donation to the public of all common improvements that were required as a condition of the approval of the tentative plan. Public roads and easements for public utilities shall be dedicated without any reservation or restriction other than reversionary rights upon vacation. Land dedicated for public purposes may be provided by dedication on the final plat or by a separate dedication or donation document on a form provided by the county. The Board of Commissioners must agree to accept any lands dedicated to the public, except

utility easements in partition plats may be granted for public and other regulated utility purposes without an acceptance from the Board.

F. Explanations of all common improvements required as conditions of approval of the tentative plan have been recorded and referenced on the plat.

G. ~~If the final plat is for a subdivision, t~~The County has received and accepted:

1. A certification by a city owned domestic water supply system, Deschutes Valley Water District, or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot or parcel in the proposed division; or

2. A bond, irrevocable letter of credit, contract, or other assurance that a domestic water supply system will be installed by or on behalf of the developer to the lot line of each and every lot or parcel in the division. The amount of any such assurance shall be determined by a registered professional engineer, subject to any change in the amount the County considers necessary; or

3. In lieu of (1) or (2), a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel in the division, even though a domestic water supply source may exist. A copy of any such statement, signed by the property owner and endorsed by the County, shall be filed with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the division under ORS 92.385. If the making of a public report has been waived or the division is otherwise exempt under the Oregon Subdivision Control Law, the property owner shall deliver a copy of the deed declaration to each prospective purchaser of a lot or parcel in the division at or prior to the signing by the purchaser of the first written agreement for the sale of the lot or parcel. The property owner shall take a signed receipt from the purchaser upon delivery of such a deed declaration, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

H. ~~If the final plat is for a subdivision, t~~The County has received and accepted:

1. A certification by a city-owned sewage disposal system, or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon, that a sewage disposal system will be available to the lot line of each and every lot or parcel in the proposed division; or

2. A bond, irrevocable letter of credit, contract, or other assurance will be provided to the County, that a sewage disposal system will be installed to the lot line of each and every lot or parcel in the division. The amount of such assurance shall be determined by a registered professional engineer, subject to any change in the amount as the County considers necessary; or

3. In lieu of (1) or (2), a statement that no sewage disposal facility will be provided to the purchaser of any lot or parcel in the division, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the division in its evaluation report described in ORS 454.755(1)(b). A copy of any such statement, signed by the developer and endorsed by the County, shall be filed with the Real Estate Commissioner and shall be included by the Commissioner in the public report made for the division under ORS 92.385. If the making of a public report has been waived or the division is otherwise exempt under the Oregon Subdivision Control Law, the property owner shall deliver a copy of the statement to each prospective purchaser of a lot or parcel in the division at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The property owner shall take a signed receipt from the purchaser upon delivery of such a deed declaration, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

I. If the subdivision or partition is located within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

J. If the land within the subdivision or partition receives irrigation water through the North Unit Irrigation District, evidence has been submitted that the District Board of Directors has approved an irrigation water distribution and management plan.

707.4 Changes to A Recorded Plat

A. A recorded plat of a subdivision or partition may be amended to correct errors by an affidavit of correction in accordance with ORS 92.170.

B. A subdivision or partition plat may be modified or vacated through the replat procedures in Section 709. The procedures in ORS 368.326 to 368.366 may be used as an alternative method to vacate a subdivision, part of a subdivision, a public road, public easement or other public property.

C. The County has the authority to review an undeveloped subdivision to determine whether it should be vacated in accordance with the procedures in ORS 92.205 through 92.245.

D. Interior lot lines affecting private property within a subdivision or part of a subdivision may be vacated if the person holding title to the property submits an application with a description of the property proposed to be vacated; a statement of the reasons for requesting the vacation; the names, addresses and notarized signatures of all persons holding any recorded interest in the property; and notarized signatures of either: 1) owners of 60 percent of the land abutting the property proposed to be vacated, or 2) 60 percent of the owners of land abutting the property proposed to be vacated. The Planning Director shall review the application and determine whether the proposed vacation complies with applicable land use regulations and facilitates development of the property. A written report shall then be filed with the Board of Commissioners, who shall determine whether the vacation should be approved. Notice and a public hearing are not required. Vacations of interior lot lines under this subsection shall involve only private property. Proposed vacations involving public property or public roads may be considered by the methods described in Sections 707.4 (B).

Section 713 - Property Line Adjustments

713.1 Purpose and Scope

The purpose of a property line adjustment is to allow the relocation of a known common boundary line between two abutting properties, where no additional lots or parcels are created. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat. A property line adjustment is not required for a boundary line agreement to establish the physical location of an existing property boundary, but is required to relocate that boundary.

713.2 Procedure

A. Applications for property line adjustments shall be processed in accordance with the Administrative review procedures of Section 903.4.

B. A scaled plot plan shall be submitted with an application for a property line adjustment showing:

1. All existing property lines;

2. The proposed location of the adjusted property line;

3. The location of existing buildings, with distances to the existing and the proposed property line;

4. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and

5. The existing size and the proposed size of each lot or parcel, in square feet or acres.

C. All owners of the properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.

D. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, and a survey, complying with ORS 209.250 must be filed with the County Surveyor. However, a survey and monumentation are not required when all parcels will be greater than 10 acres or when the property line adjustment involves the sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property, as described in Section 702.3(A)(6).

E. A survey, if required, must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment. If a

survey is not required, a final map shall be submitted within one year of the date of final approval. The survey or map shall be signed by the County Surveyor, Planning Director and County Assessor.

F. Within one year of the date of final approval of an application for a property line adjustment a deed or other instrument of conveyance must be recorded with the County Clerk. The deed or instrument shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, signatures of all parties with proper acknowledgement, and a reference to the planning application casefile number. If the deed or instrument describes only the area being conveyed from one parcel to the other, a statement shall be included that the conveyance is part of a property line adjustment and the described property is not a separate parcel.

G. If the property line adjustment will result in any portion of a septic system, driveway, utility, or other improvement being located on a different parcel than the structure the improvement serves, an easement granting continued use of the improvement shall be recorded with the County Clerk at the time the deed or other instrument conveying the property is recorded.

H. Prior to filing the final survey or map and recording the instruments of conveyance and any required easements, copies of these documents shall be submitted to the Planning Director for review to determine whether all conditions of approval have been met.

713.3 Approval Criteria

A property line adjustment may be approved if it complies with all of the following:

A. The existing lots or parcels were lawfully created in accordance with Section 702.1;

B. No new parcels will result from the adjustment;

C. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;

D. All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.

E. For property line adjustments involving parcels in the Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones, if the adjustment will result in any parcel being smaller than the minimum lot size of the

zone, the adjustment shall not adversely impact existing or potential resource use of the parcels.

F. Property line adjustments in Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land and Forest Management zones for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change ~~or to change the requirements to qualify for a dwelling~~ are prohibited.

G. ~~A property line adjustment for the purpose of transferring a dwelling from one parcel to another is prohibited unless the parcel receiving the dwelling:~~

~~1. Is in an Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land or Forest Management zone and has a non-expired land use approval for the dwelling; or~~

~~2. Is in a non-resource zone and does not contain a dwelling.~~

Subject to subsection (H) of this section, for properties located entirely outside the corporate limits of a city, the County may approve a property line adjustment in which:

1. One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or

2. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

H. ~~The adjustment shall not result in parcel(s) that overlap a city limit or county line.~~

On land zoned Exclusive Farm Use A-1, Exclusive Farm Use A-2, Range Land, or Forest Management, a property line adjustment may not be used to:

1. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

2. Decrease the size of a lot or parcel than contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be

increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

3. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

I. The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Section 401 is provided.

J. **In non-resource zones,** ~~T~~the adjustment shall not result in any parcel being reduced in size to less than the minimum lot size of the zone if this would potentially allow the creation of an additional parcel from the parcel being increased in size, unless a restrictive covenant is recorded in the County deed records prohibiting the acreage that was added to the parcel through the adjustment from being considered in the division. For instance, an adjustment between a 6 acre parcel and an 8 acre parcel in the Rural Residential-5 zone, which would result in a 3 acre parcel and an 11 acre parcel, is prohibited unless a deed restriction is recorded prohibiting the 3 acres that were added to the 8 acre parcel from being used to allow the division of the 11 acre parcel, since the average size of the parcels when considered together would be less than the 5-acre minimum.

JEFFERSON COUNTY
COMMUNITY DEVELOPMENT DEPT.
85 SE "D" STREET
MADRAS OREGON 97741

neopost
07/30/2010
US POSTAGE
FIRST-CLASS MAIL
$02.58⁰
ZIP 97741
041L11212088

DLCD
Attn: Plan Amendment Specialist
635 Capitol St NE, Ste 150
Salem, OR
97301-2540