



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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Web Address: <http://www.lcd.state.or.us>

NOTICE OF ADOPTED AMENDMENT

April 23, 2003



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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment
DLCD File Number 001-00RRR

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This adoption is a re-adoption of Land Use Board of Appeals Remand Numbers 2002-143, 2002-144, 2002-145, 2002-146, 2002-147, and 2002-148. Due to the size of amended material submitted, a complete copy has not been attached.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: May 8, 2003

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White Rural Coordinator
Jon Jinings, Regional Representative
Gerald Parker, Jefferson County

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FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

APR 18 2003

(See reverse side for submittal requirements)

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: JEFFERSON COUNTY Local File No.: 00-PA-01
(If no number, use none)

Date of Adoption: 4-10-03 Date Mailed: 4-16-03
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 1-25-00

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

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

Changes to Jefferson County Zoning Ordinances to comply with State Statutes.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: Goal 3 and Goal 5

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-00 RRR (10526)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: No

Local Contact: Gerald "Butch" Parker Area Code + Phone Number: 541-475-4462

Address: 85 SE "D" Street City: Madras

Zip Code+4: 97741 Email Address: _____

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

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

**IN THE MATTER OF ADOPTING THE)
JEFFERSON COUNTY ZONING)
ORDINANCE AND FINDINGS AND)
ESEE ANALYSIS FOR ARTICLE 3,) Ordinance No. 0-63-03
SECTION 301 AND REPEALING)
JEFFERSON COUNTY ORDINANCE)
NO. 0-166-02 AND DECLARING AN)
EMERGENCY)**

WHEREAS, the Jefferson County Planning Staff initiated legislative amendments to revise and update the Jefferson County Zoning Ordinance pursuant to Article 8, Section 801 of the current Jefferson County Zoning Ordinance and Jefferson County Ordinance No. 0-160-91, Article 3; and

WHEREAS, Jefferson County conducted numerous public hearings and took public testimony on its proposed legislative amendments before both the Jefferson County Planning Commission and the Jefferson County Board of Commissioners beginning in April of 2000; and

WHEREAS, all appropriate notices required pursuant to ORS 215.503 and Jefferson County Ordinance No. 0-160-91, Section 3.2 were published or mailed as required by law; and

WHEREAS, following public hearings on each of the respective portions of the proposed legislative amendments and considering all the public testimony therefrom, the Jefferson County Planning Commission forwarded its modifications and recommendations to the Jefferson County Board of Commissioners for their consideration; and

WHEREAS, the Jefferson County Board of Commissioners, following public hearings on the proposed legislative amendments received from the Jefferson County Planning

ORDINANCE – Adoption of Jefferson County Code and Findings – Article 3, Section 301 1

Commission, having considered all the public testimony therefrom, and having made certain modifications, adopted Jefferson County Ordinance No. O-25-02; and

WHEREAS, Jefferson County Ordinance No. O-25-02 was appealed to the Land Use Board of Appeals on February 21, 2002 and was consolidated with four other county decisions on appeal as LUBA Nos. 2002-17, 2002-18, 2002-19, 2002-20 and 2002-21; and

WHEREAS, Jefferson County on May 28, 2002 moved the Land Use Board of Appeals for an Order voluntarily remanding the county's decision to adopt Jefferson County Ordinance No. O-25-02 back to the county for further proceedings to address issues raised in Petitioner's and Intervenor's briefs; and

WHEREAS, the Land Use Board of Appeals granted the county's motion for a voluntary remand by its Order dated June 20, 2002, effectively repealing Jefferson County Ordinance No. O-25-02; and

WHEREAS, the Jefferson County Commission held remand hearings on August 7, 2002 and September 11, 2002 to receive testimony and evidence on the issues raised in the LUBA appeal; and

WHEREAS, the Jefferson County Board of Commissioners, following public hearings on the proposed legislative amendments received from the Jefferson County Planning Staff, considering all the public testimony therefrom and having made certain modifications, adopted Jefferson County Ordinance No. O-166-02 on October 2, 2002; and

WHEREAS, Jefferson County Ordinance No. O-166-02 was appealed to the Land Use Board of Appeals and was consolidated with four other county decisions on appeal as LUBA Nos. 2002-143, 2002-144, 2002-145, 2002-146 and 2002-147 on October 30, 2002; and

WHEREAS, the parties in LUBA Nos. 2002-143, 2002-144, 2002-145, 2002-146 and 2002-147, on December 6, 2002, moved the Land Use Board of Appeals for a stipulated Order voluntarily remanding the county's decision to adopt Jefferson County Ordinance No. O-165-02 back to the county for further proceedings to address issues raised in Petitioner's and Intervenor's briefs; and

WHEREAS, the Land Use Board of Appeals granted the parties' motion for a voluntary remand by its Order dated December 13, 2002, effectively repealing Jefferson County Ordinance No. O-166-02; and

WHEREAS, the Jefferson County Commission held remand hearings on March 27, 2002 to receive testimony and evidence on the issues raised in the LUBA appeal.

NOW THEREFORE, the Jefferson County Commission hereby **ORDAINS** as follows:

1. **Adoption of Ordinance Provisions.**

Jefferson County hereby adopts in their entirety the above captioned provisions of the Jefferson County Zoning Ordinance, including Article 3, Section 301, attached hereto as Exhibit A and incorporated herein by this reference.

2. **Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. If for any reason any portion of this ordinance should be declared invalid or unconstitutional, the remaining portions of this ordinance shall continue in full force and effect.

3. **Repeal of Previous Ordinances and Orders.**

Those ordinances and orders previously adopted by the Board of County Commissioners or the County Court and which predate or conflict with the provisions of this ordinance, including Ordinance No. O-166-02 are repealed and replaced by this ordinance. Any ordinance that was repealed by this ordinance shall not be revived except to the extent that this ordinance or any provisions thereof are declared invalid or unconstitutional.

4. **Adoption of Findings.**

In support of the ordinance provisions adopted in Section 1 herein, Jefferson County hereby adopts the findings set forth in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference.

5. **Adoption of ESEE Analysis.**

In support of the ordinance provisions adopted in Section 1 herein, Jefferson County hereby adopts the ESEE Analysis and supporting findings set forth in Exhibit C, a copy of which is attached hereto and incorporated herein by this reference.

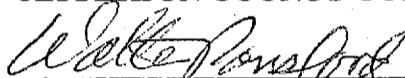
6. **Emergency Declared.**

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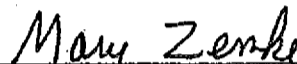
This ordinance being found necessary for the preservation of the public health, safety and welfare of the citizens of Jefferson County, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon passage.

DATED this 10TH day of APRIL, 2003.

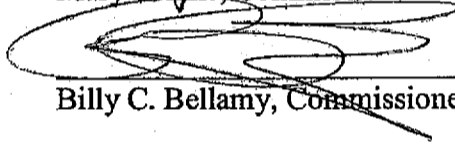
JEFFERSON COUNTY COMMISSION



Walt Ponsford, Commission Chair

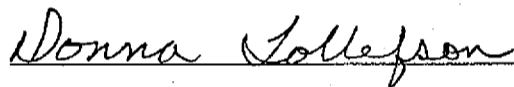


Mary Zenke, Commissioner

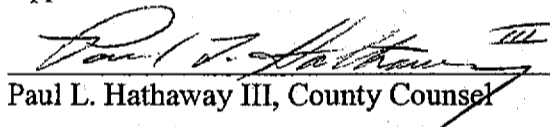


Billy C. Bellamy, Commissioner

Attest:



Approved as to form:


Paul L. Hathaway III, County Counsel

ARTICLE 3 LAND USE ZONES

Section 301 - Exclusive Farm Use A-1 (EFU-A1)

Purpose: 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. The EFU A-1 zone recognizes the right to farm for all land owners within the zone and provides regulations that are reasonable and prudent in order to protect the performance of typical farm use practices, growing various farm crops, conducting animal husbandry, producing horticultural or other farm related products.

In an EFU A-1 Zone (ORS 215.203), the following regulations shall apply:

- A. **Uses Permitted Outright:** All uses permitted pursuant to ORS 215.283 (1), subject to all applicable state statutes and state administrative rules.
- B. **Conditional Permitted Uses:** The following uses may be permitted when approved by the Planning Commission, following a Public Hearing in accordance with the requirements of Article 6 of this Ordinance. The uses identified by this section are subject to the rules for conditional uses promulgated by the Department of Land Conservation and Development at OAR 660-033-0130, including Table 1 attached to those rules.
 - 1. Commercial activities that are in conjunction with farm uses.
 - 2. Operations conducted for:
 - A. Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under ORS 215.283 (1)(g);
 - B. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;
 - C. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement; and
 - D. Processing of other mineral resources and other subsurface resources.
 - 3. Private parks, playgrounds, hunting and fishing preserves and campgrounds subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. 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. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal

cooking appliance.

4. Parks, playgrounds or community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120
5. Golf courses, as defined in OAR 660-033-0130 (20),
6. Commercial utility facilities for the purpose of generating power for public use by sale.
7. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities. A personal-use airport, as used in this section, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by 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 Department 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 Department of Aviation.
8. A facility for the primary processing of forest products provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in Subsection (2) of ORS 215.213. Such a facility may be approved for a one-year period that is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this Section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
9. One manufactured dwelling, 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 as per Section 422. A temporary residence approved under this paragraph is not eligible for replacement under subsection (1)(t) of ORS 215.283(1)(t).
10. Transmission towers over 200 feet in height.
11. Dog kennels, not described in ORS 215.283(1)(j),
12. The propagation, cultivation, maintenance and harvesting of aquatic 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 paragraph to the State Department of Agriculture.

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Notice shall be provided in accordance with the County's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

13. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
14. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
15. Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

16. (A) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and 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.

(B) As used in this paragraph:

"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; and "Local history society" means the local historical society recognized by the Jefferson County Board of Commissioners and organized under ORS 65.

17. Roads, highways and other transportation facilities and improvements not allowed under subsections ORS215.283 (1) and (2) may be established, subject to the approval of the governing body or its designee in areas zoned for exclusive farm use subject to:
 - A. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvements does not comply, and
 - B. ORS 215.296 for those uses identified by rule of the Land Conservation and Development as provided in section 3, chapter 529, Oregon Laws 193.
18. Stream fill and removal subject to all restrictions and criteria set forth by applicable State Statutes and Administrative Rules and this ordinance, including section 603, E.
19. Home Occupation in accordance with the criteria listed in ORS 215.448 and 215.296

C. Limitations on Conditional Uses: In addition to the general standards and conditions that may be attached to the approval of a Conditional Use the following limitations shall apply:

1. Conditional Uses permitted by Subsection B of the Section may be established on non-productive agriculture lands subject to the criteria set forth in this Section following a public hearing by the Planning Commission and a written finding that each such use complies with the following:
 - a. Is compatible with farm uses described in Subsection (2) of ORS 215.203, and is consistent with the intent and purposes set forth in ORS 215.243, the County's Comprehensive Plan and this Ordinance.
 - b. Does not interfere seriously with accepted farming practices as defined in paragraph (c) of Subsection (2) of ORS 215.203 on adjacent lands devoted to farm uses.
 - c. Complies with such other conditions as the governing body of the county considers necessary, and specifically complies with the intent and purposes of the County's Comprehensive Plan.
 - d. Is situated on generally unsuitable land for production of farm crops and livestock, considering the terrain, adverse soils or land conditions, drainage and flooding, vegetation, location and size of tract.
 - e. Does not materially alter the stability of the overall land use pattern of the area
2. The following criteria shall be used when evaluating a Conditional Use for an EFU area:
 - a. Immediate and future impact on public services, existing road systems and traffic demands.
 - b. Soil type and its development limitations, including slides, erosions, flooding and drainage.
 - c. Agricultural productivity, which includes not only food productivity, but the production of any other useable agricultural product which requires open space and non-urban environment.
 - d. Development is to be designed to minimize the effects of terrain, slope and ground cover.
 - e. Development shall be compatible with the existing land use pattern and the overall character of the overall area.
 - f. An adequate quantity and quality of water and either sub-surface or other sanitary disposal system, and adequate provisions for solid waste disposal.
 - g. Conversion of agricultural lands to non-farm uses shall be based upon

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consideration of the following factors:

1. Environmental, energy, social and economic consequences if Goal V resources are effected.
2. Unavailability of an alternative suitable location for the requested use.
3. Compatibility of the proposed use with related agricultural land.
4. The retention of Class I through VI soils in farm use and the retention of range lands.

D. Administrative Permitted Uses:

The following uses may be established subject to review and written Decision by the Planning Director subject to all applicable Oregon revised Statutes and Administrative Rules;

1. Related Dwellings
 - A. Dwelling provided in conjunction with farm use.
 - B. Accessory Farm Dwellings.
 - C. Accessory Farm Dwellings for relatives of the farm operator.
2. Alteration, restoration or replacement of an existing lawfully established dwelling that:
 - a. Has intact exterior walls and roof structure
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system
 - c. Has interior wiring for interior lights
 - d. Has a heating system
 - e. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.
3. Limited Home occupation
- E. Minimum Lot Size: The minimum lot size for new created parcels shall be 80 acres.
- F. Yard Requirements (minimum): Front Yard 30 feet, Side Yard 15 feet, Rear Yard 15 feet.
- G. Minimum Lot Frontage: Every lot shall abut a street, other than an alley, for at least 50 feet.

H. Outdoor Lighting: The location, type and standards for outdoor lighting, including accessory facilities, must meet the following standards:

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

I. Exterior Building Materials

1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

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EXHIBIT B

**Findings in Support of Amendments to Jefferson
County Zoning Ordinance, on Voluntary Remand From LUBA of
Casefile # 00-PA-01**

These findings are made by the Jefferson County Board of Commissioners on the voluntary remand from LUBA of the legislative amendments to the Jefferson County Zoning Ordinance (JCZO) that were adopted by the Board of Commissioners on January 23, 2002, in County Casefile # 00-PA-01. Those amendments were appealed to LUBA by the Confederated Tribes of the Warm Springs Reservation (Warm Springs Tribes), and several other parties joined the LUBA appeal as Intervenors.

The County elected to voluntarily remand Ordinances #0-24-02, #0-25-02, #0-26-02, #0-27-02, and #0-28-02 in order to consider and address the issues raised by the Petitioner and Intervenors in the consolidated LUBA appeals of those ordinances. The County held hearings on August 7 and September 11, 2002, and readopted the ordinances with certain modifications. *See* Ordinances #0-165-02, #0-166-02, #0-167-02, #0-168-02, and #0-169-02. Ordinances #0-165-02, #0-166-02, #0-168-02, and #0-169-02 were appealed by the Confederated Tribes of the Warm Springs Reservation, Jefferson County Farm Bureau, and Dave Stevenson, and several other parties joined the LUBA appeal as Intervenors ("the Petitioners"). The County and the Petitioners agreed to voluntarily remand the Ordinances in order to consider and address the remaining issues in Ordinances #0-165-02, #0-166-02, #0-168-02, and #0-169-02. Because there is a significant amount of overlap in the assignments of error raised, these findings will consider common issues under single headings identifying which Petitioners raised the issues addressed.

I. Compliance with the Comprehensive Plan

All of the Petitioners contend that the proposed JCZO amendments are inconsistent with various provisions of the Jefferson County Comprehensive Plan (JCCP). Petitioners' arguments can generally be grouped into four broad categories: (A) consistency with JCCP policies regarding protection of agricultural uses; (B) consistency with JCCP policies regarding infrastructure; (C) consistency with JCCP policies regarding Wildlife Overlay areas and visual standards; and (D) consistency with the Camp Sherman Area Comprehensive Plan (CSACP).

A. Consistency with JCCP provisions regarding protection of agricultural uses.

A primary purpose of the amendments concerning allowed nonfarm uses is to make the JCZO consistent with state statutes and rules concerning conditional uses on farmland. These amendments reflect both State of Oregon requirements for such uses as well as the policies of the JCCP. Therefore, the County concludes that the standards established under

Wildlife Overlay Zone. The County finds that the JCZO amendments are consistent with JCCP Policy 5-H-5.

JCCP Policy 5-G-2: The implementing ordinances shall prescribe a visual standard for residential construction within one-half mile of the major rivers in the County. The standards shall prescribe exterior design and surfacing which is in harmony with the surrounding landscape.

Petitioners objected to the County's proposed deletion of JCZO § 412(E), which required natural wood or earth-tone colors on structures within one-half mile of the Deschutes, Crooked, and Metolius Rivers. On remand, as described in the August 7, 2002 staff report, the County has made revisions that ensure compliance with JCCP Policy 5-G-2 by adopting a definition of "major river," and adding language for exterior building materials in all zones that exist within one-half mile of a major river. The new language provides that "exterior walls, trim and roof shall be finished in non-reflective flat tones, of earth or forest color, for any structure within one-half mile of a major river."

The County finds that this proposed language, when added as a requirement for exterior building materials in all zones that exist within one-half mile of "major rivers" is consistent with JCCP Policy 5-G-2.

C. Consistency with the Camp Sherman Area Comprehensive Plan regarding Local Advisory Committee review.

Petitioner Friends of the Metolius argues that the JCZO amendments fail to provide for review of development applications and uses by the Local Advisory Committee (LAC) within the Camp Sherman Planning Area, as required by the Camp Sherman Area Comprehensive Plan (CSACP). Under the CSACP, the LAC "shall review all proposed development in the Camp Sherman Area, and render a written report to the Planning Commission. ... The LAC shall determine whether any proposed use or development in the Camp Sherman Area is in conformity with standards set by the Camp Sherman Plan."

Responding to the issue raised by Petitioner Friends of the Metolius, in the August 7, 2002 staff report County staff proposed to add language requiring development review by the LAC in all of the zones within the Camp Sherman Planning Area. Petitioner Friends of the Metolius points out that the language proposed only provides that the LAC "shall review all applications" for proposed development, and does not expressly state that the CSACP calls for the LAC to issue a written report and hold a hearing.

In order to address all of the Petitioner's concerns, the County proposes to further amend the language proposed in the August 7, 2002 staff report to the following: "The Camp Sherman Local Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Area Comprehensive Plan."

specifically "require compliance with ORS 215.296." The County recognizes that home occupations are listed as conditional uses on EFU land under ORS 215.283(2), which necessarily means that the standards of ORS 215.296 must be applied. As with many of the Petitioners' arguments, the County is not required to adopt the entirety of ORS Chapter 215 verbatim in order to have its ordinance be consistent with the statutes, but in the interest of responding to Petitioners' concerns, the County proposes to amend the language in the applicable sections of the RL ordinances 302(D)(5)) to match the existing language in the A-1 ordinance, which provides: "Home occupations in accordance with the criteria listed in ORS 215.448," and to add express references to ORS 215.296. The County further proposes to adopt language that establishes two types of home occupations. 'Home Occupation' would be limited to business established within the primary dwelling which would not employ any employees except residents of the primary dwelling. 'Home Occupation' is an administrative permitted use. 'Limited Home Occupation' can be established in the primary dwelling or in an accessory building and employ up to five employees. 'Limited Home Occupation' is a conditional use approved by the Jefferson County Planning Commission

C. Consistency of County definition of "agricultural lands" with Goal 3 and DLCDC rules.

Petitioners assert that the County's definition of "agricultural lands" is no longer consistent with the Goal 3 definition, because the definitions that existed in each of the EFU zone ordinances was deleted, and the only remaining definition is the one in Section 105 (Definitions), which does not exactly mirror the Goal 3 definition.

In the interest of addressing Petitioners' concerns, the County proposes to add the following sentence at the end of the existing definition of "Agricultural Land" in JCZO Section 105: "Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural land even though this land may not be cropped or grazed."

III. Compliance with Statute Requiring De Novo Hearings

All Petitioners contend that the JCZO amendments violate ORS 215.416(11)(a) because the provisions in JCZO Section 911(A)(2) could allow for the possibility of a decision by the Board of Commissioners not to provide a de novo hearing from an administrative appeal. The statute, ORS 215.416(11)(a) allows the County to "approve or deny an application for a permit without a hearing," so long as notice is provided, and affected persons are given the opportunity to file an appeal. The statute requires that the appeal must be to a "de novo" hearing.

The JCZO amendments to the A-1, A-2, RL, and FM ordinances include new provisions for "Administrative Permitted Uses," which are uses that can be reviewed and approved administratively by the Planning Director without a hearing under Section 910.

procedure shall [be subject to an appeal decision on the record or scheduled public hearing as noted in the requirements of subsection 2 above] result in a full de novo hearing before the Board of Commissioners."

IV. Consistency with Goal 5

The nonfarm uses allowed by the Ordinances are consistent with Goal 5 because they will have to meet the additional criteria as outlined in the Wildlife Overlay Zone. The Jefferson County Zoning Ordinance is consistent with Goal 5 in limiting potential conflicts by adopting the criteria set forth in Section 325 Riparian Corridor Buffer Combining Zone, Section 404 Fences, Section 412 Scenic And Natural Hazard Rim Set Back, Section 417 Historic Site Protection, Section 419 Riparian Buffer, Section 420 Endangered Species, Section 429 Archaeological Preservation and Section 429.1 Archaeological Objects and Sites. These sections limit development and protect the Goal 5 resource areas of Jefferson County. The County has also adopted ODFW Bird Habitat Sites as part of the County's acknowledged zoning map and has criteria for each site that limits any development within a 1/4 mile radius of that particular site. For these reasons, and as explained in the ESEE analysis, the JCZO amendments are consistent with Goal 5.

V. Consistency with Goal 2 — Adequate Factual Base

Petitioners contend that the JCZO amendments are inconsistent with Statewide Planning Goal 2, which requires that legislative land use decisions must be supported by an "adequate factual base." It is well-established that the Goal 2 "adequate factual base" requirement is identical to the substantial evidence requirement applied to quasi-judicial land use decisions. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 377-78, *aff'd* 130 Or App 406, 882 P2d 1130 (1994).

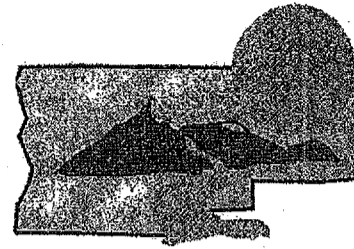
However, it is also well-established that local governments are not required to adopt findings in making *legislative* land use decisions. Petitioners allege that the County is required by JCZO Section 803 to adopt findings in support of its legislative decisions. The County interprets JCZO Section 803 to apply only to quasi-judicial decisions on applications for zone or plan amendments, and not to legislative decisions. Section 803 is entitled "Standards for Granting an Amendment," and is clearly directed at *applications* for amendments, which the ordinance requires to be "approved, denied, or modified." Section 803 also requires the Board of Commissioners to determine that "the applicant has a bona fide intent to use and develop the land as proposed," which is clearly a requirement for a quasi-judicial decision. Because the County interprets JCZO Section 803 to only apply to quasi-judicial decisions, and the amendments at issue are being adopted through a legislative process, the County finds that Section 803 does not require that specific findings must be adopted as part of its decision.

Nonetheless, the County has adopted findings demonstrating consistency with the provisions of the JCCP that Petitioners have identified, or has proposed revisions designed to ensure consistency. As described in more detail in Section I above, the JCZO amendments

JEFFERSON COUNTY

Community Development Department

85 S.E. D St. Madras, Oregon 97741 ♦ Ph: (541) 475-4462 ♦ Ph: (541) 475-4453 ♦ Fax (541) 475-4270



0-63-03

March 27, 2003

To: Jefferson County Board of Commissioners

From: Butch Parker, Administrator

Subject: Proposed Findings For Casefile 00-PA-01 Compliance with State and County Land Use Goals and an ESEE analysis for Goal 5 Resources

EXHIBIT C

SPECIAL NOTE: This analysis contains general findings for Casefile 00-PA-01 to assure compliance with State and County land use Goals. The specific findings are noted below regarding an ESEE conflict analysis, supporting adoption of recommended draft language in Exclusive Farm Use (EFU), Rangeland (RL) or Forest Management (FM) Zones that contain an applied Wildlife Overlay Combining Zone and significant historic archaeological site preservation.

GENERAL FINDINGS FOR CASEFILE 00-PA-01 COMPLIANCE WITH STATE AND COUNTY COMPREHENSIVE PLAN GOALS

GOAL 1 – CITIZEN INVOLVEMENT The County Planning Commission and Board of Commissioners find that Goal 1 has been complied with by the mailed notices (6472) given to all property owners in the County outside the City limit boundary of incorporated Cities in accordance with the 1998 Law, commonly known as Ballot Measure 56, local newspaper public notices and public hearings held before the Commissioners during the review of Casefile 00-PA-01. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING The purpose of the State and County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision making. This Goal has been complied with by implementation of the following;

- a. Adoption of Zoning Ordinance language that is equal to or more restrictive than State ORS 215 statutes.
- b. Identification of conflicts and consequences through an ESEE analysis for each resource.
- c. Adoption of amendments to the Text in the Zoning Ordinance to correct past errors and omissions to make the enforcement of the Zoning Ordinance more clear and objective.

GOAL 3 – AGRICULTURAL LANDS This Zoning Ordinance does not conflict with Goal 3. New proposed non-farm uses have been clearly identified and adoption of language in the Zoning Ordinance that is in accordance with ORS 215 statutes assures that protection and preservation of farmland and reduction of

urban subdivision lots to very primitive living conditions for dwellings that do not include readily available water, power or maintained County roads. This Goal has been complied with.

GOAL 11 – PUBLIC FACILITIES The adopted Zoning Ordinance language recognizes the location of public facilities in accordance with state land use regulations. County established criteria for siting the public facilities in accordance with state land use regulations assures adequate delivery of public services in a more efficient manner. This Goal has been complied with.

GOAL 12 – TRANSPORTATION The adopted Zoning Ordinance recognize some areas within the County that may permit dwellings, however, there may be insufficient funding to fully maintain the road system to the dwelling. The County will require that property owners requesting a dwelling in a remote area of the County to sign a "*Waiver Of Right To Remonstrate Against The Construction And Maintenance Of County Roads*", that would service the new dwelling, until such time that adequate funding is available. All other road transportation facilities within the County will be constructed and maintained within this Goal as outlined in the Transportation System Plan of the County. This Goal has been complied with.

GOAL 13 – ENERGY CONSERVATION Any outright permitted use or conditional use of development under the adopted Zoning Ordinance will be typically located within areas that are adjacent to public roads. Restrictions on dwelling placement in the Wildlife Combining Overlay Zone will reduce vehicle traffic distances to public roads, thereby, improving energy conservation. Remote dwelling locations will encourage alternate solar energy sources for power and water supplies, therefore, reducing power demands on hydroelectric or fossil fuel sources.

GOALS 14 – URBANIZATION The urbanization goal is to provide an orderly and efficient transition from rural to urban land use. The County has entered into an Urban Growth Area Management Agreement with all incorporated cities in Jefferson County. The adopted Zoning Ordinance has a 2 acre minimum for Rural Residential development. The ordinance also identifies unincorporated rural communities that comply with goal 14. The County Commercial Zone has development standards that are equal to or less dense than those that apply to Rural Communities. This goal has been complied with.

GOALS 15 through 19 not applicable

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Jefferson County Zoning Ordinance (JCZO) Amendments

- EFU A-1, A-2 and Rangeland

The County Comprehensive Plan, adopted in 1981, contained a limited analysis of Goal 5 resources. Goal 5 resources identified in the adopted Comprehensive Plan were limited to major county streams, lakes and impoundments, thirty-eight (38) mineral and aggregate resources and ten (10) historic sites. The County later adopted 0-124-97 to apply protection to riparian areas of significant streams to protect Fish habitat, Ordinance 0-53-93 to identify big game wildlife habitat areas and Ordinance 0-49-97 to identify sensitive bird habitat areas. The County has not completed a countywide comprehensive analysis of any additional designated Goal 5 resources since 1981. In the absence of a new detailed analysis of identified Goal 5 resources, the County will continue to protect only previously identified resources in the Comprehensive Plan until a Goal 5 inventory is completed. The County will rely on State or Federal laws for resource protection pending a new countywide Goal 5 inventory. The proposed JCZO amendments would add new Section 429, Archeological Preservation, to protect historic areas, sites, structures and objects in accordance with the Goal 5 purpose. A Goal 5 resource analysis in the future will locate and identify known archeological sites in the County for implementation of criteria to be in compliance with Goal 5.

The Jefferson County Board of Commissioners in Ordinance 0-20-81 adopted the existing Jefferson County Zoning Ordinance (JCZO), including Section 301, EFU (A-1) and Section 302, Rangeland. The JCZO has been amended through various actions of the County Commissioners since that original adoption. The Board of Commissioners adopted Section 421, Wildlife Combining Overlay Zone, in Ordinance 0-53-93. The designated Wildlife Combining Overlay boundaries adopted in Ordinance 0-53-93 were based upon a map, provided by the Oregon Department of Fish and Wildlife (ODFW), that was re-created onto the official County Zoning Map acknowledged by the County Commissioners on February 10, 1999. When Ordinance 0-53-93 was adopted an ESEE analysis for that Ordinance was apparently deferred to the future regarding an individual case-by-case basis for development impact considerations.

- Analysis Of Potential Conflicts To Identified Goal 5 Resources by Uses Authorized in JCZO amendments to Section 301, Exclusive Farm Use (EFU A-1) and Section 301.1, Exclusive Farm Use (EFU A-2) Zone.

The Board of Commissioners concludes that based upon the absence of inventoried Goal 5 resources in those portions of the A-1 zone affected by the JCZO amendments, the adoption of the amendments to JCZO sections 301 affecting the EFU A-1 and A-2 zones will not result in conflicts with identified resources and therefore no ESEE analysis is required under the Goal 5 rule with respect to those amendments

- Analysis of Potential Conflicts to Goal 5 Resources by New Uses Authorized by Amendments to Section 302, Rangeland (RL) Zoned Property.

Amendments to section 302 of the JCZO authorize permitted, conditional and administrative uses for the Rangeland Zone. Outright permitted uses in the Rangeland Zone are extremely limited in number and include the uses that have been determined by the State and adopted by the Board of Commissioners to be customarily non-impacting on any typical Rangeland Zone uses and Goal 5 resources. The Conditional and Administrative

5. *Parks, hunting and fishing preserves and campgrounds. Not permitted on high-value farmland.*
6. *Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.*
7. *A facility for the primary processing of forest products.*
8. *Utility facility necessary for public services for the purpose of generating power for public use by sale and transmission towers.*
9. *Churches and cemeteries in conjunction with churches.*
10. *Stream fill and removal*
11. *Improvements of road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of additional lands.*

CONFLICT ANALYSIS

Each of the previously adopted Zoning Ordinance conditional uses listed in Conditional Uses 3-11 above are site-specific activities that may conflict with designated Goal 5 Resources. These conditional uses typically include surface area disturbance and possible disruption of wildlife habitat, unknown historic or cultural areas, scenic view areas, riparian areas or existing mineral or aggregate sites. Disturbance of any of these Goal 5 Resources may create a significant loss of an important part of a resource that may not be repaired or replaced.

IMPACT AREA

The entire designated Rangeland Zone area boundary, containing approximately 371,934 acres of private ownership, within the County is specified as the impact area.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas were to remain unprotected, unrestricted land use could lead to a negative impact on Goal 5 Resource Values including Big Game Habitat, Riparian Areas, Bird Sites, and Potential Wetlands. The protection of these Goal 5 resources can have an economic consequence on private property owners.

Social: Loss of Goal 5 Resources will reduce the social values previously achieved by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resources will lessen inherent social values.

Environmental: Loss of Big Game Habitat and other Goal 5 Resources will result in a degradation of other symbiotic factors of the environment with a proportionate decrease in the numbers of life forms, not limited to animals or fowl, that are a direct part of the food chain.

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agricultural farm soil or high-value farm soil areas from crop production capability. The total area occupied by a tower in high-value farm soil area is considered to be very minimal and siting of a wireless facility footprint will be considered an insignificant removal of productive farm soil. The construction of wireless towers does not create a significant conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS Forest management designated lands may contain an appropriate engineered site for a wireless communication tower. The siting of a tower within an area of approximately 50'x50' will remove that area from timber production. The total area occupied by a tower in a forest management area is considered to be very minimal and insignificant removal of productive timber soil. The construction of wireless towers does not create a significant conflict with Goal 4. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 427 regarding Wireless Communication Towers that contains restrictions on placement of the Towers in relation to scenic values assures compliance with Goal 5. The regulations are more particularly discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

IMPACT AREA

The location of wireless communication towers could be spread at locations throughout the County. There are specific limitations regarding line-of-sight between towers using current technologies for wireless communications. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential area acreage for Section 427.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas were to remain unprotected from the random location of wireless communication towers, unrestricted land use could lead to a negative impact on Goal 5 Resource Values related to designated outstanding scenic views and sites. Proliferation of visual obstructions to local view sheds may reduce values of property with existing permitted dwellings. Requirements for wireless communication towers to locate at an alternative site to protect scenic values may create additional costs to the construction of the facility.

Social: The loss or significant impact of Goal 5 Resources related to scenic views will reduce the social values previously achieved by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resource scenic views may lessen inherent social values.

Environmental: The construction of wireless communication towers only disturbs a visual environment. The size of the actual disturbed area on the ground is approximately 50'x50' and minimal impact to soils or

minimal and insignificant removal of productive timber soil. The location of a burial site for human remains does not create a significant conflict with Goal 4. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 428 regarding burial of human remains does not contain restrictions on placement of the burial plot location in relation to open spaces, scenic resources and historic area values. Burial plots are sub terrain, retain open space surrounding the location(s) and most likely contain some historic significance to the plot occupant, therefore, assures compliance with Goal 5. The regulations are more particularly discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

CONFLICT ANALYSIS

Adoption of Section 428 may impact designated Goal 5 Resources. An area identified as burial of human remains site requiring certain recognition and protection may restrict any further disturbance of the area, thereby, taking valuable farm or forest cropland out of production. Withdrawal of valuable lands for burial of human remains will impact property values of affected lands.

IMPACT AREA

The location of burial of human remains could be placed at virtually any location throughout the County. There are specific limitations regarding actual locations of the burial plots related to property lines and water sources. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential impact area acreage for Section 428.

ESEE CONSEQUENCES

Economic: The establishment of a burial plot on private land may impact the value of the property. The decision of surviving relatives to bury human remains on private land becomes a personal choice of the relatives with possible future negative financial consequences that are beyond the liability or responsibility of the County.

Social: The loss or significant impact of Goal 5 Resources related to burial of human remains is very limited and minimal. Frequency of requested burial of human remains on private is very limited based upon historic records and knowledge of the County personnel. Denying the right to bury human remains on private property may reduce the private property ownership social values previously acknowledged by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle.

Environmental: There is an anticipated impact on the environment related to ground water and possible contamination of the burial area from human remains, unless very specific burial standards are followed.

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limitation and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

- **Analysis Of Potential Conflicts with Goal 5 Resources By Permitted or Conditional Uses In Section 429 Archeological Preservation**

The County Comprehensive plan adopted as Ordinance 0-20-81 contained Goal 5 Objective (5-J) that committed the County to Protect the Historic resources of the area. Policy 5-J-1 states, "The Historic Sites of Special Local Interest listed in the historic resource inventory will be mapped in the Jefferson County Museum." Policy 5-J-3 states, "The sites of Special Local Interest, and the historic cemeteries, as they are located, shall be protected from destructive alteration for an appropriate period of time while historic preservation organizations are notified of the proposed alteration." Table 15 of the Comprehensive Plan lists 10 historic sites of special local interest. An additional 25 sites were listed as warranting designation and explanation in the County Historic museum. No further action to designate historic sites has been conducted by the County since adoption of the Comprehensive Plan.

The County has previously relied on State statutes for the protection of Goal 5 historic resources, including archaeological objects and sites. The County has received input from the Public, Staff, Department of Land Conservation and Development and Commission on Indian Services and has recommended adoption of the language in Section 429 of the Jefferson County Zoning Ordinance. The purpose of Section 429 is to provide a means of designating and protecting archaeological resources in a manner complying with state land use planning requirements and state laws regarding archaeological sites and cultural resources. Adoption of Section 429 will assure compliance with the Comprehensive Plan Goal 5 stated Objectives and Policies.

Compliance of Section 429 with State and County Land Use Goals

GOAL 1 – CITIZEN INVOLVEMENT. All Tax Lot owners with property outside the Urban Growth Boundaries within the County have been provided a notice in accordance with Ballot Measure 56 requirements and published public notices in the Madras Pioneer have been included prior to each scheduled hearing. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING. The purpose of the County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision-making. This Goal has been complied with by adoption and implementation of Section 429 that is equal to or more restrictive regarding historic archeological sites identified under State or Federal statutes.

GOAL 3 – AGRICULTURAL LANDS. Agricultural lands may contain archeological sites of significant importance. Many lands within the County have been cleared by intensive agricultural farm practices and some cultural or archeological sites may have been unknowingly eliminated. Uncultivated agricultural lands may still contain areas of archeological interest that will be protected upon adoption of Section 429. The adopted Zoning Ordinance Text does not preclude the continuation of any existing farming practices. Adoption of Section 429 does not conflict with Goal 3. This Goal has been complied with.

Environmental: Loss of Goal 5 Resources related to historic or archeological important will not likely result in a degradation of other symbiotic factors of the environment or a proportionate decrease in the numbers of life forms, not limited to animals or fowl, that are a direct part of the food chain.

Energy: Loss of Goal 5 Resource related to historic or archeological sites areas generally will not impact any distribution systems for energy, unless the sites are identified at a proposed energy facility.

Program to Achieve the Goal: Section 429 defines what Archaeological Objects And Sites are pertaining to this ordinance. The section sets out the standards and identifies the permits required for any person wishing to survey property to determine the presence of any Archaeological Objects or Sites. This section also sets forth the procedures to be followed if any Objects or Sites are accidentally exposed. By enacting this section, the County is assured that any significant conflicts with Goal 5 Historic or Archaeological resources will be reduced or eliminated.

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

**IN THE MATTER OF ADOPTING THE)
JEFFERSON COUNTY ZONING)
ORDINANCE AND FINDINGS AND)
ESEE ANALYSIS FOR ARTICLE 3,)
SECTION 302 AND REPEALING)
JEFFERSON COUNTY ORDINANCE)
NO. O-168-02 AND DECLARING AN)
EMERGENCY)**

Ordinance No. O-64-03

WHEREAS, the Jefferson County Planning Staff initiated legislative amendments to revise and update the Jefferson County Zoning Ordinance pursuant to Article 8, Section 801 of the current Jefferson County Zoning Ordinance and Jefferson County Ordinance No. 0-160-91, Article 3; and

WHEREAS, Jefferson County conducted numerous public hearings and took public testimony on its proposed legislative amendments before both the Jefferson County Planning Commission and the Jefferson County Board of Commissioners beginning in April of 2000; and

WHEREAS, all appropriate notices required pursuant to ORS 215.503 and Jefferson County Ordinance No. 0-160-91, Section 3.2 were published or mailed as required by law; and

WHEREAS, following public hearings on each of the respective portions of proposed legislative amendments and considering all the public testimony therefrom, the Jefferson County Planning Commission forwarded its modifications and recommendations to the Jefferson County Board of Commissioners for their consideration; and

WHEREAS, the Jefferson County Board of Commissioners, following public hearings on the proposed legislative amendments received from the Jefferson County Planning Commission, and having considered all the public testimony therefrom, made certain modifications and adopted Jefferson County Ordinance No. O-27-02; and

WHEREAS, Jefferson County Ordinance No. O-27-02 was appealed to the Land Use Board of Appeals on February 21, 2002 and was consolidated with four other county

ORDINANCE – Adoption of Jefferson County Code and Findings – Article 3,
Section 302

decisions on appeal as LUBA Nos. 2002-17, 2002-18, 2002-19, 2002-20 and 2002-21;
and

WHEREAS, Jefferson County on May 28, 2002 moved the Land Use Board of Appeals for an Order voluntarily remanding the county's decision to adopt Jefferson County Ordinance No. O-27-02 back to the county for further proceedings to address issues raised in Petitioner's and Intervenor's briefs; and

WHEREAS, the Land Use Board of Appeals granted the county's motion for a voluntary remand by its Order dated June 20, 2002, effectively repealing Jefferson County Ordinance No. O-27-02; and

WHEREAS, the Jefferson County Commission held remand hearings on August 7, 2002 and September 11, 2002 to receive testimony and evidence on the issues raised in the LUBA appeal; and

WHEREAS, the Jefferson County Board of Commissioners, following public hearings on the proposed legislative amendments received from the Jefferson County Planning Staff, considering all the public testimony therefrom and having made certain modifications, adopted Jefferson County Ordinance No. O-168-02 on October 2, 2002; and

WHEREAS, Jefferson County Ordinance No. O-168-02 was appealed to the Land Use Board of Appeals and was consolidated with four other county decisions on appeal as LUBA Nos. 2002-143, 2002-144, 2002-145, 2002-146 and 2002-147 on October 30, 2002; and

WHEREAS, the parties in LUBA Nos. 2002-143, 2002-144, 2002-145, 2002-146 and 2002-147, on December 6, 2002, moved the Land Use Board of Appeals for a stipulated Order voluntarily remanding the county's decision to adopt Jefferson County Ordinance No. O-168-02 back to the county for further proceedings to address issues raised in Petitioner's and Intervenor's briefs; and

WHEREAS, the Land Use Board of Appeals granted the parties' motion for a voluntary remand by its Order dated December 13, 2002, effectively repealing Jefferson County Ordinance No. O-168-02; and

WHEREAS, the Jefferson County Commission held remand hearings on March 27, 2002 to receive testimony and evidence on the issues raised in the LUBA appeal.

NOW THEREFORE, the Jefferson County Commission hereby **ORDAINS** as follows:

ORDINANCE – Adoption of Jefferson County Code and Findings – Article 3,
Section 302

0-64-03

1. **Adoption of Provisions Ordinance.**

Jefferson County hereby adopts in their entirety the above captioned provisions of the Jefferson County Zoning Ordinance, including Article 3, Section 302, attached hereto as Exhibit A and incorporated herein by this reference.

2. **Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. If for any reason any portion of this ordinance should be declared invalid or unconstitutional, the remaining portions of this ordinance shall continue in full force and effect.

3. **Repeal of Previous Ordinances and Orders.**

Those ordinances and orders previously adopted by the Board of County Commissioners or the County Court and which predate or conflict with the provisions of this ordinance, including Jefferson County Ordinance No. O-168-02, are repealed and replaced by this ordinance. Any ordinance that was repealed by this ordinance shall not be revived except to the extent that this ordinance or any provisions thereof are declared invalid or unconstitutional.

4. **Adoption of Findings.**

In support of the ordinance provisions adopted in Section 1 herein, Jefferson County hereby adopts the findings set forth in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference.

5. **Adoption of ESEE Analysis.**

In support of the ordinance provisions adopted in Section 1 herein, Jefferson County hereby adopts the ESEE Analysis and supporting findings set forth in Exhibit C, a copy of which is attached hereto and incorporated herein by this reference.

6. **Emergency Declared.**

This ordinance being found necessary for the preservation of the public health, safety and welfare of the citizens of Jefferson County, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon passage.

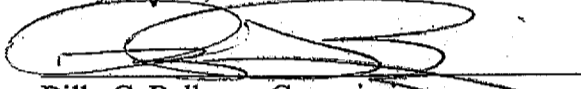
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DATED this 10TH day of APRIL, 2003.

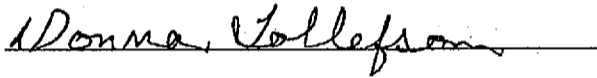
JEFFERSON COUNTY COMMISSION


Walt Ponsford, Commission Chair

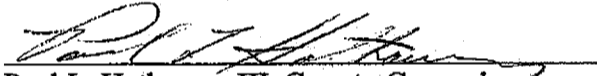

Mary Zemke, Commissioner


Billy C. Bellamy, Commissioner

Attest:


Donna Vallejos

Approved as to form:


Paul L. Hathaway III, County Counsel

Section 302 - Range Land -RL

Purpose: The RL zone has been established to recognize and preserve areas containing predominantly non-irrigated agricultural soils for existing and future farm uses related to livestock grazing and the production of agricultural crops or products. The RL zone recognizes the right to farm for all land owners within the zone and provides regulations that are reasonable and prudent in order to protect the performance of typical farm use practices, growing various farm crops, conducting animal husbandry, producing horticultural or other farm related products for the purpose of obtaining a profitable income for the property owner.

In an Exclusive Farm Use Range Land Zone (ORS 215.203), the following regulations shall apply:

- A. **Uses Permitted Outright:** All uses permitted pursuant to ORS 215.283 (1), and subject to other applicable Oregon State Statutes and Administrative Rules

- B. **Conditional Permitted Uses:** The following uses may be permitted when approved by the Planning Commission, following a Public Hearing in accordance with the requirements of Article 6 of this Ordinance. The uses identified in this section are subject to the rules for conditional uses promulgated by the Department of Land Conservation and Development at OAR 660-033-0130, including Table 1 attached to those rules.
 - 1. Commercial activities that are in conjunction with farm uses.

 - 2. Operations conducted for:
 - a. Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted by ORS 215.283 (1)(g) :

 - b. Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

 - c. Processing, as defined by ORS 517.750, of aggregate into asphalt or Portland cement; and

 - d. Processing of other mineral resources and other subsurface resources.

 - 3. Private parks, playgrounds, hunting and fishing preserves and campgrounds subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. 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. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296(1). As used in this paragraph, "yurt" means a round, domed

shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

4. Parks, playgrounds or community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A public park may be established consistent with the provisions of ORS 195.120.
5. Golf courses, as defined OAR 660-033-0130 (20),
6. Commercial utility facilities for the purpose of generating power for public use by sale.
7. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by 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 Department 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 Department of Aviation.
8. A facility for the primary processing of forest products. Such a facility may be approved for a one-year period and is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper, stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this Section means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
9. One manufactured dwelling 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 as per Section 422. A temporary residence approved under this paragraph is not eligible for replacement under subsection (1)(t) of ORS 215.283(1)(t).
10. Transmission towers over 200 feet in height.
11. Dog Kennels, not described in ORS 215.283(1)(j),
12. The propagation, cultivation, maintenance and harvesting of aquatic 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 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the County's land use regulations but shall

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be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

13. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
14. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
15. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
16. A destination resort that is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort. The destination resort shall not be sited within three miles of 'High Value Crop Area' means an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of \$1,000 per acre per year, as those terms are defined in ORS 197.435. It shall have minimal impact on wildlife habitat.
17. (A) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and 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.

(B) As used in this paragraph:
"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; and "Local history society" means the local historical society recognized by the Jefferson County Board of Commissioners and organized under ORS 65.
18. Roads, highways and other transportation facilities and improvements not allowed under subsections ORS215.283 (1) and (2) may be established, subject to the approval of the governing body or its designee in areas zoned for exclusive farm use subject to:
 - a. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvements does not comply, and ORS 215.296 for those uses identified by rule of the Land Conservation and Development as provided in section 3, chapter 529, Oregon Laws 193.
19. Stream fill and removal subject to all restrictions and criteria set forth by the state of

Oregon and this ordinance, including section 603 E.

20. Home Occupation as provided in ORS 215.448 and 215.296

C. Limitations on Conditional Uses: In addition to the general standards and conditions that may be attached to the approval of a Conditional Use the following limitations shall apply:

1. Conditional uses permitted by Subsection B of this Section may be established subject to the criteria set forth in this Section and following a public hearing by the Planning Commission and a written finding that each such use complies with the following:
 - a. Is compatible with farm uses described in Subsection (2) of ORS 215.203, and is consistent with the intent and purposes set forth in ORS 215.243, the County's Comprehensive Plan and this Ordinance.
 - b. Does not interfere seriously with accepted farming practices as defined in paragraph (c) of Subsection (2) of ORS 215.203 on adjacent lands devoted to farm uses.
 - c. Complies with such other conditions as the governing body of the county considers necessary, and specifically complies with the intent and purposes of the County's Comprehensive Plan.
 - d. Is situated on generally unsuitable land for production of farm crops and livestock, considering the terrain, adverse soils or land conditions, drainage and flooding, vegetation, location and size of tract.
 - e. Does not materially alter the stability of the overall land use pattern of the area.
2. The following criteria shall be used when evaluating a Conditional Use for an R-L area:
 - a. Immediate and future impact on public services, existing road systems and traffic demands.
 - b. Soil type and its development limitations, including slides, erosions, flooding and drainage.
 - c. Agricultural productivity which includes not only food productivity, but the production of any other useable agricultural product which requires open space and non-urban environment.
 - d. Development is to be designed to minimize the effects of terrain, slope and ground cover.
 - e. Development shall be compatible with the existing land use pattern and the overall character of the overall area.

- f. An adequate quantity and quality of water and either surface or other sanitary disposal system, and adequate provisions for solid waste disposal.
- g. Conversion of agricultural lands to non-farm uses shall be based upon
 - (1) Environmental, energy, social and economic consequences if Goal V resources are effected.
 - (2) Unavailability of an alternative suitable location for the requested use.
 - (3) Compatibility of the proposed uses with related agricultural land.
 - (4) The retention of Class I through VI soils in farm use and the retention of range lands.

D. Administrative Permitted Uses:

The following uses may be established in the Rangeland Zone subject to all applicable State statutes and administrative rules and review and written Decision by the Planning Director

1. Alteration, restoration or replacement of an existing lawfully established dwelling that:
 - a. Has intact exterior walls and roof structure
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system
 - c. Has interior wiring for interior lights
 - d. Has a heating system
 - e. The old dwelling shall be removed, demolished or converted into an allowable non-residential use within three months of the completion of the replacement dwelling.
2. Farm Related Dwellings, on 320 acres or more, including manufactured homes, subject to Section 408 of this Ordinance, as defined in ORS 215.283 (1)(e) & (f) in accordance with one of the following;
 - a. Dwelling in conjunction with farm use in accordance with OAR 660-033-135 (1)(B).
 - b. Accessory Farm Dwellings in accordance with OAR 660-033-0130 (24).
 - c. Accessory Farm Dwellings for relatives of the farm operator in accordance with OAR 660-033-0130 (9). The dwelling shall be located on the same lot or parcel as the dwelling of the farm operator

3. Farm Related Dwellings, on less than 320 acres;
 - a. Dwelling in conjunction with farm use in accordance with OAR 660-033-135(5)(a)(A).
 - b. Accessory Farm Dwellings in accordance with OAR 660-033-0130 (24).
 - c. Accessory Farm Dwellings for relatives of the farm operator in accordance with OAR 660-033-0130 (9). The dwelling shall be located on the same lot or parcel as the dwelling of the farm operator.
4. Dwelling in conjunction with farm use on high value farmland pursuant to OAR 660-033-0135(7).
5. Limited Home occupation

E. Dwellings approved in Subsections D2, D3 and D4 above shall be subject to compliance with the following;

- a. The owner of the new dwelling shall sign and record a "Waiver Of Right To Remonstrate Against Accepted Farm Use Practices And The Maintenance Or Construction Of County Roads" and "Waiver Of Right To Remonstrate Against Formation Of A Local Fire Protection District" for the property.
- b. Construction of the dwelling shall include a 30' primary and 100' secondary firebreak surrounding the dwelling, roofing shall be constructed of fire retardant materials, all chimneys shall contain an adequate spark arrestor and driveway access to the dwelling shall meet State Fire Marshal standards.
- c. The applicant proposing a new dwelling, located within a designated Wildlife Overlay Combining Zone shall comply with all of the requirements of Section 321.

F. Uses Not Permitted:

1. Any land division, development scheme or proposal, which creates more than one (1) additional parcel from a tract of ownership during a calendar year. Lots or parcels shall be created in accordance with the minimum size noted in G of this Section. A change of ownership does not renew the calendar year.

G. Minimum Lot Size:

The minimum lot size for all new lots shall be 160 acres if the lots created meet the standards set forth in ORS 215. 263(2).

H. Yard Requirements (minimum): Front Yard - 30 feet, Side Yard - 30 feet, Rear Yard - 30 feet.

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I. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, must meet the following standards:

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line.
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

J. Exterior Building Materials

1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

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EXHIBIT B

**Findings in Support of Amendments to Jefferson
County Zoning Ordinance, on Voluntary Remand From LUBA of
Casefile # 00-PA-01**

These findings are made by the Jefferson County Board of Commissioners on the voluntary remand from LUBA of the legislative amendments to the Jefferson County Zoning Ordinance (JCZO) that were adopted by the Board of Commissioners on January 23, 2002, in County Casefile # 00-PA-01. Those amendments were appealed to LUBA by the Confederated Tribes of the Warm Springs Reservation (Warm Springs Tribes), and several other parties joined the LUBA appeal as Intervenors.

The County elected to voluntarily remand Ordinances #0-24-02, #0-25-02, #0-26-02, #0-27-02, and #0-28-02 in order to consider and address the issues raised by the Petitioner and Intervenors in the consolidated LUBA appeals of those ordinances. The County held hearings on August 7 and September 11, 2002, and readopted the ordinances with certain modifications. *See* Ordinances #0-165-02, #0-166-02, #0-167-02, #0-168-02, and #0-169-02. Ordinances #0-165-02, #0-166-02, #0-168-02, and #0-169-02 were appealed by the Confederated Tribes of the Warm Springs Reservation, Jefferson County Farm Bureau, and Dave Stevenson, and several other parties joined the LUBA appeal as Intervenors ("the Petitioners"). The County and the Petitioners agreed to voluntarily remand the Ordinances in order to consider and address the remaining issues in Ordinances #0-165-02, #0-166-02, #0-168-02, and #0-169-02. Because there is a significant amount of overlap in the assignments of error raised, these findings will consider common issues under single headings identifying which Petitioners raised the issues addressed.

I. Compliance with the Comprehensive Plan

All of the Petitioners contend that the proposed JCZO amendments are inconsistent with various provisions of the Jefferson County Comprehensive Plan (JCCP). Petitioners' arguments can generally be grouped into four broad categories: (A) consistency with JCCP policies regarding protection of agricultural uses; (B) consistency with JCCP policies regarding infrastructure; (C) consistency with JCCP policies regarding Wildlife Overlay areas and visual standards; and (D) consistency with the Camp Sherman Area Comprehensive Plan (CSACP).

A. Consistency with JCCP provisions regarding protection of agricultural uses.

A primary purpose of the amendments concerning allowed nonfarm uses is to make the JCZO consistent with state statutes and rules concerning conditional uses on farmland. These amendments reflect both State of Oregon requirements for such uses as well as the policies of the JCCP. Therefore, the County concludes that the standards established under

Wildlife Overlay Zone. The County finds that the JCZO amendments are consistent with JCCP Policy 5-H-5.

JCCP Policy 5-G-2: The implementing ordinances shall prescribe a visual standard for residential construction within one-half mile of the major rivers in the County. The standards shall prescribe exterior design and surfacing which is in harmony with the surrounding landscape.

Petitioners objected to the County's proposed deletion of JCZO § 412(E), which required natural wood or earth-tone colors on structures within one-half mile of the Deschutes, Crooked, and Metolius Rivers. On remand, as described in the August 7, 2002 staff report, the County has made revisions that ensure compliance with JCCP Policy 5-G-2 by adopting a definition of "major river," and adding language for exterior building materials in all zones that exist within one-half mile of a major river. The new language provides that "exterior walls, trim and roof shall be finished in non-reflective flat tones, of earth or forest color, for any structure within one-half mile of a major river."

The County finds that this proposed language, when added as a requirement for exterior building materials in all zones that exist within one-half mile of "major rivers" is consistent with JCCP Policy 5-G-2.

C. Consistency with the Camp Sherman Area Comprehensive Plan regarding Local Advisory Committee review.

Petitioner Friends of the Metolius argues that the JCZO amendments fail to provide for review of development applications and uses by the Local Advisory Committee (LAC) within the Camp Sherman Planning Area, as required by the Camp Sherman Area Comprehensive Plan (CSACP). Under the CSACP, the LAC "shall review all proposed development in the Camp Sherman Area, and render a written report to the Planning Commission. ... The LAC shall determine whether any proposed use or development in the Camp Sherman Area is in conformity with standards set by the Camp Sherman Plan."

Responding to the issue raised by Petitioner Friends of the Metolius, in the August 7, 2002 staff report County staff proposed to add language requiring development review by the LAC in all of the zones within the Camp Sherman Planning Area. Petitioner Friends of the Metolius points out that the language proposed only provides that the LAC "shall review all applications" for proposed development, and does not expressly state that the CSACP calls for the LAC to issue a written report and hold a hearing.

In order to address all of the Petitioner's concerns, the County proposes to further amend the language proposed in the August 7, 2002 staff report to the following: "The Camp Sherman Local Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Area Comprehensive Plan."

specifically "require compliance with ORS 215.296." The County recognizes that home occupations are listed as conditional uses on EFU land under ORS 215.283(2), which necessarily means that the standards of ORS 215.296 must be applied. As with many of the Petitioners' arguments, the County is not required to adopt the entirety of ORS Chapter 215 verbatim in order to have its ordinance be consistent with the statutes, but in the interest of responding to Petitioners' concerns, the County proposes to amend the language in the applicable sections of the RL ordinances 302(D)(5)) to match the existing language in the A-1 ordinance, which provides: "Home occupations in accordance with the criteria listed in ORS 215.448," and to add express references to ORS 215.296. The County further proposes to adopt language that establishes two types of home occupations. 'Home Occupation' would be limited to business established within the primary dwelling which would not employ any employees except residents of the primary dwelling. 'Home Occupation' is an administrative permitted use. 'Limited Home Occupation' can be established in the primary dwelling or in an accessory building and employ up to five employees. 'Limited Home Occupation' is a conditional use approved by the Jefferson County Planning Commission

C. Consistency of County definition of "agricultural lands" with Goal 3 and DLCD rules.

Petitioners assert that the County's definition of "agricultural lands" is no longer consistent with the Goal 3 definition, because the definitions that existed in each of the EFU zone ordinances was deleted, and the only remaining definition is the one in Section 105 (Definitions), which does not exactly mirror the Goal 3 definition.

In the interest of addressing Petitioners' concerns, the County proposes to add the following sentence at the end of the existing definition of "Agricultural Land" in JCZO Section 105: "Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural land even though this land may not be cropped or grazed."

III. Compliance with Statute Requiring De Novo Hearings

All Petitioners contend that the JCZO amendments violate ORS 215.416(11)(a) because the provisions in JCZO Section 911(A)(2) could allow for the possibility of a decision by the Board of Commissioners not to provide a de novo hearing from an administrative appeal. The statute, ORS 215.416(11)(a) allows the County to "approve or deny an application for a permit without a hearing," so long as notice is provided, and affected persons are given the opportunity to file an appeal. The statute requires that the appeal must be to a "de novo" hearing.

The JCZO amendments to the A-1, A-2, RL, and FM ordinances include new provisions for "Administrative Permitted Uses," which are uses that can be reviewed and approved administratively by the Planning Director without a hearing under Section 910.

procedure shall [be subject to an appeal decision on the record or scheduled public hearing as noted in the requirements of subsection 2 above] result in a full de novo hearing before the Board of Commissioners."

IV. Consistency with Goal 5

The nonfarm uses allowed by the Ordinances are consistent with Goal 5 because they will have to meet the additional criteria as outlined in the Wildlife Overlay Zone. The Jefferson County Zoning Ordinance is consistent with Goal 5 in limiting potential conflicts by adopting the criteria set forth in Section 325 Riparian Corridor Buffer Combining Zone, Section 404 Fences, Section 412 Scenic And Natural Hazard Rim Set Back, Section 417 Historic Site Protection, Section 419 Riparian Buffer, Section 420 Endangered Species, Section 429 Archaeological Preservation and Section 429.1 Archaeological Objects and Sites. These sections limit development and protect the Goal 5 resource areas of Jefferson County. The County has also adopted ODFW Bird Habitat Sites as part of the County's acknowledged zoning map and has criteria for each site that limits any development within a 1/4 mile radius of that particular site. For these reasons, and as explained in the ESEE analysis, the JCZO amendments are consistent with Goal 5.

V. Consistency with Goal 2 — Adequate Factual Base

Petitioners contend that the JCZO amendments are inconsistent with Statewide Planning Goal 2, which requires that legislative land use decisions must be supported by an "adequate factual base." It is well-established that the Goal 2 "adequate factual base" requirement is identical to the substantial evidence requirement applied to quasi-judicial land use decisions. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 377-78, *aff'd* 130 Or App 406, 882 P2d 1130 (1994).

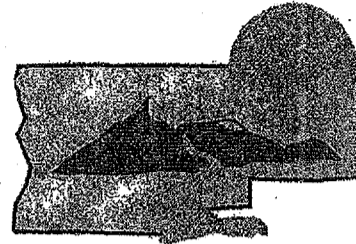
However, it is also well-established that local governments are not required to adopt findings in making *legislative* land use decisions. Petitioners allege that the County is required by JCZO Section 803 to adopt findings in support of its legislative decisions. The County interprets JCZO Section 803 to apply only to quasi-judicial decisions on applications for zone or plan amendments, and not to legislative decisions. Section 803 is entitled "Standards for Granting an Amendment," and is clearly directed at *applications* for amendments, which the ordinance requires to be "approved, denied, or modified." Section 803 also requires the Board of Commissioners to determine that "the applicant has a bona fide intent to use and develop the land as proposed," which is clearly a requirement for a quasi-judicial decision. Because the County interprets JCZO Section 803 to only apply to quasi-judicial decisions, and the amendments at issue are being adopted through a legislative process, the County finds that Section 803 does not require that specific findings must be adopted as part of its decision.

Nonetheless, the County has adopted findings demonstrating consistency with the provisions of the JCCP that Petitioners have identified, or has proposed revisions designed to ensure consistency. As described in more detail in Section I above, the JCZO amendments

JEFFERSON COUNTY

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March 27, 2003

To: Jefferson County Board of Commissioners

EXHIBIT C

From: Butch Parker, Administrator

Subject: Proposed Findings For Casefile 00-PA-01 Compliance with State and County Land Use Goals and an ESEE analysis for Goal 5 Resources

SPECIAL NOTE: This analysis contains general findings for Casefile 00-PA-01 to assure compliance with State and County land use Goals. The specific findings are noted below regarding an ESEE conflict analysis, supporting adoption of recommended draft language in Exclusive Farm Use (EFU), Rangeland (RL) or Forest Management (FM) Zones that contain an applied Wildlife Overlay Combining Zone and significant historic archaeological site preservation.

GENERAL FINDINGS FOR CASEFILE 00-PA-01
COMPLIANCE WITH STATE AND COUNTY COMPREHENSIVE PLAN GOALS

GOAL 1 – CITIZEN INVOLVEMENT The County Planning Commission and Board of Commissioners find that Goal 1 has been complied with by the mailed notices (6472) given to all property owners in the County outside the City limit boundary of incorporated Cities in accordance with the 1998 Law, commonly known as Ballot Measure 56, local newspaper public notices and public hearings held before the Commissioners during the review of Casefile 00-PA-01. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING The purpose of the State and County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision making. This Goal has been complied with by implementation of the following;

- a. Adoption of Zoning Ordinance language that is equal to or more restrictive than State ORS 215 statutes.
- b. Identification of conflicts and consequences through an ESEE analysis for each resource.
- c. Adoption of amendments to the Text in the Zoning Ordinance to correct past errors and omissions to make the enforcement of the Zoning Ordinance more clear and objective.

GOAL 3 – AGRICULTURAL LANDS This Zoning Ordinance does not conflict with Goal 3. New proposed non-farm uses have been clearly identified and adoption of language in the Zoning Ordinance that is in accordance with ORS 215 statutes assures that protection and preservation of farmland and reduction of

urban subdivision lots to very primitive living conditions for dwellings that do not include readily available water, power or maintained County roads. This Goal has been complied with.

GOAL 11 – PUBLIC FACILITIES The adopted Zoning Ordinance language recognizes the location of public facilities in accordance with state land use regulations. County established criteria for siting the public facilities in accordance with state land use regulations assures adequate delivery of public services in a more efficient manner. This Goal has been complied with.

GOAL 12 – TRANSPORTATION The adopted Zoning Ordinance recognize some areas within the County that may permit dwellings, however, there may be insufficient funding to fully maintain the road system to the dwelling. The County will require that property owners requesting a dwelling in a remote area of the County to sign a "*Waiver Of Right To Remonstrate Against The Construction And Maintenance Of County Roads*", that would service the new dwelling, until such time that adequate funding is available. All other road transportation facilities within the County will be constructed and maintained within this Goal as outlined in the Transportation System Plan of the County. This Goal has been complied with.

GOAL 13 – ENERGY CONSERVATION Any outright permitted use or conditional use of development under the adopted Zoning Ordinance will be typically located within areas that are adjacent to public roads. Restrictions on dwelling placement in the Wildlife Combining Overlay Zone will reduce vehicle traffic distances to public roads, thereby, improving energy conservation. Remote dwelling locations will encourage alternate solar energy sources for power and water supplies, therefore, reducing power demands on hydroelectric or fossil fuel sources.

GOALS 14 – URBANIZATION The urbanization goal is to provide an orderly and efficient transition from rural to urban land use. The County has entered into an Urban Growth Area Management Agreement with all incorporated cities in Jefferson County. The adopted Zoning Ordinance has a 2 acre minimum for Rural Residential development. The ordinance also identifies unincorporated rural communities that comply with goal 14. The County Commercial Zone has development standards that are equal to or less dense than those that apply to Rural Communities. This goal has been complied with.

GOALS 15 through 19 not applicable.

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Jefferson County Zoning Ordinance (JCZO) Amendments

- EFU A-1, A-2 and Rangeland

The County Comprehensive Plan, adopted in 1981, contained a limited analysis of Goal 5 resources. Goal 5 resources identified in the adopted Comprehensive Plan were limited to major county streams, lakes and impoundments, thirty-eight (38) mineral and aggregate resources and ten (10) historic sites. The County later adopted 0-124-97 to apply protection to riparian areas of significant streams to protect Fish habitat, Ordinance 0-53-93 to identify big game wildlife habitat areas and Ordinance 0-49-97 to identify sensitive bird habitat areas. The County has not completed a countywide comprehensive analysis of any additional designated Goal 5 resources since 1981. In the absence of a new detailed analysis of identified Goal 5 resources, the County will continue to protect only previously identified resources in the Comprehensive Plan until a Goal 5 inventory is completed. The County will rely on State or Federal laws for resource protection pending a new countywide Goal 5 inventory. The proposed JCZO amendments would add new Section 429, Archeological Preservation, to protect historic areas, sites, structures and objects in accordance with the Goal 5 purpose. A Goal 5 resource analysis in the future will locate and identify known archeological sites in the County for implementation of criteria to be in compliance with Goal 5.

The Jefferson County Board of Commissioners in Ordinance 0-20-81 adopted the existing Jefferson County Zoning Ordinance (JCZO), including Section 301, EFU (A-1) and Section 302, Rangeland. The JCZO has been amended through various actions of the County Commissioners since that original adoption. The Board of Commissioners adopted Section 421, Wildlife Combining Overlay Zone, in Ordinance 0-53-93. The designated Wildlife Combining Overlay boundaries adopted in Ordinance 0-53-93 were based upon a map, provided by the Oregon Department of Fish and Wildlife (ODFW), that was re-created onto the official County Zoning Map acknowledged by the County Commissioners on February 10, 1999. When Ordinance 0-53-93 was adopted an ESEE analysis for that Ordinance was apparently deferred to the future regarding an individual case-by-case basis for development impact considerations.

- Analysis Of Potential Conflicts To Identified Goal 5 Resources by Uses Authorized in JCZO amendments to Section 301, Exclusive Farm Use (EFU A-1) and Section 301.1, Exclusive Farm Use (EFU A-2) Zone.

The Board of Commissioners concludes that based upon the absence of inventoried Goal 5 resources in those portions of the A-1 zone affected by the JCZO amendments, the adoption of the amendments to JCZO sections 301 affecting the EFU A-1 and A-2 zones will not result in conflicts with identified resources and therefore no ESEE analysis is required under the Goal 5 rule with respect to those amendments

- Analysis of Potential Conflicts to Goal 5 Resources by New Uses Authorized by Amendments to Section 302, Rangeland (RL) Zoned Property.

Amendments to section 302 of the JCZO authorize permitted, conditional and administrative uses for the Rangeland Zone. Outright permitted uses in the Rangeland Zone are extremely limited in number and include the uses that have been determined by the State and adopted by the Board of Commissioners to be customarily non-impacting on any typical Rangeland Zone uses and Goal 5 resources. The Conditional and Administrative

5. *Parks, hunting and fishing preserves and campgrounds. Not permitted on high-value farmland.*
6. *Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.*
7. *A facility for the primary processing of forest products.*
8. *Utility facility necessary for public services for the purpose of generating power for public use by sale and transmission towers.*
9. *Churches and cemeteries in conjunction with churches.*
10. *Stream fill and removal*
11. *Improvements of road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of additional lands.*

CONFLICT ANALYSIS

Each of the previously adopted Zoning Ordinance conditional uses listed in Conditional Uses 3-11 above are site-specific activities that may conflict with designated Goal 5 Resources. These conditional uses typically include surface area disturbance and possible disruption of wildlife habitat, unknown historic or cultural areas, scenic view areas, riparian areas or existing mineral or aggregate sites. Disturbance of any of these Goal 5 Resources may create a significant loss of an important part of a resource that may not be repaired or replaced.

IMPACT AREA

The entire designated Rangeland Zone area boundary, containing approximately 371,934 acres of private ownership, within the County is specified as the impact area.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas were to remain unprotected, unrestricted land use could lead to a negative impact on Goal 5 Resource Values including Big Game Habitat, Riparian Areas, Bird Sites, and Potential Wetlands. The protection of these Goal 5 resources can have an economic consequence on private property owners.

Social: Loss of Goal 5 Resources will reduce the social values previously achieved by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resources will lessen inherent social values.

Environmental: Loss of Big Game Habitat and other Goal 5 Resources will result in a degradation of other symbiotic factors of the environment with a proportionate decrease in the numbers of life forms, not limited to animals or fowl, that are a direct part of the food chain.

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agricultural farm soil or high-value farm soil areas from crop production capability. The total area occupied by a tower in high-value farm soil area is considered to be very minimal and siting of a wireless facility footprint will be considered an insignificant removal of productive farm soil. The construction of wireless towers does not create a significant conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS Forest management designated lands may contain an appropriate engineered site for a wireless communication tower. The siting of a tower within an area of approximately 50'x50' will remove that area from timber production. The total area occupied by a tower in a forest management area is considered to be very minimal and insignificant removal of productive timber soil. The construction of wireless towers does not create a significant conflict with Goal 4. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 427 regarding Wireless Communication Towers that contains restrictions on placement of the Towers in relation to scenic values assures compliance with Goal 5. The regulations are more particularly discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

IMPACT AREA

The location of wireless communication towers could be spread at locations throughout the County. There are specific limitations regarding line-of-sight between towers using current technologies for wireless communications. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential area acreage for Section 427.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas were to remain unprotected from the random location of wireless communication towers, unrestricted land use could lead to a negative impact on Goal 5 Resource Values related to designated outstanding scenic views and sites. Proliferation of visual obstructions to local view sheds may reduce values of property with existing permitted dwellings. Requirements for wireless communication towers to locate at an alternative site to protect scenic values may create additional costs to the construction of the facility.

Social: The loss or significant impact of Goal 5 Resources related to scenic views will reduce the social values previously achieved by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resource scenic views may lessen inherent social values.

Environmental: The construction of wireless communication towers only disturbs a visual environment. The size of the actual disturbed area on the ground is approximately 50'x50' and minimal impact to soils or

minimal and insignificant removal of productive timber soil. The location of a burial site for human remains does not create a significant conflict with Goal 4. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 428 regarding burial of human remains does not contain restrictions on placement of the burial plot location in relation to open spaces, scenic resources and historic area values. Burial plots are sub terrain, retain open space surrounding the location(s) and most likely contain some historic significance to the plot occupant, therefore, assures compliance with Goal 5. The regulations are more particularly discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

CONFLICT ANALYSIS

Adoption of Section 428 may impact designated Goal 5 Resources. An area identified as burial of human remains site requiring certain recognition and protection may restrict any further disturbance of the area, thereby, taking valuable farm or forest cropland out of production. Withdrawal of valuable lands for burial of human remains will impact property values of affected lands.

IMPACT AREA

The location of burial of human remains could be placed at virtually any location throughout the County. There are specific limitations regarding actual locations of the burial plots related to property lines and water sources. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential impact area acreage for Section 428.

ESEE CONSEQUENCES

Economic: The establishment of a burial plot on private land may impact the value of the property. The decision of surviving relatives to bury human remains on private land becomes a personal choice of the relatives with possible future negative financial consequences that are beyond the liability or responsibility of the County.

Social: The loss or significant impact of Goal 5 Resources related to burial of human remains is very limited and minimal. Frequency of requested burial of human remains on private is very limited based upon historic records and knowledge of the County personnel. Denying the right to bury human remains on private property may reduce the private property ownership social values previously acknowledged by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle.

Environmental: There is an anticipated impact on the environment related to ground water and possible contamination of the burial area from human remains, unless very specific burial standards are followed.

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limitation and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

- **Analysis Of Potential Conflicts with Goal 5 Resources By Permitted or Conditional Uses In Section 429 Archeological Preservation**

The County Comprehensive plan adopted as Ordinance 0-20-81 contained Goal 5 Objective (5-J) that committed the County to Protect the Historic resources of the area. Policy 5-J-1 states, "The Historic Sites of Special Local Interest listed in the historic resource inventory will be mapped in the Jefferson County Museum." Policy 5-J-3 states, "The sites of Special Local Interest, and the historic cemeteries, as they are located, shall be protected from destructive alteration for an appropriate period of time while historic preservation organizations are notified of the proposed alteration." Table 15 of the Comprehensive Plan lists 10 historic sites of special local interest. An additional 25 sites were listed as warranting designation and explanation in the County Historic museum. No further action to designate historic sites has been conducted by the County since adoption of the Comprehensive Plan.

The County has previously relied on State statutes for the protection of Goal 5 historic resources, including archaeological objects and sites. The County has received input from the Public, Staff, Department of Land Conservation and Development and Commission on Indian Services and has recommended adoption of the language in Section 429 of the Jefferson County Zoning Ordinance. The purpose of Section 429 is to provide a means of designating and protecting archaeological resources in a manner complying with state land use planning requirements and state laws regarding archaeological sites and cultural resources. Adoption of Section 429 will assure compliance with the Comprehensive Plan Goal 5 stated Objectives and Policies.

Compliance of Section 429 with State and County Land Use Goals

GOAL 1 – CITIZEN INVOLVEMENT. All Tax Lot owners with property outside the Urban Growth Boundaries within the County have been provided a notice in accordance with Ballot Measure 56 requirements and published public notices in the Madras Pioneer have been included prior to each scheduled hearing. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING. The purpose of the County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision-making. This Goal has been complied with by adoption and implementation of Section 429 that is equal to or more restrictive regarding historic archeological sites identified under State or Federal statutes.

GOAL 3 – AGRICULTURAL LANDS. Agricultural lands may contain archeological sites of significant importance. Many lands within the County have been cleared by intensive agricultural farm practices and some cultural or archeological sites may have been unknowingly eliminated. Uncultivated agricultural lands may still contain areas of archeological interest that will be protected upon adoption of Section 429. The adopted Zoning Ordinance Text does not preclude the continuation of any existing farming practices. Adoption of Section 429 does not conflict with Goal 3. This Goal has been complied with.

Environmental: Loss of Goal 5 Resources related to historic or archeological important will not likely result in a degradation of other symbiotic factors of the environment or a proportionate decrease in the numbers of life forms, not limited to animals or fowl, that are a direct part of the food chain.

Energy: Loss of Goal 5 Resource related to historic or archeological sites areas generally will not impact any distribution systems for energy, unless the sites are identified at a proposed energy facility.

Program to Achieve the Goal: Section 429 defines what Archaeological Objects And Sites are pertaining to this ordinance. The section sets out the standards and identifies the permits required for any person wishing to survey property to determine the presence of any Archaeological Objects or Sites. This section also sets forth the procedures to be followed if any Objects or Sites are accidentally exposed. By enacting this section, the County is assured that any significant conflicts with Goal 5 Historic or Archaeological resources will be reduced or eliminated.

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

**IN THE MATTER OF ADOPTING THE)
JEFFERSON COUNTY ZONING)
ORDINANCE AND FINDINGS AND)
ESEE ANALYSIS FOR ARTICLES 1,2,)
4,5,6,7,8,9,10, AND ARTICLE 3,)
SECTIONS 304 THROUGH 345 AND)
REPEALING JEFFERSON COUNTY)
ORDINANCE NO. O-165-02 AND)
DECLARING AN EMERGENCY)**

Ordinance No. O-65-03

WHEREAS, the Jefferson County Planning Staff initiated legislative amendments to revise and update the Jefferson County Zoning Ordinance pursuant to Article 8, Section 801 of the current Jefferson County Zoning Ordinance and Jefferson County Ordinance No. 0-160-91, Article 3; and

WHEREAS, Jefferson County conducted numerous public hearings and took public testimony on its proposed legislative amendments before both the Jefferson County Planning Commission and the Jefferson County Board of Commissioners beginning in April of 2000; and

WHEREAS, all appropriate notices required pursuant to ORS 215.503 and Jefferson County Ordinance No. 0-160-91, Section 3.2 were either published or mailed as required by law; and

WHEREAS, following public hearings on each of the respective portions of proposed legislative amendments and considering all the public testimony therefrom, the Jefferson County Planning Commission forwarded its modifications and recommendations to the Jefferson County Board of Commissioners for their consideration; and

WHEREAS, the Jefferson County Board of Commissioners, following public hearings on the proposed legislative amendments received from the Jefferson County Planning Commission, considering all the public testimony therefrom and having made certain modifications, adopted Jefferson County Ordinance No. O-24-02; and

ORDINANCE – Adoption of Jefferson County Code and Findings – Articles 1,2,4, 5, 6, 7, 8, 9, 10, and Article 3, Sections 304 through 345. 1

WHEREAS, Jefferson County Ordinance No. O-24-02 was appealed to the Land Use Board of Appeals on February 21, 2002 and was consolidated with four other county decisions on appeal as LUBA Nos. 2002-17, 2002-18, 2002-19, 2002-20 and 2002-21; and

WHEREAS, Jefferson County, on May 28, 2002, moved the Land Use Board of Appeals for an Order voluntarily remanding the county's decision to adopt Jefferson County Ordinance No. O-24-02 back to the county for further proceedings to address issues raised in Petitioner's and Intervenor's briefs; and

WHEREAS, the Land Use Board of Appeals granted the county's motion for a voluntary remand by its Order dated June 20, 2002, effectively repealing Jefferson County Ordinance No. O-24-02; and

WHEREAS, the Jefferson County Commission held remand hearings on August 7 2002 and September 11, 2002 to receive testimony and evidence on the issues raised in the LUBA appeal; and

WHEREAS, the Jefferson County Board of Commissioners, following public hearings on the proposed legislative amendments received from the Jefferson County Planning Staff, considering all the public testimony therefrom and having made certain modifications, adopted Jefferson County Ordinance No. O-165-02 on October 2, 2002; and

WHEREAS, Jefferson County Ordinance No. O-165-02 was appealed to the Land Use Board of Appeals and was consolidated with four other county decisions on appeal as LUBA Nos. 2002-143, 2002-144, 2002-145, 2002-146 and 2002-147 on October 30, 2002; and

WHEREAS, the parties in LUBA Nos. 2002-143, 2002-144, 2002-145, 2002-146 and 2002-147, on December 6, 2002, moved the Land Use Board of Appeals for a stipulated Order voluntarily remanding the county's decision to adopt Jefferson County Ordinance No. O-165-02 back to the county for further proceedings to address issues raised in Petitioner's and Intervenor's briefs; and

WHEREAS, the Land Use Board of Appeals granted the parties' motion for a voluntary remand by its Order dated December 13, 2002, effectively repealing Jefferson County Ordinance No. O-165-02; and

WHEREAS, the Jefferson County Commission held remand hearings on March 27, 2002 to receive testimony and evidence on the issues raised in the LUBA appeal.

NOW THEREFORE, the Jefferson County Commission hereby **ORDAINS** as follows:

ORDINANCE – Adoption of Jefferson County Code and Findings – Articles 1,2,4, 5, 6, 7, 8, 9, 10, and Article 3, Sections 304 through 345. 2

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1. **Adoption of Ordinance Provisions.**

Jefferson County hereby adopts in their entirety the above captioned provisions of the Jefferson County Zoning Ordinance, including Articles 1, 2, 4, 5, 6, 7, 8, 9, 10, and Article 3, Sections 304 through 345, attached hereto as Exhibit A and incorporated herein by this reference.

2. **Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. If for any reason any portion of this ordinance should be declared invalid or unconstitutional, the remaining portions of this ordinance shall continue in full force and effect.

3. **Repeal of Previous Ordinances and Orders.**

Those ordinances and orders previously adopted by the Board of County Commissioners or the County Court and which predate or conflict with the provisions of this ordinance, including Ordinance No. O-165-02, are hereby repealed and replaced by this ordinance. Any ordinance that was repealed by this ordinance shall not be revived except to the extent that this ordinance or any provisions thereof are declared invalid or unconstitutional.

4. **Adoption of Findings.**

In support of the ordinance provisions adopted in Section 1 herein, Jefferson County hereby adopts the findings set forth in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference.

5. **Adoption of ESEE Analysis.**

In support of the ordinance provisions adopted in Section 1 herein, Jefferson County hereby adopts the ESEE Analysis and supporting findings set forth in Exhibit C, a copy of which is attached hereto and incorporated herein by this reference.

6. **Emergency Declared.**

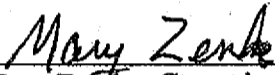
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This ordinance being found necessary for the preservation of the public health, safety and welfare of the citizens of Jefferson County, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon passage.

DATED this 10TH day of APRIL, 2003.

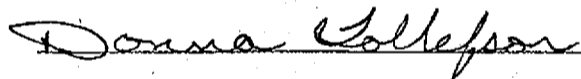
JEFFERSON COUNTY COMMISSION


Walt Ponsford, Commission Chair


Mary Zentke, Commissioner


Billy C. Bellamy, Commissioner

Attest:



Approved as to form:


Paul L. Hathaway III, County Counsel

EXHIBIT A

JEFFERSON COUNTY ZONING ORDINANCE

0-65-03

ARTICLE 1 GENERAL PROVISIONS

Section 101 - Code Adoption

There is hereby adopted, as provided herein, an ordinance for the County of Jefferson, a political subdivision of the State of Oregon.

Section 102 - Purposes

In accordance with the provisions of ORS Chapters 197 and 215, this Ordinance establishes land use zones for the purpose of implementation of the Jefferson County Comprehensive Plan adopted by the Board of County Commissioners which promotes the public health, safety, and welfare of the citizens of Jefferson County.

Section 103 - Repealer

This ordinance shall replace and supercede all prior ordinances or provisions thereof which conflict or predate the effective date of this ordinance and all such ordinances or provisions are hereby repealed effective the date of this ordinance.

Section 104 - Short Title And Revision Policy

This ordinance shall be known as the Zoning Ordinance of Jefferson County and shall be reviewed and, if necessary, revised to be consistent with legislative change and the changing needs and desires of the citizens of Jefferson County.

Section 105 – Definitions

The definitions of words in the ordinance, and the construction of the words in provisions thereof, shall be as follows:

A. **CONSTRUCTION OF WORDS:** The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this ordinance.

1. **Tense:** Words used in the present tense shall include the future tense.
2. **Number:** Words used in the singular shall include the plural, and words used in the plural shall include the singular.
3. **Shall and May:** The word 'shall' is mandatory. The word "may" is permissive.
4. **Gender:** The masculine shall include the feminine and neuter.
5. **Headings:** In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
6. **Terminology:** The word "county" shall mean the County of Jefferson, Oregon. The words "Board of Commissioners" shall mean the Board of Commissioners of the County of Jefferson. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the County of Jefferson duly appointed by the Board of Commissioners. The words "Planning Director", "Director of Public Works", "County Clerk", "County Sanitarian", "County Surveyor", "Tax Collector", "County Building Official", and "Assessor" shall mean the Planning Director, Director of Public Works, County Clerk, County Sanitarian, County Surveyor, Tax Collector, County Building Official, and Assessor of the County of Jefferson.

B. **DEFINITIONS:** As used in this ordinance, the following words and phrases shall mean:

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintenance, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. A use or activity shall be considered abandoned if the subject use or activity is discontinued without resumption for a period of 547 consecutive days (18 months).

Accepted Farming Practice: A mode of operation that is common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches with the intent to obtain a profit in money and customarily utilized in conjunction with farm use.

Access: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Accessory Use or Accessory Structures: A use or structure located on the same lot incidental and subordinate to the main use of the property subject to a permit required by this ordinance.

Adjacent: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. Properties separated by public rights-of-way are not considered adjacent.

Administrative Land Use Decision: A land use decision made by the Community Development Director or authorized representative using limited discretion based upon and limited to specific Ordinance criteria, and that does not require a scheduled public hearing before the Planning Commission or Board of Commissioners as required by the Jefferson County Zoning Ordinance, State Statutes or Oregon Administrative Rules.

Affected Persons: Includes those owners of record of property located as described below, from property subject to a permit required by this Ordinance.

To owners of property within 100 feet of the site where the site is wholly or partially within an urban growth boundary, ORS 197.763(2)(a);

To owners of property within 250 feet of the site where the site is outside the urban growth boundary and not within a farm or forest zone, ORS 197.763(2)(a); and

To owners of property within 750 feet of the site where the site is within a farm or forest zone, ORS 197.763(2)(c)

Agricultural Land: (A) Lands classified by the National Resource Conservation Service (NRCS) as predominately Class I-VI soils in Western Oregon and Class I-VI soils in Eastern Oregon. (B) Lands in other soiled classes which are suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required, and accepted farming practices. Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in other capability classes other than I-VI that is adjacent to or intermingled with lands in capability classes I-VI within a farm unit shall be identified as agricultural lands even though this land may not be cropped or grazed.

Alley: A street or right-of-way which affords only a secondary means of access to property.

Amateur Radio: The non-commercial operation and use of broadcast and/or radio transmission facilities for public or private use. No provision of this ordinance shall fail to conform to the limited preemption entitled "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" issued by the Federal Communication Commission.

Amusement Establishment, Commercial: An intensively developed and/or largely open space recreation facility that charges admission or participation fees.

Automobile Wrecking Yard: A premise used for the storage or sale of used automobile or truck parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

Automobile and Trailer Sales Area: An open area other than a street, used for the display, sale or rental

of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

Bank-Full Stage: The elevation at which water overflows the natural banks of a stream, river, or lake and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate Bank-Full Stage.

Base Flood: A 100-Year flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100 Year Flood". Designation on the Flood Insurance Rate Map (FIRM) includes Zone "A".

Basement: A story partly underground. A basement shall be counted a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining ground.

Bed or Banks of Stream or River: The physical container of the waters of a stream or river lying below bank-full stage, and the land 10 feet on either side of the container.

Bed and Breakfast Accommodation: An accessory use to be carried on within a structure designed for and occupied as a single family dwelling in which no more than two (2) sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge of fee. Provision of a morning meal is customary as implied by title. Bed and Breakfast shall be considered a Home Occupation where not specifically listed as a permitted or conditional use.

Boarding of Horses: The Boarding of horses for profit shall include the following;

- A. The stabling, feeding and grooming for a fee or the renting of stalls for and the care of horses not belonging to the owner of the property; and,
- B. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

- 1. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- 2. The incidental stabling of not more than four (4) horses;
- 3. The boarding of horses for friends or guests where no charge is made; and
- 4. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

Buffer: An area of planted or natural vegetation, berms, fences or structures intended to separate and partially obscure the view from off-site at eye level.

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Building: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Site: One or more lots or parcels of land grouped together to be used for construction of a residence or other structure as permitted in the zone in which the property is located.

Campground/Recreational Vehicle Park:

Campground: An area consisting of a minimum of three (3) acres with no more than ten (10) spaces per acre and designed for short-term recreational purposes where facilities are provided to accommodate that use. A campground shall not include campsite utility hook-ups, intensively developed recreational uses such as swimming pools or tennis courts or commercial activities such as retail stores or gas stations. Spaces for tents, campers, and recreational vehicles are allowed and permanent open-air shelters (Adirondacks) may be provided on the site by the owner of the development.

Recreational Vehicle Park: Any parcel of real property under one ownership where two or more vehicles designed and used for temporary occupancy are located within three hundred (300) feet of each other or designated spaces which are rented for use. The spaces may be used for: tents, tent vehicles and other "recreational vehicles". Occupancy of any unit shall be for temporary living quarters for recreational or vacation purposes.

Commercial Activities in Conjunction with Farm Use: The Processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises. Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.

Farm product receiving plants, including processing, packaging, and reshipment facilities, excluding canneries.

Livestock feed or sales yards.

Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.

Farm equipment storage and repair facilities.

Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.

Veterinarian clinic.

Horticultural specialties such as nurseries or greenhouses for retail sales of plants and products.

Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.

Wineries for production from fruits, a portion of which are grown on the property, including retail sales.

Other such uses which may be construed as similar to the above listed uses as determined by the Planning Commission.

Church or Place of Religious Worship: A building or buildings intended for religious worship including ancillary and improvements such as schools providing religious education, assembly rooms, kitchen, reading room, recreation hall and may include a residence for church staff. This definition does not include schools devoted to primarily non-religious education.

Commercial Use, General: An activity that provides merchandise or services for the consumption of the community at-large through retail and/or wholesale outlets, including but not limited to retail shopping, business and professional services, and transient accommodations. For example; bakeries, banks, hardware stores, offices, restaurants, theaters, vehicle sales and repairs, the veterinary hospitals.

Communication Relay or Transmission Facilities: Telephone, telegraph, television, radio, cable, commercial broadcasting, microwave, transmission or retransmission facilities and substations, and any other communication conveyance.

Comprehensive Plan: The Jefferson County Comprehensive Plan; A Policy Guide to Growth and Development, as may be amended.

Conditional Use Permitted: A use approved by the Planning Commission, or Board of Commissioners, following a Public Hearing, in accordance with the requirements of Article 6 of this Ordinance, and requirements specific to individual Zones, Oregon Revised Statutes and Oregon Administrative Rules, that would not be permitted outright generally or without restriction throughout the zone but which, if conditioned as to number, area, location, or relation to the surrounding uses, would not be detrimental to public health, safety, or general welfare.

Contiguous Land: Two or more parcels or units of land including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.

Day Care Facility: Means an agency regularly providing care for a group of children for periods less than 24 hours. It includes the following subcategories as defined in the Oregon Administrative Rules.

Family Day Care Home: Means a day care home for the care of 10 or fewer children located in the family dwelling of the provider. The home shall meet Oregon State day care licensing requirements.

Mini-Day Care Center: Means a day care facility for the care of 12 or fewer children in a facility other than the family dwelling of the person(s) providing the care.

Day Care Center: Provides for care of 13 or more children. If located in a private family residence, the portion where the children have access must be separate from the family living

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quarters, or that portion where the children have access must be exclusively used for their care during the hours that the child day care is operating.

Day Care Facilities: If the day care facility accommodates fewer than 13 children in the provider's home, it is considered to be a residential use. Such homes are either conditional or permitted uses in zones that allow single-family dwellings, provided they meet the same standards as single-family dwellings.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Dwelling Unit: A structure containing one room of at least 120 square feet of floor area with a ceiling height of not less than 7 feet 6 inches, and at least one other room of 70 square feet. There shall also be cooking facilities and a bathroom with a ceiling height of not less than 7 feet and designed for occupancy by one family only.

Dwelling Types: For the purposes of this Ordinance, dwellings are separated into the following categories as defined below:

- A. Single Family Detached- A single dwelling unit whose construction is characterized by no common wall or ceiling with another unit and are designed for occupancy by one family only.
- B. Single Family Attached (Duplex)- One building containing two (2) dwelling units which share a common wall or ceiling and are designed for occupancy by two (2) families.
- C. Multiple Family Attached (Multiplex)- Three (3) or more dwelling units with common walls or ceilings common to another unit, and designed for occupancy by three or more families.

Easement: A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

Family: Two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than three additional unrelated persons, excluding servants; or a group of not more than five (5) unrelated persons living together as one housekeeping unit using one kitchen.

Farm Use: As defined in ORS 215.203.

Fence, Sight Obscuring: A fence or planting arranged in such a way as to effectively prevent vision of objects which are screened by it.

FIRM (Flood Insurance Rate Map): An official map distributed by the Federal Emergency Management Agency (FEMA) that depicts areas that are subject to inundation from a 100-Year (Base) flood. Jefferson County's Flood Hazard Ordinance is based on this map.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on the Flood Hazard Boundary Map (FHBM) includes Zone "A".

Flood Hazard Area, Area of Special Flood Hazard: The land in the flood plain, relatively flat area or lowland adjoining the channel of a river, stream, or other watercourse, lake or reservoir which has been or may be covered by a base flood. Such an area is subject to a one percent (1%) or greater chance of flooding in any given year. Designation on the FIRM includes Zone "A".

Flood Hazard Boundary Map (FHBM): An official map of the county issued by the Federal Insurance Administration on which the areas of special flood hazard have been designated Zone "A".

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Forest Lands: Lands composed of existing and potential forest lands which are suitable for commercial forest uses, other forested lands needed for watershed protection, wildlife, and fisheries habitat and recreation, lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

Forest Uses: Include the production of trees and the processing of forest products, open space, buffers from noise, visual separation of conflicting uses, watershed protection and wildlife and fisheries habitat, soil protection from wind and water, outdoor recreational activities and related support services and wilderness values compatible with these uses, and grazing of livestock.

Frontage: All property fronting on one side of a street and measured along the street line, between a street and a right-of way, waterway, end of a dead-end or city boundary.

Grade (Ground Level): The average elevation of the finished ground elevation at the centers of all walls of a building, walk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Grandfathered Use: See NONCONFORMING

Hazardous Substance: Any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity, which exhibits any of the characteristics or criteria of hazardous waste as described in CFR 40.

Hazardous Waste: Those solid wastes designated by CFR 40 part 261, and regulated as hazardous waste by the United States EPA. Any discarded, useless, unwanted, or abandoned radioactive or non-radioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial hazard to human health and wildlife.

Habitable area: The space inside a structure intended for living purposes including working, sleeping, eating, cooking or recreation, which has a ceiling height of not less than seven feet, six inches. (see Dwelling Unit)

Height of Building: The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roofs.

High-value Farmland: A tract of land 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 of specified perennials outside the Willamette Valley as demonstrated by aerial photography taken prior to November 4, 1993, but not including seed crops, hay, pasture or alfalfa.

Highway Ready: Pertains to a fully licensed recreation vehicle, on wheels or a jacking system, and is attached to the site only by quick-disconnect utility systems.

High Water Mark: Site specific elevation that has been identified by a registered land surveyor or civil engineer.

Historic Area: Lands with sites, structures and objects that have local, regional, statewide or national historic significance.

Home Occupation: Any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwellings or in an accessory building on the same or adjacent property that has minimal effects on surrounding property owners by: sight, smell or noise (to include dust, vibration, interference with radio or TV reception, or similar factors), of the business activity beyond the occupants property line. Retail sales are accessory to the occupation. No more than 5 people shall be employed.

- A. The occupation is carried on in such a manner as not to impair the outward appearance of the property in the ordinary meaning of the term, or cause or lead to unreasonable increase, in the of the flow of traffic in the neighborhood, production of noise or other forms of environmental pollution.

Industrial Park: An Industrial Park is a private or publicly owned facility, which has been designed as a coordinated environment for a variety of industrial and related activities. An Industrial Park shall be developed or controlled by a single entity with special attention given to traffic, parking, utility needs, aesthetics, and compatibility with surrounding properties. Industrial Parks shall have appropriate master plans and/or covenants, conditions, and restrictions as required.

Junkyards, Wrecking yards and Recycling Facilities: [See Recycling Facilities]

Kennel: An establishment in which five (5) or more dogs more than six months old exist.

Limited Home Occupation: Any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, No more than 25% of the square footage of the dwelling shall be occupied by the Home Occupation.

- a. There is no person employed other than the resident of the dwelling
- b. The occupation is carried on in such a manner as not to impair the outward appearance of the property in the ordinary meaning of the term, or cause or lead to unreasonable increase, in the of the flow of traffic in the neighborhood, production of noise or other forms of environmental pollution.

Land Development: Means the subdividing or partitioning of land for any purpose into parcels or the creation of units or parcels for the purpose of sale or lease for a condominium, a planned unit development or any division of a similar nature. The term also includes the intent for disposition of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests that are offered as a part of a common promotional plan of advertising and disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated, or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering to be offered for disposition as part of a common promotional plan.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes. See Section 407

Livestock Feeding Yard: An enclosure or structure designed or used for the purpose of the concentrated feeding of livestock for commercial slaughter.

Livestock Sales Yard: An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

Lot: A unit of land that is created by a subdivision or partitioning of land, and is intended as a unit for disposition, transfer of ownership or interest, or for development.

Lot Area: The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road right-of-ways or easements.

Lot, Corner: A lot abutting on two or more streets other than alleys, at their intersection; provided the angle of intersection of the abutting streets does not exceed 135 degrees.

Lot Depth: The average horizontal distance between the front and rear lot lines.

Lot Line: The property lines bounding a lot.

Lot Line, Front: The lot line separating a lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

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Lot Line, Rear: The lot line which is opposite and most distant from the front lot line. In the case of an irregular triangular, or other odd shaped lot, a line ten (10) feet in length within the lot, parallel to, and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line bounding a lot.

Lot, Through or Double Frontage: A lot having frontage on two parallel or approximately parallel streets other than alleys.

Lot Width: The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 316(I)(1)(a).

Major Rivers: Streams with an average annual stream flow greater than 1,000 cubic feet per second (cfs). Upper Deschutes River, Middle Deschutes River, Lower Crooked River, Metolius River, John Day River.

Manufactured Home: A structure transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating and electrical systems therein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Construction and Safety Act of 1974. The unit shall have the "Insignia of Compliance" as provided by state law.

Manufactured Home Subdivision: A subdivision intended to be occupied primarily or exclusively by manufactured homes.

Mobile Food Vendor: A portable structure on wheels that is licensed by the Oregon State Health Department to dispense food. (self propelled or attached to another vehicle)

Mobile Home, Single Wide: A portable structure of one structural unit, excluding expandable or add-on sections, designed and built to be transported on public highways, and to be dependent on connection to external utility connection which has, at a minimum, the facilities prescribed for a dwelling unit as defined in this ordinance. Singlewide Mobile Homes are regulated by the standards specified in Section 408 of this ordinance, as well as by other provisions of this ordinance.

Mobile Home, Double Wide: A portable structure composed of two or more sections which are joined at the time of placement on the property, which has a continuous width of twenty (20) feet or more, and which has, at a minimum, the facilities prescribed for a dwelling unit as defined in this section. Doublewide Mobile Homes are regulated by the standards specified in Section 408 of this ordinance, as well as by other provisions of this ordinance.

Mobile Home Park: Any place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land. The primary purpose of which is to rent space or keep space for rent to any person for charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Modular Home: A factory built home that has a continuous width of twenty feet (20) or more and is the result of the combination of joining (at the time placed on the property) of two or more sections, to which wheels may be attached for the purpose of moving it to a permanent location to be affixed to the real property by a permanent and continuous wall foundation. Provisions of the Oregon Structural Code regulate modular homes.

Natural Area: Includes land and water that has substantially retained its natural character and land and water that, although altered in character, is important as habitats for plant, animal, or marine life, for the study of its natural, historical, scientific or pale ontological features, or for the appreciation of its natural features.

Natural Hazard Areas: An area that is subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ground water, flash flooding, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

Nonconforming structure or use: A lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted to reasonably continue the use. Alteration of any such use may be permitted when necessary to comply with any lawful requirement for alteration in the use. A change of ownership or occupancy shall be permitted. The property owner shall only be required to prove facts to establish a non-conforming use for a period not to exceed 20 years prior to submittal of any land use application.

Open Space: Consists of lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use, conserve and enhance natural or scenic resources; protect air or streams or water supply; promote conservation of soils, wetlands, beaches, or marshes; conserve landscaped areas, such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations or other open space, enhance, recreation opportunities; preserve historic, geological and archeological sites; promote orderly urban development; and minimize farm and non-farm conflicts.

Owner: The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property of record as showed on the last available complete tax assessment roll or county recorder's records.

Parcel:

- (1) Includes a unit of land created:
 - (a) By partitioning land as defined in ORS 92.010
 - (b) In compliance with all applicable planning,

zoning or partitioning ordinances or regulations.

- (c) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

- (2) Does not include a unit of land created solely to establish a separate tax account.

Park: A publicly or privately owned outdoor recreation facility which contains development and improvements necessary for the enjoyment of the park environment, but which is largely retained in and devoted to open space.

Parking Space: A clear, off-street area for the temporary parking or storage of one automobile, having an all-weather surface of width not less than nine (9) feet and a length of not less than twenty (20) feet with a clearance of not less than eight and one half feet (8 1/2) feet when within a building or structure; such parking shall have easy access to a street or alley by a driveway having an all-weather surface, except as approved in accordance with Section 602.

Partition Land: Means to divide land into two or three parcels of land within a calendar year, but does not include:

- (1) A division of land resulting from a lien foreclosure, foreclosure of contract for the sale of real property or the creation of cemetery lots; or
- (2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

Person: A natural person, firm, partnership, association, social, or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. Planned unit developments may include predetermined combinations of residential, commercial and industrial uses within the project area. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. Planned unit commercial developments, which contain three or more distinct businesses within a common structure or cluster of individual structures, are for the purposes of this Ordinance considered a type of planned unit development.

Prefabricated House: (See Modular Home).

Principal Use: The main use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses.

Public Park: An area of natural or ornamental quality for outdoor recreation that provides the resource

base for the following activities: Picnicking, boating, fishing, swimming, camping and hiking or nature-oriented recreation such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above.

Public Use: A structure or use intended or used for a public purpose by a city, a school district, the county, the state, does not include landfill sites, garbage dumps or utility facilities.

Ramada: A stationary structure having a roof extending over a mobile home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used primarily for protection from sun and rain.

Recreation Camps or Resorts: An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon payment of a fee.

Recreation Parks: An area designated by the landowner for picnicking or overnight camping and offered to the general public, whether or not fee or charge is made for such accommodations.

Recycling Facilities: Any parcel of land or portion thereof, or building, or structure commercially used for the storage, collection, processing, purchase, or sale of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, wheeled or track type vehicles, and machinery including junkyards and wrecking yards. Wrecking yards or junk yards containing 5 or more vehicles operative or inoperative shall be classified as a recycling facility. Excluded from this definition shall be areas used for the storage of materials or objects accumulated by the manufacturer as an integral part of the manufacturing process, and non-commercial recycling centers or sub-stations established for the collection of materials for transport to a commercial recycling facility

Recreation Vehicles: A vacation trailer or other unit with or without motive power which is designed for human occupancy and is to be used temporarily for recreational or emergency purposes and which has a floor space of less than 400 square feet.

1. Sections 413 of this ordinance, as well as other provisions of this ordinance regulate recreational vehicles.
2. A "Park Model" manufactured home is classified as a recreation vehicle
3. A recreation vehicle becomes a manufactured home, subject to manufactured home regulations when it is located in a flood hazard area, and
 - A. Occupies the site for more than 180 consecutive days, and
 - B. Is not highway ready.
4. A recreation vehicle to be used for temporary residential purposes and located in Crooked River Ranch Residential Zone (CRR) shall be permitted only if the site has a previously issued septic permit and the onsite system was installed prior to July 8, 1994.

Residential Facility: Residential Facility means a facility licensed by or under the authority of the

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Department of Human Resources under ORS 443.400 to 443.460, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required meeting Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Road or Vehicular Rights-of-Way: The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land and the recording of the conveyance.

Semi-Public Use: A structure used or a use intended for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

Setback: An open space on a lot that is unobstructed from the ground upward except as other wise provided in this ordinance. (See Definition of "yard").

Sign: An identification, description, illustration, or device which is affixed to or represented, directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

Start of Construction: Application for and issuance of a building permit by the County for the purpose of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms.

Street: The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms "road", "highway", "land", "place", "avenue", "alley", or other similar designation.

Structural Alteration: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

Structure: Something constructed, erected, or air inflated, permanent or temporary, and having a fixed base on, or fixed connection to, the ground or another structure, among other things, structures include buildings, walls, fences, billboards, and poster panels.

Subdivide Land: To divide an area or tract of land into four (4) or more lots when such areas or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivided Land is also defined as the creation of eleven (11) or more undivided interest in an area or tract of land, which exists as a unit or contiguous units of land at the time of adoption of this ordinance.

Substantial Improvement: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of the definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure.

The term does not, however, include either:

- (1) Any project or improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Temporary: As used in OAR Chapter 918, Division 650 in the definition of "recreational vehicle", means a time period of 6 months or less.

Tent Camping: Tent camping shall be an accessory use in conjunction with RVs and residential use only.

Traveler's Accommodations:

- A. **Lodge:** A building or series of buildings located on a parcel of land under one ownership, consisting of individual units of one or more rooms, each without cooking facilities, that shall be made available for rental to tourists by the night. A lodge complex may include one kitchen and one dining room designed for the preparation and serving of meals to unit occupants.
- B. **Tourist Rental Cabins:** A building or series of buildings on parcel of land under one ownership, having one or more rooms, with cooking facilities in each unit, that shall be made available for rental to tourists by the night or week. Designed to be rented out to tourists by the night or week.
- C. **Recreational Vehicle Park:** Any parcel of real property under one ownership where two or more vehicles designed and used for temporary occupancy are located within three hundred (300) feet of each other or designated spaces which are rented for use. The spaces may be used for: tents, tent vehicles and other "recreational vehicles". Occupancy of any unit shall be for temporary living quarters for recreational or vacation purposes.

Travel Trailer: See Recreational Vehicle.

Use: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

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Undivided Interest: A share, membership, or undivided co-ownership that includes rights of access, and use of property. Undivided interests are controlled by the Oregon Subdivision Control Law ORS 92.305 to 92.495.

Utility Facility: Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone.

Vision Clearance Area: A triangular area on a lot at the intersection of two streets or a street and a railroad- two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection. The third side of the triangle is a line across the corner of a lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls exceeding three and one-half (3 1/2) feet in height, measured from the road surface.

Water-Dependent Use: A use or portion of a use that cannot exist in any other location and requires a location on the shoreline and is dependent on the water by reason of the intrinsic nature of its operation.

Water-Related Use: A use or portion of a use which is not intrinsically dependent on a waterfront location, but whose operation cannot occur economically without a shoreline location. These activities demonstrate a logical, functional, connection to a waterfront location. Examples of water-related uses may include warehousing of goods transported by water, motels and hotels, and log storage.

Wet Land: Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and other similar areas.

Yard: An open space on a lot, which is unobstructed from the ground upward except as, otherwise provided in this ordinance.

Yard, Front: A setback between side lot lines and measured horizontally at right angles to the front lot line to the nearest point of a building.

Yard, Rear: A yard between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of a building.

Yard, Side: A setback between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

Yard, Street Side: A setback adjacent to a street between the front setback and rear lot line measured

horizontally and right angles form the side lot line to the nearest point of a building.

Yard sales: The sale of goods conducted by the owner or occupant of a dwelling unit and includes similar activities such as: garage sales, Christmas bazaars, which are held for the purpose of the sale or distribution of goods or services for profit or not for profit organizations.

Section 106 - Compliance With Ordinance Provisions

- A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.
- B. No lot area, yard or other open space that is required by this ordinance for one use may be substituted for the required lot area, yard or open space for another use.

Section 107 - Zoning Permit

A zoning permit shall be obtained from the Planning Director or authorized agent thereof prior to the construction, reconstruction, alteration, or change of use of any structure or lot for which planning approval is required. A zoning permit shall be void after twenty-four (24) months unless start of construction has commenced.

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ARTICLE 2
ESTABLISHMENT OF ZONES AND MAPS

Section 201 - Establishment Of Zones

ZONE:	ABBREVIATED DESIGNATION:	SECTION
Exclusive Farm Use	A-1	301
Exclusive Farm Use	A-2	301.1
Rangeland	RL	302
Forest Management	FM	303
Rural Residential 2 acres	RR-2	304
Rural Residential 5 acres	RR-5	304.1
Rural Residential 10 acres	RR-10	304.2
Service Community	SC	305
Service Community Ashwood	SC-A	305.1
Service Community Gateway	SC-G	305.2
Existing Rural Development	ERD	306
County Commercial	CC	309
County Industrial	CI	311
Industrial Reserve	IR	312
Airport Management	AM	313
Park Management	PM	314
Limited Use Combining	LU	315
Flood Plain Combining	FP	316
Crooked River Ranch Commercial	CRR-C	317
Crooked River Ranch Residential	CRR-R	318
Three Rivers Recreation Area	TRRA	319
Three Rivers Recreation Area Water Front	TRRAW	320
Wildlife Overlay Combining	WA	321
Riparian Corridor Buffer Combining	RB	325
Camp Sherman Rural Center Zone	CSRC	341
Camp Sherman Vacation Rentals Zone	CSVR	342
Camp Sherman Rural Residential Zone -Three	CSRR - 3	343
Camp Sherman Rural Residential Zone - five	CSRR - 5	344
Blue Lake	BL	345

Section 202 - Location of Zones

The boundaries for the zones listed in this Ordinance are indicated on the Jefferson County Zoning Map acknowledged February 10, 1999 or any revised future map. The boundaries shall be modified in accordance with procedures prescribed in Article 8.

Section 203 - Zoning Map

A Zoning Map or Zoning Map Amendment adopted by Section 202 of this Ordinance or by an amendment thereto shall be prepared by authority of the Planning Commission or by a modification by the Board of Commissioners of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the Ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the County Clerk as long as this Ordinance remains in effect.

Section 204 - Zone Boundaries

Unless otherwise specified, zone boundaries are section lines; subdivision, lot line; center lines of street or railroad right-of-ways, 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 street, alley, 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 lies.

Section 304 Rural Residential (RR-2)

Purpose: The Rural Residential (RR-2) Zone is intended to provide for higher-density rural residential home sites that are directly adjacent to or in the immediate vicinity of an Urban Growth Boundary (UGB). The RR-2 zone provides standards for rural land use and development, however, lots and uses within this zone will be considered as urban and may be converted to urban use density by expansion of the UGB. The RR-2 zone allows for the extension of public services and balances the public's interest in the management of community urban growth with the protection of individual property rights through review procedures and standards.

In a RR-2 Zone, the following regulations shall apply:

- A. Uses Permitted Outright: The following uses and their accessory uses shall be permitted outright.
1. One Single-family dwelling or a manufactured home subject to Section 408.
 2. Subdivision, Planned Unit Development, or partitioning for residential purpose subject to requirements of the Subdivision Ordinance for Jefferson County.
 3. Crop Cultivation or farm gardens including the keeping of domestic animals subject to the restrictions in Section 407.
 4. Family Day Care Providers
 5. Residential homes as defined in ORS 197.660, in existing dwellings.
- B. Conditional Uses Permitted: The following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of this Ordinance.
1. Public and semi-public buildings, structures and uses essential to the physical, social, educational and economic welfare of an area, including but not limited to fire stations, grange halls and schools.
 2. Utility and communication facilities necessary for public services to serve the area, except commercial facilities for the purpose of generating power for public use by sale.
 3. Public parks.
 4. Golf Course
- C. Administrative Permitted Uses:
1. Home Occupation, subject to Section 603(C)

2. Family Hardship dwelling, subject to Section 422
- D. Minimum Lot Size: The minimum lot size for new created parcels shall be 2 acres.
 - E. Yard Requirements (minimum): Front Yard - 30 feet, Side Yard - 15 feet, Rear Yard - 15 feet. Every lot shall abut a street, other than an alley, for at least 50 feet.
 - F. Height Requirements: The maximum structure height shall be 35 feet.
 - G. Outdoor Lighting: The location, type and standards for outdoor lighting, including accessory facilities, shall be subject to site plan review.
 1. Any outdoor light shall be shielded to illuminate downward.
 2. Any light source shall not be visible at or beyond the property line
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

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Section 304.1 - Rural Residential (RR-5)

Purpose: The Rural Residential (RR-5) Zone is intended to provide for low-density rural residential home-sites in sparse settlements in an open space environment. The RR-5 zone also provides standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources. The RR-5 zone manages the extension of public services and balances the public's interest in the management of community growth with the protection of individual property rights through review procedures and standards.

- A. Uses permitted Outright: The following uses and their accessory uses shall be permitted outright.
1. One single-family dwelling or a manufactured home subject to Section 408.
 2. Subdivision, Planned Unit or Cluster Development, or partitioning for residential purpose subject to the requirements of the Subdivision Ordinance for Jefferson County.
 3. Crop cultivation or farm gardens including the keeping of domestic livestock subject to the restrictions in Section 407.
 4. Family Day Care Providers.
 5. Residential Homes as defined in ORS 197.660, in existing dwellings
- B. Conditional Uses Permitted: The following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of this Ordinance.
1. Public and semi-public buildings, structures and uses essential to the physical, social, educational, and economic welfare of an area, including but not limited to fire stations, grange and schools.
 2. Utility and communication facilities necessary for public services to serve the area, except commercial facilities for the purpose of generating power for public use by sale.
 3. Public parks.
 4. Golf Course
- C. Administrative Permitted Uses:
1. Home Occupation, subject to Section 603(C)
 2. Family Hardship Dwelling, subject to Section 422
- D. Minimum Lot Size: The minimum lot size for new created parcels shall be 5 acres.

- E. Yard Requirements (minimum): Front Yard - 30 feet, Side Yard - 15 feet, Rear Yard - 15 feet. Every lot shall abut a street, other than an alley, for at least 50 feet.
- F. Height Requirements: The maximum structure height shall be 35 feet.
- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including accessory facilities, shall be subject to site plan review.
 - 1. Any outdoor light shall be shielded to illuminate downward.
 - 2. The outdoor light source shall not be visible at or beyond the property line
 - 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.
- H. Exterior Building Materials
 - 1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

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Section 304.2 - Rural Residential (RR-10)

Purpose: The Rural Residential (RR-10) Zone is intended to provide for low-density rural residential home-sites in sparse settlements in an open space environment. The RR-10 zone also provides standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources. The RR-10 zone manages the extension of public services and balances the public's interest in the management of community growth with the protection of individual property rights through review procedures and standards.

- A. Uses permitted Outright: The following uses and their accessory uses shall be permitted outright.
1. One single-family dwelling or a manufactured home subject to Section 408.
 2. Subdivision, Planned Unit or Cluster Development, or partitioning for residential purpose subject to the requirements of the Subdivision Ordinance for Jefferson County.
 3. Crop cultivation or farm gardens including the keeping of domestic livestock subject to the restrictions in Section 407.
 4. Family Day Care Providers.
 5. Residential Homes as defined in ORS 197.660, in existing dwellings
- B. Conditional Uses Permitted: The following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of this Ordinance.
1. Public and semi-public buildings, structures and uses essential to the physical, social, educational and economic welfare of an area, including but not limited to fire stations, grange halls and schools.
 2. Utility and communication facilities necessary for public services to serve the area, except commercial facilities for the purpose of generating power for public use by sale.
 3. Public parks.
 4. Golf Course
- C. Administrative Permitted Uses:
1. Home Occupation, subject to Section 603(C).
 2. Family Hardship Dwelling, subject to Section 422
- D. Minimum Lot Size: The minimum lot size for new created parcels shall be 10 acres.
- E. Yard Requirements (minimum): Front Yard - 30 feet, Side Yard - 15 feet, Rear Yard - 15 feet. Every lot shall abut a street, other than an alley, for at least 50 feet.

- F. Height Requirements: The maximum structure height shall be 35 feet.
- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including accessory facilities, shall be subject to site plan review.
1. Any outdoor light shall be shielded to illuminate downward.
 2. The outdoor light source shall not be visible at or beyond the property line.
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.
- H. Exterior Building Materials
1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

Section 305 - Development Reserve (DR)

The purpose of the Development Reserve Zone is to designate land which is necessary for future residential use over time. Development Reserve land shall be convertible to Rural Residential land through a zone change once the conditions listed below are met. This zone is intended to protect the agricultural productivity of property until the need for conversion to residential use is demonstrated.

- A. Uses Permitted Outright: In a DR Zone, the following uses are permitted outright:
1. Uses permitted in Section 301-A.
 2. One non-farm single family residence on the minimum lot allowed in this zone.
- B. Conditional Uses Permitted: In a DR Zone, the following may be permitted when authorized in accordance with the requirements of Article 6 of this Ordinance and this Section:
1. Uses permitted in Section 301-B when approved according to Section 301-C, with the exception of livestock feedlots or sales yard, hog farm, dairy herd confinement, or worm farm.
- C. Standards for Rezoning from Development Reserve to Rural Residential:

The Planning Commission shall be available to hear a zone change request for a change from DR to RR, or may initiate such change on their own initiative when the following conditions have been met.

1. Consideration of the change shall be in conformance with Article 8 of this Ordinance.
2. The Commission shall only hear a DR Zone change request when:
 - a. At least 75% of the land in the existing RR zone in the planning area (as shown on map H) within which the request is made is subdivided to lot sizes of 6 acres or less, and is sold out of the developers interest.
 - b. Approximately seventy-five percent of the 2 to 6 acre lot which are sold out of the developer's interest are developed with residences as provided for in the RR Zone.
 - c. Requests for zone changes from DR to RR shall be accompanied by a preliminary subdivision plat which meets the intent of 6th RR Zone, and contains lots of 6 acres or less.
3. If a situation arises in which one of the conditions listed in #2 above are not met, but the need for additional RR land appears obvious, the Planning Commission may initiate a zone change from DR to RR.
4. If an individual property owner feels that additional RR acres are needed in a given planning area, he may initiate a zone change from DR to RR even though the conditions

listed in # 2 above are not met. The Proposal shall be reviewed in compliance with Article 8 of this Ordinance.

- D. Minimum Lot Size: In a DR Zone, the minimum lot size shall be 40 acres.
- E. Yard Requirements: In a DR Zone , the minimum lot yard requirements shall be:
 - 1. Front Yard: 30 feet
 - 2. Side Yard: 15 feet
 - 3. Rear Yard: 15 feet
 - 4. Every lot shall abut a street, other than an alley, for at least 50 feet.

Section 305.1 - Service Community (SC)

Purposes. The purposes of the Service Community Zone is to provide for the continued rural residential living environments in historic communities; to provide standards for rural land use development consistent with desired rural character and the capability of the land and natural resources; to manage the extension of public services; to provide for public review of nonresidential use; and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and standards.

Section 305.2 SC - Ashwood

- A. **Uses Permitted Outright:** The following uses and their accessory uses are permitted outright.
1. A single-family dwelling, or a manufactured home subject to Section 408.
 2. Family day care Provider.
 3. Farm Use as defined in ORS 215.203.
 4. Mobile Food Vendor, 0 to 60 days duration
- B. **Conditional Uses Permitted:** The following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of this Ordinance.
1. Public Facilities, excluding land fill and subject to Site Plan Review.
 2. Mobile Food Vendor, over 60 days duration
- C. **Administrative Permitted Uses:**
1. Home Occupation, subject to Section 603(C).
 2. Family Hardship Dwelling, subject to Section 422
- D. **Minimum Lot Size:** The minimum lot size for new created parcels shall be two acres.
- E. **Yard and Setback Requirements:** Front yard - 30 feet, Side Yard - 30 feet, Rear yard - 30 feet. Every lot shall abut a street, other than an alley, for at least 50 feet.
- F. **Stream Setback:** To permit light, air, vision, stream or pollution control, protect fish and wildlife area and to preserve the natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:
1. All sewage disposal installations, such as septic tanks or septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the top of the bank. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County

sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 50 feet.

2. All structures, buildings or similar permanent fixtures shall be set back from the top of the bank along all streams or lakes a minimum of 100 feet measured at right angles to the top of the bank.

G. Dimensional Standards: The following dimensional standards shall apply:

1. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 60 percent of the total lot area.
2. Building Height. No building or structure shall be erected or enlarged to exceed thirty-five (35) feet in height.

H. Siting Standards: Prior to the issuance of building permit, applicant shall demonstrate that the new structure will meet the following siting standards:

1. Proposed uses shall have a primary safety zone fire break in all directions around structures for a minimum of thirty (30) feet.
2. Non-flammable materials such as rock (not bark mulch) should be placed next to the structure.
3. All roofs shall be Class C roofing, which is composition material, or better, no wood shingles or shakes allowed.

G. Outdoor Lighting: The location, type and standards for outdoor lighting, including accessory facilities, shall be subject to site plan review.

1. Any outdoor light shall be shielded to illuminate downward.
2. The outdoor light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

0-65-03

Section 305.3 SC-Gateway

Purpose: The purpose of the Service Community Gateway (SC-Gateway) zone is to provide standards and review procedures for the development of the rural community of Gateway.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Single-family dwelling or a manufactured home subject to Section 408.
 2. Family Day Care Providers.
 3. Farm Uses as defined in ORS 215.203.
 4. Mobile Food Vendor, 0 to 60 days duration
- B. Conditional Uses Permitted: In the SC-G zone, the following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of this Ordinance.
1. Public Facilities, excluding a landfill and subject to Site Plan Review.
 2. Mobile Food Vendor, over 60 days duration
- C. Administrative Permitted Uses:
1. Home Occupation, subject to Section 603(C).
 2. Family Hardship Dwelling, subject to Section 422
- D. Lot Size:
1. New lots or parcels shall be a minimum of two acres.
- E. Dimensional Standards: The following dimensional standards shall apply:
1. Lot Coverage. All buildings located thereon shall cover no more than 60% (sixty percent) of the property.
 2. Building Height. No building or structure shall be erected or enlarged to exceed thirty-five feet (35) in height.
- F. Yards requirements (minimum): Front Yard - 30 feet, Side yard - 15 feet, Rear yard -15 feet. Every lot shall abut a street, other than an alley, for at least 50 feet.
- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, shall be subject to site plan review.
1. Any outdoor light shall be shielded to illuminate downward.

2. The outdoor light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 306- Existing Rural Developments (ERD)

The intent of the ERD Zone is to acknowledge existing rural development, both residential and commercial, and to allow for continuation of those existing uses without the encumbrances of a nonconforming use designation. Designation of an ERD area determines legitimacy only for existing situations and their modification as described below. No expansion of uses are allowed.

A. Uses Permitted Outright:

1. All uses which presently exist, residential, commercial or other, in their present condition.
2. Maintenance and upkeep of present uses and structures.
3. Upgrading of existing noncommercial uses and structures which does not result in increased intensity of use or increased density of occupation, are subject to site plan review.
4. Placement of one single-family residential unit or a manufactured home subject to Section 408 on tax lots which existed at the time of adoption of the 1981 version of the Jefferson County Zoning Ordinance, but which contain no residential, commercial, or other structural use.
5. Crop cultivation or farm gardens including the keeping of domestic animals subject to the restrictions in Section 407

B. Conditional Uses Permitted Subject to Site Plan Review

1. Upgrading or modification of commercial uses and structures which does not result in increased intensity of use or increased density of occupation.

C. Administrative Permitted Uses:

1. Home Occupation, subject to Section 603(C)
2. Family Hardship Dwelling, subject to Section 422

D. Limitations on ERD

1. No expansion of ERD boundaries onto adjacent land may be initiated or approved.
2. If an ERD area is proposed as an area for expansion of an existing use, such area and any associated expansion must be changed from ERD to the zone most closely resembling the existing use by the procedures described in Part V of the Comprehensive Plan (Quasi-judicial revisions). Such change must be defended with particular attention to public need, population projections, and relationship to adjacent resource land, which would remain in resource use.

3. Division of land inside an ERD Zone is not permitted except where two or more residences exist on one tax lot at the time of adoption of the 1981 version of the Jefferson County Zoning Ordinance, partitioning may be allowed for the purpose of segregating the existing residences, with the condition that no new building sites result from the partitioning. Such partitioning is subject to requirements of the Subdivision Ordinance for Jefferson County and must meet the intent of the ERD Zone.
- E. Minimum Lot Size: The minimum lot size for those lots created in accordance with Subsection D, Item 3 shall be 5 acres.
- F. Yard Requirements (minimum): Front Yard - 30 Feet, Side Yard - 15 Feet, Rear Yard - 15 Feet. Every lot shall abut a street, other than an alley, for at least 50 ft.
- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, shall be subject to site plan review.
1. Any outdoor light shall be shielded to illuminate downward.
 2. The outdoor light source shall not be visible at or beyond the property line
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.
- H. Exterior Building Materials
1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

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Section 309 - County Commercial (CC)

In a CC Zone, the following regulations shall apply:

- A. Uses Permitted Outright: The following uses and their accessory uses shall be permitted outright, subject to Site Plan Review.
 - 1. Retail trade establishment, personal and business service, gasoline service station, not to exceed 3,500 square feet. The business shall be agricultural oriented and/or will serve mainly local residents.
 - 2. Enclosed storage not to exceed 3,500 square feet.
 - 3. Restaurants not to exceed 2,500 square feet.
 - 4. Mobile Food Vendor, 0 to 60 days duration
- B. Conditional Uses Permitted:
 - 1. Mobile Food Vendor, over 60 days duration
- C. Minimum Lot Size: The minimum lot size for new created parcels shall be two (2) acres.
- D. Permitted Signs:
 - 1. All signs that are wall mounted and attached to a structure or free-standing that are related to the business and displayed for advertising purposes subject to the criteria described in Items 2 and 3 below.
 - 2. Free-standing signs shall not exceed 35 feet in height and not contain an accumulated area for the site that exceeds the maximum area of one hundred fifty (150) square feet per side or a total of three hundred (300) square feet.
 - 3. Building exterior wall mounted signs shall not exceed a maximum of one hundred fifty (150) square feet.
- E. Outdoor Lighting: The location, type and standards for outdoor lighting for accessory facilities such as pool, courts, etc. on commercial lots shall be subject to site plan review.
 - 1. Any outdoor light shall be shielded to illuminate downward.
 - 2. The outdoor light source shall not be visible at or beyond the property line
 - 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 311 - County Industrial (CI)

In a CI Zone, the following regulations shall apply:

- A. Uses Permitted Outright: The following uses are permitted outright, subject to Site Plan Review Section 414.
 - 1. Assembly and manufacture of consumer goods or articles used by other industries.
 - 2. Assembly, repair, and storage of heavy vehicles and machinery.
 - 3. Storage and processing of agricultural products.
 - 4. Warehouse and freight terminal operations.
 - 5. Aggregate processing and storage.
 - 6. Public Utility Facility.
 - 7. Mobile Food Vendor, 0 to 60 days duration

- B. Conditional Uses: The following uses may be permitted when authorized in accordance with requirements of Article 6:
 - 1. Any process, storage, or manufacturing, which emits odors, fumes, gasses, or treated liquids. All State or federal agencies having authority of enforcement procedures regarding any of these uses shall be notified by the applicant and requested to provide any comments prior to any land use decision.
 - 2. Mobile Food Vendor, over 60 days duration

- C. Yard Requirements: The minimum yard requirements shall be determined by:
 - 1. The Site Plan Review process in Section 414.
 - 2. The Conditional Use criteria in accordance with Article 6.

- D. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, shall be subject to site plan review.
 - 1. Any outdoor light shall be shielded to illuminate downward.
 - 2. The outdoor light source shall not be visible at or beyond the property line
 - 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

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Section 312 - Industrial Reserve (IR)

The purpose of the Industrial Reserve Zone is to designate land, which is necessary for future industrial use. Industrial Reserve land shall be convertible to County Industrial Zone (CI) once the conditions for this change as listed below are met.

- A. Uses Permitted Outright: The following uses are permitted outright.
1. Farm uses, as defined in ORS 215.203(2), except a use specified in Subsection B of this Section.
 2. Propagation or harvesting of a forest product ORS 215.213(1)(c).
 3. Replacement dwelling to be used in conjunction with farm use, if the existing dwelling has been listed in a County inventory of historic property as defined in ORS 358.480.
 4. The boarding of horses for profit.
 5. Maintenance and upkeep of present uses and structures.
 6. Mobile Food Vendor, 0 to 60 days duration
- B. Conditional Uses Permitted: The following uses may be permitted when authorized in accordance with requirements of Article 6.
1. Assembly and manufacture of consumer goods or articles used by other industries.
 2. Assembly, repair, and storage of heavy vehicles and machinery.
 3. Storage and processing of agricultural products.
 4. Warehouse and freight terminal operations.
 5. Aggregate processing and storage.
 6. Public Utility Facility.
 7. Mobile Food Vendor, over 60 days duration
- C. Uses not permitted:
1. No land within an IR Zone may be partitioned into multiple lots.
 2. No more than one use noted in Subsection B above shall be placed on an existing legal lot.
- D. Outdoor Lighting: The location, type and standards for outdoor lighting, including for

accessory facilities, shall be subject to site plan review.

1. Any outdoor light shall be shielded to illuminate downward.
2. The outdoor light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 313 - Airport Management (AM)

The purpose of the Airport Management Zone is to encourage and support continued operation and vitality of Jefferson County public use and private airports that permit public usage. The regulations in this Section are intended to promote a convenient and economical system of airports in the County for land use planning and to reduce the risks to aircraft operations and nearby land uses.

The Airport Management Zone boundary is established to include the land located beneath the Airport Imaginary Surfaces, as defined in Exhibit #1, and as applied to identified public and private airports in the County. The Airport Management Zone is intended to prevent the establishment of air space obstructions in airport air space through height restrictions and other land use controls as deemed essential to protect health, safety and welfare of the people of Jefferson County.

In the AM Zone, the following regulations shall apply:

A. Definitions:

1. "Airport" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
2. "Aircraft" means helicopters and airplanes and other methods of flight, including but not limited to, hot air balloons or ultra lights.
3. "Airport Uses" means those described in OAR 660-013-0100.
4. Airport Approach Safety Zone – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of:
 - a. 1,250 feet for a utility runway having only visual approaches.
 - b. 1,500 feet for a runway other than a utility runway having only visual approaches.
 - c. 2,000 feet for a utility runway having a non-precision instrument approach.
 - d. 3,500 feet for a non-precision instrument runway other than utility having visibility minimums greater than three-fourths (3/4) of a statute mile.

The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet at a slope of twenty (20) feet for each foot upward (20:1) for all utility and visual runways and 10,000 feet at a slope of thirty-four (34) for each one foot upward (34:1) for all non-precision instrument runways other than utility.

5. Airport Hazard – Any structure, tree or use of land, which exceeds height limits established by the Airport Imaginary Surfaces.
6. Airport Imaginary Surfaces – Those imaginary areas in space which are defined by the

Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surfaces and in which any object extending above these imaginary surfaces in an obstruction.

7. Conical Surface – Extends one foot upward for each twenty (20) feet outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000) feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet from all non-precision instrument runways other than utility at one-hundred fifty (150) feet above the airport elevation and upward extending to a height of three-hundred fifty (350) feet above the airport elevation.
8. Horizontal Surface – A horizontal plain one-hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swing arcs of 5,000 feet from the center of each end of the Primary Surface of all runways designated as utility and visual and 10,000 feet for all other runways and connecting the adjacent arcs by lines tangent to those arcs.
9. Noise Sensitive Area – Within 1,500 feet of an airport or within established noise contour boundaries exceeding fifty-five (55) Ldn.
10. Place of Public Assembly – A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
11. Primary Surface – A surface longitudinally centered on a runway. When the runway has a special prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no surface specially prepared hard surface, or planned hard surface, the Primary Surface ends at the end of that runway. The width of the Primary Surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having non-precision instrument approaches, 500 feet for other than utility runways having only visual approaches or non-precision instrument approaches with visibility minimums greater than three-fourths (3/4) of a mile and 1,000 feet for non-precision instrument runways with visibility minimums of three-fourths (3/4) of a mile or less and for precision instrument runways.
12. Runway Protection Zone (RPZ) – An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins at the end of the turf and/or loose gravel runway or 200 feet beyond the end of a paved runway. The RPZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.
13. Structure – Any manmade object either permanent or temporary, including mobile objects.
14. Transitional Zones – Extended one foot upward for each seven (7) feet outward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the

runway surface, and from the sides of the approach surfaces thence extending upward to the height of one-hundred fifty (150) feet above the airport elevation. (Horizontal Surface).

15. Tree – Any object of natural growth.
 16. Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
 17. Visual Runway – A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures that have been approved, planned, or indicated on a FAA or state planning document or military service airport planning document.
 18. Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for utility runway having only visual approaches; 2,000 feet for a utility runway having a non-precision instrument approach; 3,500 feet for a non-precision instrument runway other than utility, having visibility minimums greater than three-quarters (3/4) of a statute mile; 4,000 feet for a non-precision instrument runway having visibility minimums as low as three-fourths (3/4) statute mile; and 16,000 feet for precision instrument runways. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:1) for all non-precision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) and additional distance of 40,000 feet.
- B. Permitted commercial and recreational airport uses, subject to Site Plan Review in Section 414, at non-towered airports and within the airport boundaries identified in ORS 836.610 (1) and ORS 836.608 (2), consist of the following activities;
1. Customary and usual aviation-related activities (noted in a-i below), in accordance with descriptions in OAR 660-13-0100, including but not limited to, takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;
 - a. Emergency medical flight services;
 - b. Law enforcement and firefighting activities;
 - c. Flight instruction;
 - d. Aircraft service, maintenance and training;
 - e. Crop Dusting and other agricultural activities;

- f. Air passenger and airfreight services at levels consistent with the classification and needs identified in the State Aviation System Plan;
- g. Aircraft rental;
- h. Aircraft sales and sale of aeronautic equipment and supplies; and
- i. Aeronautic recreational and sporting activities.

2. Mobile Food Vendor 0 to 60 days duration

C. Permitted uses within the Runway Protection Zone (RPZ), as defined in Exhibit #2:

While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are below the Approach Surface and do not interfere with navigational aids.

- 1. Agricultural operations (other than forestry or livestock farms);
- 2. Golf courses, excluding the designated clubhouse;
- 3. Automobile parking facilities.

D. Prohibited Uses:

- 1. New structures or buildings within the Runway Protection Zone.
- 2. New industrial uses or expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within the airport approach corridors.
- 3. No new construction of water impoundments one-quarter acre in size or larger shall be allowed:
 - a. Within an approach corridor 5,000 feet from the end of the runway; or
 - b. On land owned by the airport or airport sponsor where land is necessary for airport operations.
 - c. Within the airport boundary and RPZ.
- 4. No development that attracts or sustains hazardous bird movements to and from feeding, watering or roosting areas across the runways and/or approach and departure patterns of aircraft.
- 5. Outdoor lighting for new industrial, commercial or recreational uses or the expansion of such uses is limited to prevent light from projecting directly onto an existing runway or

taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel.

6. The establishment of any new land fills, consistent with Department of Environmental Quality (DEQ) rules (OAR 340-95-020 (22) and 40 CFR Part 258.10, Airport Safety.

E. Review Standards: The following item(s) shall be employed when approving uses under subsections A - C of this Section.

1. The Oregon Aeronautics Division (OAD) shall be provided a notice in accordance with ORS 227.175 for comments on any proposed Comprehensive Plan Map or Zoning Map Amendment involving property within 5,000 feet of the end of a designated runway. The OAD response shall be included in the staff report for the proposal.

F. Development Limitations:

1. No new structure shall, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in Exhibit #1.
2. In noise sensitive areas (within 1,500 feet of an airport or within the noise contour boundaries of Ldn 55 and above) a Declaration of anticipated noise from aircraft shall be recorded against the property in the recorded deeds of Jefferson County.
3. Prior to issuance of a building permit for construction of any structure that is within the Airport Management Zone, a Hold Harmless Agreement and Aviation Hazard Easement shall be recorded against the property in the deed records of Jefferson County.

G. Conditional Permitted Uses

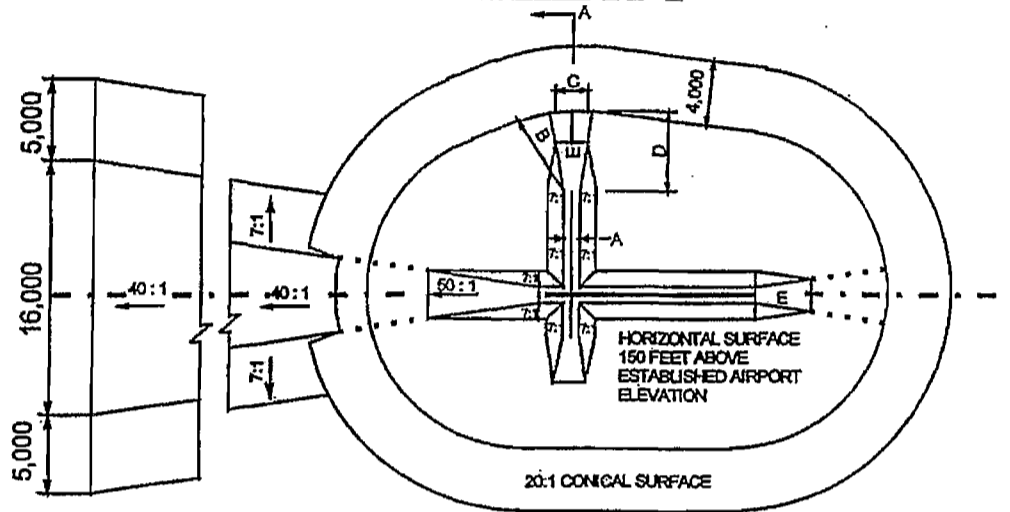
1. Executive Hanger : Hanger that has accommodation for overnight lodging. Rest room facility allowed, Kitchen facility not allowed. Not used for permanent lodging.
2. Residential PUD
3. Mobile Food Vendor, over 60 days duration

H. Outdoor Lighting: The location, type and standards for outdoor lighting, including accessory facilities, unless otherwise prohibited in this section, shall be subject to site plan review.

1. Any outdoor light shall be shielded to illuminate downward.
2. The outdoor light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

AIRPORT IMAGINARY SURFACES

EXHIBIT 1

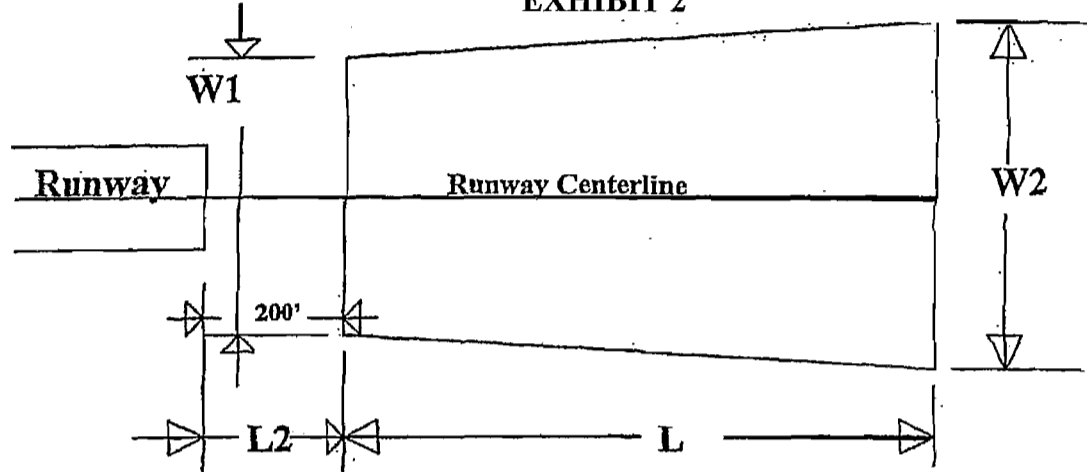


DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY			PRECISION INSTRUMENT RUNWAY
		A	B	A	B		
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1000	1000
B	RADIUS OF HORIZONTAL SURFACE	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		A	B	A	B		
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	*
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	*

A- UTILITY RUNWAYS
 B- RUNWAYS LARGER THAN UTILITY
 C- VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
 D- VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
 * PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET

Runway Protection Zone (RPZ) Dimensions

EXHIBIT 2



L2= 200 feet for paved runways; 0' for unpaved runways.

Visibility Approach Minimums ^{1/}	Facilities Expected To Serve	Dimensions			
		Length L Feet (meters)	Inner Width W1 Feet (meters)	Outer Width W2 Feet (meters)	RPZ Acres
Visual and Not Lower Than 1-mile (1600 m)	Small Aircraft Exclusively	1,000 (300)	250 (75)	450 (135)	8.035
	Aircraft Approach Categories A&B	1,000 (300)	500 (150)	700 (210)	13.770
	Aircraft Approach Categories C&D	1,700 (510)	500 (150)	1,010 (303)	29.465
Not Lower than 3/4-mile (1200m)	All Aircraft	1,700 (510)	1,000 (300)	1,510 (453)	48.978
Lower than 3/4-mile (1,200m)	All Aircraft	2,500 (750)	1,000 (300)	1,750 (525)	78.914

^{1/} The RPZ dimensional standards are for the runway end with the specified approach visibility minimums.

Aircraft Approach Categories:

- Category A: Speed less than 91 knots
- Category B: Speed 91 knots or more but less than 121 knots
- Category C: Speed 121 knots or more but less than 141 knots.
- Category D: Speed 141 knots or more but less than 166 knots.

Section 314 - Park Management (PM)

Purpose: The purpose of the Park Management zone is to protect designated areas for park purposes; to provide for recreational development while restricting development in areas with fragile, unusual or unique qualities; to protect and improve the quality of air, water and land resources and to plan for future park development.

In a PM zone, the following regulations shall apply:

- A. Uses Permitted Outright:
 - 1. General maintenance, and daily operation or public park facilities.
 - 2. Replacement or repair of existing facilities, which become non-functional through general use, vandalism or technological obsolescence. This includes roads, picnic tables, bath and toilet facilities, and similar structures for visitor service. Such replacement or repair shall be limited to that which is necessary to provide services to the same number and densities of visitors, which were serviced by the existing facilities.
 - 3. Mobile Food Vendor, 0 to 60 days duration
- B. Conditional Uses Permitted: The following uses may be permitted when authorized in accordance with the provisions of Article 6 of this Ordinance.
 - 1. Improvements or upgrading of existing facilities that can be expected to result in an increase in overall visitor capacity.
 - 2. Improvements which significantly increase visitation in specific areas of the park and which have a minor land use impact.
 - 3. Mobile Food Vendor, over 60 days duration
- C. Special Provisions: New Public Parks may be established by placement of additional PM zones in accordance with Article 8 of this Ordinance. The initial development proposed for the development authorized on the proposal shall be allowed outright. After initial development is completed, further park maintenance and improvement shall comply with subsection A and B of this Section.
- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, shall be subject to site plan review.
 - 1. Any outdoor light shall be shielded to illuminate downward.
 - 2. The outdoor light source shall not be visible at or beyond the property line
 - 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

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Section 315 - Limited Use Combining Zone (LU)

Purpose: The purpose of the Limited Use Combining Zone is to limit the list of permitted uses and general activities allowed in the underlying zone to only those uses and general activities which are justified in the Comprehensive Plan 'reasons' exception statement under ORS 197.732 (1)(c). The LU Zone is an overlay zone intended to carry out the administrative rule requirement for 'reasons' exception pursuant to OAR 660-04-018 (4)(a). Where appropriate, the LU Zone may be applied to 'physically developed' and 'irrevocably committed' exceptions under ORS 197.732 (1)(a) & (b).

A. Regulation for Use: The following regulations shall apply:

1. Combining Zone Requirements:

When the LU Zone is applied, the uses permitted in the underlying zone shall be limited to those uses and general activities specifically referenced in the ordinance adopting the LU Zone. The LU Zone cannot be used to authorize uses other than those expressly provided in the underlying zone. On a particular property, certain uses may be suitable and compatible with nearby land use and others objectionable. Rather than deny the appropriate use because the proposed zone would permit an objectionable use outright, the LU Zone when necessary to carry out the provisions of the Comprehensive Plan and this ordinance. Until the overlay zone has been removed or amended through the plan and land use regulation amendment process, the only permitted uses and general activities in the zone shall be those specifically referenced in the adopting ordinance.

2. Procedures:

The Limited Use Combining Zone may be applied through the plan amendment and rezoning process at the time the underlying plan and/or zone designation is being changed. It shall not be necessary to mention in the public hearing notice of a rezoning application that this combining zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted use may be qualified as necessary to achieve the intent of the LU Zone. The following limitations shall apply to the combining of the LU Zone with underlying zone.

- a. The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the exception, pursuant to OAR 660-04-018 (2)(a), (2)(b) or (4)(a).
- b. A review of all zones in the Zoning Ordinance determines that none of those zones limit the uses and general activities as required by OAR 660-04-018 (2)(a), (2)(b), or (4)(a).
- c. The LU Zone, when applied in combination with the proposed underlying zone, is consistent with the Comprehensive Plan and other applicable policies of the County.

3. Official Plan/Zoning Map:

The official Plan/Zoning map shall be amended to show an LU suffix on any parcel where the Limited Use Zone has been applied.

4. Site Plan Requirement:

In addition to limiting the uses in the zone it may be necessary to require County approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. The process for reviewing the Site Plan shall be described at the time of the LU Zone application. Site Plan requirements may be added by specific reference in the adopting ordinance. The ordinance shall indicate any special concerns or location requirements may be added by specific reference in the adopting ordinance. The ordinance shall indicate any special concerns or location requirements that must be addressed in the Site Plan and be approved by the Site Plan Review Committee. All other specifications and standards of the underlying zone remain in effect unless specifically altered by the Site Plan approval. Separate Site Plan approval shall not be required for any uses subject to a conditional use permit.

Section 316 - Flood Plain Combining Zone (FP)

Purpose: The purpose of the Flood Plain Combining Zone is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water, and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of Special Flood Hazard; and,
8. To ensure that those who occupy the areas of Special Flood Hazard assume responsibility for their actions.

A. Methods Of Reducing Flood Losses:

In order to accomplish its purposes, this section includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural projectable barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which will unnaturally divert flood waters or may increase flood hazards in other areas.
5. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or may increase flood hazards in other areas.

B. Lands To Which This Section Applies:

This section shall apply to all areas of special flood hazards within the jurisdiction of Jefferson County. Areas of special flood hazard coincide with the 100 Year Flood Plain.

C. Basis For Establishing The Areas Of Special Flood Hazard:

The areas of special flood hazard identified by the Federal Insurance Administration, in a scientific and engineering report entitled the "Flood Insurance Study for Jefferson County, Oregon", dated July 17, 1989, with accompanying Flood Insurance Maps, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Jefferson County Court House.

D. Warning And Disclaimer Of Liability:

The degree of flood protection required by these sections is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Jefferson County, an officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

E. Establishment Of Development Permit:

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection C. The permit shall be for all structures including manufactured homes, and shall be made on forms furnished by the Planning Director and may include fill and other activities. Application for a Development Permit may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and location of the foregoing. Approval of a Development Permit shall include the completion of an "Elevation Certificate" in accordance with the August 1, 1999 FEMA standards.

Specifically, the following information is required:

1. General elevation to mean sea level of building site using best information available.
2. Distance between ground elevation and level to which structure is to be flood-proofed. A statement shall note the level of the lowest habitable floor and of any basement floor, whether or not intended to be habitable.
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Subsection I (2).
4. Description of the extent to which any watercourse will be altered or relocated as a result

of proposed development.

5. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.

F. Duties And Responsibilities Of The Planning Director:

Duties of the Planning Director in implementing and administering this section shall include, but not be limited to:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this section have been satisfied.
- b. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of a special flood hazard. For the purposes of this section "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
- c. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required;
- d. Review all development permits to determine if the proposed development is located in a floodway. If located in a floodway, assure that the encroachment provisions of Section H are met.
- e. Notify adjacent communities, the Federal Emergency Management Agency, and pertinent state and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- f. Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The Federal Emergency Management Agency (FEMA) will be notified of conflicts prior to issuing a building/development permit.

- (1) If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this section.
- (2) If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

2. Use Of Other Base Flood Data:

When base flood elevation data has not been provided in accordance with subsection C, Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Subsection I, Specific Standards, and Subsection H, Encroachments.

3. Information To Be Obtained And Maintained

Obtain and record all records and data on base flood elevations and flood-proofing certificates required in Subsection E.

- a. Obtain and record all records and data on base flood elevations and flood-proofing certificates required in Subsection E.
- b. Maintain for public inspection all records pertaining to this section.

G. General Standards

In all areas of special flood hazards, the following standards are required.

When base flood elevation data has not been provided in accordance with subsection C, Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Subsection I, Specific Standards, and Subsection H, Encroachments.

1. Information To Be Obtained And Maintained

- a. Obtain and record all records and data on base flood elevations and flood-proofing certificates required in Subsection E.
- b. Maintain for public inspection all records pertaining to this section.

2. Alteration Of Watercourses

- a. Notify adjacent communities and Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3. Interpretation Of Flood Hazard Boundary Map

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions.)

4. Anchoring
 - a. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
5. Construction Materials And Methods
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
6. Utilities
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood water; and,
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
7. Subdivision Proposals
 - a. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - b. All subdivision proposals shall have public utilities and facilities such as sewer,

gas, electrical, and water systems located and constructed to minimize flood damage;

- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

8. Review Of Building Permits

Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Subsection F (2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

H. Encroachments

Any proposed development shall be analyzed to determine effects on the flood hazard as set forth in Subsection C. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

I. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection F (2), Use of Other Base the following standards are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure that has the lowest floor subject to flooding is prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - 1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2. The bottom of all openings shall be no higher than one (1) foot above grade.

3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Subsection E (3).
- d. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Subsection I (1)(b).
- e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level) will be rated as one foot below that level.

3. Manufactured Homes

All manufactured homes to be placed or substantially improved within Zone A shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with in the provisions of Subsection G (1)(b).

- J. Variance Procedure

1. Historic Variance

An administrative variance for historic preservations may be granted for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places upon certification of such status by the Planning Director.

2. Technical Variance

A technical variance from the requirements of this section may be granted by the Planning Commission for new construction or improvements are to be erected or installed on a parcel of land one-half acre or less in size, contiguous to or more or less surrounded by lots with existing structures constructed below the minimum floor elevation established for flood protection purposes. A parcel of land in excess of the one-half ordinance is not excluded from the granting of a technical variance, but the burden of proof required for issuing the variance increases as the size of the property under single ownership increases, and the variance shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the parcel for which a variance is sought.

3. Other Variances

All other variance applications shall be considered pursuant to the provisions of Article 7 of this ordinance and the following criteria:

- a. The danger that materials may be swept onto others property.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed facility to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided to the community by the proposed facility.
- e. The necessity to the use of a waterfront location, where applicable.
- f. The availability of alternative locations not subject to flooding or erosion damage.
- g. The relationship of the use to the area flood plain management program.
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- i. The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
- j. The cost of providing governmental and utility services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, streets and bridges.
- k. Drainage areas located within areas of special flood hazards established in Section 316(C), are areas designated as Floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential

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projectiles, and erosion potential, the flooding provisions apply.

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 316(k)(1) is satisfied, all new construction and substantial improvements shall comply with the applicable flood hazard reduction provisions of Section 316(G), General Standards”.

4. Granting of Variances

- a. If the findings warrant, the Planning Commission may grant a variance if it finds the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
- b. An applicant to whom a variance is granted shall be given written notice that the structure is permitted. The notice shall designate the elevation of the lowest floor compared to the base flood elevation and shall advise the applicant that the cost of flood insurance will be commensurate with the increased risk resulting from any reduced floor elevation authorized by the variance.

Section 317 - Crooked River Ranch Commercial Zone (CRRC)

Purpose: The purpose of the Crooked River Ranch Commercial Zone is to permit the location or the continuation of certain limited service commercial and rural community support uses, which are developed in ways that are in harmony with the rural and rustic character and the unique environmental quality of this area.

- A. Uses Permitted: The following uses and their accessory uses are permitted subject to Site Plan Review prior to issuance of a zoning permit;
1. Retail trade establishment not to exceed 4,000 square feet
 2. Business, governmental or professional office, public school or church.
 3. Service commercial establishments.
 4. Financial Institution.
 5. Personal and business services.
 6. Commercial amusement establishments.
 7. Enclosed Storage.
 8. On site living quarters for manager or caretaker of a business.
- B. Uses not permitted:
1. Recycling facilities.
 2. Bulk fuel loading and storage facilities.
- C. Siting Standards: Uses listed in Subsection A of this section are to be approved in a CRRC Zone only after the review for the conformance with the following siting standards.
1. Limitations of soils shall be considered, including erosion, flooding and contamination of water, along with the provisions to reduce adverse effects to minimal levels.
 2. A water supply system shall be adequate for the proposed use.
 3. Any outside storage of materials or supplies of the business shall be screened by fencing if visible from existing roadways.
 4. No overhead wiring from the underground connection at the street to any parcel.

D. Agency review:

1. Structures and Improvements: The Crooked River Ranch Architectural Review Committee (CRRARC) shall review and comment on all proposed structures prior to submittal of any development application to Jefferson County. If a written objection to the application is submitted by the CRRARC, a public hearing before the Planning Commission shall be required.

E. Minimum Lot Sizes:

1. The minimum lot size for new created lots shall be five (5) acres.

F. Setback Requirements:

None, except those required by the Uniform Building Code for prevention of fire and noted below;

1. All commercial buildings or accessory structures shall be a minimum of ten (10) feet from any property line that abuts a residential zone.

G. Parking:

1. Parking Requirements: One parking space for each 100 square feet of retail floor area shall be required
2. Parking spaces shall be designed to accommodate a standard passenger vehicle including sufficient turning and backing distance and not be located within any required setback area.

H. Signs:

1. All signs shall be constructed and placed in accordance with the requirements of Section 406 - Sign Regulations.

I. Outdoor Lighting: The location, type and standards for outdoor lighting for accessory facilities such as pool, courts, etc. on commercial lots shall be subject to site plan review.

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

J. Fences:

1. Fences shall have a maximum height of seven (7) feet.

K. Vegetation:

1. Existing native vegetation should be preserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety.

M. Noise Control Objective: Is to contribute to a healthful environment through the control of noise.

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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 Care Facility.
 5. Day Care Facility.
- B. Conditional Uses Permitted: The following uses and their accessory uses may be permitted when authorized in accordance with Article 6 of the Jefferson County Zoning Ordinance.
1. Church, public or private school.
 2. Governmental, or non-profit organization, structure or use including community center, library, fire station and public utilities.
 3. Medical and dental clinics, hospitals, rest homes, or nursing homes.
- C. Administrative Permitted Uses:
1. Home Occupation, subject to Section 603(C)
 2. Family Hardship, subject to Section 422
- D. Uses Subject To Special Permit
1. Recreational Vehicles (see Section 105, Definitions)
 2. Special classification of livestock and animals (see Subsection J)
- E. Prohibited Uses
1. Dwelling, Multi-Family
 2. Dwelling, Two-Family (Duplex)
- F. Minimum Lot Size:
1. Minimum lot size for new created lots shall be ten_(10) acres.
- G. Yard Requirements (minimum): Front Yard - 30 feet, Side Yard - 15 feet, Rear Yard - 15 feet.

Rim setback distance see Section 412

H. Building Requirements

1. Maximum height of all structures shall be thirty-five (35) feet.

I. Exterior Building Materials

1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

J. Outdoor Lighting Requirements

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line.
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

K. Livestock And Animal Restrictions:

The keeping of livestock as an incidental use, i.e. as a use other than the primary use designated for the lot or property, shall be subject to the following limitations:

1. On lots of 1 to 10 acres in size, the total number of all such animals allowed (other than their young under the age of six (6) months) on a lot shall be limited to the following amounts:
 - a. Equine Species, one (1) per acre, or
 - b. Rabbits, chicken and other small fowl - shall not exceed 10 animals per one (1) acre, or
 - c. A written letter or form, signed by ALL property owners within 100 feet of a special use permit property boundary, stating a non-objection to all other animals proposed to be located onsite, including but not limited to swine, guinea hen, pea fowl, pheasant, rhea, ostrich, and other exotic type animals. The non-objection by property owners must be provided to the Jefferson County Community Development Department prior to final approval of the permit. The special use permit is subject to the applicable fee and will remain in effect for 2 years from the date the permit is granted.

The permit shall be renewed upon completing the process for the special use permit; or

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- d. The permit may be granted if:
1. The animal is a 4-H and/or FFA project and the student is or will be an active 4-H and /or FFA member; and
 2. The animal is being raised for the fair as a market animal to be sold through the Auction at the County fair; and
 3. The County will take into consideration the number of students involved, the number of animals and the number of acres in the parcel before granting the special use permit.
2. On lots of 10 acres in size or larger, the total number of all such animals allowed (other than their young under the age of six (6) months) on a lot shall be limited to the following amounts:
- a. 1.a. or 1.b as listed above, or
 - b. Cows - one (1) per acre, or
 - c. Goats, sheep, llamas - four (4) per acre, or
 - d. Emu - seven (7) per acre, or
 - e. A written letter or form, signed by ALL property owners within 100 feet of a special use permit property boundary, stating a non-objection to all other animals proposed to be located onsite, including but not limited to swine, guinea hen, pea fowl, pheasant, rhea, ostrich, and other exotic type animals. The non-objection by property owners must be provided to the Jefferson County Community Development Department prior to final approval of the permit. The special use permit is subject to the applicable fee and will remain in effect for 2 years from the date the permit is granted.

The permit shall be renewed upon completing the process for the special use permit; or

- f. The permit may be granted if:
1. The animal is a 4-H and/or FFA project and the student is or will be an active 4-H and /or FFA member; and
 2. The animal is being raised for the fair as a market animal to be sold through the Auction at the County fair; and
 3. The County will take into consideration the number of students involved, the number of animals and the number of acres in the parcel before granting the special use permit.

3. Animal runs or barns, chicken or fowl pens shall be located on the rear half of the property where feasible but shall not be closer than 100 feet from the front property line, 15 feet from the rear property line, 15 feet from the side property line and not closer than 50 feet from any dwelling unit.
4. Animals, chicken and or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent proof containers except hay and similar bulky materials
5. That said livestock and animals shall be properly fenced in so as to keep said animals from leaving said property.

L. Service Buildings

1. Service buildings or out buildings are non-residential buildings and may include, but not limited to pole barns, garages, shops, riding arena, horse or animal barns, hay storage, etc.

No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.
2. Maximum over all height of service building shall not exceed 35 feet.
3. Roof shall have a minimum pitch of 4 to 1.

Section 319 - Three Rivers Recreation Area Zone (TRRA)

In a TRRA Zone, the following regulations shall apply:

- A. Uses Permitted Outright: The following uses and their accessory uses are permitted.
 - 1. One single-family dwelling or a manufactured home subject to Section 408.
 - 2. RV and/or tent camping.
 - 3. Individual, on-site RV storage facilities.
- B. Conditional Uses Permitted: The following uses may be permitted when authorized in accordance with the requirements of Article 6 and Subsection E of this Section.
 - 1. RV dumping/waste disposal facility.
 - 2. Park, playground, community facilities.
 - 3. Community fire station.
 - 4. Gate house.
 - 5. Airport.
- C. Administrative Permitted Uses:
 - 1. Home Occupation, subject to Section 603 (C)
 - 2. Family Hardship Dwelling, subject to Section 422
- D. Minimum Lot Size: The following standards shall apply:
 - 1. The minimum lot size for new created lots shall be five (5) acres.
- E. Yard Requirements (minimum): Front Yard 30 feet, Side Yard 30 feet, Rear Yard 30 feet.
- F. Fire Protection Standards:
 - 1. Construction of the dwelling shall include a 30' primary and 100' secondary firebreak surrounding the dwelling, roofing shall be constructed of fire retardant materials, all chimneys shall contain an adequate spark arrestor and driveway access to the dwelling shall meet State Fire Marshal standards.
 - 2. Campfires and/or trash and debris burning shall be limited to constructed fire pits and/or burn barrels. Fires shall be restricted during periods of extreme fire danger, as indicated by the County, U.S. Forest Service or Bureau of Land Management.

- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, shall be subject to site plan review.
1. Any outdoor light shall be shielded to illuminate downward.
 2. The outdoor light source shall not be visible at or beyond the property line
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.
- H. Exterior Building Materials
1. Exterior walls, trim and roof on any building within ½ mile of any major river shall be finished in a non-reflective, flat tone, in earth or forest colors.

Section 320 - Three Rivers Recreation Area Waterfront Zone (TRRAW)

The purpose of the Three Rivers Recreation Area Waterfront Zone is to allow commercial uses of a type and scale appropriate to serve the needs of the rural community, water oriented recreation and limited tourist needs. The zoning requirements are to insure that such commercial activities are harmonious with the rural character of the area.

In a TRRAW Zone, the following regulations shall apply:

A. Uses Permitted Outright:

1. The following uses are permitted subject to the standards of Jefferson County:
 - a. Marina/Boat Launch Facilities, including dock, floating breakwaters, boat slips, and fueling areas existing on September 1, 1992, in the area designated TRRAW Zone.
 - b. Houseboat/Water Oriented Craft Rental Business, business office and caretaker's residence existing on September 1, 1992, in the area designated TRRAW Zone.
 - c. Parks, Playground, Community Beach & Recreation Facility existing on September 1, 1992, in the area designated TRRAW Zone.
 - d. Grocery/General Store and caretaker's residence existing on September 1, 1992, in the area designated TRRAW Zone.
 - e. Mobile Food Vendor, 0 to 60 days duration
2. Any permitted use in the TRRAW Zone may be continued, but may not be altered or expanded except in accordance with the requirements of Article 6.
 - a. If any existing permitted use in the TRRAW Zone is destroyed by any cause the use may be replaced in substantially the same condition and the use continued as existing prior to the destruction.
 - b. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designed use of a structure for which the County has issued a building permit and construction has commenced prior to the adoption of this Ordinance.
 - c. Alteration or expansion of permitted uses shall be limited by the following:
 1. Fueling areas shall be limited to 2 locations
 2. Boat slips shall be limited to 300 for watercraft under 24 feet in length and an additional maximum of 100 boat slips for watercraft exceeding 24 feet in length.

3. Grocery/General store shall not exceed 3,000 square feet.

B. Conditional Uses Permitted: The following uses may be permitted when authorized in accordance with the requirements of Article 6:

1. Fuel Storage Tanks not to exceed a total of 15,000 gallons storage;
2. RV Campsite (for temporary/seasonal use as caretaker quarters for any approved use) not to exceed two RVs;
3. RV Dumping/Waste Disposal Facility;
4. RV Storage Facility not to exceed 50 stored units;
5. Restaurant not to exceed 2,500 square feet;
6. Grocery/General Store not to exceed 3,000 square feet;
7. Retail Sporting Goods Outlet not to exceed 2,500 square feet;
8. One Gasoline Station;
9. Single-Family Dwelling (to serve as caretaker quarters for a permitted conditional use);
10. Self-Service Laundry Facility not to exceed 1,000 square feet.
11. Mobile Food Vendor, over 60 days duration

C. Minimum Lot Size/Yard Requirements: The following additional standards shall apply for permitted uses and conditional uses:

1. No minimum lot size or yard requirements apply.

D. Building Size Limitations:

1. No separate building containing a single permitted or conditional use may exceed 3,000 square feet. Buildings containing two or more permitted or conditional uses may not exceed 5,500 square feet.

E. Fire Protection Standards:

1. Construction of the dwelling shall include a 30' primary and 100' secondary firebreak surrounding the dwelling, roofing shall be constructed of fire retardant materials, all chimneys shall contain an adequate spark arrestor and driveway access to the dwelling shall meet State Fire Marshal standards.

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2. Campfires and/or trash and debris burning shall be limited to constructed fire pits and/or burn barrels. Fires shall be restricted during periods of extreme fire danger, as indicated by the County, U.S. Forest Service or Bureau of Land Management.
- G. Outdoor Lighting: The location, type and standards for outdoor lighting, including for accessory facilities, shall be subject to site plan review.
1. Any outdoor light shall be shielded to illuminate downward.
 2. The outdoor light source shall not be visible at or beyond the property line
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 321 - Wildlife Overlay Combining Zone - (WA)

In a Wildlife Overlay Zone, the following regulations shall apply:

- A. **Purpose:** The purpose of the Wildlife Area Combining Zone 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.
- B. **Application of Provisions:** The provisions of this ordinance shall apply to the areas identified on the Comprehensive Plan 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. Rural Service Center zones are exempt from the provisions of this ordinance.

In any zone, which is a Wildlife Area Combining Zone (WA), the requirements and standards of this ordinance shall apply in addition to those specified in the underlying zone. If a conflict in regulations or standards occurs, minimum lot size shall always apply.

- C. **Use Permitted:**

When an existing land use zone is combined with the WA Zone, the uses permitted in the WA Zone shall be those uses permitted either outright or conditional by the underlying zone.

- D. **Dimensional Standards:**

In a WA zone, the following dimensional standards shall apply:

- 1. In the Metolius Deer Winter Range and Grizzly Deer Winter Range designated on the Comprehensive Plan Map, the minimum lot size for new parcels shall be 80 acres.
- 2. In the Metolius Elk Winter Range and Grizzly Elk Winter Range designated on the Comprehensive Plan Map, the minimum lot size for new parcels shall be 160 acres.
- 3. In the Grizzly Antelope Winter Range designated on the Comprehensive Plan Map, the minimum lot size for new parcels shall be 320 acres.

- E. **Construction of Improvement Requirements, Construction of Improvements allowed under this section shall have minimal effects on wildlife habitat.**

- 1. **Fencing Standards:** Any person with property, located within a designated Wildlife Overlay Combining Zone, shall not erect any fence unless the fence construction is in accordance with the following standards and guidelines, or the

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County approves an alternative fence design, which provides equivalent wildlife passage, after consultation with Oregon Department of Fish and Wildlife.

- a. The distance between the ground and bottom strand or board of the fence shall be at least 18 inches.
 - b. The height of the fence shall not exceed 42 inches above the ground level.
 - c. Smooth wire and wooded fences are preferred. Woven wire fences are discouraged.
 - d. 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.
2. Deed of Restriction: The owner of a new dwelling, located within a designated Wildlife Overlay Combining Zone, shall be required to record a deed restriction with the County Clerk that the current and future land owners will hold Jefferson County harmless for any wildlife damage to the property, including any landscape and gardens.
 3. Footprint Location: The new dwelling footprint, including decks and porches, in a Wildlife Overlay Combining Zone shall be located entirely within 300 feet of public roads, private roads or recorded easements for vehicular access as of August 31, 1995, unless it can be found that:
 - a. Habitat values and migration corridors are afforded equal or greater protection through a different development pattern or;
 - b. The dwelling is setback no more than 50 feet from the edge of a driveway that existed as of August 31, 1995.
 4. Application Criteria: In addition to the general criteria that must be satisfied for the zoning requirements of the underlying zone, each Applicant must satisfy the additional criteria below.
 - a. Dwellings and structures shall be located near each other and existing roads;
 - b. Dwellings and structures shall be located to avoid habitat conflicts;
 - c. Dwellings and structures shall be located to utilize the lease valuable habitat areas;

- d. Road development shall be the minimum necessary to support the use.
 - e. The Applicant shall notify the Oregon Department of Fish and Wildlife (ODFW) of the proposed use under the land use application if said application has or may have a potential adverse impact on habitat. If it is determined that habitat will be affected, the property owner shall work with ODFW to develop a management plan to protect the deer and elk.
5. Approval Conditions: In permitting a use within the WA Zone and in order to mitigate the impact of the proposed use, the Planning Director, Planning Commission or County Commissioners may impose any reasonable conditions 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.

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Section 325 - Riparian Corridor Buffer Combining Zone - RB

Purpose: The purpose of the Riparian Corridor Buffer Combining Zone is to insure that riparian corridors identified in the County's Goal 5 riparian corridor inventory as critical for the survival of the fish species and wildlife are protected from the effect of conflicting uses or activities which are not subject to the Forest Practices Act.

A Definition of Riparian Corridors

The riparian area is the area adjacent to a river, lake or stream, consisting of the area of transition from aquatic ecosystems to a terrestrial ecosystem. The riparian corridor to be protected by the provision of this section is defined as follows:

1. Along all streams with an average stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet from the top of each bank.
2. Along all lakes, and fish bearing streams with an average annual stream flow less than 1,000 cfs; the riparian corridor shall be 50 feet from the top of each bank.
3. Where the riparian corridor includes all or portions of a significant wetland as set out in the statewide wetland inventory (see ORS 196.674) and as adopted by the comprehensive plan, the standard distance to the riparian boundary shall be measured from, and include, the upland edge of the wetland.

Inventoried riparian corridors located on federal land are not subject to the provisions of this Section unless the riparian corridor identified in subsection A above extends onto non-federal land.

B. Limitations and Uses Permitted:

1. Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Riparian Corridor Buffer Combining Zone subject to the additional procedure and requirements of subsection C. The Riparian Corridor Buffer Combining Zone does not regulate forest practices subject to ORS 527.610 to 527.785 and the rules adopted pursuant thereto or to farm practices defined by ORS 30.930(2). Structural setbacks are regulated under Article 4, Section 419.

C. Applicability:

The following uses are prohibited within a riparian corridor, as defined in subsection A above of this Section.

1. The permanent alteration of the riparian corridor by placement of structures, grading or impervious (i.e. paved) surfaces.
2. Removal of vegetation in the riparian area, except:

- A. As necessary for restoration activities, such as replacement of vegetation with native riparian species; or
 - B. As necessary for the development of water-related or water-dependent uses; or
 - C. As necessary for uses and activities involving forest practices subject to ORS 527.610 to 527.785 and involving farm practices defined by ORS 30.930(2).
3. The following uses are permitted subject to a Site Plan Review and provided they are designed to minimize intrusion into the riparian area:
- A. Non-paved streets and paths;
 - B. Drainage facilities, utilities, and irrigation pumps;
 - C. Water-dependent or water-related uses;
 - D. Replacement of existing structures and structures in the same location that do not disturb additional riparian surface area.
- D. Hardship Variance: If a property owner of a lawfully created lot or parcel, pre-existing as of the date of this ordinance, can show that the application of this ordinance renders that lot or parcel un-buildable, a hardship variance may be allowed.
- E. Hardship Variance Criteria:
- 1. By application of Section C above, the applicant shall demonstrate that the lot or parcel has been rendered un-buildable.
 - 2. If, a lot or parcel is determined to be rendered un-buildable, then a plan showing how much riparian vegetation is to be removed shall be provided. In no case shall more than 50% of the width of the riparian area as measured from the upland edge of the corridor be altered.
 - 3. The plan shall demonstrate that a re-vegetative plan will equal or better the protection of the identified resources through restoration of riparian areas, enhanced buffer treatment or similar measures.

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Section 341 - Camp Sherman Rural Center Zone (CSRC)

Purpose: The purpose of the Camp Sherman Rural Center is to permit the location or the continuation of certain limited-service commercial, tourist rental, single family dwelling and selected rural community support uses, concentrated in the historic Camp Sherman Center and developed in ways which are in harmony with the rural and rustic character and the unique environmental quality of the area. The Camp Sherman Local Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Comprehensive Plan.

- A. Uses Permitted Subject to Siting Standards: The following uses and their accessory uses are permitted subject to the siting standards listed in Subsection D of this section; lodges, Recreational vehicle Park, and Tourist Rental Cabins are also subject to a public hearing before the Planning Commission, and to the standards of Subsection H:
1. Single Family Dwelling or a manufactured home subject to Section 408.
 2. Lodge Complex
 3. Recreational Vehicle Park.
 4. Tourist Rental Cabins
 5. Accessory Uses for Guests, including pools, courts, offices, barns, storage and maintenance structures.
- B. Conditional Uses Permitted: The following uses and their accessory uses may be permitted or enlarged when authorized in accordance with the requirements of (1) Article 6, Conditional Use, (2) the Environmental Impact Report Procedure of Article 8, and (3) the provisions of this section. Conditional use approval may authorize the combining of approved uses on one site of two acres or more, provided, however, that each of the following uses shall require a minimum acreage as designated in parentheses following each use and the cumulative acreage requirements shall not exceed the total size of the site.
1. Automotive fuel retail sales, limited to two pumps, water, and compressed air service, without a canopy and limited to 2,400 square feet of total floor area (1 acre equivalent).
 2. Chapel, limited to 1,800 square feet of floor space (1/2 acre)
 3. General store, limited to 3,000 square feet of total area (1 acre)
 4. Postal Station (1 acre)
 5. Public education facility (1 acre)
 6. Restaurant or cafe, without drive-up window service, limited to 2,400 square feet of total floor space (1/2 acre)

7. Tackle Shop, limited to 800 square feet (1/4 acre)
 8. Public Information Kiosk (1/4 acre)
- C. Administrative Permitted Uses:
1. Limited Home Occupation (1/2 acre)
- D. Siting Standards: Uses listed in Subsection A of this Section are to be approved only after review for conformance with the following siting standards:
1. The maximum practicable buffer shall be provided between the proposed use and surrounding National Forest land within sight and sound of that use.
 2. Placement of the proposed site shall be considered, including erosion, flooding, and development and public services and facilities.
 3. Limitations of soils shall be considered, including erosion, flooding, and contamination of water, along with provisions to reduce adverse effects to minimal levels.
 4. Effects on surrounding National Forest land within sight and sound of the proposed use shall be considered, and interference with the forest practices on surrounding land shall ensure that forest operation will not be curtailed or impeded.
 5. A water supply system shall be adequate for the proposed use and sufficiently isolated from contamination by accepted forest practices on surrounding land shall be in compliance with OAR 690-210-030.
 6. Proposed uses shall comply with Section 426 of the Jefferson County Zoning Ordinance, pertaining to fire safety standards.
 7. The proposed use shall have minimal impact on wildlife habitat, especially on riparian habitat, as reviewed in Section E.
- E. Criteria for Conditional Uses: In addition to the requirements listed in Subsection C above, those Conditional Uses listed in subsection B above shall also meet the following conditions:
1. The proposed use shall be related to and supported by the recreational and resort- oriented activities of the area.
 2. The proposed use shall be in harmony with the natural environmental and result in a minimum number of conflicts with existing development.
- F. Agency Review:
1. For any proposal which requires a hearing before the Planning Commission, the Site Plan

Review Committee shall include the Oregon State Parks, Oregon Dept. of Fish & Wildlife, fire chief of the jurisdiction, and either the U.S. Forest Service or the Oregon Dept. of Forestry or both.

2. For any proposal, which requires Conditional Use proceedings, the Oregon Dept. of Fish & Wildlife and either the U.S.F.S. or the Oregon Dept. of Forestry or both shall be included in the notice provisions of Section 906. Input received from the agencies shall be included in the staff report on the proposal.

G. Minimum Lot Sizes.

1. The minimum lot size for parcelization shall be two acres. (See Article 5, Section 502, exceptions to lot size requirements).
2. The minimum lot size for all other permitted uses shall be two acres.

H. Per Acre Ratio -- Maximum Lot Coverage Maximum Rental Units:
In the CSRC Zone:

1. Lodge Complex as rental units, including accessory and dwellings for management and employees, shall be limited to five units per acre ratio, with a maximum total of 3,000 square feet coverage and 4,000 buildable square feet (example: 1.5 story structure), per acre ratio.
2. Tourist Rental cabins, including accessory buildings and dwellings for management and employees, shall be limited to five units per acre ratio, with a total of 3,00 square feet coverage and 4,000 buildable square feet, per acre ratio.
3. Recreational Vehicle Park spaces, including accessory buildings and dwellings for management and employees, shall be limited to ten spaces per acre ratio. Total footprint coverage shall not exceed 5,000 square feet and total buildable square feet shall not exceed 6,000 square feet per acre ratio, with each RV space calculated at the equivalent of 500 square feet coverage.

I. Yard Requirements:

1. The minimum building setback shall be 30 feet front and 15 foot side and rear yards.
2. Riparian setback: All buildings, structures, or similar permanent fixtures shall be set back from any stream, lake, or natural waterway 100 feet from the bankfull stage.

J. Building Height.

1. The maximum height of any building shall be 20 feet from ridgeline to ground.
2. All manufacture homes shall have a nominal roof slope of three (3') feet in height for each twelve (12'') feet in width.

3. All other structures shall have a 30-degree roof slope.

K. Exterior Building Materials:

1. All dwellings and structures shall use non-combustible or fire-resistant roofing material as identified as Class A, B, or C in the Oregon Uniform Building Code, in earth or forest colors. Roof sprinklers are not acceptable as an alternative to this standard.
2. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduced levels equivalent to the performance standards required of single family dwellings under the state building codes as defined in ORS 455.010.
3. Exterior walls and trim on any building shall be finished in a non-reflective, flat tones in earth or forest colors.

L. Parking.

1. Parking spaces for lodges and tourist rental cabins shall be clustered into two parking area or less on any site.
2. Parking spaces shall not be located within any required setback area.

M. Fences.

1. A sight-obscuring fence shall be located only as required to screen an outdoor storage area. Any storage area shall be 400 square feet or less per site. Such fence shall be set back at least 20 feet any side or rear lot line and 50 feet from any front lot line and shall have a maximum height of seven feet.
2. Any wire fence, as needed to contain livestock only, shall comply with the [1990] current Oregon Dept. of Fish & Wildlife standards.

N. Outdoor Recreational Areas. The location, type and standards or outdoor accessory facilities such as pools, courts, etc., on non-single family dwelling lots shall be subject to site plan review.

O. Signs. Any sign shall be limited as follows:

1. For single-family dwellings, manufactured homes, or home occupations: one unpainted, unlighted sign of two square feet or less, located on the property.
2. All other permitted uses: one unpainted sign on the property, identifying only the use on the property, sized at 12 square feet or less, with a maximum height of six feet and indirect illumination of 200 watts or less.

P. Vegetation.

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1. Existing native vegetation should be preserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety.
2. All site development plans and environmental impact reports shall address the specifications in Article 8, section 806 C.

Q. Outdoor Lighting.

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line.
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 342 - Camp Sherman Vacation Rentals Zones (CSVZ)

Purpose: The purpose of the Camp Sherman Vacation Rental Zone is to permit the location of and the continuation of limited short-term rental facilities for tourists and of single family dwellings, manufactures homes and selected community support uses under approval processes and development standards intended to assure compatibility with the unique rural character, recreational attraction and environmental qualities of the Camp Sherman area. The Camp Sherman Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Area Comprehensive Plan.

- A. Uses Permitted Subject to Siting Standards: The following uses and their accessory uses are permitted subject to siting standards listed in Subsection C of this Section: Lodges, Recreational Vehicle Park, and Tourist Rural Cabins are also subject to a public hearing before the Planning Commission, and to the standards of Subsection H:
1. Single Family Dwelling or a manufactured home subject to Section 408.
 2. Lodge Complex
 3. Tourist Rental Cabins
 4. Accessory recreational facilities for guests, including pools, courts barns, storage, and maintenance structures.
- B. Conditional Uses Permitted: No conditional uses are allowed.
- C. Siting Standards: Uses listed in Subsection A of this Section are to be approved in a CSVZ Zone only after review for conformance with the following siting standards:
1. The maximum practicable buffer shall be provided between the proposed use and the surrounding National Forest land within sight and sound of that use.
 2. Placement of the proposed site shall minimize the need for additional road development and public services and facilities.
 3. Limitations of soils shall be considered, including erosion, flooding, and contamination of water, along with provisions to reduce adverse effects to minimal levels.
 4. Effects on surrounding National Forest land within sight and sound of the proposed use shall be considered, and interference with the forest practices on surrounding land shall ensure that forest operation will not be curtailed or imposed.
 5. A water supply system shall be adequate for the proposed use and sufficiently isolated from contamination by accepted forest practices on surrounding land and shall be in compliance with OAR 690-210-030.
 6. Proposed uses shall comply with Article 4, section 426 of the Jefferson County Zoning

Ordinance, pertaining to fire safety standards.

7. The proposed use shall have minimal impact on wildlife habitat, especially on riparian habitat, as reviewed in Section E.

D. Agency Review.

1. For any proposal which requires a hearing before the Planning Commission, the Site Plan Review Committee shall include the Oregon State Parks, Oregon Dept. of Fish & Wildlife, fire chief of the jurisdiction, and either the U.S. Forest Service or the Oregon Dept. of Forestry or both.

E. Minimum Lot Sizes.

1. The minimum lot size for parcelization shall be five acres (see Article 5, section 502, exceptions to lot size requirements).
2. The minimum lot size for all other permitted uses shall be five (5) acres.

F. Per Acre Ratio -- Maximum Lot Coverage Maximum Rental Units

1. Lodge Complex as rental units, including accessory buildings and dwellings for management and employees, shall be limited to two units per acre ratio, not to exceed 2,800 square feet total buildable space per developable acre ratio. An acre shall be considered developed when it has been used to determine allowable density pursuant to this section.

There shall be one acre of uncommitted, undeveloped open space on the resort property in contiguous ownership to the resort for each developed acre.

Portions of landscape area requirements for developed recreational facilities, visitor oriented accommodations, yards, streets, and parking area shall not be included in undevelopable open space.

2. Tourist Rental cabins, including accessory buildings and dwellings for management and employees, shall be limited to two units per acre ratio, with a maximum of 2,800 square feet total buildable space, per acre ratio. An acre shall be considered developed when it has been used to determine allowable density pursuant to this Section.

There shall be one acre of uncommitted, undeveloped open space on the resort property or on property in contiguous ownership to the resort for each developed acre.

Portions of landscape area requirements for developed recreational facilities, visitor oriented accommodations, yards, streets, and parking areas shall not be included in the undevelopable open space.

G. Yard Requirements.

1. The minimum building setback shall be 30 feet front and 15 foot side and rear yards.
2. Riparian setback: All buildings, structures, or similar permanent fixtures shall be set back from any stream, lake, or natural waterway 100 feet from the bankfull stage.

H. Building Height.

1. The maximum height of any building shall be 25 feet from ridgeline to ground.
2. All manufactured homes shall have a nominal roof slope of three (3') feet in height for each twelve (12') feet in width.
3. All other structures shall have a 30-degree roof slope.

I. Exterior Building Materials.

1. All dwellings and structures shall use non-combustible or fire-resistant roofing material as identified as Class A, B, or C in the Oregon Uniform Building Code, in earth or forest colors. Roof sprinklers are not acceptable as an alternative to this standard.
2. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduced levels equivalent to the performance standards required of single family dwellings under the state building codes as defined in ORS 455.010.
3. Exterior walls and trim on any building shall be finished in a non-reflective, flat tones in earth or forest colors.

J. Parking.

1. Parking spaces for lodges and tourist rental cabins shall be clustered into two parking area or less on any site.
2. Parking spaces shall not be located within any required setback area.

K. Fences.

1. A sight-obscuring fence shall be located only as required to screen an outdoor storage area. Any storage area shall be 400 square feet or less per site. Such fence shall be set back at least 20 feet any side or rear lot line and 50 feet from any front lot line and shall have a maximum height of seven feet.
2. Any wire fence, as needed to contain livestock only, shall comply with the current Oregon Department of Fish & Wildlife standards.

L. Outdoor Recreational Areas. The location, type and standards or outdoor accessory facilities such as pools, courts, etc., on non-single family dwelling lots shall be subject to site plan review.

M. Signs. Any sign shall be limited as follows:

1. For single-family dwellings, manufactured homes, or home occupations: one unpainted, unlighted sign of two square feet or less, located on the property.
2. All other permitted uses: one unpainted sign on the property, identifying only the use on the property, sized at 12 square feet or less, with a maximum height of six feet and indirect illumination of 200 watts or less.

N. Vegetation.

1. Existing native vegetation should be preserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety.
2. All site development plans and environmental impact reports shall address the specifications in Article 8, section 806C.

O. Outdoor Lighting.

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line.
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 343 - Camp Sherman Rural Residential Zone - Three (CSRR-3)

Purpose: The purpose of Camp Sherman Rural Residential Zone - Three is to establish minimum development standards and location approval provisions for single family dwellings, manufactured homes and duplexes on newly-divided or on pre-existing lots, 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. The Camp Sherman Local Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Comprehensive Plan.

- A. Uses Permitted Subject to Siting Standards: The following uses and their accessory uses are permitted subject to siting standards listed in Subsection C of this Section:
1. Single Family Dwelling or a manufactured home subject to Section 408
 2. Single Family Dwelling Attached Dwelling (Duplex)
 3. Subdivision - only as a Planned Unit Development (PUD) for permitted residential purposes, subject to the requirements of the Subdivision Ordinance for Jefferson County and Subsection (F).
 4. Crop cultivation or farm gardens including the keeping of domestic animals, subject to the provisions of Article 4, section 407.
 5. Residential Facility
- B. Administrative Permitted Uses:
1. Limited Home Occupation subject to Section 602 (A) only.
 2. Family Hardship Dwelling subject to Section 422
- C. Siting Standards: Uses listed in Subsection A of this Section are to be approved in a CSRR-3 Zone only after review for conformance with the following siting standards 1-7; A Subdivision (PUD) shall be reviewed for conformance with siting standards 1-8:
1. The maximum practicable buffer shall be provided between the proposed use and the surrounding National Forest land within sight and sound of that use.
 2. Placement of the proposed site shall minimize the need for additional road development and public services and facilities.
 3. Limitations of soils shall be considered, including erosion, flooding, and contamination of water, along with provisions to reduce adverse effects to minimal levels.
 4. Effects on surrounding National Forest land within sight and sound of the proposed use shall be considered, and interference with the forest practices on surrounding land shall

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ensure that forest operation will not be curtailed or imposed.

5. A water supply system shall be adequate for the proposed use and sufficiently isolated from contamination by accepted forest practices on surrounding land and shall be in compliance with OAR 690-210-030.
6. Proposed uses shall comply with Article 4, section 426 of the Jefferson County Zoning Ordinance, pertaining to fire safety standards.
7. The proposed use shall have minimal impact on wildlife habitat, especially on riparian habitat, as reviewed in Section E.
8. Subdivision shall be developed as a planned unit development (PUD). A PUD shall have a minimum of 50% of the total acreage of the development dedicated to permanent open space excluding yards, streets and parking areas.

Portions of individual lots and landscape area requirement for developed recreational facilities and visitor-oriented accommodations shall not be considered open space.

Density shall not exceed the density specified in Section F. Planned Unit Development structures shall be clustered to minimize the adverse environmental and design effects. No bonus for density increase shall be allowed.

D. Criteria for Conditional Uses: In addition to the requirements listed in Subsection C above, those Uses listed in Subsection B above shall also meet the following conditions:

1. The proposed use shall be in harmony with the natural environment and result in a minimum number of conflicts with existing development.

E. Agency Review.

1. For any proposal which requires a hearing before the Planning Commissioners, the Site Plan Review Committee shall include the Oregon State Parks, Oregon Department of Fish & Wildlife, fire chief of the jurisdiction, and either the U.S. Forest Service or the Oregon Department of Forestry or both.
2. For any proposal, which requires Conditional Use proceedings, the Oregon Department of Fish & Wildlife and either the U.S.F.S. or the Oregon Department of Forestry or both shall be included in the notice provisions of Section 906. Input received from both agencies shall be included in the staff report on the proposal.

F. Minimum Lot Sizes.

1. The minimum lot size for a single family or manufactures home shall be three (3) acres; the minimum lot size for duplex shall be five acres (see Article 5, section 502, exceptions to lot size requirements).

2. The minimum lot size for all other permitted uses shall be three (3) acres.
- G. Per Acre Ratio -- Maximum Lot Coverage Maximum Rental Units.
1. Not applicable in this zone.
- H. Yard Requirements.
1. The minimum building setback shall be 30 feet front and 15 foot side and rear yards.
 2. Riparian setback: All buildings, structures, or similar permanent fixtures shall be set back from any stream, lake, or natural waterway 100 feet from the bankfull stage.
- I. Building Height.
1. The maximum height of any building shall be 25 feet from ridgeline to ground.
 2. All manufactured homes shall have a nominal roof slope of three (3') feet in height for each twelve (12') feet in width.
 3. All other structures shall have a 30-degree roof slope.
- J. Exterior Building Materials.
1. All dwellings and structures shall use non-combustible or fire-resistant roofing material as identified as Class A, B, or C in the Oregon Uniform Building Code, in earth or forest colors. Roof sprinklers are not acceptable as an alternative to this standard.
 2. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduced levels equivalent to the performance standards required of single family dwellings under the state building codes as defined in ORS 455.010
 3. Exterior walls and trim on any building shall be finished in a non-reflective, flat tones in earth or forest colors.
- K. Parking
1. Parking spaces shall not be located within any required setback area.
- L. Fences.
1. A sight-obscuring fence shall be located only as required to screen an outdoor storage area. Any storage area shall be 400 square feet or less per site. Such fence shall be set back at least 20 feet any side or rear lot line and 50 feet from any front lot line and shall have a maximum height of seven feet.

2. Any wire fence, as needed to contain livestock only, shall comply with the current Oregon Department of Fish & Wildlife standards.
- M. Outdoor Recreational Areas. The location, type and standards of outdoor accessory facilities such as pools, courts, etc., on non-single family dwelling lots shall be subject to site plan review.
- N. Signs. Any sign shall be limited as follows:
1. For single-family dwellings, manufactured homes, or home occupations: one unpainted, unlighted sign of two square feet or less, located on the property.
 2. All other permitted uses: one unpainted sign on the property, identifying only the use on the property, sized at 12 square feet or less, with a maximum height of six feet and indirect illumination of 200 watts or less.
- O. Vegetation.
1. Existing native vegetation should be preserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety.
 2. All site development plans and environmental impact reports shall address the specifications in Article 8, section 806C.
- P. Outdoor Lighting.
1. Any outdoor light shall be shielded to illuminate downward.
 2. Any light source shall not be visible at or beyond the property line.
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 344 Camp Sherman Rural Residential Zone - Five (CSRR-5)

Purpose: The purpose of Camp Sherman Rural Residential Zone - Five (CSRR) is to establish minimum development standards and location approval provisions for single family dwellings, manufactured homes and duplexes on newly-divided or on pre-existing lots, 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. The Camp Sherman Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Comprehensive Plan.

- A. Uses Permitted Subject to Siting Standards: In the CSRR-5 Zone, the following uses and their accessory uses are permitted subject to siting standards listed in Subsection D of this Section:
1. Single Family Dwelling or a manufactured home subject to Section 408
 2. Single Family Dwelling Attached Dwelling (Duplex)
 3. Subdivision - only as a Planned Unit Development (PUD) for permitted residential purposes, subject to the requirements of the Subdivision Ordinance for Jefferson County and Subsection G.
 4. Crop cultivation or farm gardens including the keeping of domestic animals, subject to the provisions of Article 4, section 407.
 5. Residential Facility
- B. Conditional Uses Permitted: The following uses and their accessory uses may be permitted or enlarges when authorized in accordance with the requirements of Article 6 and the provisions of this Section.
1. Community Hall. Limited to 2,400 square feet footprint.
 2. Fire Station.
- C. Administrative Permitted Uses:
1. Limited Home Occupation subject to Section 602 (A) only
 2. Family Hardship Dwelling, subject to Section 422
- D. Siting Standards: Uses listed in Subsection A of this Section are to be approved in a CSRR-5 Zone only after review for conformance with the following siting standards 1-7; A Subdivision (PUD) shall be reviewed for conformance with siting standards 1-8:
1. The maximum practicable buffer shall be provided between the proposed use and the surrounding National Forest land within sight and sound of that use.

2. Placement of the proposed site shall minimize the need for additional road development and public services and facilities
3. Limitations of soils shall be considered, including erosion, flooding, and contamination of water, along with provisions to reduce adverse effects to minimal levels.
4. Effects on surrounding National Forest land within sight and sound of the proposed use shall be considered, and interference with the forest practices on surrounding land shall ensure that forest operation will not be curtailed or imposed.
5. A water supply system shall be adequate for the proposed use and sufficiently isolated from contamination by accepted forest practices on surrounding land and shall be in compliance with OAR 690-210-030.
6. Proposed uses shall comply with Article 4, section 426 of the Jefferson County Zoning Ordinance, pertaining to fire safety standards.
7. The proposed use shall have minimal impact on wildlife habitat, especially on riparian habitat, as reviewed in Section E.
8. Subdivision shall be developed as a planned unit development (PUD). A PUD shall have a minimum of 50% of the total acreage of the development dedicated to permanent open space excluding yards, streets and parking areas.

Portions of individual lots and landscape area requirement for developed recreational facilities and visitor-oriented accommodations shall not be considered open space.

Density shall not exceed the density specified in Section F. Planned Unit Development structures shall be clustered to minimize the adverse environmental and design effects. No bonus for density increase shall be allowed.

- E. Criteria for Conditional Uses: In addition to the requirements listed in Subsection D above, those Conditional Uses listed in Subsection B above shall also meet the following conditions:

1. The proposed use shall be in harmony with the natural environment and result in a minimum number of conflicts with existing development.

- F. Agency Review.

1. For any proposal which requires a hearing before the Planning Commission, the Site Plan Review Committee shall include the Oregon State Parks, Oregon Department of Fish & Wildlife, fire chief of the jurisdiction, and either the U.S. Forest Service or the Oregon Department of Forestry or both.
2. For any proposal, which requires Conditional Use proceedings, the Oregon Department of Fish & Wildlife and either the U.S.F.S. or the Oregon Department of Forestry or both

shall be included in the notice provisions of Section 906. Input received from both agencies shall be included in the staff report on the proposal.

G. Minimum Lot Sizes.

1. The minimum lot size for a single family or manufactured home shall be five (5) acres; the minimum lot size for duplex shall be eighth (8) acres (see Article 5, section 502, exceptions to lot size requirements). All other permitted uses shall be five (5) acres.

H. Yard Requirements (minimum): Front yard - 30 feet, Side Yard - 15 feet, Rear Yard - 15 feet.

I. Riparian setback: All buildings, structures, or similar permanent fixtures shall be set back from any stream, lake, or natural waterway 100 feet from the bankfull stage.

J. Building Height.

1. The maximum height of any building shall be 25 feet from ridgeline to ground.
2. All manufactured homes shall have a nominal roof slope of three (3') feet in height for each twelve (12') feet in width.
3. All other structures shall have a 30-degree roof slope.

K. Exterior Building Materials.

1. All dwellings and structures shall use non-combustible or fire-resistant roofing material as identified as Class A, B, or C in the Oregon Uniform Building Code, in earth or forest colors. Roof sprinklers are not acceptable as an alternative to this standard.
2. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduced levels equivalent to the performance standards required of single family dwellings under the state building codes as defined in ORS 455.010.
3. Exterior walls and trim on any buildings shall be finished in a non-reflective, flat tones in earth or forest colors.

L. Parking.

1. Parking spaces shall not be located within any required setback area.

M. Fences.

1. A sight-obscuring fence shall be located only as required to screen an outdoor storage area. Any storage area shall be 400 square feet or less per site. Such fence shall be set back at least 20 feet any side or rear lot line and 50 feet from any front lot line and shall have a maximum height of seven feet.
2. Any wire fence, as needed to contain livestock only, shall comply with the current Oregon

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Dept. of Fish & Wildlife standards.

N. Signs. Any sign shall be limited as follows:

1. For single-family dwellings, manufactured homes, or home occupations: one unpainted, unlighted sign of two (2) square feet or less, located on the property.

O. Vegetation.

1. Existing native vegetation should be preserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety.
2. All site development plans and environmental impact reports shall address the specifications in Article 8, section 806C.

P. Outdoor Lighting.

1. Any outdoor light shall be shielded to illuminate downward.
2. Any light source shall not be visible at or beyond the property line.
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 345 - Blue Lake Zone (BL)

Purpose: The purpose of the Blue Lake Zone are to permit the location or the continuation of a certain recreational, educational and cultural facilities, tourist rental facilities, outdoor activities, single-family dwellings and their accessory uses under approval processes and development standards intended to assure compatibility with the special, mountain and high lakes of the area. The Camp Sherman Local Advisory Committee shall review all application for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Area Comprehensive Plan.

- A. **Uses Permitted Subject to Siting Standards:** The following uses and their accessory uses are permitted outright subject to the siting standards listed in Subsection D of this Section. Visitor-oriented accommodations, including lodges and overnight accommodations are also subject to a public hearing before the Planning Commission.

Residential Accommodations.

1. Single-Family Dwelling or a manufactured home subject to Section 408.
2. Subdivision. Subdivisions under these sections shall only be approved as a Planned Unit Development (PUD) for permitted residential purposes pursuant to the requirements of the Subdivision Ordinance for Jefferson County and Subsection G of this Section.

Visitor-Oriented Accommodations:

1. Lodge Complex.
2. Conference facility and meeting room.
3. Restaurant.
4. Employee Dwelling Units. For purposes of this section, employee dwelling unit means one or more rooms in a building designed for occupancy by employees and having not more than one cooking area or kitchen per building.
5. Overnight Accommodations. For purposes of this section, overnight accommodations are defined as a group of buildings or structures designed for short-term recreational purposes and where facilities, except commercial facilities, are provided to accommodate that use.
6. Youth Campsite as recreational or educational facilities and visitor Oriented accommodations.

Recreational or Educational Facilities: For purposes of this section recreational or educational facilities means an area devoted and limited to facilities or equipment for recreational or educational purposes. These include but are not limited to walkways, bike paths, jogging paths, pool, tennis/basketball courts and other similar recreational facilities consistent with the purposes of the BL zone. Approval of recreational or educational facilities may authorize the combining of approved uses provide however, that each of the following permitted uses shall not exceed the

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square footage designated in parentheses following each use: (

Recreational Facilities:

1. Equestrian buildings. (3000 square feet)
2. Boat dock. (25 slips)
3. Marina (3000 square feet)

Educational Facilities:

1. Multi-purpose rooms (2000 square feet each). For purposes of this section, a multi-purpose room is defined as a structure dedicated and limited to use as an educational or recreational use.
2. Craft and art studios (2000 square feet each)
3. Other similar recreational facilities consistent with the purposes of the BL zone.
 - a. Accessory use or accessory structures means a use or structure incidental and subordinate to the main use of the property. The following accessory uses shall be permitted provided they are consistent with the purpose of the BL zone:
 - i. Public and private roads.
 - ii. Storage, maintenance and utility structures.
 - iii. Hydroelectric facility permitted by Water Resources Department
 - v. Other similar accessory uses consistent with the purpose of the BL zone

B. Conditional Uses Permitted:

The following uses and their accessory uses may be permitted or enlarged when authorized in accordance with the requirements of (1) Article 6, Conditional Use (2) the Environmental Impact Report Procedure of Article 8, and (3) the provisions of this Section.

1. Chapel, limited to 1800 square feet of floor space.
2. Fire Station

C. Administrative Permitted Uses:

1. Limited Home Occupation, subject to Section 602(A) only. (
2. Family Hardship Dwelling, subject to Section 422

D. Siting Standards:

Uses listed in Section A are to be approved only after review for conformance with siting standards 1 through 7 below excepting only a subdivision (PUD) application which shall be reviewed for conformance with siting standards 1 through 8 below:

1. The maximum practicable buffer shall be provided between the proposed use and the surrounding National Forest land within sight and sound of that use.
2. Placement of the proposed site shall minimize the need for additional road development and public services and facilities.
3. Limitations of soils shall be considered, including erosion, flooding, and contamination of water, along with provisions to reduce adverse effects to minimal levels.
4. Effects on surrounding National Forest land within sight and sound of the proposed use shall be considered, and interference with forest practices on surrounding land shall be minimized on both private and public land.
5. A water supply system shall be adequate for the proposed use and sufficiently isolated from contamination by accepted forest practices on surrounding land and shall include a wellhead protection plan in compliance with OAR 690-210-030.
6. Proposed uses shall comply with the most current fire safety standards pursuant to Article IV, Section 426.
7. The proposed use shall have minimal effects on wildlife habitat, especially on riparian habitat.
8. Any subdivision shall be developed as a planned unit development (PUD). A PUD shall have a minimum of 50% of the total acreage of the development dedicated to permanent open space excluding streets and parking areas. Overall density shall not exceed the density specified in Section G. 1. Planned Unit Development structures shall be clustered to minimize adverse environmental and design effects.

Notwithstanding any provision to the contrary, a PUD or cluster development within the BL zone may include private streets. No bonus for density increase shall be allowed.

E. Criteria for Conditional Uses:

In addition to the requirements listed in Section D, the conditional uses listed in Section B shall also demonstrate that the proposed use is in harmony with the natural environment and will result in a minimum number of conflicts with existing development.

F. Site Plan Review:

All buildings proposed as visitor-oriented accommodations or recreational or educational

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buildings under Section A shall be subject to Site Plan Review.

G. Agency Review:

1. For any proposal, which requires site plan review, the Site Plan Review Committee shall include the Fire Chief of the jurisdiction, the Oregon State Parks, Oregon Department of Fish and Wildlife and/or the U.S. Forest Service or the Oregon Dept. of Forestry or both.
2. For any proposal which requires conditional use proceedings, the Oregon Department of Fish and Wildlife and either the U.S.F.S. or the Oregon Department of Forestry or both shall be included in the notice provisions Article IX section 906. Input received from the agencies shall be included in the staff report on the proposal.

H. Minimum Lot Sizes:

1. The minimum lot size for a single-family dwelling shall be five (5) acres.
2. Applications for development of visitor-oriented accommodations shall not exceed an overall density of 3,000 square feet of buildable space per acre ratio. All development proposals for visitor-accommodations shall demonstrate that the applicant is capable of satisfying an overall 50% minimum open space requirement for the resort property or property in contiguous ownership. Portions of landscape area requirements, visitor-oriented accommodations, residential-accommodations, streets and parking areas shall not be considered open space. For purposes of this section, open space includes recreational or educational facilities and all other undeveloped land.

I. Yard Requirements (minimum).

1. Other than single family structures: Front Yard 35 feet, Side Yard 30 feet, Rear Yard 30 feet.
2. Single family structures: Front Yard 30 feet, Side Yard 15 feet, Rear Yard 15 feet.

J. Riparian setback: All buildings, structures, or similar permanent fixtures shall be set back 100 feet from the bank full stage of any designated stream, lake or natural Waterway unless the applicant obtains a setback exception in accordance with the Section P below.

K. Road Setback: All buildings, structures or similar permanent fixtures except single-family dwellings shall be setback 50 feet from the edge of all public roads or streets which exist at the effective date of this ordinance and the setback area shall be landscaped to buffer development from such roadway.

L. Building Height.

1. The maximum height of any residential building shall not exceed 35 feet from ridgeline to ground.
2. The maximum height of any lodge facility shall not exceed 45 feet from ridgeline to

- ground.
3. All buildings exceeding 35 feet in height must include a sprinkler system or obtain fire department approval.
 4. All structures shall have a minimum 30-degree roof slope.

M. Exterior Building Materials.

1. All dwellings and structures shall use non-combustible or fire-resistant roofing material as identified as Class A, B, or C in the Oregon Uniform Building Code, in earth or forest colors. Roof sprinklers are not acceptable as an alternative to this standard.
2. Exterior walls and trim on any buildings shall be finished in a non-reflective flat tones of earth or forest colors.

N. Parking.

1. Parking spaces for lodges should be clustered.
2. Parking spaces shall not be located within any required setback area.

O. Fences.

1. A sight-obscuring fence shall be located only as required to screen an outdoor storage area. Any storage area shall be 400 square feet or less per site. Such fence shall be set back at least 20 feet from any side or rear lot line and 50 feet from any front lot line and shall have a maximum height of eight feet
2. Any wire fence, as needed to contain livestock only, shall comply with the current Oregon Department of Fish and Wildlife standards.

P. Signs. Any sign shall be limited as follows:

1. For limited home occupations: one unpainted, unlighted sign of two square feet or less, located on the property.
2. All other permitted uses: one unpainted sign on the property, identifying only the use on the property, sized at 12 square feet or less with an indirect illumination of 200 watts or less.

Q. Vegetation.

1. Existing native vegetation should be reserved and protected on any site to the maximum extent possible, subject to standards for maintaining fire safety.
2. All site development plans and environment impact reports shall address the

specifications in Section 806 (C).

- R. Outdoor Lighting.
1. Any outdoor light shall be shielded to illuminate downward.
 2. Any light source shall not be visible at or beyond the property line.
 3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.
- T. Setback Exception. Any development, including remodeling of existing structures, as authorized in the BL zone may be granted an exception to the 100-foot setback from the bank full stage along a stream or lake subject to the following conditions:
1. An application shall be filed which includes:
 - a. A detailed explanation of the planned development.
 - b. An explanation of why the exception is necessary and appropriate.
 - c. A site plan, drawn to scale, and accompanied by drawings and descriptions necessary to describe and illustrate the proposed development. The site plan shall include:
 - (i) An inventory of existing vegetation including trees on the lot located within 100 feet of the bank full stage along the Stream or lake. The inventory shall be in sufficient detail to allow the review and evaluation of impacts of the proposed development
 - (ii) Proposed modifications of the vegetation on the lot within 100 feet of the bank full stage along the stream or lake including the size; species and approximate locations of existing vegetation to be retained and new vegetation proposed for the site.
 - (iii) Existing and proposed site contours.
 - (iv) The location and dimensions of all structures, property lines and bank full stage.
 - (v). Other site elements that will assist in the evaluation of the proposed development.
 - (vi) An exception may be granted upon findings that:
 - aa. The proposed development protects and enhances the vegetative or landscaped fringe between the development and the stream or Lake

to the degree necessary to protect the designated water body.

- bb. A conservation easement providing that the elements of the site plan will be carried out and maintained as approved for the area between the bank full stage and the development has been conveyed to the county.

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ARTICLE 4 SUPPLEMENTARY PROVISIONS

Section 401 - Access-Minimum Lot Frontage

Every lot shall abut a road dedicated to public use or a private access easement, other than an alley, for at least 50 Feet

Section 402 - Establishment Of Clear-Vision Areas

In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet (3 ½) in height, measured from the established street center line grade, except that cyclone or other open construction fences which permit clear vision through the triangular area may be at standard height as specified in Section 404 of this Article. Trees may be located in this area as long as all branches and foliage are removed to a height of eight (8) feet above the grade.

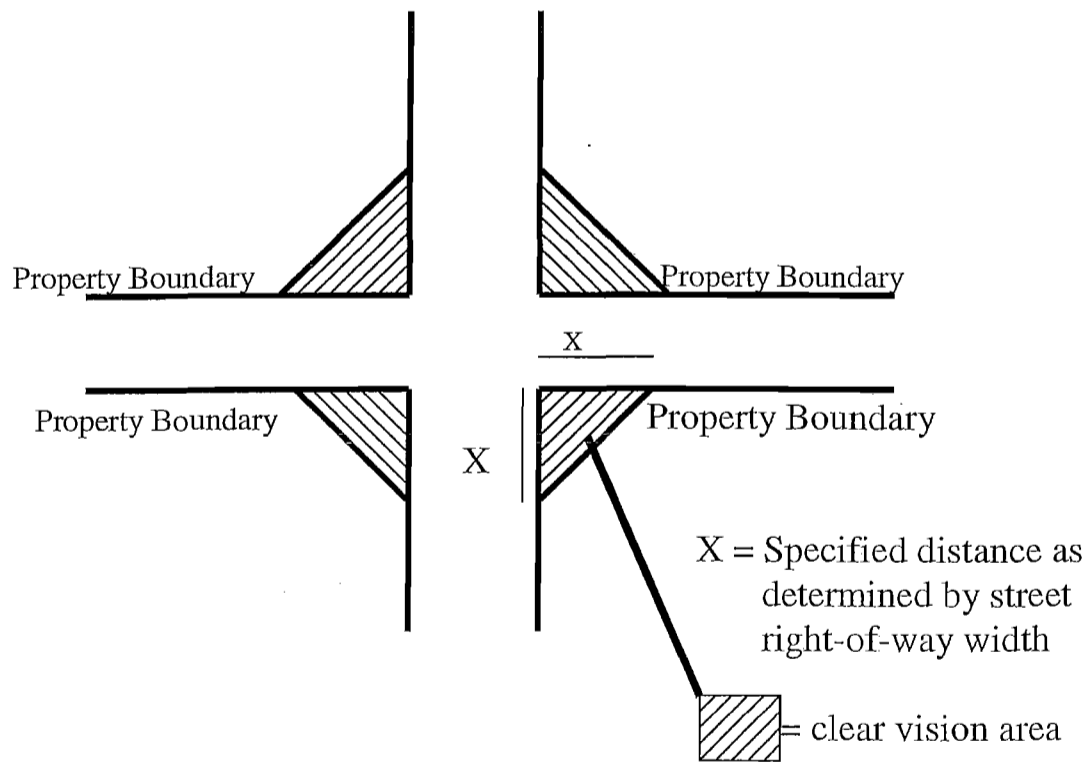
Section 403 - Measurement Of Clear-Vision Area

A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersection ends of the other two sides. The following measurements shall establish clear-vision areas within the County.

- A. In an agricultural, forestry, or industrial zone, the minimum distance shall be 30 feet, or at intersections including an alley, 10 feet.
- B. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

Row Width	Clear Vision Measurement
80 feet & more	20 feet
60 feet	30 feet
50 feet	40 feet

The following diagram depicts measurement of clear vision area.



Section 404 - Fences

Fences located on or along any property lines shall not exceed vertical height of seven (7) feet above the existing natural grade at time of erection and/or construction:

- A. Any fence located within the triangular area described herein in Section 403, shall be of open type construction to permit clear vision across said triangular area.
- B. In areas containing deer or elk identified migration routes, no fence, which would obstruct their migratory patterns, will be allowed. Determination of the degrees and importance of a proposed fence shall be made by the State Department of Fish and Wildlife.

Section 405 – Outdoor Lighting

The location, type and standards for outdoor lighting, including for accessory facilities and the lighting of commercial signs, shall be subject to site plan review.

1. Any outdoor light shall be shielded to illuminate downward.
2. The outdoor light source shall not be visible at or beyond the property line
3. Outdoor lights shall be a maximum of 50 feet in height. Structures over 50 feet in height shall not be lighted unless required to be lighted by F.A.A. Structures over 50 feet in height that are required to be lighted by F.A.A. shall be shielded to illuminate upward.

Section 406 - Sign Regulations

In addition to sign regulation set forth in a specific zone, 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 Ordinance.

- A. All outdoor advertising signs shall be in compliance with the provision of ORS Chapter 377 when applicable. All political signs are exempt from the requirements of this Section.
- 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 as to 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 with a street or road right-of-way.
- E. Light from a sign shall be directed away from a residential use or zone. 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.
- F. Moving or intermittent flashing signs are prohibited.
- G. Sign size shall meet the following standards unless the Planning Commission grants special permission.
 - 1. In Industrial and Commercial Zones, a free standing sign identifying a business establishment or business shall have a total area of any combination of signs not to exceed three-hundred (300) square feet, with a maximum of one-hundred fifty (150) square feet for any individual sign.
 - a. Freestanding signs shall not exceed 35 feet in height.
 - b. No sign shall project or extend into any clear vision area to cause or create a hazard to vehicular traffic or risk of hazard to pedestrians.
 - 2. In other zones, the following signs are permitted:
 - a. Identification signs not exceeding a total of four (4) square feet of display surface for home occupation or business or similar use.
 - b. One temporary sign per tract of land or subdivision advertising the sale of the tract or the lots, not exceeding 32 square feet in area.
 - c. A sign not exceeding sixteen (16) square feet directing vehicular traffic to places of interest to the public, such as tourist accommodations and recreation sites which would otherwise be difficult to find.
 - d. Freestanding signs shall not exceed thirty-five (35) feet in height.
 - e. No sign shall project or extend into any clear vision area to cause or create a hazard to vehicular traffic or risk of hazard to pedestrians.

Section 407 - Livestock Restrictions

The keeping of livestock as an incidental use, i.e., as a use other than the primary use designated for the lot or property, shall be subject to the following limitations:

- A. The total number of all such animals allowed (other than their young under the age of 6 months) on a lot shall be limited to the following uses:
 - 1. Equine Species - one per acre
 - 2. Cows - one per acre
 - 3. Goats - four per acre
 - 4. Chicken, fowl and/or rabbit - shall not exceed 50 mature animals per one acre.
 - 5. Two (2) mature pigs per one acre
 - 6. Llamas - eight per acre
 - 7. Sheep - eight per acre
- B. Unless otherwise further restricted in a particular zone, animal runs or barns, chicken or fowl pens shall not be closer than 100 feet from the front property line, 15 feet from the rear property line, 15 feet from the side property line and not closer than 50 feet from any existing dwelling unit.
- C. Animals, chicken and or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in metal or other rodent proof containers except hay and similar bulky materials
- D. Livestock and animals shall be properly fenced in so as to keep said animals from leaving said property.

Section 408 – Manufactured Home For Residential Purposes

Definitions of a Manufactured Dwelling:

1. Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
2. Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction.
3. Manufactured home is a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Use of a Manufactured Home, as a Residence shall comply with the following;

1. A manufactured home shall be sited and constructed in accordance with the requirements of Oregon State Building Codes OAR 918, Division 500.
2. Use of a Residential trailer for a permanent dwelling is not permitted.
3. All mobile homes proposed for use, as a dwelling shall contain a minimum of 700 square feet, excluding tip outs and hitches, and shall be sited and constructed in accordance with Oregon State Building Codes OAR 918, Division 500.

Section 409 - Manufactured Home As A Single Family Dwelling On An Individual Lot Which Is In A Duly Platted Manufactured Home Subdivision Or PUD

A manufactured home single family dwelling in a platted Manufactured Home Subdivision or PUD shall comply with the provisions ORS 197.037 (5)(a-g) or an approved PUD may promulgate manufactured home placement standards that are more restrictive than those in Section 408. Any proposed placement standards or restrictions shall be reviewed as part of the Subdivision review process.

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Section 409 (A). Placement Standards For Mobile Home Less Than 700 Square Feet In Size

Permitted Use.

1. As a temporary use, with a temporary use permit on parcels 40 acres or larger
2. As permitted in Section 422 of this Ordinance.

Section 410 – Reserved For Future Section

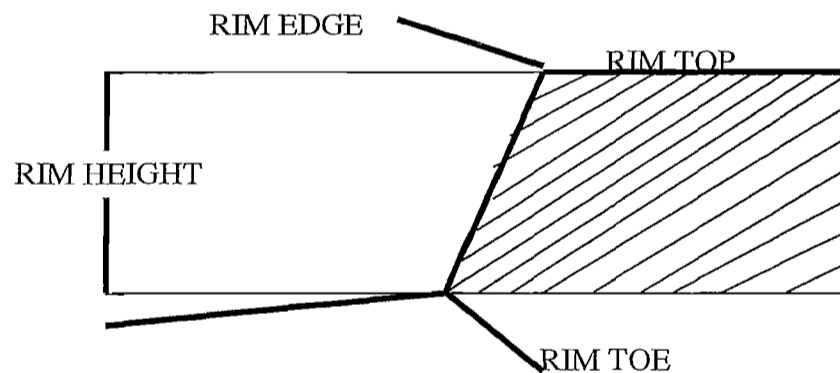
Section 411 - Modular Homes

Modular homes shall be permitted in the same areas as a frame dwelling. Modular homes are under the jurisdiction of the Oregon Structural Specialty Code. They shall be placed on a permanent foundation with all transport hardware removed.

Section 412 -Scenic And Natural Hazard Rim Set Back

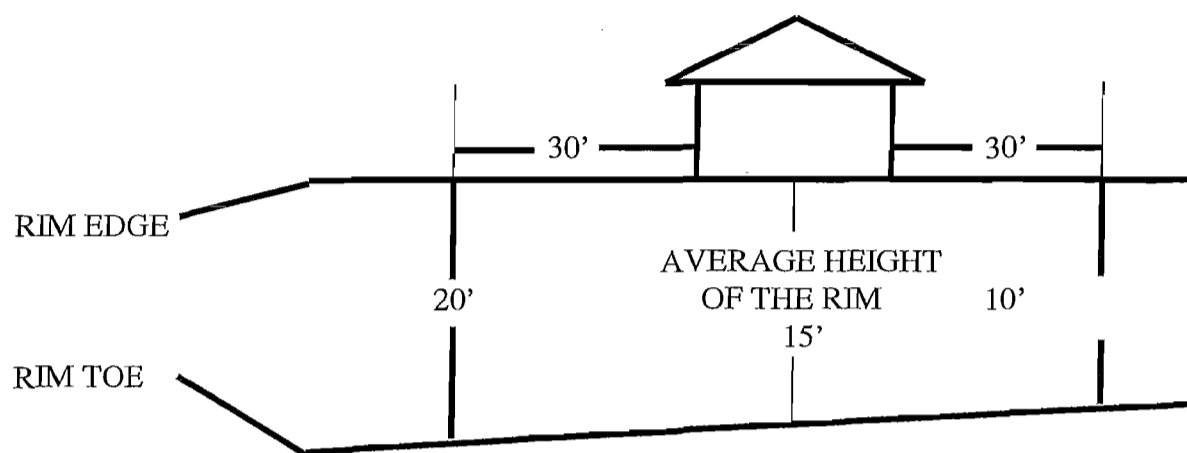
Residential construction and structures accessory to a residential use in all zones shall be in conformance with the provisions of this section.

- A. Rims on property proposed for residential use shall be identified according to the following definitions:
1. Top of the rim is the elevated portion of the landform.
 2. Face of the rim is the precipitous (vertical or nearby vertical) boundary of the landform.
 3. Edge of there in is the intersection of the top and face.
 4. Toe of the rim is the intersection of the face and the non-precipitous surface below the face.
 5. Following is a diagram of the terms defined in 1 through 4 above.



- B. When identified as a rim, the height of the rim as shown above shall be determined by the following procedure.
1. The rim height shall be calculated as the average elevation difference between the edge and the toe of the rim measured at points 30 feet on either side of the proposed dwelling.

2. Following is a diagram of the calculation of rim height.



- C. Upon determination of rim height, the foundation of structures covered by this section shall maintain the following setbacks. Measurement is to be made from the non-fractured portion of the rim.
1. For rims less than 10 feet in height, no setback is required.
 2. For rims from 11 to 30 feet high, a 20-foot set setback is required.
 3. For rims 31 feet and over, a 30-foot setback is required.
- D. A variance from these setbacks may be issued when such procedure is conducted in conformance with provisions of Article 7, and upon certification from a licensed engineer that the proposed variance does not endanger life or property in comparison to the required setback.
- However, no variance from provisions of this section shall be issued for properties within one-half mile of the mean high water mark on either side of the Metolius, Deschutes, or Crooked Rivers within Jefferson County.
- E. On the Deschutes, Crooked and Metolius Rivers, structures proposed within one-half mile of the main high water mark on the bank nearest the proposed building or mobile home placement site shall be finished in natural wood or earth tone colors. The finish shall be chosen to enable the structure to blend with the surrounding landscape and to be as unobtrusive as possible.

Section 413 - Storage And Use Of Recreational Vehicles

- A. Where public or quasi-public utilities are available, a travel trailer, pick-up camper or motor home or similar recreational vehicle shall not be connected to a subsurface septic system, except as provided for in Section 318 or in subsection D of this section. It shall not have any permanent connection to water, electrical or other utility that is customarily provided to a permanent residence except as provided for in subsection D of this section.
- B. Where public or quasi-public utilities are available, a travel trailer, pick-up camper or motor home or similar recreational vehicle may be stored on a contiguously owned lot or parcel which has permanent residence (manufactured home, mobile home, modular home or frame residence) as the primary use of the lot or parcel. Such temporary storage of the vehicle(s) on a contiguous lot is not allowed as the primary use of the lot or parcel.
- C. A recreational vehicle shall not be used for permanent habitation except in mobile home parks.
- D. When a building permit is issued for construction of a residence, the Planning Department may authorize issuance of a permit for a recreational vehicle to be occupied for a specified period of time during construction of the residence. A recreational vehicle permitted under this subsection shall be connected to the subsurface septic system that has been required for the residence to be placed on the property. Such temporary placement shall be subject to the plumbing and electrical inspections required for a manufactured home placement.

Section 414 - Site Plan Review**A. Purpose**

The purpose of the site plan review procedure, where specified in the Zoning Ordinance, is to provide for administrative review of the design of certain developments and improvements and in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment, and consistent with the objectives of the Comprehensive Plan.

B. Elements Of Site Plan:

The elements of a site plan are: The layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, access ways pedestrian walkways, buffering and screening measures, outdoor lighting and street furniture.

C. Procedure:

1. The application for approval of a site plan, or an amendment thereof, shall be made on forms specified by the Planning Director, and shall be accompanied by such drawings, sketches and descriptions necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested under Subsection F is provided.
2. The site plan review period shall be a minimum of thirty (30) days. This period may be shortened or extended if determined necessary by the Site Plan Committee.
3. No building permit shall be issued until site plans have 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 preliminary approval granted by the Planning Director.
4. Time limits for the duration of the site plan shall be two (2) years from the date the site plan is approved. 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 and a new application shall be made.

D. Site Plan Committee-Approval Authority:

1. The Planning Director, Director of Public Works, County Sanitarian, County Building Official, and County Surveyor and a representative from the Jefferson County Fire Protection District shall constitute the site plan review committee. This committee shall have the authority to approve, disapprove or approve with

conditions, the site plans of all proposed development.

2. Any such site plan, after approval, shall 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.

E. Appeal Of The Site Plan Committee's Decision:

1. If the applicant does not accept the decision of the committee, the applicant may appeal the decision in accordance with the requirements of Article 9.

F. Contents Of The Site Plan:

The Site Plan shall clearly indicate the following information:

1. Lot dimensions and orientation.
2. Location, site, height, of all existing or proposed buildings and structures, and illustrating the buildings and parking facilities on abutting properties.
3. Location, size and dimension of all yards and setbacks and all spaces between buildings.
4. Walls and fences; location, height and materials.
5. Off street parking:
 - (a) Location, dimensions and methods of improvement of all driveways and parking areas.
 - (b) Number of spaces and internal circulation pattern.
6. Access: Pedestrian, vehicular, service; and definitions of all points of ingress and egress.
7. Signs: Location, size, height, material and method of illumination.
8. Loading: Location, dimensions, number of spaces, internal circulation and access from public right of way.
9. 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.
10. The location, dimensions and methods of improvement for all property to be

dedicated to general public purposes or to public utilities.

11. A detailed plan for landscaping that shall clearly illustrate:
 - (a) Plants and tree species, their initial sizes and other proposed landscaping materials.
 - (b) The location and dimensions of all areas to be devoted to landscaping, and location of any automatic sprinkler systems.
12. Outdoor storage and activities, if permitted in the zone: Type, location and height of screening devices.
13. Drainage and grading plan.
14. Identification of proposed trash storage locations, including proposed enclosure design construction and access for pickup purposes.
15. Location of existing utility poles.
16. Location of septic drain field, existing or proposed.
17. Any additional data as may be required by the Planning Director to act on the application.

G. Required Landscaped Areas.

1. The following landscape requirements are established for commercial and industrial developments, subject to site plan approval:
 - a. A minimum of 10% of the lot area shall be landscaped, unless special circumstances relating to a specific site or use necessitate a reduction in the area devoted to landscaping in order to allow for the proper functioning of that site or use. The Planning Director shall make this determination.
 - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.
2. In addition to the requirement of subsection (G)(1)(a) of this section, the following landscape requirements shall apply to parking and loading areas:
 - (a) A parking or loading area may be required to be improved with defined landscaped areas totaling no less than twenty-five (25) square feet per parking space.
 - (b) In addition to the landscaping required by Subsection (G)(2)(a) of this

section, a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at ten (10) feet in width, and from any other lot line by a landscaped strip at least five (5) feet in width.

3. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout out the parking or loading area.
4. The landscaping in a parking area shall have a width of not less than five (5) feet.
5. Provision shall be made for watering planting areas where such care is required.
6. Required landscaping shall be continuously maintained and kept alive and attractive.
7. Maximum height of tree species shall be considered when planting under overhead utility lines.
8. "Landscaped" means the improvement of land by means such as contouring, planting and the location of outdoor structures, furniture, walkways, and similar features.

H. Approval Standards:

Upon completion of the Site Plan Review, the Site Plan Committee shall approve, approve with conditions, or disapprove the site plan.

1. All provisions of this zoning ordinance and other applicable ordinances are compiled with.
2. Elements of the site plan are arranged so that:
 - a. Traffic congestion is avoided.
 - b. Pedestrian and vehicular safety and welfare are protected.
 - c. Significant features and public amenities are preserved and maintained.
 - d. Surface drainage systems are designed so as not to adversely affect neighboring properties, streets, or surface and subsurface water quality.
 - e. 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.
 - g. The location, texture, lighting, and materials of exterior signs, graphics or other informational or directional features are compatible with the other

- elements of the site plan and surrounding properties and do not interfere with traffic or limit visibility by size, location or illumination.
- h Proposed lighting is arranged to direct light away from adjoining properties.
 - i The landscape and existing topography is preserved to the maximum extent possible, considering development constraints and suitability of the landscape and to serve their function. Preserved trees and shrubs are protected.
 - j In areas designated for exceptional scenic value, existing landscape close to travel routes and any view of distant vistas shall be maintained.

I. Performance Bond:

The Site Plan Review Committee may recommend to the Board of Commissioners that the applicant furnish the County with a performance bond or other adequate form of insurance to guarantee development in accordance with the standards and conditions attached in granting approval of a site plan. The Board of Commissioners shall have final authority to determine the need for such a development guarantee. Such guarantee shall be provided in accordance with the provisions of Section 607.

Section 415 - Soil or Rapid Moving Landslide Hazard Procedures

- A. If during the planning, sanitation, or building permit process, unusual soil or geologic conditions that may present a hazard to the structure are discovered, such conditions shall be noted by the department. These conditions include but are not limited to slope, soil instability, shrink-swell, and high water table.
- B. The Planning Department shall inform the applicant, and direct the applicant to the area Natural Resource Conservation Service (NRCS) or the State Department of Geology and Mineral Industries (DOGAMI) or further review of the soils and/or landslide area. If the NRCS or DOGAMI determines that a hazard is present, they may suggest certain mitigation measures, or recommend to the Planning Department that more extensive hazard mitigation work be done. Upon such a recommendation the county may require certification by a soils engineer, geologist or other appropriate professional that the structure is adequately protected from the hazard, or does not disrupt the natural setting so that it creates a hazard. If the area contains a DOGAMI designated rapid landslide area, development may not be permitted.
- C. If required, the above certification shall be accepted by the county before permits are issued. If construction has begun, construction shall not proceed until certification is received.
- D. Requirements made pursuant to this section may be appealed in conformance with Article 9 of this Ordinance.

Section 416 - Permits Required For Utility Hookup And Transport Of Manufactured Homes

- A. Electrical, natural gas, water, and telephone utilities shall not make new residential service hook-ups until the applicant provides that utility with an approved Building Permit or Manufactured Home Placement Permit.

New services for purposes of this section include the following:

 - 1. Residences of any sort that are placed on properties that have not previously been occupied by a residence.
 - 2. Residences of any sort which are replacing an existing residence, or which are being placed on a property in addition to an existing residence.
- B. Mobile Home transport companies and other commercial or private movers shall not transport mobile homes or cause them to be delivered to properties within Jefferson County for purposes including, but not limited to occupancy, storage, or sale, until that firm or individual is provided with a copy of an approved Manufactured Home Placement Permit issued to the applicant by the Jefferson County Community Development Department.

Section 417 - Historic Site Protection

- A. The Planning Department shall ensure preservation of the County's historic resources by providing a permit to allow a change of use of an historic site or structure as defined in the comprehensive plan. The owner of an historic site or structure shall be required to obtain a demolition, major alteration or moving permit under the authorization of the Planning Department.
- B. Application for Permit to Alter, Move or Demolish a Designated Historic Site or Structure in Jefferson County.

Officially designated historic sites or structures listed in the Jefferson County Comprehensive Plan shall not be demolished, altered or moved prior to the issuance of a permit for said purpose from the Planning Department. Upon receipt of an application to demolish, alter or move an officially designated historic site or structure the Planning Department shall institute up to a 90-day hold on the application. During that time the State Historic Preservation Office will be notified and given the opportunity to consult with the applicant. Interested person, organizations or governmental agencies shall explore the possibilities of purchasing the historic site or structure. In order to grant a permit to demolish, alter or move an officially designated historic site or structure the Planning Department must determine that:

1. The historic site or structure constitutes a hazard to the safety of the public or occupants; or
2. The improvement project is of substantial benefit to the county and cannot be reasonably located elsewhere, and overrides the public's interest in the preservation of the historic landmark; or
3. The retention of the historic landmark would cause financial hardship to the owner that is not offset by public interest in the landmarks preservation.

Section 418 - Airport Protection Procedures

Structures inside the conical surfaces of the Madras City-County Airport, and the Billy Chinook State Airport as shown on Airport Imaginary Surfaces, Exhibit 1 in Section 313 of this Ordinance are limited to a height of 35 feet.

Upon a receipt of an application that is within the horizontal surface, transitional surface, or approach surface of these airports as shown on the above-cited Exhibit, the Planning Department shall notify the Oregon Aeronautics Division. If the Division expresses a concern, the Planning Department shall place a thirty (30) day hold on the application to permit the Oregon Aeronautics Division to review and comment on the proposal. If the Oregon Aeronautics Division finds that the proposal does not conform to the FAR Part. 77, the proposal shall not be approved by Jefferson County until the proposal is in conformance with this regulation.

Section 419 - Riparian Buffer

Structural Setback Distance Restrictions

Notwithstanding any yard or setback requirement in any zone, all structural development located along a County designated stream, river or lake, shall maintain a 100-foot setback from the mean high water mark of that water body which has been identified by a registered professional land surveyor or civil engineer.

Riparian Buffer Area Preservation

Riparian buffer preservation shall be in accordance with the criteria listed Section 325 - Riparian Corridor Buffer Combining Zone.

Section 420 - Endangered Species

Upon receipt of an application for an action or development that will disrupt a habitation or breeding site of a species listed as endangered by the U.S. Fish & Wildlife Service, the County will place a hold on the Permit until the applicant develops a program to protect the site or habitat or both. The Oregon Department of Fish & Wildlife will be consulted in the development and approval of the plan.

Section 421 - Seasonal Dwelling Standards

In all zones allowing residential uses, seasonal dwellings such as cabins, vacation homes, camping shelters, and similar structures shall meet all applicable Oregon State Structural Specialty Code standards and requirements for a full time dwelling unit designed for continuous occupancy.

Section 422 - Temporary Use Of A Manufactured Home (Family Hardship)

- A. During a family hardship condition where the condition relates to the aged, infirm or to persons otherwise incapable of maintaining a separate residence, the Planning Director may authorize the placement of a manufactured home on a lot if the following criteria are met:
1. The request for the manufactured home is submitted in writing. Such requests shall state the nature of the hardship, the relationship of the occupants of such dwelling, to the residents, and the estimated period of time the dwelling will remain on the property.
 2. A physician's statement showing that the person is incapable of maintaining a separate residence and needs to be near a family member for care and supervision is submitted with the written request.
 3. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling and that said sewage disposal system is adequate to accommodate the additional dwelling.
 4. The additional dwelling is a manufactured home that meets the standards specified in Section 408 of this Ordinance.
 5. The location and use of the additional dwelling otherwise conforms to the provisions established for the zone district.
- B. Temporary placement of an additional dwelling shall be granted for the time period specified by the Planning Director but may be renewable upon expiration if all applicable conditions can be met. In no case shall a temporary placement be authorized for a period exceeding two (2) years, unless the temporary placement is renewed.
- C. The Planning Director shall determine whether or not the conditions described in this section warrant approval of the request to place an additional dwelling on the property. He may require the applicant to provide any other such evidence, as he deems necessary to make that determination.
- D. Upon expiration of the time period for which the temporary placement was authorized, the temporary dwelling shall be immediately removed from the site, unless an extension is granted as prescribed above. Failure to remove the temporary dwelling as specified will constitute a zoning violation against the property and subject the designated owner to the penalties prescribed by the County.

Section 423 – Residential And Commercial Off Street Parking Requirements

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. Where square feet are specified, the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

- A. Off Street Parking, Number of spaces required and minimum standards are as follows.
 - 1. Residential
 - a. Residential Single-Family dwelling - one (1) space per dwelling unit.
 - b. Duplex or multi-family dwellings - three (3) spaces per two (2) dwelling units.
 - 2. Commercial
 - a. Motel; One (1) space per guest room plus one (1) space for owner or manager.
 - b. Residential hotel, four (4) spaces per five (5) Guest rooming or boarding house accommodations, plus one (1) space per two (2) employees
 - 3. Institutional
 - a. Welfare or correctional one (1) space per five beds for institutions; patients or inmates, plus one space per employee.
 - b. Convalescent hospital, One (1) space per five (5) beds for nursing home, sanitarium patients or residents, rest home for the aged plus one (1) space per employee.
 - c. Hospital; Three (3) spaces per two (2) beds
 - 4. Places of Public Assembly
 - a. Church; One (1) space for four (4) seats or every eight feet of bench length in the main auditorium.
 - b. Library, reading room, museums, art gallery, one space for every 400 square feet of floor area plus one space per two employees
 - c. Pre-school, nursery, kindergarten: two (2) spaces per teacher; plus off-street loading and unloading facility.

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- d. Elementary or middle school one (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or every eight (8) feet of bench length in the main auditorium, whichever is greater.

High School; One (1) space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
 - e. Other auditorium or meeting room, one (1) space per four (4) seats or eight (8) feet of bench length, whichever is greater.
5. Commercial Amusement
- a. Stadium, arena, theater; One (1) space per four (4) seats or every eight (8) feet of bench length or equivalent capacity if no seating is provided.
 - b. Bowling alley; five (5) spaces per alley plus one (1) space per two (2) employees.
 - c. Dance hall, skating rink One (1) space per one hundred square feet of floor area plus one space per two employees.
6. Commercial:
- a. Retail store except as provided in subsection (b); one (1) space per two hundred square feet of floor area plus (1) one space per employee
 - b. Service or repair shop, handling exclusively in bulk Merchandise such as automobiles and furniture; One (1) space per two hundred retail store square feet of floor area plus one (1) space per employee.
 - c. Bank, Office (except medical & dental); One (1) space per six hundred square feet of floor area plus one (1) space per employee
 - d. Medical & Dental Clinic; One space per three hundred square feet of floor area, plus one (1) space for every four (4) seats
 - e. Eating & Drinking Establishment; One (1) space per two hundred square feet of floor are plus one (1) space for every four (4) seats.
 - f. Mortuaries; One (1) space per four (4) seats or every eight (8) feet of bench length in chapels.
7. Industrial:

- a. Storage Warehouse, Manufacturing Establishment, Rail or Trucking Freight Terminal; one space per employee
- b. Wholesale Establishment: one space per employee plus one space per seven hundred square feet of patron serving area.

B. General Provisions - Off-Street Parking

1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
3. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
4. Use of Parking Facilities. Required parking space 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.
5. Parking, Front Yard. Unless otherwise provided, required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, but such space may be located within a required side or rear yard.

C. Development And Maintenance Standards For Off-Street Parking Areas

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

1. An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting.
2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone, shall be

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shielded to illuminate downward and the light source shall not be visible at or beyond the property line.

3. Except for single-family and duplex dwellings, groups of more than three (3) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
4. 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.
5. 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.
6. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
7. 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. 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 drive to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
8. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line and a straight line joining side lines through points thirty (30) feet from their intersection.
9. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way.

Section 424 - Off-Street Loading Requirements

Every building that requires the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as listed below.

A. Number of Loading Berths Required

1. Commercial, industrial and public utility uses that have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area Number of Berths Required:

Less the 5,000	0
5,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, school and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area Number of Berths Required

Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

B. General Provision - Off Street Loading

1. The provisions and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this ordinance. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street loading requirements are complied with.
2. If loading space has been provided in connection with an existing use or is added to an existing use the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
3. Off-street parking areas used to fulfill the requirements of Section 422 shall not be used for loading and unloading operations except during periods of the day when not required

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to take care of parking needs.

4. A loading berth shall contain space ten (10) feet wide, thirty-five (35) feet long and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.

Section 425 - Dock Design And Review Requirements

Docks, wharves, or similar platforms or structures used for the docking or mooring of ships, houseboats or personal use pleasure boats are subject to the provisions of this section.

A. Personal use docks

In or adjacent to any zone allowing residential uses, one floating dock or similar structure suitable for the docking or mooring of personal pleasure boats may be permitted when in conformance with the standards listed below. A permit shall be obtained prior to construction of the facility.

1. The proposed structure shall be appropriate for its intended personal use as a private dock, and shall not be used on a commercial, public, or semi-public basis.
2. Personal use docks shall be oriented so that the longer dimension or side of the dock is parallel to the flow of a stream or river, or parallel to the shore of a lake or similar body of water.
3. Personal use docks shall be limited in length to the minimum required dimension for a particular site or use.
4. Structural development located on the surface of the water, such as storage buildings, boat garages, elevated walkways or platforms, and similar uses or structures are not permitted.
5. Docks, wharves, or similar platforms or structures are prohibited within river corridors designated as Scenic Waterways by the Oregon State Parks and Recreation Division.
6. In accordance with Section 419 of this Ordinance structural development such as walkways and decks related to a personal use dock are not permitted within 100 feet of the mean high water mark of a body of water, except where required to provide access to a dock, a single walkway not to exceed four (4) feet in width may be permitted. Such walkway shall not extend greater than twelve (12) inches above grade and shall be designed to be as unobtrusive as possible and to blend in with the natural environment.
7. For newly proposed private campground facilities, proposals shall be reviewed to ensure that a common dock facility is utilized for the development.
8. An administrative variance may be granted from the provisions of item #2 above when it can be shown that due to special physical circumstances related to a specific shoreline, or lake bed or stream bed profile, such a design would be unable to function properly for its intended use as a private dock.

B. Commercial, Public Or Semi-Public Use Docks

In or adjacent to any zone allowing public parks, campgrounds, resort developments or similar

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uses, docks, wharves, or similar platforms or structures which are intended to be used for the commercial, public or semi-public docking or mooring of ships, houseboats, or personal use pleasure boats in conjunction with the uses listed above may be permitted as a conditional use when authorized in accordance with Article 6 of this ordinance. Where specified in a particular zone, such facilities may be permitted subject to site plan review.

1. Associated structural development such as walkways and essential support service structures that are designed to complement such docks. The Planning Commission may permit wharves if the structures are required for the proper operation of the facility. The area extending fifty (50) feet inland from the mean high water mark shall be retained largely in its natural condition.
2. If such structural development is to be located within the 100-foot riparian buffer setback as required by Section 419, a site plan, showing the relationship of the proposed development to the riparian area, shall be attached to the conditional use application.
3. Walkways and essential support service structures approved under Section 425 (B)(1) and (2) and authorized in accordance with Article 6 do not require separate approval by the Planning Commission through the variance procedures pursuant to Article 7.

Section 426 Fire Safety Standards

Purpose: The requirements of this Section are established to provide minimal standards for the protection of new dwellings or structures constructed within a forest or agricultural zone that may be subject to a fast moving wild fire hazard due to highly flammable ground cover during dry periods. Compliance with these standards will assist designated rural fire protection personnel or a property owner in reducing a flammable fuel source in the area surrounding a structure and reduce fire suppression activities that may be required to protect the dwellings or structures.

1. All dwellings and structures shall be in accordance with the "Fire Siting Standards for Dwellings and Structures" as specified in OAR 660-006-0035.
2. Road access to dwellings and structures shall be constructed in accordance with the requirements in "Fire Safety Design Standards for Roads" as specified in OAR 660-006-0040 or as recommended in Oregon State Forestry Department publication "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads", dated March 1991, which ever requirements are more stringent.

Section 427 Wireless Communication Towers

Purpose: The purpose of this Section is to control the placement and distribution of wireless communication towers throughout Jefferson County. The provisions of this Section provides for the placement of wireless towers while protecting property from tower structure failure and visual impacts.

Section 427.1 Administrative Decision Land Use Permit

Any application and placement approval for a wireless communication tower shall be reviewed in accordance with administrative land use permit procedures for all zones unless the Planning Director determines that a public hearing before the Planning Commission is required. All wireless communication tower applications shall comply with the following criteria:

1. Prior to scheduling a pre-application conference with Planning Director, the applicant shall mail a written notice of the proposed erection of a wireless tower, vicinity map showing existing Tax Lots, proposed tower location, notification area circle centered on the tower location and Township, Range, Section and Tax Lot number description where the tower will be located.

The notice shall be mailed to all property owners of record within a radius of 1,320 feet distance from a tower or monopole up to 100 feet in height and within 2,640 feet from a tower or monopole over 100 feet in height.

The written notice in this sub-section shall request that the property owners provide the Planning Director with any written comments regarding the proposed wireless communication tower within 15 days from the date the notice is mailed and prior to the scheduled date of any pre-application conference.

2. The applicant shall schedule and attend a pre-application conference with the Planning Director prior to submittal of a wireless communication tower or monopole application. Any application for a wireless communication tower shall be designated as incomplete, unless the required pre-application conference with the Planning Director has been completed and documented in writing.
3. The application shall contain the following:
 - a. A copy of any lease agreement with an existing property owner; and
 - b. A copy of the Federal Communications Commission license; and
 - c. A map that shows the applicant's tower or monopole effective service area circle for the proposed site and the properties within that circle, including the locations of existing telecommunication towers or monopoles; and
 - d. A list of property owners within a radius of 1,320 feet or 2,640 feet of the proposed tower or monopole site, copy of the written notice mailed to owners within the specified distance and a signed affidavit of mailing by the applicant;

and

- e. A site plan showing the location of the proposed facility and accessory structures, proposed landscaping, fencing, design specifications, tower or monopole elevations and photographic simulation as viewed from the north, south, east and west of the facility at the proposed site.
 - f. The applicant shall co-locate proposed antennas on existing monopoles or other structural tower facilities in the area to be served, unless a registered engineer provides a written statement that the wireless communication service cannot be provided by co-location within the area to be served.
- 4. In all cases, the applicant shall make a good faith effort to site the facility in such a manner or location to minimize the impact on scenic views within a distance of 1,320 feet or 2,640 feet of the proposed site utilizing trees, vegetation or topography to the maximum extent possible.
 - 5. Any tower or monopole shall be designed in a manner that the antenna of not less than one (1) additional wireless carrier may be attached to the facility. A statement from an Oregon licensed structural engineer shall be provided that certifies the tower or monopole structure has been designed with sufficient strength to carry any additional antenna array and the specific antenna location available on the structure that complies with required spacing between antennas of different carriers.
 - 6. Prior to issuance of a building permit for the wireless tower, the property owner shall provide the County with a bond, cash deposit or guarantee consisting of one of the following:
 - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the County Counsel; or
 - b. A cash deposit in a County account at an approved lending institution; or
 - c. Personal guarantees and an agreement to remove an abandoned wireless tower in a form approved by the County Counsel.
 - 7. A bond or cash deposit of full and faithful performance shall be for 120% of the cost of removing the tower or monopole determined by a professional engineer.
 - 8. Any tower or monopole facility that is abandoned from active use for a period exceeding one (1) year shall be removed by the property owner. If the owner fails to carry out the provisions of the agreement, the County shall call upon the bond, cash deposit or personal guarantee to finance any cost or expenses resulting from said failure.

Abandonment in this Subsection is defined according to one of the following:

- 1. An applicant or co-locator tenant loses the Federal Communication

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Commission (FCC) license to operate the communication facility or fails to maintain a current Federal Communication Commission (FCC) license for a period of one (1) year. Or

2. If an existing tower or monopole is unoccupied for a period exceeding one (1) year the permit shall be come null and void.

Section 427.2 Compliance With Federal Standards

All wireless communication towers shall comply with the Telecommunications Act of 1996 and Federal Aviation Administration Standards.

Section 427.3 Tower and Accessory Building Setback Distances

All accessory equipment structures shall be set back from the property lines according to the required setback distance of the underlying zone. A tower or monopole shall be set back from any existing adjacent dwelling a distance equal to the height of the monopole from finished grade, or according to the setback distances of the underlying zone, whichever is greater.

Section 427.4 Construction Requirements

All wireless communication tower and accessory structure construction is subject to the Uniform Building Code and shall require an approved Building permit.

Section 428 Burial Of Human Remains On Private Property

Purpose: The purpose of this Section is to monitor and regulate the burial of human remains on private property in Jefferson County that is not designated as a recognized formal cemetery.

Section 428.1 Property Owner Duties and Responsibilities

1. The person in charge of the burial, or property owner, is responsible for filing the death certificate, within the prescribed five-day time limit, prior to final disposition as required in ORS 432.307.
2. The person in charge of the burial, or property owner, is responsible for seeing that the medical certification of the death is completed and signed by the physician who has been in charge of the deceased's care, within 48 hours, as required by ORS 432.307(30).
3. The person in charge of the burial, or property owner, is responsible for ensuring that the appropriate identifying metal disk, which would need to be obtained from the State Registrar's Office, is attached to the receptacle in which the body is contained as provided for in ORS 692.405.

Section 428.2 Setbacks

The following minimum setbacks shall be used in determining the burial site:

- | | | |
|----|--|----------|
| 1. | From a well head for individual water supply | 100 feet |
| 2. | Spring used for individual water supply | 100 feet |
| 3. | Stream, river or lake | 50 feet |
| 4. | Property line | 25 feet |
| 5. | Source of supply for a public water system | 100 feet |

Section 428.3 Special Burial Requirements

Any person making arrangements for burial on private property shall comply with OAR 830-30-010(2)

Section 428.4 Recording Burial Site

The property owner shall record a plat of the burial site with the County Clerk that clearly indicates the exact location of the burial site within the property boundary.

Section 429 Cultural and Archaeological Preservation

Purpose: This procedure shall apply to existing or newly discovered cultural and archaeological sites areas, structures and objects in Jefferson County. The intent of this procedure is to provide a means of designating and protecting archaeological and cultural resources in a manner so as to preserve their resource value. This strategy recognizes that preservation of these non-renewable, significant cultural and archeological resources is necessary to sustain the County's cultural heritage.

Section 429.1 Definitions

"Archaeological Object" means an object that:

- (1) Is at least 75 years old;
- (2) Is part of the physical record of an indigenous or other culture found in the state or waters of the state; and
- (3) Is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products.

"Site Of Archaeological Significance" means:

- (A) Any archaeological site on, or eligible for inclusion on, the National Register of Historic Places as determined in writing by the State Historic Preservation Officer; or
- (B) Any archaeological site that has been determined significant in writing by an Indian tribe; or
- (C) Any archeological site that has been identified as having traditional cultural properties.

"Archaeological site" means a geographic locality in Jefferson County, including but not limited to submerged and submersible lands and the bed of the sea, river or lake within the state's jurisdiction that contains archaeological objects.

Examples of archaeological sites described in this Section include but are not limited to ship or boat wrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, river beds or creek beds, homesteads and townsites.

"Indian tribe" has the meaning given that term in ORS 97.740.

"Burial " means any natural or prepared physical location whether originally below, on or above the surface of the earth, into which, as a part of a death rite or death ceremony of a culture, human remains were deposited.

“Funerary objects” means any artifacts or objects that, as part of a death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later.

“Human remains” means the physical remains of a human body, including, but not limited to bones, teeth, hair, ashes or mummified or otherwise preserved soft tissues of an individual.

“Object of cultural patrimony”:

- (A) Means an object having ongoing historical, traditional or cultural importance central to the native Indian group or culture itself, rather than property owned by an individual native Indian, and which, therefore cannot be alienated, appropriated or conveyed by an individual regardless of whether or not the individual is a member of the Indian tribe. The native Indian group shall have considered the object inalienable at the time the object was separated from such group.
- (B) Does not mean unassociated arrowheads, baskets or stone tools or portions of arrowheads, baskets or stone tools.

“Sacred object” means an archaeological object or other that:

- (A) Is demonstrably revered by any ethnic group, religious group or Indian tribe as holy;
- (B) Is used in connection with the religious or spiritual service or worship of a deity or spirit power; or
- (C) Was or is needed by traditional native Indian religious leaders for the practice of traditional native Indian religion.

Section 429.2 Management by County

1. Jefferson County shall refrain from widespread dissemination of site-specific inventory information concerning identified archeological sites except as required by Oregon Public Records Law. Rather, Jefferson County shall manage development in these areas so as to preserve their value as archeological resources. Jefferson County need not, and should not, identify said areas on a zoning map, however, to the maximum extent possible, Jefferson County Planning Department will maintain an inventory of areas in Jefferson County known or suspected of being archeological sites subject to this Section and process land use applications within those areas according to this Section and any Agreement adopted thereunder.
2. Jefferson County may enter into collaborative agreements for the protection of archeological objects and sites with Indian Tribes or any other entity establishing a right to protect the non-renewable resources subject to this Section.

Section 429.3 Permitted Action

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1. A person may not excavate, injure, destroy or alter an archaeological site, grave or object, make an exploratory excavation to determine the presence of an archaeological site, grave or object or remove any material of an archaeological, historical, prehistoric or anthropological nature without first doing the following:
 - a. On public or private land, obtaining a permit issued *by the State Parks and Recreation Department* under ORS 390.235 authorizes that activity;
 - b. *Providing notice and* obtaining a permit as required by ORS 97.740-990; and
 - c. Complying with the provisions of this Section.

Section 429.4 Notification Required

1. Any permitted person who conducts an archaeological excavation associated with a prehistoric or historic American Indian archaeological site shall notify the most appropriate Indian tribe.
2. If an archeological site or object is encountered during the process of development, whether said site or object was previously known to exist or not, said development shall immediately stop and the most appropriate Indian tribe shall be immediately notified.
 - (a) If the development accidentally exposes human remains all development shall cease.

ARTICLE 5 EXCEPTIONS

Section 501 - Nonconforming Uses

A. General Provisions

1. Subject to the provisions of this section, a nonconforming use or structure may be continued, but may not be altered or replaced except in accordance with subsections B & C of this section. The alteration or replacement of a nonconforming use or a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance shall not be considered an enlargement or expansion of a nonconforming use. A nonconforming structure, which conforms with respect to use, may be altered later or replaced if the alteration or replacement does not cause the structure to deviate further from the standards of this ordinance. Expansion of a nonconforming use is prohibited.
2. If a nonconforming use is discontinued for a period of one (1) year, further use of the property shall conform to this ordinance.
3. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
4. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty per-cent (80%) of its fair market value as indicated by the records of the county assessor and is not returned to use and in actual operating condition within one (1) year from the date of destruction, a future structure or use on the site shall conform to this ordinance.
5. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designed use of a structure for which the county has issued a building permit and construction has commenced prior to the adoption of this ordinance.

B. Determination Of Contested Case

A proposal for the alteration of a nonconforming use or structure, except an alteration necessary to comply with a lawful requirement, or for the restoration, replacement, or resumption of a nonconforming use or structure shall be considered a contested case pursuant to ORS 215.402 (1).

For the purposes of this section, alteration of a nonconforming use includes:

- (1) A change in use of no greater adverse impact to the neighborhood; and

- (2) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.
In a contested case, the burden of proof is on the applicant to substantiate claims of prior use of a structure or a parcel of land in terms of type and intensity of use, the density of occupation and the time frame in which prior uses and development activities have occurred.

C. Procedure For Taking Action On A Nonconforming Use Contested Case Application

The procedure for taking action on a nonconforming use contested case application shall be as follows:

1. A property owner may initiate a request for a nonconforming use contested case hearing by filing an application with the Planning Department, using forms prescribed pursuant to Section 905. Applications shall be filed with the Planning Department at least thirty (30) days prior to the Planning Commission meeting at which the request is to be heard.
2. Before the Planning Commission may act on a nonconforming use application, it shall hold a public hearing thereon, following procedure as established in Section 906.
3. To determine whether a proposal is a permissible alteration of a nonconforming use or structure, the Planning Commission shall establish relevant facts and develop written findings that support a conclusion as to the status of the proposal. These findings must demonstrate that the criteria of Section 501 (B) (1 and 2) are met by the proposal.
4. The Planning Department shall provide the applicant with written notice of the decision of the Commission in accordance with Article 9.
5. An appeal of a decision by the Planning Commission shall be made in accordance with the provisions of Article 9.

Section 502 - General Exceptions To Lot Size Requirements

- A. If a lot or the aggregate of contiguous lot held in a single ownership, as recorded in the office of the County Clerk at the time of the passage of this ordinance, has an area or dimension which does not meet the lot size requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single- family dwelling.
- B. Any parcel of land or portion thereof that is to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by this ordinance.
- C. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot size where applicable shall be considered as standard metes and bounds land section divisions (i.e. 160, 80, 40, 20, etc. sizes) therefore, may be reasonably smaller than set forth by this ordinance if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has no control.

Section 503 - General Exceptions To Yard Requirements

The following exceptions to yard requirements are authorized for a lot in any zone:

- A. Front Yard Exceptions: If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- B. Projection from Buildings:
 - 1. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues, may project three (3) feet into a required yard.
 - 2. Uncovered terraces, decks or platforms may project or extend into a required yard not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

Section 504 - General Exceptions To Building Height Requirements

The following structures or structural parts, unless otherwise specified in the ordinance, are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and other similar projections. This exception does not apply to the Airport Management Zone and those structures located within the conical surfaces subject to the provisions of Section 418.

Section 505- Governmental Agency Exceptions

- A. The Planning Director shall be authorized to grant exceptions to the provisions of this Ordinance to any government agency that requests in writing an exception to a specific requirement or procedure, provided that the following circumstances exist:
- (1) The proposed use is consistent with the purpose and intent of the Comprehensive Plan and the Zone Ordinance.
 - (2) The proposed use would serve an immediate public need; and
 - (3) There is inadequate time available for a review of the use by the Planning Commission through normal procedures, and delays would impair project implementation or pose hazards to property to public health, safety or welfare.
- B. To ensure that adequate information is available to determine potential conflicts or detrimental effects, the Planning Director may require the submission of an impact assessment, upon forms proscribed by the Director, before an exception shall be granted.

Section 506 - Exemptions

Nothing in this Ordinance shall be deemed to apply to the construction, reconstruction, or alteration by a government agency of road or highway systems, or to the use of materials or sources within right-of-way. In addition, maintenance, rehabilitation, repair, and minor betterment activities, not considered having land use impacts, by a governmental agency or public utility on public property or public facilities shall also be exempt from the provisions of this ordinance. Public works projects or land uses authorized or approved by the Board of Commissioners and determined by the Planning Director to be consistent with the long-term objectives of the Comprehensive Plan shall be exempt from the current provisions of this Ordinance. For the purposes of this section, such uses may include local sewer, water, gas, telephone, and power distribution lines, valve and meter houses, reservoirs, and similar minor facilities allowed in any zone.

Section 507 - Authorization Of Similar Uses In Non-Resource Zones

The existing permitted and conditional uses listed in non-resource Zone Sections of the Ordinance, normally identify and describe a specific activity or activities that may be conducted in a designated Zone. The Planning Commission may authorize land uses and activities that are not listed in the Ordinance when a proposed use may be conducted in such a way that results in a similar type of land use impact(s) in the Zone, when compared to the existing listed permitted or conditional uses. The decision by the Planning Commission for an acceptance or denial of a similar use in a non-resource Zone is subject to being reconsidered when requested by a party of record to the application or the decision may be appealed to the Board of Commissioners in accordance with the provisions set forth in Article 9.

Section 508 – Grading, Drainage And Erosion Control

- A. The following grading activities are permitted outright if the material to be filled or removed will not exceed one-hundred (100) cubic yards in volume.
- (1) Structural excavation for footings and foundations.
 - (2) Normal road maintenance and grading
- B. The following grading activities that exceed the movement of over 100 cubic yards of material are subject to a required permit fee and may be authorized by the Planning Commission upon a finding that no adverse impacts will occur to the water resources of Jefferson County:
- (1) Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.
 - (2) Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities, and similar public and semi-public facilities, provided such fill or removal does not alter the existing characteristics of the stream, river, or wetland.
 - (3) Fill or removal for maintenance and repair of nonconforming structures or boat docks.
 - (4) Construction of vehicle access roads

ARTICLE 6 CONDITIONAL USES

Section 601 - Authorization To Grant Or Deny Conditional Uses

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this ordinance by action of the Planning Director or Planning Commission. Unless otherwise specified, the Planning Director shall, after appropriate notice to adjacent property owners, determine if a designated conditional use is of a sufficient nature or impact to require a public hearing before the Planning Commission. If a public hearing is not required, the Planning Director shall make an Administrative Decision for the conditional use subject to appeal requirements of Article 9.

In permitting a new conditional use, or modification of an existing conditional use, the Planning Director or Planning Commission may impose any or all of the standards and requirements specified by the Ordinance for conditional uses of the type requested. Upon adoption of findings relating to the need for additional requirements, the Planning Director or Planning Commission may impose additional conditions that carry out the purpose and intent of the conditions that are specified in Subsection 602 D.

Section 602 - Standards For Granting A Conditional Use

To determine whether a conditional use proposal shall be approved or denied, the Planning Director in the case of Administrative Permitted Uses or Planning Commission shall provide the following findings:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the County.
- B. Taking into account location, size, design and operation characteristics, the proposal will have a minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
- C. The applicant has a bona fide intent and financial capability to use and develop the land as proposed to ensure that the permit, once issued, will be acted upon in an appropriate manner.
- D. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Director in case of Administrative Permitted Uses, or Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Director or Planning Commission considers necessary to protect the best interests of the surrounding area or the County as a whole. These conditions may include but are not limited to the following:
 - 1. Increasing the required lot size or yard dimension.

2. Limiting the height, size, or location of buildings.
 3. Controlling the location and number of vehicle access points.
 4. Increasing the street width.
 5. Increasing the number of required off-street parking spaces.
 6. Limiting the number, size, location, and lighting of signs.
 7. Required dike, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 8. Designating site for open space.
 9. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibrations, air pollution, glare and odor.
 10. The owner shall sign and record a "Waiver of Remonstrance" for the property regarding any future formation of a local road improvement district. The owner shall sign and record a "Waiver Of Right To Remonstrate Against Accepted Farm Use Practices and The Maintenance Or Construction Of County Roads" and "Waiver Of Right To Remonstrate Against Formation Of A Local Fire Protection District" for the property.
- D. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in the use or in lot area, or an alteration of structure shall conform to the requirements for conditional use.
- E. A use allowed under 215.283(2) may be approved only where the County finds the use will not:
1. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 2. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Section 603- Standards Governing Conditional Uses

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in this subsection.

- A. Church, Hospital, Nursing Home, Medical Clinic, Convalescent Home, School, Governmental or Non-profit Organization Structure.

These uses may be authorized as a conditional use only after consideration of the following factors:

1. Sufficient area provided for the building, required yards, and off-street parking.
2. The proposed site shall be in appropriate geographic relationship to the service area.
3. There shall be adequate demonstration of public need for the proposed use and consideration of the expected growth of the service area.
4. Adequacy of access to and from principal streets together with the probable effect on the traffic volumes of abutting and nearby streets.
5. These uses and their related buildings shall be at least 30 feet from a side or rear lot line.
6. Churches and schools and all appurtenances in agriculture zones shall be limited to one church site and one school site per tract of land under single ownership.
7. Schools and Churches shall only be permitted in agriculture zones in areas which are sufficiently remote so as to preclude reasonable transportation to existing facilities which serve the need, or areas which are sufficiently removed so as to preclude reasonable transportation to nonagricultural areas reasonable transportation to nonagricultural areas such as city limits or urban growth boundaries or other zones where the need could be met without agricultural impact.

- B. Recreational Vehicle Park or Recreational Vehicle Storage Area

These uses may be authorized as a conditional use only after consideration of the following factors.

1. Provision of a preliminary plan that is in conformance with the State Health Division Standards (this required for Recreation Vehicle Parks only)
2. The proposed unit shall be in appropriate geographic relationship to the area that it is intended to service.
3. There shall be a determination of need for the proposal based on existing or foreseeable demand for the service, and a survey of the existing supply.

4. Special consideration shall be given to the screening of light and noise from surrounding property. Outdoor light shall be shielded to illuminate downward and the light source shall not be visible at or beyond the property line.
 5. Adequate access from principal streets shall be provided.
- C. Home Occupations: When permitted as a conditional use, the home occupation shall be subject to the following limitations:
1. A home occupation in the EFU or FM resource Zones shall only be subject to and permitted in accordance with the requirements of ORS 215.448 and this subsection.
 2. The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling within the same dwelling or in an accessory building on the same or adjacent property.
 3. No structural alterations shall be allowed to accommodate the home Occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Planning Director. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.
 4. One non-illuminated sign not to exceed 3 square feet and bearing only the name and occupation of the resident shall be permitted.
 5. No materials or mechanical equipment shall be used which will be detrimental to the residential uses of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or similar factors.
 6. No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
 7. Retail sales shall be limited or accessory to a service. Retail sales of seasonal items shall be limited to the appropriate season of the year.
 8. When permitted as a conditional use in a non-resource zone, no person shall be employed except members of the immediate family.
 9. Animal kennels, as defined in ordinance 0-74-98, will not be considered as a home occupation business due to increased noise and close proximity of neighbors.

10. Home Occupations that employ persons shall be limited to the number of employees, the hours and days of employment, the relationship to the owner, at the discretion of the Planning Director, in the case of Administrative Uses, or Planning Commission
11. Home Occupation conditional use applications shall be administratively approved and appealed to, or reviewed by, the Board of Commissioners.
12. Other conditions may be imposed at the discretion of the Planning Director, Planning Commission or Board of Commissioners

D. Mining, quarrying, or other extraction activity:

Extraction of resources may be allowed as a conditional use when in compliance with the following:

1. Plans and specifications submitted to the Planning Commission for approval must contain sufficient information to allow the Planning Commission to consider and set standards pertaining to the following:
 - a. The most appropriate use of the land.
 - b. Setback from the property line.
 - c. The protection of pedestrians and vehicles through the use of fencing and screening.
 - d. The protection of fish and wildlife habitat and ecological systems through control of potential air and water pollutants.
 - e. The prevention of the collection and stagnation of water of all stages of the operation.
 - f. The rehabilitation of the land upon termination of the operation.
2. Surface mining equipment and process, and necessary access roads shall be constructed, maintained, and operated in conformance with the standards and regulations of the Oregon Department of Geology and Mineral Industries.
3. A permit for mining of aggregate shall be issued only for a site included on an inventory in an acknowledged Comprehensive Plan.

E. Fill And Removal

1. Except as otherwise provided in Section 508 this Ordinance, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use in accordance with the following standards:

- a. An application shall be filed containing a plan with the following information:
 1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 2. An explanation of why the fill or removal is necessary.
 3. A site plan, drawn to scale and accompanied by such drawings, sketches, and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at minimum, include:
 - (i) An inventory of existing vegetation.
 - (ii) The proposed modifications, if any, to the vegetation.
 - (iii) Existing and proposed site contours.
 - (iv) Location of property lines, easements, and high-water marks.
 - (v) Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- b. Public facility and service uses, such a construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
 1. That all necessary state and federal permits will be obtained as a condition of approval of the condition of approval of the conditional use permit.
 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 3. That the specific location of the site will require the minimum removal of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 4. That such construction and maintenance is designed and done in such a manner as to minimize the adverse impact on the site.
 5. That erosion will be adequately controlled during and after construction.
 6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical.
- c. Except for uses identified in subsections (B) and (C) above, an application for a

conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river, or wetland:

1. Shall be granted only after consideration of the following factors:
 - (i) The effects on public or private water supplies and water quality.
 - (ii) The effects on aquatic life and habitat.
 - (iii) The effects on wildlife habitat.
 - (iv) Recreational, aesthetic, and economic values of the affected water resources.
 - (v) Effects on the hydrologic characteristics of the water body, such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank, and flood hazards.
 - (vi) The character of the area, considering existing stream bank, stabilization problems and fill or removal projects that have previously occurred.

2. Shall not be granted unless all of the following conditions are met:
 - (i) That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - (ii) That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in subsection (4)(a) above.
 - (iii) That there will be no significant impacts on the surrounding area, considering the factors established in subsection D (a)(i-vi).
 - (iv) That erosion will be adequately controlled during and after the project.
 - (v) That vegetation will maintain the essential character quality, and density of existing growth. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, erosion, and aesthetic resources.
 - (vi) That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Jefferson County Comprehensive Plan.

Section 604 - Procedure For Taking Action On Conditional Use Application

The procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing a development application with the Planning Department, using forms prescribed pursuant to Section 905.
- B. A conditional use that is administratively approved shall be subject to appeal requirements of Article 9. Any administrative decision made pursuant to this section may be appealed directly to the Jefferson County Board of Commissioners.
- C. Before the Planning Commission may act on a conditional use application it shall hold a public hearing thereon, following procedure as established in Section 906.
- D. Within five normal working days after a Planning Commission decision has been rendered with reference to a conditional use application, the Planning Department shall provide the applicant and the board of Commissioners with written notice of the decision of the Planning Commission.

Section 605 - Time Limit Of An Approval For A Conditional Or Administrative Use

The Notice of Decision for a Conditional or Administrative use shall be void after two years or such lesser time as the approval may specify, unless development or significant action by the applicant has taken place. The Planning Director may, upon request, extend an Administrative Decision approval for an additional period not to exceed one (1) year. The Planning Commission may, upon request, extend a Conditional Use Decision of the Planning Commission for an additional period not to exceed one (1) year.

Conditional use approvals granted within designated EFU, Rangeland or Forest Management Zones that have been issued by the Planning Commission, may be reviewed by the Planning Commission every five (5) years or less from the date of a Notice of Decision. If significant impacts to the resource have occurred during that period or written complaints regarding the Conditional use have been documented with the Planning Director to warrant amending the original conditions of approval to protect the resource the Planning Commission may amend the original conditions of approval.

The Planning Director shall notify the owner of the property in writing regarding any scheduled Planning Commission review of the previous Conditional Use approval.

Conditional Use approvals for single-family dwellings issued by the Planning Commission are exempt from any Planning Commission review after the original Notice of Decision has been issued.

Section 606 - Limitation On Reapplication

No Development Application submitted by a property owner for the same or similar conditional use shall be accepted or considered by the Planning Director or Planning Commission within a one (1) year period beginning from the date of mailing the Notice of Decision that contained a previous denial of the conditional use.

0-65-03

Section 607 - Performance Bond

- A. The Planning Commission may recommend to the Board of Commissioners that the applicant furnish the County with a performance bond or other adequate form of insurance to guarantee development in accordance with the standards and conditions attached in granting a Conditional Use permit. The Board of Commissioners shall have final authority to determine the need for such a development guarantee. The County Counsel shall authorize such bond or alternative form of insurance as to form.

- B. In lieu of a bond executed by Surety Company, the applicant may elect any one of the following alternatives to assure full and faithful performance.
 - 1. The applicant may deposit with the Board of Commissioners money in an amount fixed as aforesaid by the Board of Commissioners.

 - 2. The applicant may submit written certification by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses and that it will be released only upon authorization of the County as in the case of cash.

 - 3. Bonds acceptable to the Board of Commissioners.

ARTICLE 7 VARIANCE

Section 701 - Authorization To Grant Or Deny Variances

The Planning Director or Planning Commission may authorize a variance from certain provisions of this ordinance, enumerated in Section 702. To support such a request, it must be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would result in practical difficulties that are unwarranted in the purpose and intent of this ordinance. In granting a variance, the Planning Director or Planning Commission may attach conditions that it finds necessary to protect the best interests of the vicinity and surrounding property, and which otherwise achieve the purpose of this ordinance.

Section 702 – Types of Variance and Limitations

- A. Variances that relate to the following provisions of this ordinance may be granted by the Planning Commission following a public hearing or an administrative decision by the Planning Director as specified in Section 702 A3a, below.
 - 1. Amount of area of a parcel covered by a structure.
 - 2. The floor area of a structure.
 - 3. Placement of a structure on a parcel relative to required setbacks.
 - a. The Planning Director may approve an Administrative variance of the structure set back distances, excluding riparian areas, of up to 25% of the specified distances in the Zone.
 - 4. Similar situations based on pre-existing lot size, unusual lot shape or topography, or physical circumstances over which the owner of the property, since enactment of this ordinance, has had no control.
- B. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.
- C. No variance shall be granted to allow creation of parcels below the minimum lot size.

Section 703 - Standards For Granting A Variance

To determine whether a variance request shall be approved or denied, the Planning Commission or Planning Director shall find that the following criteria are met, can be met by observance of conditions, are not able to be met, or are not applicable.

- A. The request is one which is permissible under Section 702(A) (1), (2) or (3).
- B. The request is one which is permissible under Section 702(A)(4) in that it is based on pre-existing lot size, unusual lot shape or topography, or other physical circumstances of the property.
- C. The request involves a circumstance over which the owner of the property, since enactment of the Ordinance, has had no control.
- D. The variance would conform with the purposes of this Ordinance and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.
- E. The variance requested is the minimum variance that would alleviate the difficulty.
- F. The variance is not the result of a self-created hardship.
- G. Owing to special and unusual circumstances related to this specific property, which do not apply generally to other properties in the same zone or vicinity, strict application of the ordinance provision that is in question would result in practical difficulties that are unwarranted in the purpose and intent of this ordinance.

Section 704 - Procedure For Taking Action On A Variance Application

The procedure for taking action on a Variance Application shall be as follows:

- A. A property owner may initiate a request for a variance by filing an application with the Planning Department, using forms prescribed pursuant to Section 905.
- B. Before the Planning Commission may act on a variance application it shall hold a public hearing thereon, following procedure as established in Section 906.
- C. With five (5) working days after a decision has been rendered with reference to a variance application, the Planning Department shall provide the applicant with written Notice of Decision from the Commission.
- D. An Administrative variance request, as noted in Section 702 (A)(3)(a), shall be submitted to the Planning Director using forms prescribed pursuant to Section 905. The Planning Director shall provide a Notice of Decision on the variance request within forty-five (45) days from the date of acceptance of the application.

Section 705 - Time Limit On A Permit For A Variance

Approval of a variance request shall be void after two (2) years, or such lesser time as the approval may specify, unless start of construction by the applicant has taken place. However, the Planning Director may extend an Administrative Decision for a variance approval an additional period not to exceed one (1) year, upon request. Variance approval by a Decision of the Planning Commission shall only be granted an extension, not to exceed one (1) year, by an action of the Planning Commission.

Section 706 - Limitation On Reapplication

No Development Application submitted by a property owner for the same or similar Variance shall be accepted or considered by the Planning Director or Planning Commission within a one (1) year period beginning from the date of mailing the Notice of Decision that contained a previous denial of the variance.

ARTICLE 8 AMENDMENTS

Section 801 - Authorization To Initiate Amendments

An amendment to the text of this ordinance or to a zoning map may be initiated by the Board of Commissioners, the County Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the Planning Department in the manner described in Section 805 and 807 at least sixty (60) days prior to the Planning Commission meeting at which the action is to be heard. All requests for a text amendment shall be subject to state required notification procedures to affected parties

Section 802 - Authorization To Approve Or Deny Proposed Amendments

The Board of Commissioners may approve, deny, or modify proposed amendments to the map or text of this ordinance when such action is taken in accordance with the appropriate portions of Sections 803 through 807 of this Ordinance.

Section 803 - Standards For Granting An Amendment

To determine whether an amendment shall be approved, denied, or modified, the Board of Commissioners shall find, in addition to the specific requirements of Sections 805, 806, and 807, that the following conditions are met by the proposal:

- A. The proposal is in conformance with the Comprehensive Plan.
- B. The applicant has a bona fide intent to use and develop the land as proposed.

Section 804 - Public Hearings On Text or Plan Amendments

The Planning Commission shall conduct a public hearing on the proposed amendment within sixty (60) days after the amendment is proposed and shall, within ten (10) days after the hearing has been closed, recommend to the Board of Commissioners approval, disapproval, or modified approval of the proposed amendment. This hearing may be continued for just cause. After receiving the recommendation of the Planning Commission, the Board of Commissioners shall hold a public hearing on the proposed amendment within thirty (30) days of Planning Commission action on the request. The Board of Commissioners shall announce its decision within thirty (30) days of its final public hearing.

Section 805 - Map Amendment Application Procedure

The following procedure shall be followed when initiating an action for amendment to the map of this ordinance.

- A. The applicant shall submit a site plan as required in Section 414 (C) to the Planning Department, and discuss the property involved in the action, and the development to be placed on the property if the amendment is approved. This discussion is to assist the applicant in understanding the amendment process, and to review the development proposal for conformance with the physical requirements of the Zoning and/or Subdivision Ordinances as early in the process as possible.
- B. The applicant and the Planning Department shall jointly complete an Environmental Review Checklist provided by the Planning Department to survey environmental consequences of the proposed action.

Copies of the completed Environmental Review Checklist will be circulated to Site Plan Review Advisory Committee and other departments or affected agencies. Site Plan Review Advisory Committee, Department or agency original comments received will be attached to the application file.

- C. Impact Report: After response from the other departments and agencies, the Planning Director will determine whether or not the project has a significant effect on the environment and hence, whether an Environmental Impact Report (EIR) or a Negative Declaration is appropriate.
- D. If it is determined that an EIR is required, the applicant shall be informed in writing by the Planning Director that an EIR must be completed before the application can be considered. The applicant shall have ten (10) working days to appeal this requirement to the Board of Commissioners. If an EIR is required, mandatory time limit for action on the application shall be extended for the period of time necessary to prepare and adopt a satisfactory EIR.

Section 806 - Environmental Impact Report Procedure

Since it is the purpose of this ordinance to promote the public health, safety, and welfare, an Environmental Impact Report (EIR) which shall contain an assessment of the natural, social and economic impact of the proposed amendment and development plan may be required. The Environmental Impact Report (EIR) shall be in written form, and submitted by the applicant, and shall, at a minimum, contain an assessment of the following points:

- A. Hydrologic Consideration shall include the effect upon the watershed in which the project is located; the effect upon the immediate area's storm water drainage pattern; the impact of the proposed development upon downstream areas; and the effect upon the ground water supply.
- B. Geologic Considerations shall include the erosion potential, stability, bearing qualities of the soil, and geologic formations; soil reconnaissance by the County Sanitarian to determine septic suitability for the use proposed; soil permeability and infiltration rates; and the soil quality for agricultural consideration.
- C. Vegetation and Animal Life Considerations shall include vegetation or high brush, forest fire potential on site or in close proximity of the site; areas of low revegetation potential on the site; unique vegetation communities either on site or within close proximity; rare or endangered animal species either on or in close proximity of the site; and highly productive habitats for species of sport, commercial, or educational value either on site or within close proximity to the site.
- D. Atmospheric Considerations shall include the local circulation patterns, prevailing winds, and the conditions up or down wind that could be affected by, or upon the proposed development.
- E. Economic Considerations shall include a detailed discussion of the economic impact of the proposed development upon the schools, fire district, water district, sewer district, or any other jurisdiction as well as consideration of the proposed project's impact upon the tax code area in which the proposed project is located.
- F. Transportation Considerations shall include a detailed discussion of the roads or routes of transportation in reference to right-of-way width, roadway width, access to existing roads, and the ability of the existing roads to accommodate the anticipated amount of travel that will be generated by the proposed development.
- G. Service Consideration shall include a detailed discussion of the relationship of the proposed development to shopping, recreational and employment centers.
- H. Public Need shall include a detailed discussion of how the public will benefit from the proposed development and illustrating the demonstrated public need for the proposed project.
- I. Ten (10) Copies of the EIR shall be submitted within the tentative plan of the development and shall be reviewed by the Planning Department and all other appropriate agencies. All agencies shall be given twenty-one (21) days to reply or comment on the completed EIR. At such time as

all agencies have responded, or the time limit has expired, the EIR and all replies or comments on the statement shall be summarized and transmitted to the Commission and the applicant along with the Planning Department recommendations. This information shall become part of the record at the public hearing on the proposed amendment.

Section 807 - Text Amendment Application Procedure

The following procedure shall be followed when initiating an amendment to the text of this ordinance.

- A. The applicant shall submit a completed Development Application and appropriate fee to the Planning Department, a text exhibit that includes the section and subsection of concern, the text of that section as written, and the language change being applied for.
- B. The applicant shall also present written statements explaining why the change is being requested, the implications of the requested change for the specific property and for all property in general which is affected by the change, and a demonstration of compatibility of the change with the Comprehensive Plan.

Section 808 - Record Of Amendments

The County shall maintain records of amendments to the text of the ordinance and zoning map.

Section 809 - Limitation On Reapplications

The Planning Commission shall not accept or consider an amendment to this ordinance that is the same as or substantially the same amendment within a one (1) year period beginning from the date of mailing the Notice of Decision that contained a previous denial of the amendment.

ARTICLE 9
ADMINISTRATION AND APPLICATION REVIEW PROVISIONS

Section 901 - Administration

The County Planning Director shall have the power and the duty to enforce the provisions of this ordinance. The Board of Commissioners may appoint agents to issue zoning permits and to otherwise assist the Planning Director in the processing of applications. The Jefferson County Community Development Department shall be referred to in this Section as Jefferson County CDD.

Section 902 – Application Review Procedures

Section 902.1 – Applicable Standards

The standards and criteria to be applied to an application that has been submitted to the Planning Director shall be those in effect on the calendar date the application was received by the Planning Director.

Section 902.2 – Application Requirements

- A. Applications for development or land use action shall:
1. Be submitted by the property owner or a person who represents the property owner, stating in writing that he or she has the authority from the property owner as defined herein to make the application:

For the purposes of this section, the term "property owner" shall mean the owner of record or the contract purchaser, but, does not include a person who holds a security interest.
 2. Be completed on a form prescribed by the Planning Director:
 3. Include supporting information required by the zoning ordinance and such information necessary to demonstrate compliance with applicable criteria; and
 4. Be accompanied by the appropriate filing fee.
- B. The following applications are not subject to the ownership requirements set forth in subsection A1 above:
1. Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the subject property in the application; or
 2. Applications for development proposals sited on lands owned by the state or federal governments.

Section 902.3 - Acceptance Of Application

- A. Development and land use applications shall not be accepted until the Planning Director has determined that (1) the requirements of Section 902.2 above have been complied with and (2) the application is deemed to be complete under state law.
- B. An application is complete when the Planning Director determines all applicable criteria or standards have been adequately addressed in the application.
- C. Acceptance of an application by the Planning Director, except as noted in D below, does not exempt the applicant from being required at a later time period to provide additional information or technical data to show compliance with the applicable standards of State Land Use Goals, Jefferson County Comprehensive Plan or Jefferson County Zoning Ordinance.
- D. Expedited Application Acceptance. The Planning Director shall be required to provide a Notice of Acceptance to an applicant, if the applicant declares in a written statement that the application is complete and directs the Planning Director to process the application without any additional information.

The Planning Director may or may not recommend applications submitted and accepted under this subsection for approval.

Section 902.4 – Incomplete Application

- A. If an application is determined incomplete, the Planning Director shall, within thirty (30) days from the date an application was received by the Jefferson County CDD, notify the applicant in writing of exactly what information is missing. The applicant may amend the application or submit a new application to include the required information.
- B. The applicant shall have thirty (30) days from the mailing date of the Incomplete Notice to provide the Planning Director with any additional required application information.
- C. If the applicant submits the required information within the 30-day period, as noted in B above, the Planning Director shall deem the application as complete and a Notice Of Acceptance will be mailed to the applicant.

Section 902.5 – Notice To Division Of State Lands For Wetland Development

In addition to any notice required by this Section, the County shall provide the notices required by ORS 215.418 concerning state identified wetlands within five (5) working days of the acceptance of any complete application that are wholly or partially within areas identified as wetlands on the State-wide Wetlands Inventory.

Section 902.6 – Conflicting Procedures

Except as set forth in this Section, where other provisions of the Jefferson County Zoning Code, Jefferson County Comprehensive Plan or other Ordinances specify procedures with greater opportunity for public notice and comment, those procedures shall apply.

Section 902.7 – Time Computation For A Land Use Permit Or Development Application Action

The time period for a Notice of Decision that is required to be issued, unless otherwise provided, shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the County is not open for business pursuant to a County Ordinance, in which case it shall also be excluded.

Section 902.8 – Mailing Of Jefferson County CDD Records Or Material

Any person may request, upon payment of a fee set by the Planning Director, to receive the Jefferson County CDD weekly media update packet, which may include a list of accepted applications, Planning Commission agenda and/or other Hearings Body notices

Section 903 – Notice Of Decisions

Approval or denial of an application for a use permitted by this ordinance shall be based upon and accompanied by a statement that explains the criteria and standards considered relevant to the decision, and explains the justification for the decision based on the criteria, standards and facts set forth.

Section 903.1 – Development Application Decisions

The Planning Director may provide an Administrative "Notice of Decision" for any Development Application, excluding a Comprehensive Plan, Text or Map Amendment or Zone change, in accordance with Section 903.2 or Section 903.3 below.

Development Application requests for a Zone change, Comprehensive Plan Amendments or other Conditional Uses as noted in the Jefferson County Zoning Ordinance shall require a public hearing before the Jefferson County Planning Commission unless otherwise specified herein.

Section 903.2 – Administrative Notice of Decision With Prior Notice

- A. Notice of the Development Application shall be sent within fourteen (14) days from the date of acceptance of the application to persons entitled notice under Section 906(B). The notice shall

include the designated informational items as specified in 906(C)

- B. Any person may comment in writing on the application within ten (10) days from the date the notice was mailed.
- C. The Planning Director's Notice of Decision shall be made within thirty (30) days after the date an application is accepted as complete. This time limit may be waived by the written consent of the Applicant.
- D. The Planning Director's Notice of Decision shall be sent to all parties receiving the original notice under Section 906(B).
- E. The Applicant and all persons commenting in writing to the Planning Director, as provided in this Section constitute parties to the Administrative Decision. Any party can appeal the Notice of Decision in accordance with the provisions noted in Section 911.

Section 903.3 – Administrative Notice of Decision Without Prior Notice

The procedures for an Administrative Notice of Decision without a prior notice shall be the same as those set forth in Section 903.2, except that (1) no prior notice shall be given and (2) the Notice of Decision shall contain designated informational items as specified in 906(C)(1-3 and 5-10).

Section 903.4 – Final Action On Development Applications

- A. The Jefferson County Board of Commissioners shall take final action, including appeals, on all Development Applications, excluding legislative or quasi-judicial Comprehensive Plan, Text or Map Amendments or Zone changes, within one hundred fifty (150) days after the Development Application was accepted as complete.
- B. The final action time periods set forth in this Section may be extended only by a written request from the Applicant.

Section 903.5 – Temporary Use Approval

- A. The purpose of a Temporary Use Approval permit is to allow an applicant to proceed with activities that are temporary in nature. In all cases, an applicant receiving Temporary approval must obtain approval through an application submitted pursuant to the procedures specified in this Section.
- B. The Jefferson County Board of Commissioners or Planning Director, in their discretion, may authorize a Temporary Use Approval, provided:
 - 1. A complete Application has been submitted to the Community Development Department for the proposed activity.

2. The appropriate fee for a Temporary Use Permit has been paid.
3. The applicant has demonstrated good and sufficient cause for such temporary approval.
4. The complete application appears to contain all the satisfactory data or material to warrant approval by the Planning Director or Jefferson County Board of Commissioners.
5. The applicant accepts all risk of loss and/or damage that may result from the activities allowed in the permit, and further agrees in writing to hold the Jefferson County, officers, agents and employees harmless from such loss or damage including any and all enforcement proceedings undertaken by the county to enforce the provisions of this section
6. The applicant agrees in writing to cease the activity immediately upon expiration of the temporary use permit.

C. A Temporary Use Approval shall not be granted for variances, zone changes or plan amendments, permanent structures or otherwise conditioned alterations of land or parcels as regulated by the Jefferson County Zoning Ordinance.

D. The scope of the temporary approvals shall be limited to allow the applicant to proceed only with those uses that are specifically identified in the temporary use approved application. No accessory uses to a temporary use shall be permitted.

E. Temporary Use Approval shall expire as follows:

1. Six (6) months from the date of approval

Section 903.6 – Application And Supporting Documents

All documents or evidence relied upon by an applicant for land use approval shall be submitted to the Planning Director as part of an application and shall be made available to the public at the time the notice is provided in accordance with Section 906 (2).

Section 903.7 – Availability Of Administrative Notice Of Decisions

All administrative Notice of Decisions for the preceding month shall be made available for public review at the Jefferson County CDD. At a minimum, the Planning Director shall maintain an electronic database or equivalent written accounting system that summarizes all administrative Notice of Decisions for any previous 12-month period.

Section 903.8 – Record

A. A magnetic tape record shall be made for all Jefferson County CDD public hearings. Tapes and

Development Application files shall be preserved in accordance with OAR Chapter 166, Division 119 requirements for archived material.

- B. All exhibits presented for the record shall be marked to show the identity of the person offering the exhibit.
- C. Exhibits shall be numbered or lettered in the order presented in two (2) categories, proponents and opponents, and shall be dated.
- D. When exhibits are introduced, the proponent and opponent exhibit number or letter shall be read into the record.

Section 903.9 – Challenge Of Hearings Body Bias, Prejudgment Or Personal Interest

Prior to or at the commencement of a public hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. The Hearings Body member whose qualifications are challenged, shall disqualify himself, withdraw or make a statement on the record of their capacity to hear the application. A Commissioner with a conflict identified in ORS 244.135 must disqualify him or her self from the public hearing after the disclosure.

Section 903.10 – Continuance Of Public Hearing

- A. Continuances of a public hearing shall be granted at the discretion of the Hearings Body, unless otherwise noted in this Section.
- B. Any party of record in the public hearing shall be entitled, upon request, to receive a continuance of the hearing to another scheduled date if additional documents or evidence to those supplied with the application are provided in support of the application. The time period granted for a continuance shall not be subject to the one hundred fifty (150) day time limit as set forth in Section 903.4.
- C. Any party of record in the public hearing shall be entitled, upon request, to receive a continuance of the hearing if the Staff Report is changed by identification of applicable criteria not identified in the Staff Report initially made available to the public.
- D. The Hearings Body shall set a specific date identifying the end of the continuance period and resumption of the public hearing.

Section 903.11 – Close Of Record

- A. At the conclusion of the public hearing, the Hearings Body shall either make a decision and state findings that may be incorporated into a written decision, close the record and take the matter

under advisement, or leave the record open for written testimony.

- B. If new written evidence is submitted at a continued hearing, any party or record at the hearing is entitled, upon request, to have the record remain open for submission of written testimony for the purpose of responding to the new written evidence. Such an extension of the open record time shall be for at least seven (7) days and shall not count against the required 150-day decision period.

Section 904 - Building Permits

No permit shall be issued by the building official for the construction, reconstruction, alteration, or change of use of a structure or lot that does not conform to the requirements of this ordinance.

Section 905 - Form Of Petitions, Applications And Appeals

Petitions, applications, and appeals provided for in the ordinance shall be made on forms prescribed by the County. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the property in question; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any to be accommodated thereon; the relationship of the property to the surrounding area, and such other information as is needed to determine conformance with this ordinance.

Section 906- Notice Of Public Hearing

- A. Each notice of hearing required by this ordinance shall be published in a newspaper of general circulation in the County not more than forty (40) days and at least twenty (20) days prior to the date of the hearing.
- B. In addition, a notice of hearing on a conditional use, variance, or an amendment to the zoning map or the Comprehensive Plan Map shall be mailed to all owners of property as outlined below. The notice of hearing shall be mailed not more than forty (40) days and at least twenty (20) days prior to the date of the hearing.
1. To owners of property within one hundred (100) feet of the site where the site is wholly or partially within an urban growth boundary, ORS 197.763(2)(a)(A);
 2. To owners of property within two hundred fifty (250) feet of the site where the site is outside an urban growth boundary and not within a farm or forest zone, ORS 197.763(2)(a)(B):
 3. To owners of property within seven hundred fifty (750) of the site where the site is within a farm or forest zone, ORS 197.763(2)(a)(C).

C. The Notice Shall Include The Following:

1. Explain the nature of the application and the proposed use or uses that could be authorized, ORS 197.763(3)(a);
2. List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b):
3. Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c):
4. State the date, time, and location of the hearing, ORS 197.763(3)(d):
5. State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue, ORS 197.763(3)(e) and ORS 197.763(1):
6. State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e):
7. Include the name of a local government representative to contact and a telephone number where additional information may be obtained, ORS 197.763(3)(g):
8. State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h):
9. Include a general explanation of the requirements of submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(i).

D. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

E. The notice provisions of this sections shall not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio and television.

F. If subject property being considered for a zone change is within 5,000 feet of the side or end of a public use airport as determined by the Department of Transportation, notice of the public hearing pursuant to the application shall be provided to the owner of the airport as defined by the Department of Transportation.

G. If proposed subject property with zone change request contains all or part of a mobile home or manufactured dwelling park as defined by ORS 446.003, the governing body shall give written

notice by first class mail to each existing mailing address for the tenants of the mobile home or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the Ordinance. The governing body may require the applicant for such a zone change to pay the cost of such notice. The failure of a tenant to receive a notice that was mailed shall not invalidate any zone change.

Section 907- Rules For Conduct Of Quasi-judicial Hearing

- A. The Hearing Body is conducting the hearing in a quasi-judicial capacity; there shall be no audience demonstration or other conduct that would disrupt the hearing.
- B. Persons may speak only after being recognized by the Chair and must state their full name and address for the record.
- C. The Hearing Body shall consider only testimony and information that is relevant to the application, and will not allow immaterial or repetitious testimony.
- D. Order of Procedure:
 - 1. Open Public Hearing.
 - 2. Call for statement of any potential or actual conflict of interest or ex parte contact.
 - 3. Call for abstentions.
 - 4. Ask the public for challenges to membership impartiality.
 - 5. Explain the hearings process:
 - (a) List the applicable criteria, ORS 197.763(5)(a);
 - (b) State that testimony and evidence must be directed toward the criteria included in the list of applicable criteria, or other criteria in the plan or land use regulations which a person believes to apply to the decision, ORS 197.763(5)(b);
 - (c) State that issues must be raised by the close of the record at or following the final evidentiary hearing, in person; or
 - (d) At the initial evidentiary hearing, state that if a participant at the hearing so requests before the hearing concludes, the record shall be kept open for at least seven (7) days unless there is a continuance, (ORS 197.763(6));
 - (e) State that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue, (ORS 197.763 (5)(c)

6. Call for staff report.
 7. Call for proponent's case.
 - (a) Applicant presents testimony showing his/her proof that the proposal satisfies the criteria
 - (b) Others testifying on behalf of the applicant's proposal.
 8. Call for opponent's case. The opponents have two duties:
 - (a) To show the applicant has not introduced evidence which satisfies all of the approval criteria; and
 - (b) To rebut the applicant's testimony by showing the facts relied upon are incorrect.
 9. Final Staff Summary and Recommendation.
 10. Rebuttal, which is limited to rebuttal of evidence and testimony in the record and no new evidence, will be permitted. The proponents shall have final opportunity.
- E. The proponent of the application or permit has the burden of providing justification for its approval. The more drastic the request, or the greater the impact of the application or permit on the neighborhood, area or county, the greater is the burden on the proponent.
- F. Decision of the Hearing Body: Upon closing the hearing, the Hearing Body will deliberate the question and reach a decision or continue the matter for further study or deliberation, to a time and place then announced.
- G. Recess of Hearing: The Hearing Body may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 908 - Filing Fees

Applications allowed by this ordinance shall be accompanied by a fee in the amount established and published by the Board of Commissioners.

Section 909 - Revocation

The Planning Commission may revoke or modify any permit granted under the provisions of this ordinance on any one or more of the following grounds:

- A. A permit may be revoked on the basis of fraud, concealment, or misrepresentation, or on the basis of wrong information supplied on the application, or wrong information given to the Planning Commission.
- B. A permit may be revoked on the basis that the use for which such permit was granted is not being exercised within the time limit set forth by the Planning Commission or this ordinance.
- C. A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended.
- D. A permit may be revoked or modified on the basis that the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval, or in violation of any statute, code, resolution, law or regulation.
- E. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner as to constitute a nuisance.
- F. The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in this ordinance. The Planning Commission shall render its decision within 45 days after the conclusion of the hearing. In the case where the permittee is not satisfied with the action of the Planning Commission, the permittee may appeal the Planning Commission's decision to the Board of Commissioners in the manner provided in Section 910.
- G. Any permit granted pursuant to this ordinance shall become null and void if not exercised within the time period specified in such permit, or if no time period is specified in the permit, the permit shall become null and void within two (2) years from the date of approval of said permit.

Section 910-Administrative Review Of Land Use Decisions

A. Applicability

Certain zones allow administrative permitted uses, which may be reviewed by the Planning Director without a public hearing. In such cases, a notice of the proposed land use decision shall be provided to those persons who would have had a right to notice if a hearing had been scheduled. These persons include:

1. Owners of property within one hundred (100) feet of the site where the site is wholly or partially within an urban growth boundary, ORS 197.763(2)(a)(A);
2. Owners of property within two-hundred fifty (250) feet of the site where the site is outside an urban growth boundary and not within a farm or forest zone, ORS 197.763(2)(a)(B); and

3. Owners of property within seven-hundred fifty (750) feet of the site where the site is within a farm or forest zone, ORS 197.763(2)(a)(C).

B. Appeal of Administrative Decisions

Any appeal of an administrative decision of the Planning Director shall be to the Planning Commission, and shall be a “full de novo” hearing as defined in JCZO Section 911(2)(c). Written notice of the appeal, together with the required appeal fee, must be filed with the Planning Commission within fifteen (15) days the “date mailed” that is specified in the Notice of Decision. To have standing to appeal an administrative decision of the Planning Director, a person must have been entitled to notice under Section 910 (A), or must be adversely affected or aggrieved by the decision. The Planning Commission shall hold a de novo hearing on the appeal within 60 days from the date the appeal is filed.

Section 911 – Appeals and Reconsiderations

A. Appeal Procedures:

A person may appeal to the Planning Commission from a decision or requirement made pursuant to this ordinance by the Planning Director. A person may appeal to the Board of Commissioners from a decision or requirement made by the Planning Commission unless authorized by this ordinance. To have standing to file an appeal to the Board of Commissioners from the Planning Commission, a person must first have participated on the record at the Planning Commission level. Participation consists of written or oral communication on the record before the Planning Commission. To have standing to file an appeal to the Planning Commission from the Planning Director, a person must first have participated and/or received notice of the action at the Planning Director level or have been adversely affected or aggrieved. Such written or oral communications before either hearings body must address the proposal under consideration and must be received within the timeline prescribed for such input.

Appeal Type Classifications:

1. Board of Commissioners Determination Of Appeal Review

There shall be a two (2)-step review process in allowing an appeal and public hearing before the Board of Commissioners in accordance with the following steps:

- a. A preliminary hearing before the Board of Commissioners shall be held within thirty (30) days after acceptance of an appeal to determine whether the Board of Commissioners shall review an appeal filed. If the Board of Commissioners review of the Notice of Decision determines that the Notice of Decision has provided sufficient findings, the Board of Commissioners shall vote at the preliminary appeal hearing to either uphold the Notice of Decision issued and require the appellant to file an appeal with Land Use Board of Appeals or accept the appeal for review under one of the following types of public hearings; (1) on the record of a Notice of Decision, (2) a partial De Novo or (3) a full De Novo public hearing.

6. The Board of Commissioners or Planning Commission, within fifteen 15 days of receipt of a lower Notice of Decision, may review that Decision upon its own motion after giving ten 10 days notice to the parties involved in the Decision, if such review is initiated.
7. Emergency Circumstances

The Board of Commissioners may, at its discretion, review an appeal of the Planning Directors Notice of Decision without a prior appeal at the Planning Commission level. To approve such an emergency review, the Board of Commissioners must receive a fully paid appeal fee, as well as a valid and complete appeal that includes a letter, stating the reason for the appeal and extenuating emergency circumstances that prevent participation at the Planning Commission level public hearing process within an estimated time period. An Appeal granted by the Board of Commissioners under the emergency circumstances procedure shall result in a full de novo hearing before the Board of Commissioners

B. Reconsideration Procedure

1. Prior to issuance of a Notice of Decision or before expiration of a Notice of Decision appeal time period deadline, a written request for a reconsideration for review of any specific condition(s) of approval or Decision included in a Notice of Decision, may be made if it can be shown that a mistake of law, incorrect information or failure of an appropriate procedure has been committed by the decision body. The request shall be made by the applicant or party of record to the Planning Director, Planning Commission or Board of Commissioners and accompanied with a designated fee. A Planning Commissioner or County Commissioner on a Decision may also request reconsideration, without a fee requirement, for a review of the Decision or specific condition(s) if a mistake of law or procedure has been alleged.
2. Upon receipt of a request for reconsideration, the Planning Director shall review and respond to the reconsideration request if an administrative Decision is involved or forward the request to the Chairman of the affected Commission for scheduling a review of the reconsideration. A review of the reconsideration shall be held within thirty (30) days after the request is received. If the affected Commission review of the reconsideration request determines that the requesting party has provided sufficient findings to warrant a full reconsideration hearing, the Commissioners shall schedule a review of the reconsideration on the next available Commission agenda for action.
3. The filing of a request for reconsideration by a party of record or Commissioner prior to a Notice of Decision being mailed shall stay the time for issuing the final Notice of Decision until the hearings body has reviewed the reconsideration.
4. If the Notice of Decision has been mailed and the appeal period has commenced, an appeal of the Notice of Decision shall be required to be filed concurrently with a request for reconsideration. Approval of a request for reconsideration does not void or extend any appeal deadlines previously established for the Notice of Decision.
5. If a request for reconsideration is granted by the decision body, the appropriate appeal fee

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shall be refunded to the requesting party less reasonable administrative costs. "

ARTICLE 10

GENERAL PROVISIONS

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Section 1001 - Interpretation

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions that are more restrictive, the more restrictive shall govern.

Section 1002 - Severability

The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the ability of the remaining portions of the ordinance.

Section 1003 - Abatement & Penalty

Violation of any provision of this ordinance or of any amendment of this ordinance is enforceable under either of the following options at the discretion of Jefferson County.

- A. Enforcement through civil proceedings under provisions of local ordinance enforcement that shall provide for a fine of not more than \$500.00 per violation.
- B. Each and every day which a location, erection, maintenance, repair, alteration or use of a building or structure, or the subdivision, partitioning or other use of land, is in violation of this ordinance constitutes a separate violation.
- C. Enforcement through statutory authority under ORS 215.185 or ORS 215.190. The appropriate statutory authority shall determine penalty under statutory enforcement.

Section 1004 - Notice Of Violation

Notice of a violation of a provision of this ordinance shall be in the form of a certified return receipt letter from the county. Such letter shall identify the property upon which the violation is located, a description of the violation, and an explanation of the action necessary to gain compliance with the ordinance.

This letter shall be mailed to the last known owner of record of the subject parcel according to the tax account rolls of the Jefferson County Assessor. end |

The owner shall be given 10 days from the date of receipt to contact Jefferson County concerning

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remedy of the infraction. If there is no such contact, violation will commence on the 11th day after receipt of notification. If contact is made within the 10-day period after receipt of notification, the Planning Director may establish a date for remedy of the infraction. If the infraction is not remedied by the date established, violation will commence on the following day.

Section 1005 - Repeal Of Ordinances As Affecting Existing Liabilities

The repeal of any ordinance by this ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under an ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of a person who violated the repealed ordinance or a part thereof prior to the effective date of this ordinance

0-65-03

EXHIBIT B

**Findings in Support of Amendments to Jefferson
County Zoning Ordinance, on Voluntary Remand From LUBA of
Casefile # 00-PA-01**

These findings are made by the Jefferson County Board of Commissioners on the voluntary remand from LUBA of the legislative amendments to the Jefferson County Zoning Ordinance (JCZO) that were adopted by the Board of Commissioners on January 23, 2002, in County Casefile # 00-PA-01. Those amendments were appealed to LUBA by the Confederated Tribes of the Warm Springs Reservation (Warm Springs Tribes), and several other parties joined the LUBA appeal as Intervenors.

The County elected to voluntarily remand Ordinances #0-24-02, #0-25-02, #0-26-02, #0-27-02, and #0-28-02 in order to consider and address the issues raised by the Petitioner and Intervenors in the consolidated LUBA appeals of those ordinances. The County held hearings on August 7 and September 11, 2002, and readopted the ordinances with certain modifications. *See* Ordinances #0-165-02, #0-166-02, #0-167-02, #0-168-02, and #0-169-02. Ordinances #0-165-02, #0-166-02, #0-168-02, and #0-169-02 were appealed by the Confederated Tribes of the Warm Springs Reservation, Jefferson County Farm Bureau, and Dave Stevenson, and several other parties joined the LUBA appeal as Intervenors ("the Petitioners"). The County and the Petitioners agreed to voluntarily remand the Ordinances in order to consider and address the remaining issues in Ordinances #0-165-02, #0-166-02, #0-168-02, and #0-169-02. Because there is a significant amount of overlap in the assignments of error raised, these findings will consider common issues under single headings identifying which Petitioners raised the issues addressed.

I. Compliance with the Comprehensive Plan

All of the Petitioners contend that the proposed JCZO amendments are inconsistent with various provisions of the Jefferson County Comprehensive Plan (JCCP). Petitioners' arguments can generally be grouped into four broad categories: (A) consistency with JCCP policies regarding protection of agricultural uses; (B) consistency with JCCP policies regarding infrastructure; (C) consistency with JCCP policies regarding Wildlife Overlay areas and visual standards; and (D) consistency with the Camp Sherman Area Comprehensive Plan (CSACP).

A. Consistency with JCCP provisions regarding protection of agricultural uses.

A primary purpose of the amendments concerning allowed nonfarm uses is to make the JCZO consistent with state statutes and rules concerning conditional uses on farmland. These amendments reflect both State of Oregon requirements for such uses as well as the policies of the JCCP. Therefore, the County concludes that the standards established under

the Ordinance, State Statute, and DLCD rules provide adequate limitations on new nonfarm uses to ensure that the JCZO amendments are consistent with the JCCP.

B. Consistency with JCCP policies regarding wildlife overlay areas and visual standards.

Petitioners allege that the JCZO amendments are inconsistent with several JCCP provisions regarding wildlife and visual standards.

JCCP Policy 5-H-3: In areas of deer and elk migration routes such as the Metolius Deer Winter Range, fencing shall not be constructed so as to obstruct the migration patterns.

Petitioners assert that JCCP Policy 5-H-3 is violated by the addition of JCZO Section 321(E), which creates standards for construction of fences designed to allow wildlife passage. As an initial matter, the County finds that the intended purpose of amended JCZO § 321(E) is to ensure that any new fences constructed in a Wildlife Overlay Zone (including the Metolius Deer Winter Range) are constructed in a manner that provides for wildlife passage. In other words, the very purpose of the amendment is to ensure compliance with the cited JCCP policy that "fencing shall not be constructed so as to obstruct the migration patterns." It is unclear why Petitioners believe that the JCZO amendments are not consistent with the cited policy. Further, JCCP Policy 5-H-3 is directed primarily at migration routes, which are also specifically protected under JCZO § 404(B). That section prohibits *any* fence that would obstruct deer or elk migratory patterns.

Nonetheless, in response to Petitioners' stated concerns, the County has agreed to amend JCZO § 321(E)(1) to expressly apply to *all* fence construction in a Wildlife Overlay Zone, not just new construction. Also, regarding JCZO § 404(B), the County has agreed to remove the reference to "a map prepared by the Oregon Department of Fish and Wildlife." These changes were proposed in the staff report dated August 7, 2002. The County concludes that the JCZO amendments to Sections 321 and 404 are consistent with JCCP Policy 5-H-3 in that the JCZO provisions prohibit any fencing that would obstruct deer and elk migration routes, and create standards for fencing in Wildlife Overlay zones designed to ensure wildlife passage. After consultation with the Petitioners staff proposes to further amend *Section 321 E Construction of Improvement Requirements, to provide that* "construction of Improvements allowed under this section shall have minimal effects on wildlife habitat."

JCCP Policy 5-H-5: Non-agricultural residential development shall be limited to specific areas which do not disrupt wildlife migration routes or substantially affect important wildlife values.

The majority of the Forest Management zone is within a wildlife overlay zone. The small number of dwellings that could theoretically be allowed in the Forest Management Zone, as discussed earlier, would also be subject to the additional criteria listed in the

Wildlife Overlay Zone. The County finds that the JCZO amendments are consistent with JCCP Policy 5-H-5.

JCCP Policy 5-G-2: The implementing ordinances shall prescribe a visual standard for residential construction within one-half mile of the major rivers in the County. The standards shall prescribe exterior design and surfacing which is in harmony with the surrounding landscape.

Petitioners objected to the County's proposed deletion of JCZO § 412(E), which required natural wood or earth-tone colors on structures within one-half mile of the Deschutes, Crooked, and Metolius Rivers. On remand, as described in the August 7, 2002 staff report, the County has made revisions that ensure compliance with JCCP Policy 5-G-2 by adopting a definition of "major river," and adding language for exterior building materials in all zones that exist within one-half mile of a major river. The new language provides that "exterior walls, trim and roof shall be finished in non-reflective flat tones, of earth or forest color, for any structure within one-half mile of a major river."

The County finds that this proposed language, when added as a requirement for exterior building materials in all zones that exist within one-half mile of "major rivers" is consistent with JCCP Policy 5-G-2.

C. Consistency with the Camp Sherman Area Comprehensive Plan regarding Local Advisory Committee review.

Petitioner Friends of the Metolius argues that the JCZO amendments fail to provide for review of development applications and uses by the Local Advisory Committee (LAC) within the Camp Sherman Planning Area, as required by the Camp Sherman Area Comprehensive Plan (CSACP). Under the CSACP, the LAC "shall review all proposed development in the Camp Sherman Area, and render a written report to the Planning Commission. ... The LAC shall determine whether any proposed use or development in the Camp Sherman Area is in conformity with standards set by the Camp Sherman Plan."

Responding to the issue raised by Petitioner Friends of the Metolius, in the August 7, 2002 staff report County staff proposed to add language requiring development review by the LAC in all of the zones within the Camp Sherman Planning Area. Petitioner Friends of the Metolius points out that the language proposed only provides that the LAC "shall review all applications" for proposed development, and does not expressly state that the CSACP calls for the LAC to issue a written report and hold a hearing.

In order to address all of the Petitioner's concerns, the County proposes to further amend the language proposed in the August 7, 2002 staff report to the following: "The Camp Sherman Local Advisory Committee shall review all applications for any proposed use or development in the Camp Sherman Area, following the procedures required under the Camp Sherman Area Comprehensive Plan."

II. Compliance with State Statutes and Rules

Petitioners assert that the JCZO amendments violate various state statutes and administrative rules governing agricultural land.

A. Consistency with OAR 660 Division 33 rules regarding conditional uses on EFU land.

Petitioners contend that the JCZO amendments are inconsistent with DLCD rules regarding certain uses that are permitted as conditional uses in EFU zones, but are prohibited on high-value farmland, and other specific rules for conditional uses that are spelled out in the administrative rule. This issue arises out of the fact that the applicable DLCD rule, OAR 660-033-0130, contains a separate table (Table 1) that imposes more detailed restrictions on the conditional uses that are allowed on EFU land under ORS 215.283(2). The text of the conditional uses listed in the JCZO amendments mirrors the list in ORS 215.283(2), but does not spell out the more specific restrictions of OAR 660-033-0130 and the attached Table 1, which prohibit certain uses that are allowed on EFU land if that land is "high-value" farmland.

This issue was raised early on in these proceedings, and has already been addressed by the County in language at the beginning of the "Conditional Permitted Uses" section of the amendments to the A-1, and Rangeland Ordinances. In those sections, the JCZO amendments provide that: "The following uses may be permitted when approved by the Planning Commission, following a Public Hearing in accordance with the requirements of Article 6 of this Ordinance and other state statutes and administrative rules." Thus, the JCZO amendments incorporate the applicable DLCD rules that create more specific restrictions than are listed in the statute.

While the County believes the existing language is sufficient, in order to fully address Petitioners' concerns, the County proposes to amend the language at the beginning of each of the "Conditional Permitted Uses" section of the amendments to the A-1 and Rangeland Ordinances (Sections 301(B), and 302(B)) to contain the following, more specific incorporation of the state administrative rules:

"B. The following uses may be permitted when approved by the Planning Commission, following a Public Hearing in accordance with the requirements of Article 6 of this Ordinance. The uses identified in this section are subject to the rules for conditional uses promulgated by the Department of Land Conservation and Development at OAR 660-033-0130, including Table 1 attached to those rules."

B. Applicability of ORS 215.448 requirements to home occupations.

Petitioners contend that the JCZO amendments identifying home occupations as an administrative permitted use in the A-1, and RL zones are invalid because they do not

specifically "require compliance with ORS 215.296." The County recognizes that home occupations are listed as conditional uses on EFU land under ORS 215.283(2), which necessarily means that the standards of ORS 215.296 must be applied. As with many of the Petitioners' arguments, the County is not required to adopt the entirety of ORS Chapter 215 verbatim in order to have its ordinance be consistent with the statutes, but in the interest of responding to Petitioners' concerns, the County proposes to amend the language in the applicable sections of the RL ordinances 302(D)(5)) to match the existing language in the A-1 ordinance, which provides: "Home occupations in accordance with the criteria listed in ORS 215.448," and to add express references to ORS 215.296. The County further proposes to adopt language that establishes two types of home occupations. 'Home Occupation' would be limited to business established within the primary dwelling which would not employ any employees except residents of the primary dwelling. 'Home Occupation' is an administrative permitted use. 'Limited Home Occupation' can be established in the primary dwelling or in an accessory building and employ up to five employees. 'Limited Home Occupation' is a conditional use approved by the Jefferson County Planning Commission

C. Consistency of County definition of "agricultural lands" with Goal 3 and DLCD rules.

Petitioners assert that the County's definition of "agricultural lands" is no longer consistent with the Goal 3 definition, because the definitions that existed in each of the EFU zone ordinances was deleted, and the only remaining definition is the one in Section 105 (Definitions), which does not exactly mirror the Goal 3 definition.

In the interest of addressing Petitioners' concerns, the County proposes to add the following sentence at the end of the existing definition of "Agricultural Land" in JCZO Section 105: "Agricultural land also includes land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural land even though this land may not be cropped or grazed."

III. Compliance with Statute Requiring De Novo Hearings

All Petitioners contend that the JCZO amendments violate ORS 215.416(11)(a) because the provisions in JCZO Section 911(A)(2) could allow for the possibility of a decision by the Board of Commissioners not to provide a de novo hearing from an administrative appeal. The statute, ORS 215.416(11)(a) allows the County to "approve or deny an application for a permit without a hearing," so long as notice is provided, and affected persons are given the opportunity to file an appeal. The statute requires that the appeal must be to a "de novo" hearing.

The JCZO amendments to the A-1, A-2, RL, and FM ordinances include new provisions for "Administrative Permitted Uses," which are uses that can be reviewed and approved administratively by the Planning Director without a hearing under Section 910.

Section 910 does not contain any provisions regarding appeals, which are addressed in Section 911. Petitioners point out that Section 911 provides the Board of Commissioners with the discretion to either hold a "Hearing on the Record," a "Partial De Novo" hearing, or a "Full De Novo" hearing. Petitioner contends that because the statute would require a full de novo hearing on appeal of an administrative decision by the planning director, the JCZO amendments violate the statute.

The existence of a possibility, based on the language of the JCZO amendments, that the Board could theoretically elect to not hold a "de novo" hearing on appeal of an administrative decision does not amount to a facial violation of the statute. As currently written, JCZO Section 911 allows the Board to decide to hold a de novo hearing where it deems appropriate, as with an administrative appeal where such a hearing is required by statute. ORS 215.416(11)(a) is not violated by the existence of a possibility that JCZO § 911 could be applied in a way that denied a required hearing. There would not be a violation of the statute unless the Board actually applied Section 911 to deny a de novo hearing where such a hearing was required by statute.

However, in the interest of addressing Petitioners' concerns, the County proposes to make the following revisions to Section 910:

"A. Applicability

Certain zones allow for [an] administrative [review of land use decisions] permitted uses, which may be reviewed by the Planning Director without a public hearing. In such cases...

B. Appeal of Administrative Decisions

Any appeal of an administrative decision of the Planning Director shall be to the Planning Commission, and shall be a "full de novo" hearing as defined in JCZO Section 911(2)(c). Written notice of the appeal, together with the required appeal fee, must be filed with the Planning Commission within fifteen (15) calendar days after the "date mailed" that is specified in the Notice of Decision. To have standing to appeal an administrative decision of the Planning Director, a person must have been entitled to notice under Section 910(A), or must be adversely affected or aggrieved by the decision. The Planning Commission shall hold a de novo hearing on the appeal within 60 days from the date the appeal is filed."

The County also proposes the following related amendment to Section 911(A)(7):

"7. Emergency Circumstances

"The Board of Commissioners may, at its discretion, review an appeal of the Planning Director's Notice of Decision without a prior appeal at the Planning Commission level. ... An appeal granted by the Board of Commissioners under the emergency circumstances

procedure shall [*be subject to an appeal decision on the record or scheduled public hearing as noted in the requirements of subsection 2 above*] result in a full de novo hearing before the Board of Commissioners."

IV. Consistency with Goal 5

The nonfarm uses allowed by the Ordinances are consistent with Goal 5 because they will have to meet the additional criteria as outlined in the Wildlife Overlay Zone. The Jefferson County Zoning Ordinance is consistent with Goal 5 in limiting potential conflicts by adopting the criteria set forth in Section 325 Riparian Corridor Buffer Combining Zone, Section 404 Fences, Section 412 Scenic And Natural Hazard Rim Set Back, Section 417 Historic Site Protection, Section 419 Riparian Buffer, Section 420 Endangered Species, Section 429 Archaeological Preservation and Section 429.1 Archaeological Objects and Sites. These sections limit development and protect the Goal 5 resource areas of Jefferson County. The County has also adopted ODFW Bird Habitat Sites as part of the County's acknowledged zoning map and has criteria for each site that limits any development within a 1/4 mile radius of that particular site. For these reasons, and as explained in the ESEE analysis, the JCZO amendments are consistent with Goal 5.

V. Consistency with Goal 2 — Adequate Factual Base

Petitioners contend that the JCZO amendments are inconsistent with Statewide Planning Goal 2, which requires that legislative land use decisions must be supported by an "adequate factual base." It is well-established that the Goal 2 "adequate factual base" requirement is identical to the substantial evidence requirement applied to quasi-judicial land use decisions. *1000 Friends of Oregon v. City of North Plains*, 27 Or LUBA 372, 377-78, *aff'd* 130 Or App 406, 882 P2d 1130 (1994).

However, it is also well-established that local governments are not required to adopt findings in making *legislative* land use decisions. Petitioners allege that the County is required by JCZO Section 803 to adopt findings in support of its legislative decisions. The County interprets JCZO Section 803 to apply only to quasi-judicial decisions on applications for zone or plan amendments, and not to legislative decisions. Section 803 is entitled "Standards for Granting an Amendment," and is clearly directed at *applications* for amendments, which the ordinance requires to be "approved, denied, or modified." Section 803 also requires the Board of Commissioners to determine that "the applicant has a bona fide intent to use and develop the land as proposed," which is clearly a requirement for a quasi-judicial decision. Because the County interprets JCZO Section 803 to only apply to quasi-judicial decisions, and the amendments at issue are being adopted through a legislative process, the County finds that Section 803 does not require that specific findings must be adopted as part of its decision.

Nonetheless, the County has adopted findings demonstrating consistency with the provisions of the JCCP that Petitioners have identified, or has proposed revisions designed to ensure consistency. As described in more detail in Section I above, the JCZO amendments

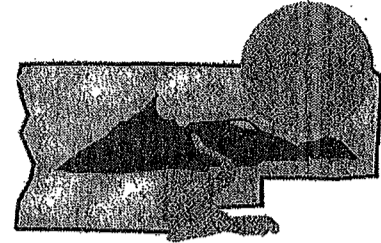
are consistent with JCCP policies and objectives regarding the preservation of farmland, extension of public utilities and services, wildlife habitat and migration routes, visual standards, and Local Advisory Committee review in the Camp Sherman Area.

Substantial evidence exists to support a finding when the record, viewed as a whole, would permit a reasonable person to make that finding. *Dodd v. Hood River County*, 317 Or 172, 179, 855 P2d 608 (1993). Where the evidence in the record is conflicting, if a reasonable person could reach the decision the county made in view of all the evidence in the record, the choice between conflicting evidence belongs to the county. *Mazeski v. Wasco County*, 28 Or LUBA 178, 184 (1994), *aff'd* 133 Or App 258, 890 P2d 455 (1995). The County finds that there is substantial evidence in the record to support its conclusion that the JCZO amendments are consistent with all applicable JCCP policies and objectives, and that the Goal 2 requirement that legislative decisions be supported by an adequate factual base is satisfied.

JEFFERSON COUNTY

Community Development Department

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March 27, 2003

To: Jefferson County Board of Commissioners

EXHIBIT C

From: Butch Parker, Administrator

Subject: Proposed Findings For Casefile 00-PA-01 Compliance with State and County Land Use Goals and an ESEE analysis for Goal 5 Resources

SPECIAL NOTE: This analysis contains general findings for Casefile 00-PA-01 to assure compliance with State and County land use Goals. The specific findings are noted below regarding an ESEE conflict analysis, supporting adoption of recommended draft language in Exclusive Farm Use (EFU), Rangeland (RL) or Forest Management (FM) Zones that contain an applied Wildlife Overlay Combining Zone and significant historic archaeological site preservation.

GENERAL FINDINGS FOR CASEFILE 00-PA-01
COMPLIANCE WITH STATE AND COUNTY COMPREHENSIVE PLAN GOALS

GOAL 1 – CITIZEN INVOLVEMENT The County Planning Commission and Board of Commissioners find that Goal 1 has been complied with by the mailed notices (6472) given to all property owners in the County outside the City limit boundary of incorporated Cities in accordance with the 1998 Law, commonly known as Ballot Measure 56, local newspaper public notices and public hearings held before the Commissioners during the review of Casefile 00-PA-01. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING The purpose of the State and County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision making. This Goal has been complied with by implementation of the following;

- a. Adoption of Zoning Ordinance language that is equal to or more restrictive than State ORS 215 statutes.
- b. Identification of conflicts and consequences through an ESEE analysis for each resource.
- c. Adoption of amendments to the Text in the Zoning Ordinance to correct past errors and omissions to make the enforcement of the Zoning Ordinance more clear and objective.

GOAL 3 – AGRICULTURAL LANDS This Zoning Ordinance does not conflict with Goal 3. New proposed non-farm uses have been clearly identified and adoption of language in the Zoning Ordinance that is in accordance with ORS 215 statutes assures that protection and preservation of farmland and reduction of

significant impacts to typical farm uses has been complied with. The adopted Zoning Ordinance Text does not preclude the continuation of any existing farming practices. Adoption of Sections 427, 428 and 429 does not conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS The Text adopted for Section 303, Forest Management, of the Zoning Ordinance has been amended to be made current and has been amended in accordance with State statutes and Oregon Administrative Rules Chapter 660, Division 006. County compliance with current State statutes and OAR's assures that no conflicts with Goal 4 exist. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES Compliance with Goal 5 is discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain density limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOAL 6 - AIR, LAND AND WATER RESOURCES The adopted Zoning Ordinance contains requirements for preservation of land and water resources. The County relies on the State Department of Environmental Quality to monitor and enforce air quality standards. This Goal has been complied with.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS The 1999 Legislature directed the Department of Geology and Mineral Industries (DOGAMI) to identify all potential areas that may contain hazardous landslides throughout the entire State. DOGAMI has not completed identification of the hazardous landslide areas within the County at this time. The County will proceed to identify hazardous areas on a Comprehensive Plan map after DOGAMI completes the Legislative directed task. The adopted County Zoning Ordinance includes regulations in Section 316, Flood Plain Combining Zone and Section 415, Soil Hazard Procedures that continue to assure compliance with the purpose of this Goal. This Goal has been complied with.

GOAL 8 – RECREATION NEEDS The Zoning Ordinance of the County includes Three Rivers Recreation Area and Waterfront Zone and Park Management Zone that encourages and protects recreation needs in the Metolius, Deschutes, and Crooked Rivers that are restricted by Pelton-Round Butte Dam, forming Lake Billy Chinook. The County continues to support ideas and concepts for other recreation needs as presented for review within the guidelines of preserving other resources in the County. This Goal has been complied with.

GOAL 9 – ECONOMY OF THE STATE Preservation of designated resources in the County contributes to Oregon's increasingly important farming, timber industry, recreational and tourism economy. The Zoning Ordinance contains regulations and restrictions that maintain a fair balance in land use laws and issues, yet still allowing enterprising and economic development to continue. This Goal has been complied with.

GOAL 10 – HOUSING The amendments and additions adopted in the Zoning Ordinance have not imposed additional significant types of restrictions that reduce or eliminate the ability of a property owner to establish a single-family dwelling on any legal lot of record within the County. The County has established specific Zoning regulations for Rural Residential Housing needs that are typically applied to lands inside the Urban Growth Boundary (UGB). The County provides a variety of residential area opportunities from near

urban subdivision lots to very primitive living conditions for dwellings that do not include readily available water, power or maintained County roads. This Goal has been complied with.

GOAL 11 – PUBLIC FACILITIES The adopted Zoning Ordinance language recognizes the location of public facilities in accordance with state land use regulations. County established criteria for siting the public facilities in accordance with state land use regulations assures adequate delivery of public services in a more efficient manner. This Goal has been complied with.

GOAL 12 – TRANSPORTATION The adopted Zoning Ordinance recognize some areas within the County that may permit dwellings, however, there may be insufficient funding to fully maintain the road system to the dwelling. The County will require that property owners requesting a dwelling in a remote area of the County to sign a "*Waiver Of Right To Remonstrate Against The Construction And Maintenance Of County Roads*", that would service the new dwelling, until such time that adequate funding is available. All other road transportation facilities within the County will be constructed and maintained within this Goal as outlined in the Transportation System Plan of the County. This Goal has been complied with.

GOAL 13 – ENERGY CONSERVATION Any outright permitted use or conditional use of development under the adopted Zoning Ordinance will be typically located within areas that are adjacent to public roads. Restrictions on dwelling placement in the Wildlife Combining Overlay Zone will reduce vehicle traffic distances to public roads, thereby, improving energy conservation. Remote dwelling locations will encourage alternate solar energy sources for power and water supplies, therefore, reducing power demands on hydroelectric or fossil fuel sources.

GOALS 14 – URBANIZATION The urbanization goal is to provide an orderly and efficient transition from rural to urban land use. The County has entered into an Urban Growth Area Management Agreement with all incorporated cities in Jefferson County. The adopted Zoning Ordinance has a 2 acre minimum for Rural Residential development. The ordinance also identifies unincorporated rural communities that comply with goal 14. The County Commercial Zone has development standards that are equal to or less dense than those that apply to Rural Communities. This goal has been complied with.

GOALS 15 through 19 not applicable

ESEE ANALYSIS
FOR
JEFFERSON COUNTY ZONING ORDINANCE
COMPLIANCE WITH GOAL 5

The JCZO language contains new or amended outright permitted or conditional uses. The purpose of these findings is to support compliance of Casefile 00-PA-01 with State Land Use Goals and the County Comprehensive Plan Goals. The recommendation for final adoption by the Board of Commissioners contains an inventory, conflicts analysis and the analysis of the Economic, Social, Environmental and Energy (ESEE) consequences of protecting or not protecting identified State and County Goal 5 resources (see list below) including significant streams and adjacent riparian habitat, sensitive wildlife habitat area resources and archeological sites.

State Land Use Goal 5 Resources

1. Land needed or desirable for open space
2. Mineral and aggregate resources
3. Energy sources
4. Fish and wildlife areas and habitats
5. Ecologically and scientifically significant natural areas, including desert areas
6. Outstanding scenic views and sites
7. Water areas, wetland, watersheds and groundwater resources
8. Wilderness areas
9. Historic areas, sites, structures and objects
10. Cultural areas
11. Potential and approved Oregon recreation trails
12. Potential and approved federal wild and scenic waterways and state scenic waterways

The ESEE analysis by the County is required for Casefile 00-PA-01 in order to comply with Statewide Planning Goal 5 and the implementing administrative rule OAR 660-23-0040. As stated in 660-23-0040, "The ESEE analysis need not be lengthy or complex, but should enable the reviewers to gain a clear understanding of the conflicts and consequences to be expected." The County shall (1) Identify conflicting uses (2) Determine the impact area (3) Analyze the ESEE consequences and (4) Develop a program to achieve Goal 5.

Jefferson County Zoning Ordinance (JCZO) Amendments

- EFU A-1, A-2 and Rangeland

The County Comprehensive Plan, adopted in 1981, contained a limited analysis of Goal 5 resources. Goal 5 resources identified in the adopted Comprehensive Plan were limited to major county streams, lakes and impoundments, thirty-eight (38) mineral and aggregate resources and ten (10) historic sites. The County later adopted 0-124-97 to apply protection to riparian areas of significant streams to protect Fish habitat, Ordinance 0-53-93 to identify big game wildlife habitat areas and Ordinance 0-49-97 to identify sensitive bird habitat areas. The County has not completed a countywide comprehensive analysis of any additional designated Goal 5 resources since 1981. In the absence of a new detailed analysis of identified Goal 5 resources, the County will continue to protect only previously identified resources in the Comprehensive Plan until a Goal 5 inventory is completed. The County will rely on State or Federal laws for resource protection pending a new countywide Goal 5 inventory. The proposed JCZO amendments would add new Section 429, Archeological Preservation, to protect historic areas, sites, structures and objects in accordance with the Goal 5 purpose. A Goal 5 resource analysis in the future will locate and identify known archeological sites in the County for implementation of criteria to be in compliance with Goal 5.

The Jefferson County Board of Commissioners in Ordinance 0-20-81 adopted the existing Jefferson County Zoning Ordinance (JCZO), including Section 301, EFU (A-1) and Section 302, Rangeland. The JCZO has been amended through various actions of the County Commissioners since that original adoption. The Board of Commissioners adopted Section 421, Wildlife Combining Overlay Zone, in Ordinance 0-53-93. The designated Wildlife Combining Overlay boundaries adopted in Ordinance 0-53-93 were based upon a map, provided by the Oregon Department of Fish and Wildlife (ODFW), that was re-created onto the official County Zoning Map acknowledged by the County Commissioners on February 10, 1999. When Ordinance 0-53-93 was adopted an ESEE analysis for that Ordinance was apparently deferred to the future regarding an individual case-by-case basis for development impact considerations.

- Analysis Of Potential Conflicts To Identified Goal 5 Resources by Uses Authorized in JCZO amendments to Section 301, Exclusive Farm Use (EFU A-1) and Section 301.1, Exclusive Farm Use (EFU A-2) Zone.

The Board of Commissioners concludes that based upon the absence of inventoried Goal 5 resources in those portions of the A-1 zone affected by the JCZO amendments, the adoption of the amendments to JCZO sections 301 affecting the EFU A-1 and A-2 zones will not result in conflicts with identified resources and therefore no ESEE analysis is required under the Goal 5 rule with respect to those amendments

- Analysis of Potential Conflicts to Goal 5 Resources by New Uses Authorized by Amendments to Section 302, Rangeland (RL) Zoned Property.

Amendments to section 302 of the JCZO authorize permitted, conditional and administrative uses for the Rangeland Zone. Outright permitted uses in the Rangeland Zone are extremely limited in number and include the uses that have been determined by the State and adopted by the Board of Commissioners to be customarily non-impacting on any typical Rangeland Zone uses and Goal 5 resources. The Conditional and Administrative

uses designated in the Rangeland Zone must be reviewed by the Jefferson County Planning Commission/ Planning Administrator to assure strict compliance with state statutes, the Jefferson County Comprehensive Plan (JCCP), and all other applicable JCZO regulations and conditional use criteria.

The following uses authorized by the JCZO amendments to Section 302 could result in conflicts with identified Goal 5 resources, including the Wildlife Combining Overlay Zone and designated riparian areas previously adopted by the County:

2. *Farm related dwellings, on 320 acres or more, including principal farm dwellings and accessory farm dwellings.*

CONFLICT ANALYSIS

Single family dwellings and accessory dwellings established in conjunction with farm use may contribute to certain types of impacts to designated Goal 5 resources such as clearing of streamside vegetation in Riparian areas or classified wetlands, increased vehicle traffic, external noises created by the dwelling occupants, introduction of domestic animals that may harass wildlife, construction of fences limiting natural migration of big game animals, increased hazard of fire by introducing potential ignition sources related to the dwelling.

IMPACT AREA

The County has determined that there are 566 Tax Lots containing more than 320 acres in size. There are an estimated 91 existing single-family dwellings currently located on lots with more than 320 acres. The 320+ acre lots contain 315,770 acres.

ESEE CONSEQUENCES

Oregon Department of Fish and Wildlife (ODFW) representatives have stated during public testimony of Ordinance 0-53-93, that any new parcel created in the Rangeland Zone, containing 80 acres or more, would not conflict with wildlife habitat in the Rangeland Zone. The County has adopted the existing minimum new lot size for the Rangeland Zone of 160 acres that exceeds ODF&W minimum lot size recommendations. In the Grizzly Antelope Winter Range designated on the Comprehensive Plan Map, the minimum lot size for new parcels is 320 acres. Farm related dwellings located on more than 320 acres in the Rangeland Zone are recognized in OAR 660-033-0135(1)(a)(B) as outright permitted uses and any impacts associated with dwellings are considered to be relatively insignificant when compared to smaller parcels.

Based upon the relatively large size of the parcels over 320 acres and limited potential impacts, the County has concluded that compliance with State acknowledgement of outright permitted uses as designated in OAR 660-033-0135 assures there are no significant ESEE consequences for permitting farm dwellings on parcels over 320 acres.

3. *Commercial activities that are in conjunction with farm uses.*
4. *Operations conducted for the exploration, mining and processing of aggregate and other mineral resources or other subsurface.*

5. *Parks, hunting and fishing preserves and campgrounds. Not permitted on high-value farmland.*
6. *Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities.*
7. *A facility for the primary processing of forest products.*
8. *Utility facility necessary for public services for the purpose of generating power for public use by sale and transmission towers.*
9. *Churches and cemeteries in conjunction with churches.*
10. *Stream fill and removal*
11. *Improvements of road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of additional lands.*

CONFLICT ANALYSIS

Each of the previously adopted Zoning Ordinance conditional uses listed in Conditional Uses 3-11 above are site-specific activities that may conflict with designated Goal 5 Resources. These conditional uses typically include surface area disturbance and possible disruption of wildlife habitat, unknown historic or cultural areas, scenic view areas, riparian areas or existing mineral or aggregate sites. Disturbance of any of these Goal 5 Resources may create a significant loss of an important part of a resource that may not be repaired or replaced.

IMPACT AREA

The entire designated Rangeland Zone area boundary, containing approximately 371,934 acres of private ownership, within the County is specified as the impact area.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas were to remain unprotected, unrestricted land use could lead to a negative impact on Goal 5 Resource Values including Big Game Habitat, Riparian Areas, Bird Sites, and Potential Wetlands. The protection of these Goal 5 resources can have an economic consequence on private property owners.

Social: Loss of Goal 5 Resources will reduce the social values previously achieved by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resources will lessen inherent social values.

Environmental: Loss of Big Game Habitat and other Goal 5 Resources will result in a degradation of other symbiotic factors of the environment with a proportionate decrease in the numbers of life forms, not limited to animals or fowl, that are a direct part of the food chain.

Energy: Increased conditional uses approved for development on Goal 5 Resource areas generally causes scatterization of distribution systems for energy, resulting in more costly energy prices for the consumer.

Program to Achieve the Goal: By enacting certain reasonable restrictions for development of dwellings that are outright permitted or conditional uses, the Board of Commissioners continues to recognize property owners historic land use rights based upon the development restrictions that were in effect at the time of creation of a legal lot of record in the specific resource zones. The reasonable restrictions that reduce potential conflicts with Goal 5 resources are outlined in Section 321-Wildlife Overlay Combining Zone, Section 325-Riparian Corridor Buffer Combining Zone, Section-404 Fences, Section 419- Riparian Buffer Section 420-Endangered Species, Section 426-Fire Safety Standards, and Section 603-Standards Governing Conditional Uses of the Jefferson County Zoning ordinance. These sections protect the existing vegetation abutting streams and wetlands, limit the height of fences in Wildlife Overlay Zones, set limits of development within Sensitive Bird areas and set fire standards for any structures that may be subject a fast moving wild fire hazard.

- **Analysis Of Potential Conflicts with Goal 5 Resources By Permitted or Conditional Uses In Section 427 Wireless Communication Towers**

The location and construction of wireless communication towers has become more active in Jefferson County in recent years. The JCZO has previously allowed a communication utility facility as an outright permitted use. County has not regulated the siting of these facilities, however, the recent proliferation of towers located in Deschutes County has caused Jefferson County to consider controlled regulation of wireless communication facilities. The actual site construction of a tower facility only physically occupies an area of approximately 50'x50' or less. The major impact associated with a tower is related to visual obstruction of scenic values. The Goal 5 Resources includes "outstanding scenic views and sites" and protection of this Resource is required when designated. The County Comprehensive Plan has not been amended to designate any specific area or view shed within the County as being outstanding or scenic. The regulations contained within Section 427 will require an applicant to make a good faith effort to site the facility in such a manner or location to minimize the impact on scenic views within a distance of 1,320 feet or 2,640 feet (depending on the height of the tower) of the proposed site utilizing trees, vegetation or topography to the maximum extent possible. Adoption of Section 427 will assure compliance with the Comprehensive Plan Goal 5 stated Objectives and Policies.

Compliance with State and County Land Use Goals

GOAL 1 – CITIZEN INVOLVEMENT. All Tax Lot owners with property outside the Urban Growth Boundaries within the County have been provided a notice in accordance with Ballot Measure 56 requirements and published public notices in the Madras Pioneer have been included prior to each scheduled hearing. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING. The purpose of the County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision-making. This Goal has been complied with by adoption and implementation of Section 427 that is equal to or more restrictive regarding historic archeological sites identified under State or Federal statutes.

GOAL 3 – AGRICULTURAL LANDS. Agricultural lands may contain an appropriate engineered site for wireless communication tower. The siting of a tower within an area of approximately 50'x50' will remove

agricultural farm soil or high-value farm soil areas from crop production capability. The total area occupied by a tower in high-value farm soil area is considered to be very minimal and siting of a wireless facility footprint will be considered an insignificant removal of productive farm soil. The construction of wireless towers does not create a significant conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS Forest management designated lands may contain an appropriate engineered site for a wireless communication tower. The siting of a tower within an area of approximately 50'x50' will remove that area from timber production. The total area occupied by a tower in a forest management area is considered to be very minimal and insignificant removal of productive timber soil. The construction of wireless towers does not create a significant conflict with Goal 4. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES
Adoption of Section 427 regarding Wireless Communication Towers that contains restrictions on placement of the Towers in relation to scenic values assures compliance with Goal 5. The regulations are more particularly discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

IMPACT AREA

The location of wireless communication towers could be spread at locations throughout the County. There are specific limitations regarding line-of-sight between towers using current technologies for wireless communications. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential area acreage for Section 427.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas were to remain unprotected from the random location of wireless communication towers, unrestricted land use could lead to a negative impact on Goal 5 Resource Values related to designated outstanding scenic views and sites. Proliferation of visual obstructions to local view sheds may reduce values of property with existing permitted dwellings. Requirements for wireless communication towers to locate at an alternative site to protect scenic values may create additional costs to the construction of the facility.

Social: The loss or significant impact of Goal 5 Resources related to scenic views will reduce the social values previously achieved by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resource scenic views may lessen inherent social values.

Environmental: The construction of wireless communication towers only disturbs a visual environment. The size of the actual disturbed area on the ground is approximately 50'x50' and minimal impact to soils or

adjacent properties shall occur. Visual environment impact is speculative to the viewer. Uncontrolled placement of wireless communication towers could eventually create a visual wall of towers Countywide.

Energy: Wireless Communication Tower locations do not always require direct electric power furnished to the remote sites. Solar energy is an alternative energy power source to operate the wireless facility. No significant impact to energy sources is anticipated by location of wireless communication facilities.

Program to Achieve the Goal: The County has adopted Section 427 to regulate the location of wireless communication towers. An applicant is required to co-locate on an existing tower unless an engineer determines service to a desired area cannot be provided by co-locating. The applicant shall minimize the impact on scenic views within a 1/4 or 1/2 mile of the proposed site. Any tower or mono-pole that is abandoned for 1 year shall be removed. The regulations in Section 427 have been established to minimize number of towers erected and assure the protection of Goal 5 designated view sheds within specified distances from any tower erected.

- **Analysis Of Potential Conflicts with Goal 5 Resources By Permitted or Conditional Uses In Section 428 Burial of Human Remains On Private Property**

The State Statutes contain regulations regarding the burial of human remains outside of a designated Cemetery. The County has determined, that in order to have a more active role in any request for a burial of human remains on private property, creation of a specific Section in the Zoning Ordinance should be added. Compliance with the Section 428 of the County Zoning Ordinance and State Statutes regarding the burial of human remains on private property shall assure the safety and welfare of the Citizens of Jefferson County.

Compliance with State and County Land Use Goals

GOAL 1 – CITIZEN INVOLVEMENT. All Tax Lot owners with property outside the Urban Growth Boundaries within the County have been provided a notice in accordance with Ballot Measure 56 requirements and published public notices in the Madras Pioneer have been included prior to each scheduled hearing. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING. The purpose of the County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision-making. This Goal has been complied with by adoption and implementation of Section 428 that is equal to or more restrictive than State Statutes regarding burial of human remains on private property sites.

GOAL 3 – AGRICULTURAL LANDS. Agricultural lands may be used for the burial of human remains. The burial plot area designated for the human remains will normally be expected to be protected by fencing or other form of a barrier that will remove a small area surrounding the burial site from any agricultural farm soil or high-value farm soil areas from crop production capability. The total area occupied by the burial site, including fencing, shall be regarded as very minimal and insignificant removal of productive farm soil. The locations of burial sites do not create a significant conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS Forest management designated lands may contain a burial site for human remains. The siting of a burial plot, protected by fencing or other form of a barrier, will remove that area from timber production. The total area occupied by a burial plot in a forest management area is considered to be very

minimal and insignificant removal of productive timber soil. The location of a burial site for human remains does not create a significant conflict with Goal 4. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 428 regarding burial of human remains does not contain restrictions on placement of the burial plot location in relation to open spaces, scenic resources and historic area values. Burial plots are sub terrain, retain open space surrounding the location(s) and most likely contain some historic significance to the plot occupant, therefore, assures compliance with Goal 5. The regulations are more particularly discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain limitations and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

CONFLICT ANALYSIS

Adoption of Section 428 may impact designated Goal 5 Resources. An area identified as burial of human remains site requiring certain recognition and protection may restrict any further disturbance of the area, thereby, taking valuable farm or forest cropland out of production. Withdrawal of valuable lands for burial of human remains will impact property values of affected lands.

IMPACT AREA

The location of burial of human remains could be placed at virtually any location throughout the County. There are specific limitations regarding actual locations of the burial plots related to property lines and water sources. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential impact area acreage for Section 428.

ESEE CONSEQUENCES

Economic: The establishment of a burial plot on private land may impact the value of the property. The decision of surviving relatives to bury human remains on private land becomes a personal choice of the relatives with possible future negative financial consequences that are beyond the liability or responsibility of the County.

Social: The loss or significant impact of Goal 5 Resources related to burial of human remains is very limited and minimal. Frequency of requested burial of human remains on private is very limited based upon historic records and knowledge of the County personnel. Denying the right to bury human remains on private property may reduce the private property ownership social values previously acknowledged by Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle.

Environmental: There is an anticipated impact on the environment related to ground water and possible contamination of the burial area from human remains, unless very specific burial standards are followed.

Section 428 specifies the health related standards that must be complied with to assure limited impact to environment.

Energy: No significant impact to energy sources is anticipated by burial of human remains on private property.

Program to Achieve the Goal: The County has adopted Section 428 to regulate the location of burial sites on private property throughout the County. This section lists the property owner's responsibilities, the setback requirements from any water supply and the requirements for recording the burial site. These regulations have been established to assure the protection of Goal 5 resources that may have potential conflicts.

- **Analysis Of Potential Conflicts with Goal 5 Resources By Permitted or Conditional Uses In Section 429-Archeological Preservation**

Compliance with State and County Land Use Goals

GOAL 1 – CITIZEN INVOLVEMENT. All Tax Lot owners with property outside the Urban Growth Boundaries within the County have been provided a notice in accordance with Ballot Measure 56 requirements and published public notices in the Madras Pioneer have been included prior to each scheduled hearing. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING. The purpose of the County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision-making. This Goal has been complied with by adoption and implementation of Section 429 that is equal to or more restrictive regarding historic archeological sites identified under State or Federal statutes.

GOAL 3 – AGRICULTURAL LANDS. Agricultural lands may contain archeological sites of significant importance. Many lands within the County have been cleared by intensive agricultural farm practices and some cultural or archeological sites may have been unknowingly eliminated. Uncultivated agricultural lands may still contain areas of archeological interest that will be protected upon adoption of Section 429. The adopted Zoning Ordinance Text does not preclude the continuation of any existing farming practices. Adoption of Section 429 does not conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS Forest management designated lands may contain archeological sites of significant importance. Many forested lands within the County have been cleared by intensive forest management practices and some cultural or archeological sites may have been unknowingly eliminated. Forestlands that remain undisturbed may still contain areas of archeological interest that will be protected upon adoption of Section 429. The adopted Zoning Ordinance Text does not preclude the continuation of any existing forest management practices. Adoption of Section 429 does not conflict with Goal 3. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 429 regarding Archeological Preservation assures compliance with Goal 5 and is further discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain density

limitation and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

- **Analysis Of Potential Conflicts with Goal 5 Resources By Permitted or Conditional Uses In Section 429 Archeological Preservation**

The County Comprehensive plan adopted as Ordinance 0-20-81 contained Goal 5 Objective (5-J) that committed the County to Protect the Historic resources of the area. Policy 5-J-1 states, "The Historic Sites of Special Local Interest listed in the historic resource inventory will be mapped in the Jefferson County Museum." Policy 5-J-3 states, "The sites of Special Local Interest, and the historic cemeteries, as they are located, shall be protected from destructive alteration for an appropriate period of time while historic preservation organizations are notified of the proposed alteration." Table 15 of the Comprehensive Plan lists 10 historic sites of special local interest. An additional 25 sites were listed as warranting designation and explanation in the County Historic museum. No further action to designate historic sites has been conducted by the County since adoption of the Comprehensive Plan.

The County has previously relied on State statutes for the protection of Goal 5 historic resources, including archaeological objects and sites. The County has received input from the Public, Staff, Department of Land Conservation and Development and Commission on Indian Services and has recommended adoption of the language in Section 429 of the Jefferson County Zoning Ordinance. The purpose of Section 429 is to provide a means of designating and protecting archaeological resources in a manner complying with state land use planning requirements and state laws regarding archaeological sites and cultural resources. Adoption of Section 429 will assure compliance with the Comprehensive Plan Goal 5 stated Objectives and Policies.

Compliance of Section 429 with State and County Land Use Goals

GOAL 1 – CITIZEN INVOLVEMENT. All Tax Lot owners with property outside the Urban Growth Boundaries within the County have been provided a notice in accordance with Ballot Measure 56 requirements and published public notices in the Madras Pioneer have been included prior to each scheduled hearing. This notification process allows citizen involvement and this Goal has been complied with.

GOAL 2 – LAND USE PLANNING. The purpose of the County Comprehensive Plan Goal 2 is the establishment of a land use planning process and to assure an actual factual base for land use decision-making. This Goal has been complied with by adoption and implementation of Section 429 that is equal to or more restrictive regarding historic archeological sites identified under State or Federal statutes.

GOAL 3 – AGRICULTURAL LANDS. Agricultural lands may contain archeological sites of significant importance. Many lands within the County have been cleared by intensive agricultural farm practices and some cultural or archeological sites may have been unknowingly eliminated. Uncultivated agricultural lands may still contain areas of archeological interest that will be protected upon adoption of Section 429. The adopted Zoning Ordinance Text does not preclude the continuation of any existing farming practices. Adoption of Section 429 does not conflict with Goal 3. This Goal has been complied with.

GOAL 4 – FOREST LANDS Forest management designated lands may contain archeological sites of significant importance. Many forested lands within the County have been cleared by intensive forest management practices and some cultural or archeological sites may have been unknowingly eliminated. Forestlands that remain undisturbed may still contain areas of archeological interest that will be protected upon adoption of Section 429. The adopted Zoning Ordinance Text does not preclude the continuation of any existing forest management practices. Adoption of Section 429 does not conflict with Goal 3. This Goal has been complied with.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Adoption of Section 429 regarding Archeological Preservation assures compliance with Goal 5 and is further discussed under specific findings in the ESEE analysis noted below regarding historic areas and natural resources. Jefferson County has instituted land use categories in the Zoning Ordinance that contain density limitation and development standards that substantially retain the character of the area and have served to preserve Open Space and/or Scenic area character of the County. This Goal has been complied with.

GOALS 6 – 19 Not Applicable

CONFLICT ANALYSIS

Adoption of Section 429 may conflict with designated Goal 5 Resources. An area identified as an archeological site requiring protection may restrict any further disturbance of the area, thereby, taking valuable farm or forest cropland out of production. Withdrawal of valuable lands for archeological site preservation will impact property values of affected lands.

IMPACT AREA

The entire surface area of Jefferson County has been occupied by various native cultures, whether passing through the area or remaining to settle. The early history of the area began long before Europeans set foot on the North American continent. Ancestors of today's Confederated Tribes of Warm Springs have occupied the area of present day Jefferson County for centuries. As a result of that native occupation, many undetected historic sites may still remain today. The fully developed and urbanized areas that exist today do not likely contain significant archeological sites that have not been uncovered. The entire county area containing (approximately 1,148,160 acres), excluding the area of Warm Springs Reservation and incorporated Cities of Madras, Metolius and Culver, will define the potential impact area acreage for Section 429.

ESEE CONSEQUENCES

Economic: If designated Goal 5 areas containing archeological or historic sites were to remain unprotected, unrestricted land use could lead to a negative impact on Goal 5 Resource Values. The protection of these Goal 5 resources can have an economic consequence on private property owners.

Social: Loss of Goal 5 Archeological site Resources will produce a negative impact on the historic interaction and association of the Confederated Tribes of Warm Springs ancestors and the social values of that relationship achieved previously by citizens of Jefferson County over the long term. The County is historically noted for the rural lifestyle and attendant social values that accompany that lifestyle. In the long term, reduction of Goal 5 Resources will lessen inherent social values.

Environmental: Loss of Goal 5 Resources related to historic or archeological important will not likely result in a degradation of other symbiotic factors of the environment or a proportionate decrease in the numbers of life forms, not limited to animals or fowl, that are a direct part of the food chain.

Energy: Loss of Goal 5 Resource related to historic or archeological sites areas generally will not impact any distribution systems for energy, unless the sites are identified at a proposed energy facility.

Program to Achieve the Goal: Section 429 defines what Archaeological Objects And Sites are pertaining to this ordinance. The section sets out the standards and identifies the permits required for any person wishing to survey property to determine the presence of any Archaeological Objects or Sites. This section also sets forth the procedures to be followed if any Objects or Sites are accidentally exposed. By enacting this section, the County is assured that any significant conflicts with Goal 5 Historic or Archaeological resources will be reduced or eliminated.