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**Appendix J**  
**Jackson County Comprehensive Plan Designations**

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## AGRICULTURAL LAND

1) Purpose:

Areas designated as Agricultural Land in Jackson County will be zoned for Exclusive Farm Use pursuant to ORS Chapter 215 and Statewide Planning Goal 3, unless otherwise designated as Forest Land pursuant to Goal 4. Jackson County intends to preserve agricultural lands for farm use, preventing uses or activities that are incompatible with farm use within or near agricultural land.

2) Map Designation Criteria:

- A) Agricultural Land does not include land within acknowledged urban growth boundaries or land within areas acknowledged as exceptions to Statewide Planning Goal 3.
- B) Agricultural Land comprises:
- i) Land classified by the USDA Natural Resource Conservation Service as predominantly Class I-IV soils; and,
  - ii) Land in other soil classes that is suitable for farm use as defined in ORS 215.203 (2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farm practices; and,
  - iii) Land that is in capability classes other than classes I-IV that is adjacent to or intermingled with lands in capability classes I-IV within a farm unit inventoried as agricultural lands even though this land may not be cropped or grazed; and,
  - iv) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby lands, but which would not otherwise qualify as Agricultural Land, is nonetheless designated as Agricultural Land.
- C) Proposals to remove areas from the Agricultural Land designation that are based on demonstrating the inapplicability of Statewide Planning Goals 3 or 4 must be supported by a land use study of the surrounding area within one mile of the subject property. The study must:
- i) Inventory historic and current farm uses that have occurred on the subject property and within the study area; and,
  - ii) Provide an analysis prepared by an agricultural engineer, agronomist, or similarly qualified professional that relates soil limitations, irrigation, climate, and other agricultural capability factors that prevent use of the subject property as permitted under the state's Goal 3 land use program. The soils component of the analysis must be consistent with the NRCS Soils Maps for Jackson County, or be supported by more detailed soils data based on the NRCS land capability classification system; and,
  - iii) Identify other resource-zoned properties within the study area that are similar to the subject property with respect to agricultural capability, and analyze the potential cumulative impact on the remaining agricultural lands should the proposed nonresource designation be allowed for the

subject property and the other lands in the study area that are similarly limited in agricultural capability;

- iv) Provide a supported conclusion that the subject area need not be identified as Agricultural Land based on the requirements of Statewide Planning Goal 3, as set forth in OAR 660, Division 033, Rule 30 (Identifying Agricultural Land); and,
- v) The subject area must be shown to otherwise qualify for a Plan map designation in accordance with the Jackson County Comprehensive Plan.

3) Establishment of Zoning Districts:

- A) The Exclusive Farm Use (EFU) zoning district will be established on the Jackson County Zoning Maps for all Plan map designated Agricultural Land, and permissible development standards will be established in the Jackson County Land Development Ordinance in accordance with state law and the Jackson County Comprehensive Plan. It may also be applied to land designated on the Comprehensive Plan for long-range nonresource uses as an interim zoning district (e.g., within an urban growth boundary).

## **RURAL RESIDENTIAL LAND**

### 1) Purpose:

The official Plan map designates rural residential areas to provide for moderate to large acreage homesites in an open setting, consistent with the physical capacity of the land to accommodate such development. Exceptions to statewide planning Goals 3, 4 and 14 (as applicable) are required to establish Rural Residential lands outside adopted Urban Growth Boundaries. The primary purpose of the Rural Residential designation is to enable the retention of land in a rural and open environment, minimizing land uses and parcelization that adversely affect the economic and efficient operations of nearby or adjacent farm, forest, and other resource land dependent operations. This designation also serves as the principle holding category for lands within incorporated cities' urban growth boundaries where extension of public facilities and services would be adversely affected by premature urbanization of the land. The large Rural Residential lot sizes prescribed by this designation will ensure the orderly and economic transition of rural lands to urban uses subject to the respective urbanization agreements between the County and the cities.

It is also the purpose of the Rural Residential designation to provide for some variety and choice of Rural Residential parcel sizes; to allow for small scale farm activities even where the land may not entirely qualify as agricultural land; to control development impacts in adjacent riparian, wildlife, and natural hazard areas; and to provide potential for recreational and institutional usage such as for parks, schools, churches, and other uses provided in accordance with the Plan's implementing ordinances.

### 2) Map Designation Criteria:

- A) Currently designated Agricultural or Forest/Open Space Lands may not be designated as Rural Residential unless an exception to the applicable Goal 3 or 4 is justified in accordance with the Goal 2 Exceptions Process, ORS 197.732, and OAR 660, Division 4.
- B) Rural Residential lands are to be located on lowland foothill, valley terrace, and valley floor areas with a moderate to gently sloping or level terrain. Other lands may also be included which do not logically fit within any other Plan category, where shown to be suitable for residential use. In any case, feasibility of development in accordance with the standards of one or more of the implementing Rural Residential zoning districts must be established. The following requirements must be included within feasibility findings to support a Plan map amendment to Rural Residential:
  - i) Within mutually adopted urban growth boundaries, the designation must not conflict with the city's comprehensive plan or mutually adopted urbanization agreement for the urbanizable area; a public road developed to County road standards sufficient to serve the proposed and existing development exists or is proposed for (re)construction within a five-year period as delineated in the Jackson County Capital Improvements Program or as otherwise assured to meet similar standards in the applicable municipality's comparable public works program; and the designation will preserve the ability to develop future sewer, water, and other public utility systems necessary for the long-term urbanization of the area.
  - ii) Outside urban growth boundaries, the development potential must not be dependent upon the extension or construction of urban public facilities

such as public sewer or water service, unless an exception to Statewide Planning Goals 11 and 14, as applicable, is justified in accordance with the Goal 2 Exceptions Process, ORS 197.732, and OAR 660, Division 4; private sewage disposal<sup>3</sup> and individual domestic water supply systems must be adequate to service the existing and potential development consistent with the Public Facilities and Services Element of the Jackson County Comprehensive Plan; and a road developed to County road standards C, D, or E, or the equivalent state standards, exists or is proposed for (re)construction within a five-year period as delineated in the Jackson County Capital Improvements Program or as otherwise assured in accordance with OAR 660, Division 12, the Transportation Planning Rule. Forest Service or Bureau of Land Management roads may not be used to satisfy this requirement. However, feasibility of private road access development to a qualifying public road may be considered for Plan amendment purposes.

- C) The subject area must be within a municipal, rural, or voluntary fire protection district having the capacity to serve the existing and potential growth, or is otherwise shown to be provided with contract fire hazard protection service from such a district. The implementing zoning district will be determined, in part, based upon findings of acceptable wildfire hazard risk to the proposed development, the surrounding community, and to nearby commercial timber stands and wildlife areas.
  - D) Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation.
  - E) The Rural Residential designation is appropriately applied where consistent with a rural unincorporated community plan acknowledged under OAR 660, Division 22 (the Unincorporated Community Rule).
- 3) Establishment of Zoning Districts
- A) Rural Residential zoning districts will be established on the Jackson County Zoning Maps and permissible development standards will be established in the Jackson County Land Development Ordinance
  - B) Zoning districts permissible within the Rural Residential category may not permit residential densities exceeding one single family residence per ten acres unless otherwise allowed within an acknowledged urban growth boundary, unincorporated community, or where a Goal 14 exception has been taken.

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<sup>3</sup> Where private sewerage systems are required, the area conditions such as capability of the soils and subsurface geologic characteristics to accommodate on-site systems must meet Department of Environmental Quality regulations for on-site waste disposal systems.

**URBAN RESIDENTIAL LAND**1) Purpose:

The Comprehensive Plan map designates Urban Residential areas where the lands are justified for that use through the Goal Exceptions process or lie within urban growth, urban containment, or urban unincorporated community boundaries. The Urban Residential designation provides for urban level densities where public facilities and services are sufficient to serve that level of development. Urban level development within urban growth boundaries can only occur consistent with the mutually adopted urban growth boundary agreements, which usually require annexation. Urban residential lands in the White City Urban Unincorporated Community Boundary are included in a separate category pursuant to the White City Urban Unincorporated Community Plan, Phase 2.

2) Map Designation Criteria:

- A) Urban Residential areas originally were established by the Jackson County Comprehensive Plan in 1982, and acknowledged by the state in 1983. These areas were located solely within county-designated urban containment boundaries and mutually adopted urban growth boundaries to reflect existing or committed urban residential development;
- B) Additional areas may not be established as Urban Residential Land outside acknowledged urban growth boundaries unless consistent with an urban unincorporated community plan acknowledged under OAR 660, Division 22 (the Unincorporated Community Rule), or where otherwise justified by a Goal 14 exception pursuant to the Goal 2 Exceptions Process, ORS 197.732, and OAR 660, Division 04. An exception to Statewide Planning Goal 11, Public Facilities and Services, will also be needed if the resulting development would violate the provisions of that goal.
- C) Urban Residential areas may be established within acknowledged urban growth boundaries only where consistent with the urbanization policies mutually adopted by the County and the respective city, including the City's comprehensive plan for the area when the City has adopted long-term plan designations beyond its municipal boundary.
- D) Urban Residential land will be located:
  - i) On level or gently sloping terrain and have access to a sufficient urban level of existing or planned public sewer and water facilities to support the extent of development that exists or is otherwise proposed; and,
  - ii) In areas supported by an urban level street system within the County, City, or State transportation system, in close proximity to public schools, shopping facilities, transit, and employment opportunities; and,
- E) Urban Residential land may not be established in areas:
  - i) Impacted by mainline railroads and spur lines, freeways, or high levels of noise, dust, glare, heat, smoke, odors, vibrations, or other obnoxious factors which would impact residential environments; or,
  - ii) Which will, when fully developed, have the potential to create conflicts with resource lands devoted to farm or forest management; or,
  - iii) Which are found to be susceptible to substantial risk from natural hazards.

- F) Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation.
- 3) Establishment of Zoning Districts:
- A) Urban Residential zoning districts will be established on the Jackson County Zoning Maps and permissible development standards will be established in the Jackson County Land Development Ordinance. These districts will provide residential densities of one (UR-1), four (UR-4), six (UR-6), eight (UR-8), ten (UR-10), and thirty (UR-30) dwellings per acre.
  - B) The Urban Residential category provides for a variety of urban densities up to 30 dwellings per acre. The actual allowable density or zoning will be determined by existing use, housing supply, school district capacity, overall land use patterns in the area, capacity of public facilities serving the area, and the ability of emergency service providers to serve the area.
  - C) The County may establish an Urban Residential designation in an area without a corresponding urban residential zoning district where it is found that the subject area is not currently appropriate for urban residential use, but where it is anticipated that Urban Residential land will be needed over the five- to ten-year horizon in order to facilitate mid- to long-term planning for the area. The existing zoning district, or other zoning district suitable to preserve the land for future urbanization, may be established under the Urban Residential Plan designation over the intervening period in these situations.

## COMMERCIAL LAND

1) Purpose:

Commercial Land is established to provide markets in appropriate locations for the efficient and economic exchange of goods and services. The municipalities within Jackson County provide the primary, centralized marketplaces in the region due to the comparative economic advantage of locating places for commercial exchange near the majority of housing and job opportunities.

However, jobs and housing also exist in the rural and urban unincorporated areas of the County. The traveling public also has commercial needs which are related more to the transportation facility than the location of cities, and are thereby appropriately served by the County. Consequently, Commercial Land is designated throughout the County with levels of service regulated by zoning districts. These districts, in turn, must be consistent with state law and the policies adopted by Jackson County in the Rural and Suburban Lands Element, the Urban Lands Element, the Public Facilities and Services Element, and the Transportation Element of the Jackson County Comprehensive Plan. The Jackson County Land Development Ordinance will establish appropriate development restrictions on commercial areas located outside urban growth boundaries in accordance with Goal 14 and the Unincorporated Community Rule (OAR 660, Division 22).

2) Map Designation Criteria:

- A) The Commercial Land designation includes all commercial zoning districts previously acknowledged in unincorporated Jackson County.
- B) Proposals to establish new commercial areas or to expand existing commercial areas on the Jackson County Comprehensive Plan Map must be consistent with the Statewide Planning Goals, the policies embedded within the Elements of the Jackson County Comprehensive Plan, and any County adopted community plan, urbanization agreement, regional plan, or transportation/public facility plan.
- C) A traffic impact analysis is required for all Plan amendments where the proposed commercial land was not previously included in a transportation system plan. Facility improvements, as found to be necessary, must be assured within a five-year time horizon as a requirement for a Plan amendment. The facility plan must be prepared for adoption with the proposed Plan amendment. The actual zone change will require a guarantee of necessary facility improvements upon completion of commercial development. If such improvements are found to be disproportionate to the amount of anticipated development, the proposal may not be approved.
- D) Commercial land must be located where sufficient trade/market area characteristics are shown to be sufficient to warrant the trade and services activities that would be anticipated. Amendment proposals must identify:
  - i) The market projected to be served, including that within incorporated areas; and,
  - ii) The existing and planned inventory of commercial land within the identified market area in terms of total acreage, number of parcels, and level to which such land has been built-out or is otherwise unsuitable to serve the market area; and,
  - iii) The serviceability of the proposed area in terms of compatibility with surrounding lands, load bearing and drainage/environmental constraints

of the site, sufficiency of size to accommodate commercial activities as well as required parking and landscaping, and the availability of adequate public services. Consideration of adequate public services must include police, fire protection, transit, sewer, water, and other public utilities.

- E) The County must consider whether or not extension of facilities is reasonably likely to be required as a result of the proposed amendment, and whether such extension of needed services is appropriate for the planning area.
  - F) The planning area must be serviceable, generally free of environmental constraints, accessible, supportable by the identified market area, and consistent with the applicable state and local urban or rural lands policies. Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation.
  - G) Plan amendment proposals must be coupled with a request for an appropriate zoning district to assure that future commercial uses will not be developed to an intensity inappropriate to the area.
- 3) Establishment of Zoning Districts:
- A) General Commercial (GC):
    - i) General Commercial zoning districts outside acknowledged urban areas may not be expanded in area, and new (GC) zoning districts may not be established, unless an exception to Statewide Planning Goal 14 is justified. Uses within existing (GC) districts outside urban areas may continue or be redeveloped in accordance with the Land Development Ordinance development standards and in accordance with Policy 4 of the Rural and Suburban Lands Element.
    - ii) General Commercial zoning districts may otherwise be established where a Commercial Land Plan designation is located within an urban growth boundary or acknowledged urban unincorporated community boundary and where:
      - a) A County commercial “A” standard road or its equivalent exists to directly serve the area, and where safe and convenient access to the site can be provided without creating traffic or pedestrian conflicts;
      - b) Public sewer and water systems are physically and legally available to serve the area;
      - c) Adjoining residential uses can be adequately buffered or integrated into a mixed-use plan to reduce land use conflicts;
      - d) Adequate area must be available to buffer commercial uses from adjacent industrial or resource lands.
  - B) Interchange Commercial (IC):
    - i) Interchange zoning districts outside acknowledged urban areas may not be expanded in area, and new (IC) zoning districts may not be established, unless an exception to Statewide Planning Goal 14 is justified. Uses within existing (IC) districts outside urban areas may

continue or be redeveloped in accordance with the Land Development Ordinance development standards.

- ii) Interchange Commercial zoning districts are not intended to be created within urban growth boundary areas because urban interchange facilities are of critical importance to the cities' transportation system plans. The (IC) district is enabled along rural Interstate-5 interchanges where Policy 6 of the Rural and Suburban Lands Element is satisfied. In order to approve new (IC) zoning districts, the County must also provide specific and substantive findings that the proposal complies with the Transportation Planning Rule (OAR 660-012), and the Unincorporated Communities Rule (OAR 660-022).
- iii) Adequate area must be available to adequately buffer the commercial uses from residential, farm, forest, and industrial uses located near the subject site.

C) Neighborhood Commercial (NC):

- i) Neighborhood Commercial zoning districts may only be established within urban growth boundaries or urban unincorporated community boundaries in accordance with Policy 7 of the Urban Lands Element, and where urban public facilities and services are available to serve present and future development.
- ii) Proposed (NC) zoning districts must be located:
  - a) Along collector streets at or near corner intersections and within walking or short driving distance for a majority of the local supporting residential population; and,
  - b) Where sufficient parcel size and form is available to accommodate neighborhood commercial activities and incidental parking and landscaping in such a manner that adjacent noncommercial land use conflicts will be minimized; and,
  - c) Where public sewer and water systems are physically and legally available to serve the area.
- iv) Proposed (NC) zoning districts may not be located near school pedestrian crossings or high accident volume intersections, nor areas impacted by mainline railroads and spur lines, freeways, or high levels of noise, dust, glare, heat, smoke, odors, vibrations, or other obnoxious factors.

D) Rural Service Commercial (RS):

- i) Rural Service Commercial zoning districts may be provided in rural areas and unincorporated communities in accordance with Policy 5 of the Rural and Suburban Lands Element. The Jackson County Land Development Ordinance will provide standards to ensure that commercial development intensity conforms with the requirements of the Unincorporated Communities Rule (OAR 660-022) for unincorporated communities, and that lesser intensities be permitted for other rural areas outside acknowledged community boundaries. Rural Service zoning districts in acknowledged unincorporated community boundaries will be distinguished as Applegate Rural Service (ARS), Ruch Rural Service

(RRS), and Sam's Valley Rural Service (SVRS), or as otherwise established in future unincorporated community plans as they occur.

- ii) Adequate area must be available to buffer the commercial uses from residential, farm, forest, and industrial uses located near the subject site.
- iii) The planning area must be located within a fire protection district, or otherwise be able to obtain fire protection service by contract from a fire district.

## **INDUSTRIAL LAND**

1) Purpose:

The Industrial Land designation is intended to provide a supply of sites of suitable sizes, types, locations, and service levels to meet the economic objectives of the region. Industry is the systematic employment of labor to add value to production inputs. Jackson County allocates industrial land supply at different intensities by zoning district to provide the targeted mix of production input factors needed by industrial firms to produce goods and services. The County recognizes the importance of establishing and preserving industrial districts where a combination of production input factors is available to provide an economic comparative advantage to local industry. These areas must be preserved to prevent the crowding out of primary employment areas by incompatible uses.

2) Map Designation Criteria:

- A) The Industrial Land designation includes all industrial zoning districts previously acknowledged in unincorporated Jackson County.
- B) Proposals to establish new industrial areas or to expand existing industrial areas on the Jackson County Comprehensive Plan Map must be consistent with the Statewide Planning Goals, the policies embedded within the Elements of the Jackson County Comprehensive Plan, and any County adopted community plan, urbanization agreement, regional plan, or transportation/public facility plan. The location of industrial uses outside of urban growth boundaries or urban unincorporated community boundaries is specifically subject to Policy 8 of the Economy Element in the Jackson County Comprehensive Plan.
- C) A traffic impact analysis is required for all Plan amendments where the proposed industrial land was not previously included in a transportation system plan. Transportation facility improvements, as found to be necessary, must be assured within a five-year time horizon as a requirement for a Plan amendment unless the proposal identifies a longer term need to preserve the area for industry where a zone change is not anticipated over the short term. A long term transportation facility plan must be prepared for adoption with the proposed Plan amendment in the latter situation. Concurrent zone change requests will require a guarantee of necessary facility improvements upon completion of development. If such improvements are found to be disproportionate to the amount of anticipated development, the proposal may not be approved.
- D) Proposals to remove from or add to the Industrial Land designation must be supported by an economic opportunity analysis with the following information provided:
  - i) Review of national, state, and local trends. The analysis must identify the major categories of industrial uses that could reasonably be expected to locate or expand in the planning area based on available information about national, state, and local trends.
  - ii) Site Requirements. Identify the sites that are likely to be needed by industrial uses which might expand or locate in the planning area, and the extent to which alternate areas are or will be available to satisfy the industrial siting requirements. Types of sites must be identified based on the site requirements of expected uses. Incorporated areas and commercial areas with compatible site requirements will need to be considered where similar locational input factors exist. A use or category of use could reasonably be expected to locate in the planning area if the

area possesses the appropriate locational factors for the use or category of use. These factors include, but are not limited to:

- a) Location relative to markets;
  - b) Availability of key transportation facilities;
  - c) Key public facilities;
  - d) Labor market factors;
  - e) Materials and energy availability and cost;
  - f) Necessary support services;
  - g) Pollution control requirements; or
  - h) Educational and technical training programs.
- iii) Inventory. The analysis will be coordinated with any industrial and commercial lands inventory adopted pursuant to OAR 660-009 by jurisdictions within the delineated market area.
- E) The County must consider whether or not extension of facilities is reasonably likely to be required as a result of the proposed amendment, and whether such extension of needed services is appropriate for the planning area.
- F) Industrial land must be serviceable, generally free of environmental constraints, accessible, supportable by the identified market area, and consistent with the applicable state and local urban or rural lands policies. Where the proposed area includes or adjoins identified Goal 5 resources, or is otherwise mapped within a Goal 5 impact area, a conflicting use analysis must be provided in accordance with the Goal 5 process to support the proposed Plan designation.
- G) Plan amendment proposals must be coupled with a request for an appropriate zoning district to assure that future commercial uses will not be developed to an intensity inappropriate to the area, except where the Plan designation is intended to preserve land for industrial use over the long term but where the short term need for a zone change does not exist.
- 3) Establishment of Zoning Districts: The economic opportunity analysis in criterion (2), above, will be used as the basis for determining which of the following zoning districts is most appropriate for the planning area:
- A) General Industrial (GI): This district is appropriate for heavy industrial uses which may produce high levels of noise, dust, glare, heat, smoke, odors, vibrations, or other significant externalities.
    - i) General Industrial zoning districts outside acknowledged urban areas may not be expanded in area, and new (GI) zoning districts may not be established, unless an exception to Statewide Planning Goal 14 is justified and the proposal is consistent with Policy 8 of the Economy Element. Uses within existing (GI) districts outside urban areas may continue or be redeveloped in accordance with the Land Development Ordinance development standards.

- ii) General Industrial zoning districts may otherwise be established where a Industrial Land Plan designation is located within an urban growth boundary or acknowledged urban unincorporated community boundary and where:
  - a) A public road network adequate to sustain General Industrial traffic loads exists to serve the area, and where safe and convenient access to the site can be provided without creating traffic or pedestrian conflicts;
  - b) Public sewer and water systems are physically and legally available to serve the area;
  - c) Adequate area is available in the planning area to provide buffering from the adjoining nonindustrial uses.
  - d) The economic opportunity analysis in criterion (2), above, justifies the need for General Industrial uses in the area.
  
- B) Light Industrial (LI):
  - i) Light Industrial zoning districts outside acknowledged urban areas may not be expanded in area, and new (LI) zoning districts may not be established, unless an exception to Statewide Planning Goal 14 is justified and the proposal is consistent with Policy 8 of the Economy Element. Uses within existing (LI) districts outside urban areas may continue or be redeveloped in accordance with the Land Development Ordinance development standards.
  - ii) A public road network adequate to sustain Light Industrial traffic loads exists to serve the area to ensure that safe and convenient access to the site can be provided without creating traffic or pedestrian conflicts;
  - iii) Public sewer and water systems are physically and legally available to serve the area;
  - iv) Adequate area is available in the planning area to provide buffering from the adjoining nonindustrial uses.
  - v) The economic opportunity analysis in criterion (2), above, justifies the need for Light Industrial uses in the area.
  
- C) Rural Limited Industrial (RLI):
  - i) Rural Limited Industrial land is applied outside urban growth boundaries or urban unincorporated community boundaries where consistent with state law and supported by the economic opportunity analysis in criterion (2), above and Policy 8 of the Economy Element.
  - ii) Rural Limited Industrial zoning is appropriate for uses:
    - a) Dependent on a significant, site-specific, natural resource; or,
    - b) Incompatible in urban areas; or,
    - c) That provide a direct benefit to local agricultural or forest uses or other uses of naturally occurring resources.

- iii) The conditions of the Public Facilities and Services Element, Policy 1, category C or D, apply to RLI zoning district.
- iv) The planning area must be of sufficient size and form to accommodate the proposed use including required parking and landscaping.
- v) Rural Limited Industrial uses must be on land where the uses can be made compatible with adjacent land uses, and not adversely impact the rural nature of the surrounding region and sensitive fish and wildlife areas.
- vi) Access must be available to state or County roads with adequate capacity for the anticipated traffic associated with the specific use or which can be improved to accommodate industrial traffic.
- vii) The land must be reasonably free from excessive natural hazards.

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**Appendix K**  
**Jackson County Current Land Development Ordinance Provisions**



- D) Forest template dwelling under Section 4.3.6(B).
- E) Large tract forest dwelling under Section 4.3.6(C).
- F) Caretaker residence for public parks and fish hatcheries in the Forest Resource District.

For the purposes of this section “date of the final decision” shall mean the date the final County decision approving the permit is signed or, if the final County decision is appealed, the date the final appellate body affirms the County decision or the appeal is dismissed.

## 4.2 EXCLUSIVE FARM USE (EFU) DISTRICT

### 4.2.1 Purpose

The purpose of the (EFU) District is to conserve agricultural land. This Section implements the Oregon Agricultural Land Use Policy, ORS 215.243, Statewide Planning Goal 3 (Agricultural Lands), and OAR 660-033.

### 4.2.2 Table of Permitted Uses

Table 4.2-1 sets forth the uses allowed subject to Type 1, 2, 3, or 4 approval procedures in the EFU District. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 2, 3 or 4 review, unless otherwise specified on Table 4.2-1.

- A) **Type 1**  
A "1" in the Table indicates that a use is allowed by-right, provided it complies with any standards listed in the “See A/so” column.
- B) **Type 2**  
A "2" in the Table indicates that a use is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3.
- C) **Type 3**  
A "3" in the Table indicates that a use may be conditionally allowed, subject to review and approval in accordance with the Type 3 review procedures and approval criteria of Section 3.1.4.
- D) **Type 4**  
A "4" in the Table indicates that a use is subject to review and approval by the Planning Commission and Board of Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5.
- E) **Prohibited Uses**  
An “X” in the Table indicates that the use is not permitted on High Value Farm Land (HVFL). However, existing facilities wholly within an EFU District may be maintained, enhanced or expanded on the same tract, subject to a Type 2 review.
- F) **Numerical References**  
The numbers contained in the “See A/so” column are references to additional standards and requirements that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8, and 9.

G) **Accessory Uses and Structures**

Accessory uses and structures are allowed in all zoning districts (Section 6.4).

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT					
1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review					
X = Prohibited HVFL = High-Value Farmland					
#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
<b>FARM AND FOREST USES</b>					
1	Farm use	1	1	ORS 215.203 (definition); OAR 660-033-0120	
2	<b>Buildings, other than dwellings</b> , customarily provided in conjunction with farm use	1	1	ORS 215.283(1)(f); OAR 660-033-0120	
3	Propagation or harvesting of a forest product.	1	1	ORS 215.283(1)(c); OAR 660-033-0120	
4	Temporary facility for primary processing of forest products	2	2	ORS 215.283(2)(j); OAR 660-033-0120 & 0130(6)	4.2.3 and 4.2.4(B)
5	Facility for processing farm crops	2	2	ORS 215.283(1)(u); OAR 660-033-0130(28)	4.2.4(A)
<b>NATURAL RESOURCE USES</b>					
6	Creation, restoration, or enhancement of wetlands	1	1	ORS 215.283(1)(p); OAR 660-033-0120	
7	The propagation, cultivation, maintenance, & harvesting of aquatic or insect species	2	2	ORS 215.283(2)(p); OAR 660-033-0120 & 033-0130(5) & (27)	4.2.3 4.2.5(A)
<b>RESIDENTIAL USES</b>					
8	Dwelling customarily provided in conjunction with farm use	2	2	ORS 215.283(1)(f); OAR 660-033-0120, 0130(1), (30) & 0135	4.2.6(A) & (C)
9	Farm dwelling for relative	1	1	ORS 215.283(1)(e); OAR 660-033-0120 & 0130(9), (30)	4.2.6(A) & (D)
10	Accessory farm dwellings, including farmworker housing	2	2	ORS 215.277-278 and ORS 215.283(1)(f); OAR 660-033-0120 & 0130(24), (30)	4.2.6(A) & (E)
11	Ownership of record dwelling	2	2	ORS 215.705(1), (2), & (5)-(7); OAR 660-033-0120 & 0130(3), (30)	4.2.6(A) & (F)
12	Temporary medical hardship dwelling	2	2	ORS 215.283(2)(L); OAR 660-033-0120 & 0130(5), (10) & (30)	4.2.3; 4.2.6(A) & (G), 6.5.3(G)

**TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT**  
 1 = Type 1    2 = Type 2 Review    3 = Type 3 Review    4 = Type 4 Review  
**X = Prohibited    HVFL = High-Value Farmland**

#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
13	Nonfarm dwelling	2	2	ORS 215.236(2) & (3); 215.263(4); 215.284(2) & (3); OAR 660-033-0120 & 0130(4)(c)-(d) & (30)	4.2.6(A) & (H)
14	Residential home	2	2	ORS 197.660(definition), 197.665(3), 215.283(2)(o); OAR 660-033-0120 & 0130(5), (30)	4.2.3; 4.2.6(A) & (J)
15	Room and board arrangements for a maximum of five unrelated persons in an existing residence	2	2	ORS 215.283(2)(u); OAR 660-033-0120 & 0130(5), (30)	4.2.3 4.2.6(A)
16	Alteration, restoration, or replacement of a lawfully established dwelling	1	1	ORS 215.283(1)(s); OAR 660-033-0120 & 0130(8), (30)	4.2.6(A) & (B)
17	<b>Historic dwelling</b> replacement	1	1	ORS 215.283(1)(o); 358.480; OAR 660-033-0120 & 0130(12), (30)	4.2.6(A) & (I)
18	Registered child care facility/certified group child care home	1	1	ORS 657A.440	4.2.6(K)
<b>COMMERCIAL USES</b>					
19	<b>Commercial activities</b> in conjunction with farm use	3	3	ORS 215.283(2)(a); OAR 660-033-0120 & 0130(5)	4.2.3, 4.2.7(A) 6.4.4(E)
20	Breeding, kenneling, & training greyhounds for racing	<b>X</b>	1	ORS 215.283(1)(j); OAR 660-033-0120 & 0130(18)	
21	Dog kennels	<b>X</b>	2	ORS 215.283(2)(n); OAR 660-033-0120 & 0130(5) & (18)	4.2.3
22	Home occupation/home business	2	2	ORS 215.283(2)(i), 215.448; OAR 660-033-0120 & 0130(5) & (14)	4.2.3; 4.2.7(E); 6.4.4 (C) & (D)
23	Destination resort, large	<b>X</b>	4 PDP <sup>1</sup> 2 FDP <sup>2</sup>	ORS 197.435-.467; 215.283(2)(t); OAR 660-033-0120 & 0130(5) & (18)	4.2.3, 6.3.8
24	Destination resort, small	X	X	ORS 197.435-.445(6)(a);	

1 Preliminary Development Plan

2 Final Development Plan

**TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT**  
 1 = Type 1    2 = Type 2 Review    3 = Type 3 Review    4 = Type 4 Review  
 X = Prohibited    **HVFL = High-Value Farmland**

#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
25	Winery	1	1	ORS 215.283(1)(q), & .452; OAR 660-033-0120	4.2.7(F)
26	Farm stand	1	1	ORS 215.283(1)(r); OAR 660-033-0120 & 0130(23)	4.2.7(D)
27	Landscape business in conjunction with nursery	2	2	ORS 215.283(2)(z)	4.2.7(G)
<b>MINERAL, AGGREGATE, OIL, AND GAS USES</b>					
28	Exploration & production of geothermal, oil & gas	2	2	ORS 215.283(1)(g), 520.005 (definition), 522.005 (definition) & OAR 660-033-0120	4.2.8(A)
29	Exploration for minerals	1	1	ORS 215.283(1)(h), 517.750 (definition); & OAR 660-033-0120	4.2.8(B)
30	Operations for mining & processing geothermal, oil & gas resources not otherwise permitted under this Ordinance	3	3	ORS 215.283(2)(b)(A); 520.005 (definition); 522.005 (definition); OAR 660-033-0120 & 0130(5)	4.2.3 4.4.8
31	Mining, crushing, or stockpiling aggregate & other mineral & subsurface resources	3	3	ORS 215.283(2)(b)(B), .298 & .301 OAR 660-033-0120 & 0130(5)	4.2.3 4.2.8(C) 4.4.8
32	Processing aggregate into asphalt or portland cement	3	3	ORS 215.283(2)(b)(C); 517.750 (definition); OAR 660-033-0120 & 0130(5), (15)	4.2.3 4.2.8(D) 4.4.8
33	Processing other mineral and subsurface resources	3	3	ORS 215.283(2)(b)(D); OAR 660-033-0120 & 0130(5)	4.2.3, 4.4.8
<b>TRANSPORTATION USES</b>					
34	Personal use airports for airplanes & helicopter pads	3	3	ORS 215.283(2)(h); OAR 660-033-0120 & 0130(5), (7) See also ORS 836.610-630	4.2.3 4.2.9(A)
35	Climbing & passing lanes within the right-of-way existing as of July 1, 1987	1	1	ORS 215.283(1)(k); OAR 660-033-0120	
36	Construction of additional passing & travel lanes requiring acquisition of rights-of-way, not resulting in creation of new parcels	2	2	ORS 215.283(2)(q); OAR 660-033-0120 & 0130(5)	4.2.3

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT  
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
37	Reconstruction or modification of public roads and highways, including placement of utility facilities overhead and in the subsurface of public roads and highways along the public right-of-way, not including addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result	1	1	ORS 215.283(1)(l); OAR 660-033-0120	
38	Reconstruction or <b>modification of public roads or highways</b> involving removal or displacement of buildings, but not resulting in creation of new parcels	2	2	ORS 215.283(2)(r); OAR 660-033-0120 & 0130(5)	4.2.3
39	Temporary public road & highway detours that will be abandoned & restored to original condition or use at such time as no longer needed	1	1	ORS 215.283(1)(m); OAR 660-033-0120	
40	Minor betterment of <b>existing public roads &amp; highway related facilities</b> (e.g., maintenance yards, weighstations & rest areas) within a right-of-way existing as of July 1, 1987, & contiguous publicly-owned property to support operation & maintenance of public roads & highways	1	1	ORS 215.283(1)(n); OAR 660-033-0120	
41	<b>Public road and highway-related facilities</b> improvement (e.g., maintenance yards, weigh stations, & rest areas) where additional property or right-of-way is required, not resulting in creation of new parcels	2	2	ORS 215.283(2)(s); OAR 660-033-0120 & 0130(5)	4.2.3
42	Roads, highways, & other transportation facilities and improvements not otherwise allowed in the EFU District	2 or 4	2 or 4	ORS 215.283(3); OAR 660-012-0065 (Type 2 uses listed, Type 4 uses not listed); OAR 660-012-0070; OAR 660-033-0120 & 0130(13)	4.2.3; 4.2.9(B)

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT  
 1 = Type 1 2 = Type 2 Review 3 = Type 3 Review 4 = Type 4 Review  
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
43	Parking no more than seven log trucks	2	2	ORS 215.311(3)	4.2.3
<b>UTILITY/SOLID WASTE DISPOSAL FACILITIES</b>					
44	<b>Utility facilities necessary for public service</b> , including wetland waste treatment systems, <u>not including</u> commercial facilities for generating electrical power for public use by sale, or transmission towers over 200 feet high	2	2	ORS 215.275 and .283(1)(d); OAR 660-033-0120 & 0130(16)	4.2.10(C) 6.3.6(A)
45	Telecommunications towers - co-location of antennae on an existing tower	1	1		6.3.6(A)
46	Transmission towers over 200 feet high.	2	2	ORS 215.283(2)(m); OAR 660-033-0130(5)	4.2.3 6.3.6(A)
47	<b>Solid waste disposal</b> site <u>ordered established</u> by the EQC	1	1	ORS 459.049, 215.283(1)(i);	4.2.10
48	<b>Solid waste disposal</b> site for which DEQ permit is required	X	4	ORS 215.283(2)(k), 459.245; OAR 660-033-0120 & 0130(5) & (18)	4.2.3; 4.2.10 6.3.6(C)(2)
49	<b>Modification</b> of a waste related use	2	2		6.3.6(D)
50	Fire service facilities providing rural fire protection	1	1	ORS 215.283(1)(v); OAR 660-033-0120	
51	Irrigation canals, delivery lines, and accessory structures and facilities associated with a district	1	1	ORS 215.283(1)(w), 540.505 (definition); OAR 660-033-0120	
52	Utility facility service lines	1	1	ORS 215.283(1)(x); OAR 660-033-0120 & 0130(32)	4.2.10
53	Commercial utility facilities for generating power for public use by sale	2	2	ORS 215.283(2)(g); OAR 660-033-0120 & 0130(5), (17) & (22)	4.2.3 4.2.10
54	Composting facilities for which a permit has been granted by the DEQ	X	4	ORS 215.283(2)(k), 459.245; OAR 340-096-0020, 0024; 660-033-0120 & 0130(5), (18), (29)	4.2.3 4.2.10 6.3.6(C)(2)

**TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT**  
 1 = Type 1    2 = Type 2 Review    3 = Type 3 Review    4 = Type 4 Review  
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
<b>PARKS/PUBLIC/QUASI-PUBLIC USES</b>					
55	Public/ private schools, including essential buildings	1	1	ORS 215.283(1)(a); OAR 660-033-0120 & 0130(2), (18)	4.2.11(I)
56	Churches & cemeteries in conjunction with churches	1	1	ORS 215.283(1)(b) & .441; OAR 660-033-0120 & 0130(2), (18)	4.2.11(B)
57	Private parks, playgrounds, and hunting and fishing preserves	X	3	ORS 215.283(2)(c); OAR 660-033-0120 & 0130(5), (18)	4.2.3
58	Campgrounds	X	3	ORS 215.283(2)(c); OAR 660-033-0120 & 0130(5), (18), (19)	4.2.3; 4.2.11(A)
59	Public parks and playgrounds	2	2	ORS 195.120, 215.283(2)(d); OAR 660-033-0120 & 0130(5) & (31); 660-034-0035 & 0040	3.7.4; 4.2.3 4.2.11(H)
60	Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community	2	2	ORS 215.283(2)(e); OAR 660-033-0120, 0130(5)	4.2.3 4.2.11(K)
61	Golf courses	X	3	ORS 215.283(2)(f); OAR 660-033-0120 & 0130(5), (18), (20)	4.2.3 4.2.11(C)
62	Living history museum	2	2	ORS 215.283(2)(x); OAR 660-033-0120 & 0130(5), (21)	4.2.3 4.2.11(E)
63	On-site filming & accessory activities for <u>45 days or less</u>	1	1	ORS 215.306(3)(a) & (4); OAR 660-033-0120	4.2.11(F)
64	On-site filming & accessory activities for <u>more than 45 days</u>	2	2	ORS 215.306(3)(b) & (4); OAR 660-033-0120 & 0130(5)	4.2.3 4.2.11(G)
65	Takeoff & landing site for model aircraft	1	1	ORS 215.283(1)(t); OAR 660-033-0120 & 0130(26)	4.2.11(J)
66	Expansion of existing county fairgrounds & directly related activities	2	2	ORS 215.283(2)(w), 565.210; OAR 660-033-0120 & 0130(5);	4.2.3
67	Operations for extraction and bottling of water	2	2	ORS 215.283(2)(v); OAR 660-033-0120 & 0130(5)	4.2.3
68	Land application of biosolids transported by vehicle to a tract.	1	1	ORS 215.246, .247, .249, .251, & .283(1)(y); OAR 660-033-0130(11)	4.2.11

TABLE 4.2-1: USE TABLE FOR EXCLUSIVE FARM USE (EFU) DISTRICT  
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#	USE	HVFL	ALL OTHER	STATE LAW REFERENCE	SEE ALSO
69	Land application of reclaimed water, and agricultural or industrial process water	2	2	ORS 215.246, .249, .251, & .283(1)(y); OAR 660-033-0130(11)	4.2.11
70	Firearms training facility; Law enforcement facility	Existing only		ORS 197.770; ORS 215.283(1)(z)	6.3.7 4.2.11(L)
<b>OUTDOOR GATHERING USES</b>					
71	Outdoor gathering less than 3,000 persons not to continue more than 120 hours in any 3-month period.	1	1	ORS 197.015(10)(d); 433.735; OAR 660-033-0120 & 0130(33)	6.5.3(J)
72	Outdoor gathering more than 3,000 persons to continue more than 120 hours in any 3-month period.	4	4	ORS 433.735(1) & .763; OAR 660-033-0120 & 0130(34)	6.5.3(J)

#### 4.2.3 General Review Criteria for Type 2-4 Permits

The use may be approved only where the use:

- A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- B) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The applicant may demonstrate that these criteria will be satisfied through the imposition of conditions. Any conditions so imposed must be clear and objective. [ORS 215.296; OAR 660-033-0030(5)]

#### 4.2.4 Farm and Forest Use Regulations

- A) **Facility for Processing Farm Crops** [ORS 215.283(1)(u); OAR 660-033-0130(28)]
  - 1) The farm on which the processing facility is located must provide at least one-quarter (1/4) of the farm crops processed at the facility.
  - 2) The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage, or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.

B) **Temporary Facility for Primary Processing of Forest Products** [ORS 215.283(2)(j); OAR 660-033-0120 and 0130(6)]

The primary processing of a forest product, for purposes of this Ordinance, 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. This use is subject to the following standards:

- 1) The processing facility shall be located on, or on a parcel contiguous to and in the same ownership as, the parcel on which the forest products are grown.
- 2) The facility shall not seriously interfere with accepted farming practices and shall be compatible with farm uses in the area.
- 3) The use is intended to be portable or temporary in nature and may be approved for a one (1)-year period which is renewable.

**4.2.5 Natural Resource Use Regulations**

The propagation, cultivation, maintenance, and harvesting of aquatic or insect species is a Type 2 use in the EFU zone. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The County shall provide notice of all applications under this Section to the State Department of Agriculture. Notice shall be mailed in accordance with Section 2.7.3 but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

**4.2.6 Residential Use Regulations**

A) **New Dwellings**

- 1) The County shall notify the County Assessor that a dwelling is being approved. [ORS 215.705(1); OAR 660-033-0130(h)]
- 2) As a condition of approval for all residential uses, the landowner shall be required to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937, and requiring owner control of dogs. [ORS 215.293; OAR 660-033-0130(30)]

B) **Alteration, Restoration, or Replacement of a Lawfully Established Dwelling** [ORS 215.283(1)(s); OAR 660-033-0120 and 0130(8) and (30)]

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

removed, demolished, or converted to an allowable use within three (3) months of the completion of the replacement dwelling or issuance of a deferred replacement permit under subsection 4.2.6(B)(4). A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this Section shall comply with all applicable siting standards, including the dimensional requirements set forth in Chapter 4 of this Ordinance, the sensitive fish and wildlife habitat requirements of Section 7.1.1(C), and the fire safety requirements in Section 8. However, such standards shall not be applied in a manner that prohibits the siting of the dwelling.

- 3) If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, the applicant, as a condition of approval, shall execute and record in the deed records of the County a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel zoned EFU (see also Section 5.1.4(C)(5)). The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the County. The release shall be signed by the County or its designee and state that the provisions of this Section regarding replacement dwellings have changed to allow the siting of another dwelling.
- 4) A Type 1 deferred replacement permit may be issued for the dwelling being replaced when the established dwelling is removed or demolished within three months of the deferred replacement permit being issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.
- 5) An accessory farm dwelling authorized pursuant to Section 4.2.6(E)(1)(c), may only be replaced by a manufactured dwelling.

C) ***Dwelling Customarily Provided in Conjunction With Farm Use*** [ORS 215.283(1)(f); OAR 660-033-0120; 0130(1) and (30); and 0135]

- 1) ***Large Tract Standards*** [OAR 660-033-0135(1)]  
On land not identified as high-value farmland a dwelling shall be considered customarily provided in conjunction with farm use if:
  - a) The parcel on which the dwelling will be located is at least 160 acres;
  - b) The subject tract is currently employed for farm use, as defined in ORS 215.203;
  - c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

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

2) *Farm Capability Standards [OAR 660-033-0135(2)]*

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

- a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one (1) mile from the perimeter of the subject tract;
- b) The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this Section;
- c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this Section, or, if no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of a farm use at a level capable of producing the required annual gross sales;
- d) The subject lot or parcel on which the dwelling is proposed is not less than 10 acres;
- e) Except for seasonal farmworker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;
- f) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

3) *Farm Income Standards [OAR 660-033-0135(5), (7), (8) and (9)]*

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

- a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, at a level that produced in the last two (2) years or three (3) of the last five (5) years one of the following:
  - i) On land not identified as high-value farmland, at least \$32,500 in gross annual income; or
  - ii) On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products.
- b) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on lands zoned EFU owned by the farm or ranch operator, or on the farm or ranch operation; and

- c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this Section.
  - d) In determining the gross income required by subsection (a), the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation. Only gross income from land owned, not leased or rented, shall be counted. Gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
  - e) Lots or parcels zoned EFU in Jackson County or a contiguous county may be used to meet the gross income required by subsection (a). If one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation has been used to comply with the gross farm income requirement, within 12 days of receiving a tentative approval the applicant shall provide evidence that irrevocable deed restrictions have been recorded with the county clerk of the county where the property subject to the deed declarations, conditions and restriction is located. The deed declarations, conditions and restrictions shall preclude all future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary medical hardship dwellings or replacement dwellings on the lots or parcels that make up the farm or ranch operation or to use any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling. The deed declarations, conditions and restrictions are irrevocable unless a statement of release is signed by the Director.
- 4) *Relocated Farm Operations [OAR 660-033-0135(12)]*  
A dwelling may be considered customarily provided in conjunction with farm use if:
- a) Within the previous two (2) years, the applicant owned and operated a farm or ranch operation that earned in each of the last five (5) years or four (4) of the last seven (7) years one of the following, whichever is applicable:
    - i) On land not identified as high-value farmland, at least \$32,500 in gross annual income; or
    - ii) On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products;
  - b) The subject lot or parcel on which the dwelling will be located is currently employed for the farm use, as defined in ORS 215.203, at a level that produced in the last two (2) years or three (3) of the last five (5) years one of the following, whichever is applicable:
    - i) On land not identified as high-value farmland, at least \$32,500 in gross annual income; or

- ii) On land identified as high-value farmland, at least \$80,000 in gross annual income from the sale of farm products;
  - c) The subject lot or parcel on which the dwelling will be sited is at least 80 acres in size;
  - d) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;
  - e) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this Section;
  - f) In determining the gross income required by subsections (a) and (b) of this Section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented, shall be counted.
- 5) **Commercial Dairy Farm Standards** [OAR 660-033-0135(10)]  
 A dwelling may be considered customarily provided in conjunction with a commercial dairy farm if:
- a) The subject tract will be employed as a commercial dairy. A “commercial dairy farm” is a dairy operation that owns a sufficient number of producing dairy animals capable of earning one of the following, whichever is applicable, from the sale of fluid milk:
    - i) On land identified as high-value farmland, at least \$80,000 in gross annual income; or
    - ii) On land not identified as high-value farmland, at least \$32,500 in gross annual income.
  - b) The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
  - c) Except for seasonal farm worker housing as allowed under the 1999 edition of ORS 215.283(1)(p), there is no other dwelling on the subject tract;
  - d) The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
  - e) The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm;
  - f) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230 and a Producer License for the sale of dairy products under ORS 621.072.
- D) **Farm Dwelling for Relatives** [ORS 215.283(1)(e); OAR 660-033-0120 and 0130(9) and (30)]

- 1) A dwelling on real property used for farm use may be approved if:
  - a) The dwelling will be located on the same lot or parcel as the dwelling of the farm operator;
  - b) The dwelling will be occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, step sibling, niece, nephew or first cousin of either;
  - c) The farm operator does or will require the assistance of the relative in the management of the existing commercial farming operation; and
  - d) The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
  
- 2) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size under Section 4.2.12(A), if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel. Prior conditions of approval for the subject land and dwelling remain in effect. For the purposes of this Section, "foreclosure" means only those foreclosures that do not meet the definition of partition under ORS 92.010(7)(a).

E) **Accessory Farm Dwellings** [ORS 215.277-278 and ORS 215.283(1)(f); OAR 660-033-0120, 0130(24), (30)]

A second or subsequent farm dwelling may be allowed if each accessory farm dwelling meets all of the following:

- 1) The accessory farm dwelling will be located:
  - a) On the same lot or parcel as the primary farm dwelling; or,
  - b) On the same tract as the primary farm dwelling if the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other lots and parcels in the tract; or,
  - c) On a lot or parcel on which the primary farm dwelling is not located when the accessory farm dwelling is limited to only a manufactured home with a deed restriction. The deed restriction shall be filed with the County Clerk and require that the manufactured dwelling be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain on the land when the land is conveyed to another party if the dwelling is re-approved as a primary farm dwelling under Section 4.2.6(A) and (C); or,
  - d) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code, or to similar types of farm

labor housing as existing farm labor housing on the farm or ranch operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. If approved, a condition of approval will require that all accessory farm dwellings approved under this subsection be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or

- e) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least 80 acres in size and the lot or parcel complies with the gross farm income requirements of Section 4.2.6(C)(3).
- 2) An accessory farm dwelling approved under this subsection shall be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
  - 3) There is no other dwelling on lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch that could reasonably be used as an accessory farm dwelling;
  - 4) The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:
    - a) On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two (2) years or three (3) of the last five (5) years at least \$32,500 in gross annual income. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
    - b) On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two (2) years or three (3) of the last five (5) years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
    - c) It is located on a commercial dairy farm as defined in Section 4.2.6(C)(5); and
      - i) The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and
      - ii) The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation”

under ORS 468B.050 and ORS 468B.200 to .230 and a Producer License for the sale of dairy products under ORS 621.072.

- 5) No land division may be approved for an accessory farm dwelling, unless an application is made and approved converting the accessory farm dwelling to a primary farm dwelling under Section 4.2.6(A) and (C), and both parcels satisfy the 80-acre minimum lot size of Section 4.2.12.
- 6) An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a nonfarm dwelling.
- 7) For the purposes of this Section, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.

F) **Ownership of Record Dwelling** [ORS 215.705(1), (2), (5)-(7); OAR 660-033-0120 and 0130(3) & (30)]

- 1) A dwelling may be approved if:
  - a) The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in subsection (2) below:
    - i) Since prior to January 1, 1985; or
    - ii) By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
  - b) The tract on which the dwelling will be sited does not include a dwelling;
  - c) The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
  - d) The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
  - e) The lot or parcel on which the dwelling will be sited is not high-value farmland, as defined in Chapter 13, except as provided in subsection (4) below;
  - f) When the lot or parcel on which the dwelling will be sited lies within a designated deer and elk habitat area, the siting of the dwelling shall be consistent with Section 7.1.1(C); and
  - g) When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
- 2) For purposes of this subsection, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law,

father-in-law, aunt, uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.

- 3) When the County approves an application for a single-family dwelling under this Section, the application may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.
- 4) Notwithstanding the requirements of subsection (1)(e), a single-family dwelling may be sited on high-value farmland if it meets the other requirements of this subsection and the Hearings Officer determines that:
  - a) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of "extraordinary" circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, road, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
  - b) The dwelling will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
  - c) The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Section 4.2.6 (H)(2).

All applications for ownership of record dwellings on HVFL will be referred directly to the Hearings Officer under Section 2.7.4(C).

- 5) The County shall provide notice of all applications for ownership of record dwellings on high value farm land to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

G) **Temporary Medical Hardship Dwelling** [ORS 215.283(2) (L); OAR 660-033-0120

& 0130(3), (30)]

- 1) One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building may be allowed in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident subject to the requirements of Section 6.5.3(G); and
- 2) The temporary dwelling will be used to care for the resident, or a relative of the resident, defined as a parent, stepparent, stepgrandparent, stepbrother, stepsister, niece, nephew, first cousin, child, grandparent, grandchild, brother, or sister of the existing residents, for the term of a hardship suffered by the resident or the relative. For purposes of this Section, "hardship" means a medical hardship or a hardship for the care of an aged or infirm person or persons.

H) **Nonfarm Dwelling** [ORS 215.284(4)(A)(C), (3); OAR 660-033-0120 and 0130(4)(c)-(d) & (30)]

A single-family dwelling, not provided in conjunction with farm use, may be approved if the following standards are met:

- 1) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
- 2) The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the area, the cumulative impact of possible new nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. To address this standard, the applicant shall:
  - a) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;
  - b) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings which meet the criteria of 4.3.6(A)(1) (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved, including identification of

predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwelling under this subparagraph; and

- c) Determine whether approval of the proposed non-farm/lot-of-record dwellings, together with existing non-farm dwellings, will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- 3) The dwelling foundation will be situated upon a lot or parcel, or portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.
- a) A lot or parcel or portion of the lot or parcel may not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land (*ORS 215.283*);
  - b) A lot or parcel is not “generally unsuitable” simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, it is not “generally unsuitable.” A lot or parcel is presumed to be suitable if it is composed predominantly of Class I-IV soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use;
  - c) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the parcel. If a lot or parcel is under forest assessment, the area is not “generally unsuitable” simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as part of forestry operation, it is not “generally unsuitable.” If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding

land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

- 4) The dwelling will be situated on:
  - a) A lot or parcel legally created before January 1, 1993; or
  - b) A lot or parcel legally created on or after January 1, 1993, as allowed under Section 4.2.12(B) or (C). If a new parcel will be created, consideration shall be given as to whether approval of the parcel will lead to the creation of other nonfarm parcels, to the detriment of agriculture in the area. To address this standard, the provisions of subsection (1) above shall be used.
- 5) The lot or parcel on which the dwelling will be located, does not contain a dwelling.
- 6) If a new lot will be created, pursuant to subsection (4)(b) above, and Section 4.2.12(B) or (C), the parent lot or parcel does not contain an ownership of record dwelling approved under Section 4.2.6(F) or a forest dwelling approved under Section 4.3.6.
- 7) Final approval shall not be granted and septic or building permits shall not be issued for proposed dwellings which are reviewed under this Section on a lot or parcel which is, or has been, receiving special assessment until the applicant has furnished the County with evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for valuation at true cash value for farm use under ORS 308A.050 to 308A.128, or for other special assessment under ORS 308A.315, 321,257 to 321.381, 321.730, or 321.815, and that any additional taxes that have been imposed as a result of the disqualification have been paid. Final approval under this Section will not change the date the County's decision becomes final or the permit expiration period under Section 4.1.3. *[ORS 215.236(2) and (3)]*
- I) **Historic Dwelling Replacement** *[ORS 215.283(1)(o); and 358.480; OAR 660-033-0120 & 0130(12) and (30)]*
  - 1) The existing dwelling shall be listed on the National Register of Historic Places.
  - 2) The location of the replacement dwelling shall be consistent with the sensitive fish and wildlife habitat requirements of Section 7.1.1(C), and the fire safety requirements in Section 8.7
- J) **Residential Home** *[ORS 197.660(definition); 197.665(3); and 215.283(2)(o); OAR 660-033-0120 & 0130(5) & (30)]*
  - 1) The existing dwelling shall have been lawfully established.
  - 2) For purposes of this Section, "residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the Department of Land Conservation and Development,

as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet 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 home.

K) **Registered Child Care Facility/Certified Group Child Care Home** [ORS 657A.440]

- 1) A registered child care facility or certified group child care home may be allowed if it meets the following standards:
  - a) The use will take place in an existing dwelling.
  - b) Child care will be offered in the home of the provider to fewer than 13 children, including children of the provider, regardless of full-time or part-time status.
- 2) A land division to create a parcel with an existing dwelling to be used as a registered child care facility or certified group child care home may be approved pursuant to Section 4.2.12(M).

#### 4.2.7 Commercial Use Regulations

A) **Commercial Activities in Conjunction With Farm Use** [See Section 6.4.4(E); ORS 215.283(2)(a); OAR 660-033-0120; and 0130(5); City of Sandy v. Clackamas County, LUBA No. 94-104; Craven v. Jackson County, SC S35826]

A commercial activity is considered in conjunction with a farm use when any of the following criteria are met:

- 1) The commercial activity is either exclusively or primarily a customer or supplier of farm products;
- 2) The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or
- 3) The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part.

B) See Chapter 6, Section 6.3.8, Destination Resorts

C) See Chapter 6, Section 6.3.8, Destination Resorts

D) **Farm Stand** [ORS 215.283(1)(r); OAR 660-033-0120; and 0130(23)]

A farm stand may be approved when:

- 1) The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area,

including the sale of incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

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

E) **Home Occupation and Home Business** [ORS 215.283(2)(i); 215.448; OAR 660-033-0120; and 0130(5) & (14)]

Home occupations and home businesses shall comply with the following standards, in addition to any applicable standards in Section 6.4.4(C) and (D). In case of conflict between this Section and any other Chapter of this Ordinance, this Section prevails.

- 1) The home occupation shall be operated substantially in the dwelling or other buildings normally associated with uses permitted in the zone in which the property is located.
- 2) The home occupation shall be operated by a resident or employee of a resident of the property on which the business is located.
- 3) The home occupation shall employ on the site no more than five (5) full-time or part-time persons.
- 4) The home occupation shall not unreasonably interfere with other uses permitted in the zone in which the property is located.

F) **Winery** [ORS 215.452; 215.283(1)(q); OAR 660-033-0120]

A winery may be approved as a Type 1 use when it complies with the following:

- 1) The “winery” is a facility that produces wine with a maximum annual production of:
  - a) Less than 50,000 gallons and that:
    - i) Owns an on-site vineyard of at least 15 acres;
    - ii) Owns a contiguous vineyard of at least 15 acres;
    - iii) Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
    - iv) Obtains grapes from any combination of paragraphs (i), (ii), or (iii) above; or
  - b) At least 50,000 gallons and no more than 100,000 gallons and that:
    - i) Owns an on-site vineyard of at least 40 acres;
    - ii) Owns a contiguous vineyard of at least 40 acres;
    - iii) Has a long-term contract for the purchase of all the

- iv) grapes from at least 40 acres of a vineyard contiguous to the winery; or
- iv) Obtains grapes from any combination of paragraphs (i), (ii), or (iii) above.

- 2) Prior to the issuance of a Type 1 permit to establish a winery, the applicant must show that a qualifying vineyard described in subsection (1) above has been planted or that the contract has been executed, as applicable.
- 3) Product sales at a winery approved in accordance with this Section will be limited to:
  - a) Wines produced in conjunction with the winery; and,
  - b) Items directly related to wine, the sales of which are incidental to retail sale of wine on site. Such items include those served by a limited service restaurant as defined in Chapter 13.

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

- 4) When reviewing an application for a Type 1 winery permit, the County will adopt findings addressing the applicable standards included in subsection (1) (a) or (b) above and paragraphs (4)(a) and (b) below. Standards imposed on the siting of a winery must be limited to the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
  - a) Establishment of a setback not to exceed 100 feet from all property lines for the winery and all public gathering places.
  - b) Direct road access and adequate internal circulation and parking.

- G) **Landscaping Business** [ORS 215.283(2)(z)]  
A landscaping business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use may be approved through a Type 2 permit.

#### 4.2.8 Mineral, Aggregate, Oil and Gas Use Regulations

- A) **Exploration for and Production of Geothermal Resources, Oil and Gas** [ORS 520.005 and 522.005 (definitions); 215.283(1)(g); 215.298; OAR 660-033-0120] See definitions in Chapter 13.

- 1) The use may include the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to the wellhead.
- 2) Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732(1)(a) or (b).

- B) **Exploration for Minerals** [ORS 517.750 (definition); 215.283(1)(h); OAR 660-033-

0120] Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732(1)(a) or (b). See definitions in Chapter 13.

C) **Mining, Crushing, or Stockpiling of Aggregate and Other Mineral and Subsurface Resources** [ORS 215.283(2)(b)(B); 215.298(3) definition; OAR 660-033-0120 and 0130(5)]:

- 1) County approval is required for mining more than 1,000 cubic yards of material or excavation preparatory to mining of a surface area more than one (1) acre.
- 2) A permit for mining may be approved only for resources found to be significant pursuant to Statewide Planning Goal 5. [*Beaver State Sand and Gravel, Inc. v. Douglas Co.*; LUBA No. 2002-065; A119715]

D) **Processing of Aggregate Into Asphalt or Portland Cement** [ORS 215.283(2)(b)(C); 517.750 (definition); OAR 660-033-0120 and 0130(5) & (15)]  
The use is not allowed within two (2) miles of a planted vineyard. Planted vineyard means one (1) or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.

#### 4.2.9 Transportation Use Regulations

A) **Personal Use Airports** [ORS 215.283(2)(h); 836.610-630; OAR 660-033-0120 and 0130(5) & (7)]

A personal use airport is 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. Exemption to the activities permitted under this definition may be granted through waiver action by the Oregon Dept. of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975 shall continue to be permitted subject to any applicable rules of the Oregon Dept. of Aviation.

B) **Roads, Highways, and Other Transportation Facilities and Improvements**

- 1) Accessory transportation improvements for a use allowed or conditionally allowed, as listed in OAR 660-012-0065(3)(a), may be allowed, subject to the same procedures, standards and requirements applicable to the use to which they are accessory.
- 2) Roads, highways, and other transportation facilities and improvements that are listed in OAR 660-012-0065(3)(c) through (o) may be allowed as Type 2 uses. Uses listed in OAR 660-012-0065(3)(d) to (g) and (o) are also subject to the requirements of OAR 660-012-0065(5).
- 3) Roads, highways, and other transportation facilities and improvements not listed in OAR 660-012-0065 may be established subject to Type 4 review, adoption of an exception to Goal 3 (Agricultural Lands) and to any other applicable goal with which the

facility or improvement does not comply, and compliance with OAR 660-012-0070.

#### 4.2.10 Utility/Solid Waste Use Regulations

- A) **Composting Facilities for Which a Permit Has Been Granted** [ORS 215.283(2)(k); 459.245; OAR 340-096-0020, 0024; 660-033-0120; and 0130(5), (18), & (29)]  
Composting facilities on land not defined as high value farmland shall be limited to the composting operations and facilities defined by the Environmental Quality Commission under OAR 340-096-0024(1), (2), or (3). Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
- B) **Solid Waste Disposal Site Ordered Established by the EQC** (ORS 459.049, 215.283(1)(i)) Use requires evidence of EQC order, and that the operation includes equipment, facilities or buildings necessary for the operation.
- C) **Commercial Utility Facilities to Generate Power for Public Use by Sale** [ORS 215.283(2)(g); OAR 660-033-0120 and 0130(5), (17) & (22)]
- 1) A power generation facility shall not preclude more than 20 acres from farm use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4.
  - 2) On land identified as high-value farmland, a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR 660, Division 4.
- D) **Utility Facilities Necessary for Public Service** [ORS 215.275; 215.283(1)(d); OAR 660-033-0120; and 0130(16)]
- 1) A utility facility is necessary for public service if the facility must be sited in the EFU zone in order to provide the service. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in the EFU zone due to one (1) or more of the following factors:
    - a) Technical and engineering feasibility;
    - b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one (1) or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
    - c) Lack of available urban and non-resource lands;
    - d) Availability of existing rights-of-way;
    - e) Public health and safety; and
    - f) Other requirements of state and federal agencies.
  - 2) Costs associated with any of the factors listed in subsection (1) above may be considered, but cost alone may not be the only

consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

- 3) The owner of a utility facility approved under this Section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
  - 4) The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding agricultural lands.
  - 5) In addition to the provisions of subsections (1) to (4) above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in the EFU zone shall be subject to the provisions of OAR 660-011-0060.
  - 6) The provisions of this Section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- E) **Utility Facility Service Lines** [ORS 215.283(1)(x); OAR 660-033-0120; and 0130(32)] Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
- 1) A public right-of-way;
  - 2) Land immediately adjacent to a public right-of-way, provided the written consent of all adjacent property owners has been obtained; or
  - 3) The property to be served by the utility.
- F) **Solid Waste Disposal Site Which Requires a Permit** [ORS 215.283(2)(k); 459.245; OAR 660-033-0120; and 0130(5) & (18)] This provision includes equipment, facilities or buildings necessary for operation.
- 1) A permit for the proposed site and operation has been granted by the Department of Environmental Quality under ORS 459.245.
  - 2) The equipment and facilities shall be necessary to the operation of the solid waste disposal site.

#### 4.2.11 Parks/Public/Quasi-Public Use Regulations

A) **Campgrounds** [ORS 215.283(2)(c); OAR 660-033-0120; and 0130(5), (18) & (19)]

Approval of a campground is subject to the following standards:

- 1) Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three (3) miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
- 2) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes, and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six (6)-month period.
- 3) The campground shall provide opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding, and other similar activities. Outdoor recreation, as used in this Chapter, does not include off-road vehicle or other motorized recreation use. A campground shall be designed and integrated into the rural agriculture and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campgrounds authorized in this zoning district shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
- 4) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by subsection (5) below.
- 5) No more than one-third (1/3) 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.
- 6) Plans for water supply and sewage disposal shall be approved by the State Health Division and the Department of Environmental Quality. Evidence shall be provided that the campground will be eligible for a certificate of sanitation as required by the Oregon Department of Environmental Quality.

B) **Churches and Cemeteries** [ORS 215.283(1)(b) & 215.441; OAR 660-033-0120; and 0130(2) & (18)]

Churches or cemeteries in conjunction with churches, consistent with ORS 215.441, shall not be approved within three (3) miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved. However, existing facilities wholly within the EFU District may be maintained, enhanced or expanded on the same tract, subject to other

requirements of law.

- C) **Golf Course** [ORS 215.283(2)(f); OAR 660-033-0120; and 0130(5), (18) & (20)]  
Golf courses permitted in the EFU District are nine (9) or 18 hole regulation golf courses, or a combination nine (9) and 18 hole regulation golf course, that comply with all of the following standards:
- 1) A regulation 18-hole golf course is generally characterized by a site of approximately 120 to 150 acres of land, with a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes;
  - 2) A regulation nine (9) -hole golf course is generally characterized by a site of approximately 65 to 90 acres of land, with a playable distance of 2,500 to 3,600 yards, and a par of 32 to 36 strokes;
  - 3) Non-regulation golf courses are not allowed in the EFU zoning District. A non-regulation golf course is a golf course or golf course-like development that does not meet the definition of golf course in paragraphs (1) and (2) above, including but not limited to executive golf courses, Par three (3) golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges;
  - 4) Accessory uses provided as a part of a golf course are limited to those uses consistent with all of the following:
    - a) An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods and services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms, lockers and showers; food and beverage service; pro shop; a practice or beginners' course as part of an 18-hole, or larger, golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing, such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; housing.
    - b) Accessory uses shall be limited in size and orientation to the site to serve the needs of persons and their guests who patronize the golf course to play golf. An accessory use that provides commercial service (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings;
  - 5) The golf course owner shall provide buffering from adjacent farm and forest land as needed. This buffering may include trees, netting, fencing, or other devices found to be adequate and necessary by the County;
  - 6) On high value farm land, an existing golf course may be maintained, enhanced, or expanded on the same tract, consistent with the

requirements of this Section, and subject to Section 4.2.3, but shall not be expanded to exceed 36 total holes.

D) **Land Application of Biosolids** [ORS 215.246, 215.247, 215.249, 215.251, 215.283(1)(2); OAR 660-033-0130(11)]

- 1) The land application of reclaimed water (OAR 340-055-0010(8) definition), agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone under OAR 660-033, may be allowed subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095. The uses allowed under this Section require a determination by DEQ that the application rates and site management practices for the land application ensure continued agricultural, horticultural or silvicultural production and do not reduce the productivity of the tract.

The transportation of biosolids by vehicle to a tract and the subsequent land application of the biosolids on that tract is permitted as a Type 1 use, and is not a land use decision. An application for the transportation and land application of reclaimed water, agricultural or industrial process water, or for the land application of biosolids not transported to the application site by vehicle shall be processed as a Type 2 use.

- 2) The uses allowed under this Section include:
  - a) The treatment of reclaimed water, agricultural or industrial process water or biosolids that occurs as a result of the land application.
  - b) The establishment and use of facilities, including buildings, equipment, aerated and non-aerated water impoundments, pumps and other irrigation equipment that are accessory to and reasonably necessary for the land application to occur on the subject tract;
  - c) The establishment and use of facilities, including buildings and equipment, that are not on the tract on which the land application occurs for the transport of reclaimed water, agricultural or industrial process water or biosolids to the tract on which the land application occurs if the facilities are located within:
    - i) A public right-of-way; or
    - ii) Other land if the landowner provides written consent and the owner of the facility complies with Section 4.2.10(C)(3); and
  - d) The transport by vehicle of reclaimed water or agricultural or industrial process water to a tract on which the water will be applied to land.

- 3) Uses not allowed under this Section include:

- a) The establishment and use of facilities, including buildings or equipment, for the treatment of reclaimed water, agricultural or industrial process water or biosolids other than those treatment facilities related to the treatment that occurs as a result of the land application; or
  - b) The establishment and use of utility facility service lines allowed under Section 4.2.10(D).
  
- 4) If the application is considered at a public hearing, prior to the County making a final decision the applicant shall explain in writing how alternatives identified in public comments were considered and, if the alternatives are not used, explain in writing the reasons for not using the alternatives. The applicant must consider only those alternatives that are identified with sufficient specificity to afford the applicant an adequate opportunity to consider the alternatives. A land use decision relating to the land application of reclaimed water, agricultural or industrial process water or biosolids may not be reversed or remanded unless the applicant failed to consider identified alternatives or to explain in writing the reasons for not using the alternatives.
  
- 5) The use of a tract on which the land application of reclaimed water, agricultural or industrial process water or biosolids has occurred may not be changed to allow a different use unless:
  - a) The tract is within an acknowledged urban growth boundary;
  - b) The tract is rezoned to a zone other than EFU;
  - c) The different use of the tract is a farm use as defined in ORS 215.203; or
  - d) The different use of the tract is a use allowed under ORS 215.283(1)(c), (e), (f), (k) to (o), (q) to (s), (u), (w) or (x) or 215.283(2)(a), (j), (l), or (p) to (s).
  
- E) ***Living History Museum*** [ORS 215.283(2)(x); OAR 660-033-0120; and 0130(5) & (21)]  
 A living history museum shall be related to resource-based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than the EFU zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the County governing body and organized under ORS Chapter 65.
  
- F) ***On-Site Filming and Accessory Activities for 45 Days or Less*** [ORS 215.306(3) and (4); OAR 660-033-0120]
  - 1) The use includes:
    - a) Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming;

- b) Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.
  - 2) The use does not include:
    - a) Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or
    - b) Construction of new structures that requires a building permit.
  - 3) The use is permitted, provided these activities:
    - a) Will involve no more than 45 days on any site within a one (1)-year period; and,
    - b) Will not involve erection of sets that would remain in place for longer than any 45-day period.
  
- G) ***On-Site Filming and Accessory Activities for More Than 45 Days*** [ORS 215.306(3)(b) & (4); OAR 660-033-0120; and 0130(5)]
  - 1) Approval under this Section is required when on-site filming and accessory activities will involve: (1) activities for more than 45 days on any site within a one(1)-year period; or (2) erection of sets that will remain in place longer than 45 days.
  - 2) The use includes:
    - a) Filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming;
    - b) Production of advertisements, documentaries, feature film, television services, and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way.
  - 3) The use does not include:
    - a) Facilities for marketing, editing, and other such activities that are allowed only as a home occupation; or
    - b) Construction of new structures that requires a building permit.
  - 4) When approved under this Section, these activities may include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or similar temporary facilities. Such temporary facilities may be used as temporary housing for security personnel.
  
- H) ***Public Local Parks*** [ORS 195.120; 215.283(2)(d); OAR 660-033-0120; and 0130(5)]
  - 1) For purposes of this Section, “public local park” means a park owned by a governmental agency or a nonprofit community organization

and operated primarily by and for residents of the local community.

- 2) Lawful uses in existence in public local parks on July 15, 1998, may continue as otherwise provided by this Ordinance.
  - 3) If a public local park is within a Jackson County Public Park (JCPP) Overlay, or is otherwise subject to a public park master plan adopted pursuant to Section 3.7.4, those uses approved in the master plan or subsequent amendments to it are permitted as Type 1 uses.
  - 4) If a public local park is not subject to a public park master plan adopted pursuant to Section 3.7.4, the uses in such park shall be limited to those otherwise allowed in the EFU zone, unless an exception to Statewide Planning Goal 3, and any other goal which would prohibit the use, is adopted pursuant to ORS 197.732 and OAR Chapter 660, Division 4. Uses are subject to the review procedures and additional regulations listed in Table 4.2-1.
- I) **Public or Private Schools** [ORS 215.283(1)(a); OAR 660-033-0120; 0130(2) & (18); *Warburton v. Harney County, LUBA No. 2000-096*]
- 1) Public or private schools includes all buildings essential to school operation.
  - 2) Public or private schools and school facilities shall not be approved within three (3) miles of an urban growth boundary unless an exception to applicable statewide planning goals is approved. Existing facilities wholly within the EFU District may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.
  - 3) For the purposes of this Section, “public and private schools” mean schools providing elementary and secondary education only, and does not include adult career education, colleges or universities
- J) **Takeoff and Landing Sites for Model Aircraft** [ORS 215.283(1)(t); OAR 660-033-0120; and 0130(26)]
- Buildings and facilities shall be no more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. As used in this Section “model aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible, or balloon that is used or intended to be used for flight and controlled by radio, lines, or design by a person on the ground.
- K) **Community Centers** [ORS 215.283(2)(e)]
- A existing community center in an EFU zone may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, provided the facility that was in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income

replacement or substance abuse services.

- L) **Law Enforcement Facility** [ORS 215.283(1)(z)]  
A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135 is a permitted use.

#### 4.2.12 Land Divisions

Procedures and approval criteria for land divisions in the resource districts are set out in Section 3.3 and 10.3. Unless this Section specifically provides otherwise, and except as provided in Section 6.3.8 with regard to destination resorts, the minimum size of a new parcel shall be 80 acres.

Compliance with the minimum parcel size does not mean that a dwelling in conjunction with a farm use may be approved by right on that parcel. New parcels less than the 80-acre minimum lot size may be approved subject to the requirements of Section 3.3 and the following:

- A) A new parcel may be created for nonfarm uses listed in ORS 215.283(2), other than a dwelling, upon a finding that the parcel for the nonfarm use is not larger than the minimum size necessary for the use, and the lot is large enough to provide for a minimum setback of 200 feet from the residual farm land. [See ORS 215.263(3)]
- B) Up to two (2) new parcels may be created, each to contain a nonfarm dwelling, if:
  - 1) The nonfarm dwellings have been approved under Section 4.2.6(H);
  - 2) The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001;
  - 3) The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the 80-acre minimum lot size;
  - 4) The remainder of the original lot or parcel that does not contain the nonfarm dwellings will comply with the 80-acre minimum lot size; and
  - 5) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land. [ORS 215.263(4)(a)]
- C) A parcel may be partitioned into two (2) lots, each to contain one (1) nonfarm dwelling if:
  - 1) The nonfarm dwellings have been approved under Section 4.2.6(H);
  - 2) The parcels for the nonfarm dwellings will be divided from a lot or parcel that was lawfully created prior to July 1, 2001;

- 3) The parcels for the nonfarm dwellings will be divided from a lot or parcel that is equal to or smaller than the 80-acre minimum parcel size, but equal to or larger than 40 acres;
  - 4) The parcels for the nonfarm dwellings are:
    - a) Not capable of producing 50 cubic feet or more per acre per year of wood fiber; and
    - b) Composed of at least 90 percent Class VI through VIII soils.
  - 5) The parcels for the nonfarm dwellings do not have established water rights for irrigation; and
  - 6) The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land. *[ORS 215.263(4)(b)(D)(i)]*
- D) A new parcel which contains an existing dwelling to be used as a residential home under Section 4.2.6(J) may be created only if the existing dwelling has been approved as a nonfarm dwelling under Section 4.2.6(H). *[ORS 215.263(9)(a)]*
- E) A new parcel which contains an existing dwelling may be created if the existing dwelling has been listed in a County inventory as historic property and is listed on the National Register of Historic Places. *[ORS 215.263(9)(b)]*
- F) A land division for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one (1) of the resulting parcels may be approved, providing:
- 1) Any parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel; and
  - 2) Any parcel created by the land division that does not contain a dwelling:
    - a) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
    - b) May not be considered in approving an application for siting any other dwelling;
    - c) May not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space, or other natural resource use; and
    - d) May not be smaller than 25 acres unless the purpose of the land division is:
      - i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or

- ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property. *[ORS 215.263(10)]*
- 3) As a condition of approval, the landowner is required to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *[ORS 215.265]*
- G) A land division creating a parcel below the minimum parcel size may be approved if:
  - 1) The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
  - 2) The church has been approved under Section 4.2.11(B);
  - 3) The newly created lot or parcel for the church is not larger than five (5) acres; and
  - 4) The remaining lot or parcel, not including the church, meets the 80-acre minimum lot or parcel size either by itself or after it is consolidated with another lot or parcel. *[ORS 215.263(11)]*
- H) A division of land to create a parcel for a nonfarm use under subsections (A) through (G) of this Section may not be approved unless any additional tax imposed for the change in use has been paid. *[ORS 215.263(12)]*
- I) A land division may not be approved for the purpose of creating a new parcel for a farm assistance dwelling for relatives approved under Section 4.2.6(D) or a temporary hardship dwelling approved under Section 4.2.6(G), or if it would have the effect of separating a farm crop processing facility approved under Section 4.2.4(A) from the farm operation that provides at least one-quarter (¼) of the farm crops processed at the facility. *[ORS 215.263(8)]*
- J) A land division may not be approved for the land application of reclaimed water, agricultural or industrial process water or biosolids as described under Section 4.2.11(D). *[ORS 215.249]*
- K) This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established. *[ORS 215.263(6)]*
- L) This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property. *[ORS 215.263 (7)]*
- M) A new parcel which contains an existing dwelling to be used as a registered child care facility or certified group child care home under Section 4.2.6(k)

may be created only if the existing dwelling has been approved as a nonfarm dwelling under Section 4.2.6(H). [ORS 657A.440(3)(c); ORS 215.263(9)(a)]

### 4.3 FOREST RESOURCE (FR) DISTRICTS

#### 4.3.1 Purpose

The purpose of the Forest Resource (FR) zoning Districts is to conserve forest lands. This Section implements Statewide Planning Goal 4 (Forest Lands) and OAR 660.006.

#### 4.3.2 Application

Various zoning districts are applied to areas that are identified as forest land by the Jackson County Comprehensive Plan. These lands are designated in the Comprehensive Plan and on the comprehensive plan map(s) as Forest Open Space (FOS). The adopted Zoning map(s) divide the FOS designated lands into three (3) zoning districts; Forest Resource (FR), Woodland Resource (WR), and Open Space Reserve (OSR).

#### 4.3.3 Table of Permitted Uses

Table 4.3-1 sets forth the uses allowed subject to Type 1, 2, 3, or 4 approval procedures in the forest districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require a Type 2, 3 or 4 review, unless otherwise specified on Table 4.3-1.

A) **Type 1**

A "1" in the Table indicates that a use is allowed by-right, provided it complies with any standards listed in the "See Also" column.

B) **Type 2**

A "2" in the Table indicates that a use is subject to administrative review and approval, in accordance with the Type 2 review procedures of Section 3.1.3.

C) **Type 3**

A "3" in the Table indicates that a use may be conditionally allowed, subject to review and approval in accordance with the Type 3 review procedures and approval criteria of Section 3.1.4.

D) **Type 4**

A "4" in the Table indicates that the use is subject to review and approval by the Planning Commission and Board of County Commissioners, as applicable, in accordance with the Type 4 review procedures of Section 3.1.5.

E) **Numerical References**

The numbers contained in the "See Also" column are references to additional standards and requirements that apply to the use type listed. Uses are also subject to applicable standards of Chapters 7, 8 and 9.

F) **Accessory Uses and Structures**

Accessory uses and structures are allowed in all zoning districts (Section 6.4).

## **5.2 RESOURCE DISTRICTS**

The purposes of the resource districts are set forth below. The resource districts are fundamentally different from all other districts established in the County. While the County's authority under Oregon law to regulate development in the rural residential, urban residential, commercial, and industrial districts is broad, the County's authority to regulate development in the resource districts is strictly governed by state law. For this reason, the uses permitted and the standards for development in the resource districts are set forth in a separate part of this Ordinance: Chapter 4: Resource Districts. All uses in the resource districts will comply with the general dimensional standards set forth in Chapter 8.

### **5.2.1 Exclusive Farm Use (EFU)**

This district is intended to conserve agricultural land, and implements the Oregon Agricultural Land Use Policy, ORS 215.243, Oregon Administrative Rules, and Statewide Planning Goal 3 (Agricultural Lands). See Section 4.2 of this Ordinance.

### **5.2.2 Forest Resource (FR); Woodland Resource (WR); Open Space Reserve (OSR)**

These districts are intended to conserve forest lands and implement the Oregon Administrative Rules, and Statewide Planning Goal 4 (Forest Lands). See Section 4.3 of this Ordinance.

### **5.2.3 Aggregate Removal (AR)**

The purpose of this district is: to allow the development and use of significant mineral and aggregate resources subject to uniform operating standards; to balance and resolve conflicts between surface mining activities and activities on surrounding land; and to ensure the protection of natural resources and the reclamation of mined land. See Section 4.4 of this Ordinance.

## **5.3 RURAL RESIDENTIAL ZONING DISTRICTS**

The purposes of the rural residential zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

### **5.3.1 RESERVED**

### **5.3.2 Rural Residential (RR-2.5, RR-5, RR-5(A), RR-10, RR-00)**

The purpose of the rural residential zoning districts is to provide for large-lot residential areas, consistent with the predominant rural character of the area and the physical capability of the land. The RR-00 district is established for areas where there are physical limitations in water, or land resources or service availability, or for areas where rural residential divisions could inhibit future urban development.

## **5.4 URBAN RESIDENTIAL ZONING DISTRICTS**

The purposes of the urban residential zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

### **5.4.1 Urban Residential (UR-1, UR-4, UR-6, UR-8, UR-10)**

The purpose of these districts is to encourage, provide, and protect suitable environments for single- and multiple-family residences within urbanized areas of the County where public services and facilities are available, and to provide planned residential areas with densities up to 10 dwellings per acre.

### **5.4.2 Urban High-Density Residential (UR-30)**

This district establishes high-density residential developments up to 30 dwellings per acre in existing urban areas where public services and facilities are available.

**5.4.3 White City Urban Residential (WCUR-4, WCUR-6, WCUR-8, WCUR-10, WCUR-30)**

Within the White City Urban Unincorporated Community urban residential areas provide for urban levels of residential development with densities up to 10 dwellings per acre for single family dwellings and up to 30 dwellings per acre for multiple-family dwellings where public services and facilities are available. Unless otherwise specified in Chapter 12, development in the WCUR districts is subject to all the same requirements as the urban residential districts described in Section 5.4.1 and 5.4.2, above.

**5.5 COMMERCIAL ZONING DISTRICTS**

The purposes of the commercial zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

**5.5.1 General Commercial (GC)**

The purpose of this district is to provide locations for larger retail service commercial centers along major highways and within existing urban areas where public services and facilities are available.

**5.5.2 Interchange Commercial (IC)**

The purpose of this district is provide for commercial uses that serve the immediate needs of the traveling public, and are located at freeway interchanges with state highways or county roads.

**5.5.3 Neighborhood Commercial (NC)**

The purpose of a small neighborhood commercial center is to conveniently provide basic commodities for residential neighborhoods and to provide a mix of commercial and residential uses that are within easy walking or short driving distance of residential neighborhoods and alternative transportation systems. Because of their pedestrian orientation, drive-thru's and uses that rely solely on auto trips are prohibited (OAR 660-012-0060(5)(a))

**5.5.4 Rural Service Commercial (RS)**

The purpose of this district is to provide basic commodities to rural areas for which a specialized RS district has not been adopted. These include the community core areas of the Foothills Creek, Savage Creek, and Trail Rural Service Center areas.

**5.5.5 Unincorporated Communities Rural Service Commercial (ARS, RRS, SVRS)**

The purpose of these districts is to provide basic commodities to the Applegate (ARS), Ruch (RRS) and Sams Valley (SVRS) unincorporated communities.

**5.6 INDUSTRIAL ZONING DISTRICTS**

The purposes of the industrial zoning districts are set forth below. The allowed uses for each of the districts are set forth in Table 6.2-1. All uses must comply with the applicable development standards of this Ordinance.

**5.6.1 General Industrial (GI)**

The purpose of this district is to provide for heavy industrial uses.

### **5.6.2 Light Industrial (LI)**

The purpose of this district is to provide for light manufacturing and fabrication. In addition, this district allows limited retail commercial and office uses in existing and new industrial parks when such uses are subordinate to industrial uses.

## **5.7 SITE-SPECIFIC ZONING DISTRICTS**

### **5.7.1 Limited Use (LU), a Type 4 review**

The purpose of this district is to limit uses and activities to those justified in a Comprehensive Plan Amendment “Reasons” exception statement adopted by the County and acknowledged by the state pursuant to ORS 197.732(1)(c) as required by OAR 660-004-0018(4)(a), or to recognize existing lawfully established nonconformities as permitted uses (see Section 13.3). A Comprehensive Plan Amendment “Reasons” exception adopted by the County, and acknowledged by the State pursuant to OAR 660-004-0022(1), may or may not include a minor map amendment to designate the property LU at the County’s discretion. Similarly, a rezone to LU to recognize the continued existence of a legal nonconforming use may be approved where the use is:

- A) Of a non-industrial nature;
- B) The use has continuously existed for 20 or more years; and
- C) No citations have been issued by the County against the use.

It is intended that uses and activities in a Limited Use district will be those uses and activities specified in the Ordinance adopting the LU designation, together with other similar, related, accessory and supplemental uses consistent with the acknowledged Ordinance adopting the designation for the property. In no event will the predominant use in an LU district be industrial. Uses in the LU district will be subject to other applicable standards, statutes, and rules governing sewage disposal, noise, and air and water quality.

### **5.7.2 Rural Limited Industrial (RLI), a Type 4 review**

The purpose of this district is to provide for industrial uses that rely on site-specific natural resources for their processes and activities, or create a byproduct of substantial direct benefit to resource-producing lands or uses. Such uses are more appropriately located outside an urban growth boundary. Natural resources associated with the RLI use must be located on the subject parcel or lands immediately adjacent to it. Such industrial uses are inappropriate in an urban industrial setting because of the nature of their operating characteristics, but can be made compatible with rural land uses. A Comprehensive Plan Amendment Goal exception adopted by the County, and acknowledged by the State may or may not include a minor map amendment to designate the property RLI at the County’s discretion.

### **5.7.3 Rural Use (RU) District**

The purpose of this district is to provide a designation for lands that are not urban or urbanizable and do not meet the state definitions of agricultural or forest land. Designation as a Rural Use zoning district is subject to a binding site plan review in accordance with the development standards of this ordinance (e.g., Chapters 7 through 10).

**6.2.2 Use Table for Base Zoning Districts<sup>2</sup>**

**Note:** The urban residential zoning districts noted below include all urban residential and White City urban residential districts described in Section 5.4 of this Ordinance. Split use types may not be completely consistent with the “See Also” notes. Notwithstanding the permit review type listed under Commercial and Industrial uses, changes of use on existing commercial or industrial sites are allowed subject to a Type 1 review whenever Section 3.2.3 does not apply to the proposed change.

TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS														SEE ALSO	
CATEGORY	SPECIFIC USE	ZONING DISTRICTS													
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL				INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	V R S	G I	L I	
<b>RESOURCE USES (FARM, FOREST, AGGREGATE, NATURAL RESOURCES)</b>															
Agriculture	Horse boarding & riding facilities	1	3	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Intensive livestock	3	3	-	-	-	-	-	-	-	-	-	-	-	6.3.1(A)
	Non intensive agriculture	1	1	1*	1*	1	1	1	1	1	1	1	1	1	6.3.1(A); 5.5.3; 12.3.1
Forestry	Plant nursery	2	2	3	-	-	2	-	-	2	2	2	2	-	6.3.1(B) 6.4.4(D)
	Manage, grow, harvest, process timber & forest products	1	1	1	-	-	-	-	-	-	-	-	-	-	

<sup>2</sup>Ordinance 2004-12, effective 2-6-2005; Ordinance 2004-2RM, effective 1-30-2005; Ordinance 2004-14, effective 2-13-2005

\*Not permitted within the White City Urban Unincorporated Community (WCUUCB)

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit

CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO		
		RURAL RESIDENTIAL				URBAN RESDL.				COMMERCIAL					INDUSTRIAL	
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR-30	G C	I C	N C	R S	A R S	R S	S V R S	G I		L I	
Mineral and aggregate	Aggregate or surface mining, stockpiling or processing (e.g., batch plants)	3	-	-	-	-	-	-	-	-	-	-	-	2	-	4.4.8; 6.3.4(A)
Fish and game	Fish hatchery/culture/game refuge or management	1	3	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>RESIDENTIAL USES</b>																
Household Living	Accessory dwelling	-	-	1	-	-	-	-	-	-	-	-	-	-	-	6.4.4(B)
	Co-housing	-	2	2	-	-	-	-	-	-	-	-	-	-	-	-
	Detached single-family dwelling, 1st	1	1	1	2	2	2	2	2	2	2	3	2	2	2	6.3.2(C)
	Manufactured dwelling park	-	-	3	3	-	-	-	-	-	-	-	-	-	-	6.3.2(A)
	Multi-family dwelling	-	-	-	1	-	-	-	-	-	-	-	-	-	-	6.3.2(B); 3.2
	Rectory/parsonage	-	1	1	1	2	2	2	2	2	2	3	2	2	2	6.3.2(C)
	Single-family dwelling, two or more (attached or detached)	-	2	2	2	-	-	-	-	-	-	-	-	-	-	6.3.2(D)

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO		
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL				
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	INC	RS	ARS	RSVS	GI	LI			
Group Living	Convent or monastery	3	3	3	-	-	-	-	-	-	-	-	-	-	-	3.2
	Farm labor housing	3	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Nursing home	3	3	3	3	-	-	-	-	-	-	-	-	-	-	
	Residential facility/Community housing	3	3	3	1	-	-	-	-	-	-	-	-	-	-	ORS 197.660 ORS 426.502
	Residential home/in-home day care	1	1	1	1	1	-	1	1	1	1	1	1	1	1	ORS 197.660; 6.3.3(K); 12.3.1
	Substance abuse rehabilitation	3	3	3	-	-	-	-	-	-	-	-	-	-	-	
<b>COMMERCIAL/OFFICE USES</b>																
Agricultural Sales and Service	Agriculture produce stand	3	3	-	-	-	-	2	2	-	-	2	-	2	-	6.3.3(A)
	Farm equipment repair	-	-	-	-	2	-	2	2	3	2	2	2	2	2	
	Farm equipment sales	-	-	-	-	2	-	-	-	-	2	2	2	2	2	6.3.4(C)
	Farm equipment storage	-	-	-	-	-	-	-	-	-	-	-	2	2	2	6.3.4

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO			
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL						
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	GC	IC	NC	RS	ARS	RS	SVRS	GI	LI				
	Firewood retail sales	-	2	-	-	2	-	-	-	-	-	-	-	2	-	-	6.3.3(M)	
	Stock auction yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	
	Winery, tasting room	-	3	-	-	3	-	-	-	-	-	-	-	3	3	2	2	6.4.4(E)
Animal Sales and Service	Small animal clinic/hospital	-	3	-	-	-	-	-	-	-	-	-	-	2	3	2	3	6.3.3(B)
	Large/livestock/exotic animal clinic/hospital	-	3	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.3(B)
	Kennel	-	3	-	-	-	-	-	-	-	-	-	-	2	-	-	2	6.3.3(B)
	Pet shop	-	-	-	-	-	-	-	-	2	-	-	-	2	-	-	-	
Building Materials	Building material and lumberyard	-	-	-	-	-	-	-	-	-	-	-	-	1	3	2	2	6.3.3(H)
	Day care	1	1	1	1	1	-	1	1	1	1	1	1	1	1	1	1	6.3.3(K); 12.3.1; ORS 657A.440
Eating and Drinking Establishment	Child care center	-	3	3	3	3	-	2	2	2	2	2	2	2	2	2	2	6.3.3(K), 12.3.1
	Community commercial kitchen	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	2	-
	Eating establishment	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	3	5.5.3, 12.3.1

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		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL				
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 3 0	G C	I C	N C	R S	A R S	R S	S V R S	G I	L I		
	Drinking establishment	-	-	-	-	2	2	2	3	3	3	3	-	-	-	6.3.3(L), 12.3.1
	Drive-thru food and beverage	-	-	-	-	3	3	-	-	-	-	-	-	-	-	9.4.9
Financial Institutions	Bank, credit union, check cashing ctr.	-	-	-	-	2	-	2	3	3	2	2	2	-	-	5.5.3, 12.3.1
Food and Beverage Sales	Foods & sundries convenience	-	-	-	-	2	3	2	-	-	3	-	-	-	-	5.5.3; 6.3.3(J) 12.3.1
	Farmers market	-	-	-	-	3	-	2	3	2	-	2	-	-	-	5.5.3, 12.3.1
	Grocery store	-	-	-	-	2	-	-	2/3	2/3	2	2	2	-	-	6.3.3(P)
	Wine shop	-	-	-	-	2	-	2	2/3	2/3	2	2	2	-	-	5.5.3; 6.3.3(X), 12.3.1
Landscaping Sales/Service	Landscape contracting	-	-	-	-	2	-	-	3	3	3	3	2	2	-	
Medical Services	Emergency medical center	-	3	3	3	2	-	-	2	2	2	2	2	-	-	
	Hospital	-	-	3	3	-	-	-	-	-	-	-	-	-	-	
	Medical/dental/optical clinic	-	3	3	3	2	-	2	2	2	2	2	2	-	-	12.3.1
Office	Studio: broad-casting/recording	-	3	-	-	2	-	-	3	3	3	3	-	-	-	

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS												SEE ALSO				
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL						
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	S V R S	G I		L I			
	Business or professional office	-	-	-	-	2	-	2	3	2	2	2	2	2	2	-	-	12.3.1
Personal Service	Studio: art/dance/music/skills	-	-	-	-	2	-	2	2	2	3	2	2	2	2	-	-	12.3.1
	Barber or beauty shop	-	-	-	-	2	2	2	2	2	2	2	2	2	2	-	-	6.3.3(F), 12.3.1
	Laundromat or dry cleaner	-	-	-	-	2	-	2	2	3	3	2	3	3	-	-	-	5.5.3; 6.3.3(S),
	Mortuary	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	
	Tanning salon	-	-	-	-	2	-	-	-	-	-	-	-	2	-	-	-	12.3.1
Recreation and Entertainment	Amusement establishment (indoor)	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	
	Amusement establishment (outdoor)	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	6.3.7(C)
	Theater (indoor)	-	-	-	-	2	-	-	2	-	-	-	-	-	-	-	-	
Retail Sales	Auction service, commercial	-	-	-	-	2	-	-	-	-	-	-	-	-	2	2	2	6.3.3(D)
	Auction service, temporary	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.3(E); 12.3.1

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

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CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO		
		RURAL RESIDENTIAL				URBAN RESDL.				COMMERCIAL						INDUSTRIAL	
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR-3 0	G C	I C	N C	R S	A R S	R S	S V R S	G I	L I			
	Feed/seed store	-	-	-	-	2	-	-	2	2	3	2	-	-	-		
	Flea market	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.3(N)	
	Florist/garden shop, drug store, or bake shop	-	-	-	-	2	-	2	2/3	2/3	3	2	-	-	-	5.5.3; 6.3.3(X), 12.3.1	
	Clothing/general merchandise store	-	-	-	-	2	-	2	2/3	2/3	2	2	-	-	-	6.3.3(I)	
	Gift, antique, or specialty shop	-	-	-	-	2	2/3	2	2	2	3	2	-	-	-	6.3.3(O), 12.3.1	
	Hardware store	-	-	-	-	2	-	2	2	2	2	2	-	-	-	6.3.3(Q), 12.3.1	
	Pawn/second hand store	-	-	-	-	2	-	-	-	-	-	-	-	-	-	6.3.3(W)	
	Wholesale establishment	-	-	-	-	2	-	-	-	-	-	-	2	2	-		
	Other retail sales	-	-	-	-	2	-	-	2/3	2/3	2/3	2	-	-	-	6.2.3; 6.3.3(Y)	
Service and Repair Businesses	Appliance repair & incidental sales	-	-	-	-	-	-	2	2	2	3	2	-	-	-	6.3.3(C)	
	Bicycle repair & incidental sales	-	-	-	-	2	-	2	2	2	3	2	-	-	-		
	Gun repair	-	-	-	-	2	-	-	-	-	-	-	-	-	-		

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**  
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CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO	
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL				
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	S V R S	G I	L I		
	Propane gas/fuel oil distributors	-	-	-	-	-	-	-	-	-	-	-	-	2	2	
	Rental facilities & equipment rentals	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-
	Small engine repair, machine, welding shop	-	-	-	-	2	-	-	3	3	3	2	-	-	2	
	Other (e.g., well driller, cabinet shop, sanitary service installer, upholstery)	-	-	-	-	2	-	-	3	3	3	3	-	-	2	
Vehicles and Equipment	Body/fender shop	-	-	-	-	3	-	-	-	-	-	-	-	2	2	6.3.3(G)
	Manufactured dwelling, mobile home, & RV sales	-	-	-	-	2	-	-	-	-	-	-	-	-	-	
	Motor vehicle impound	-	-	-	-	3	-	-	-	-	-	-	-	2	2	
	Motor vehicle sales and rental	-	-	-	-	2	-	-	-	-	-	-	-	2	2	6.3.3(T)
	Motor vehicle service & repair	-	-	-	-	2	-	3	3	3	3	2	2	2	2	6.3.3(T)

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		RURAL RESIDENTIAL			URBAN RESDL.			COMMERCIAL							INDUSTRIAL		
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	Motor vehicle storage	-	-	-	-	2	-	-	-	-	-	-	-	2	2	2	6.3.3(U)
	Motor vehicle washing/detailing	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	
	Parking area, commercial	-	-	-	-	2	-	-	-	-	-	-	-	-	-	2	6.3.3(V)
	Service station	-	-	-	-	2	2	2	3	2	2	3	2	2	2	-	
Visitor Accommodation	Destination resort large	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PDP 2 FDP	4 PDP 2 FDP	-	-	-	-	-	-	-	-	-	6.3.8
	Destination resort small	4 PDP 2 FDP	4 PDP 2 FDP	-	-	4 PDP 2 FDP	4 PDP 2 FDP	-	-	-	-	-	-	-	-	-	6.3.8
	Guest ranch	-	3	-	-	-	3	-	-	-	-	-	-	-	-	-	
	Hotel or motel	-	-	-	-	2	2	-	3	-	-	-	-	-	-	-	6.3.3(R)
<b>INDUSTRIAL/MANUFACTURING USES</b>																	
Equipment Storage and Repair	Equipment storage	-	-	-	-	2	-	-	-	-	-	-	-	-	2	2	6.3.4

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	Heavy machinery/equipment repair	-	-	-	-	2	-	-	3	3	3	2	2	2	2	6.3.4(B)
	Outdoor storage areas	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Wrecking/salvage or junk yard	-	-	-	-	3	-	-	-	-	-	-	-	2	2	6.3.4(E)
Industrial Service	Industrial service, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Industrial service, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	-	6.3.4
	Laundry/dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	2	2	
Manufacturing & Production	Firewood processing/sales	-	-	-	-	-	-	-	-	-	-	-	-	2	-	
	Manufacturing and production, low-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Manufacturing and production, high-impact	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Manufacturing paper and allied products	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4

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	Manufacturing petroleum by-product	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	6.3.4
Warehouse and Freight Movement	Feed mills/elevators/granaries	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.4
	Mini-warehouse	-	-	-	-	2	-	-	2	-	-	-	-	2	2	2	6.3.4(D)
	Truck terminal, freight forwarding facility, or yard	-	-	-	-	-	3	-	-	-	-	-	-	-	2	2	
	Warehouse, food storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	6.3.4
<b>TRANSPORTATION USES</b>																	
Aviation	Airport/heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	2	2	6.3.5(A) ORS Chapter 836
Bike Paths	All types	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(B) Ch. 9
Public Transportation	Station only	-	-	-	-	3	-	-	2	2	3	-	-	-	-	-	3.2
	Terminal/station	-	-	-	-	3	-	-	3	3	3	-	-	-	2	2	3.2
Transportation Facility	Park-and-ride lot	-	-	2	2	1	1	1	2	2	2	2	2	2	-	-	3.2; 6.3.3(V)

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Transportation Improvements	All types <sup>3</sup>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.5(C); 12.3.1	
<b>UTILITY/SOLID WASTE USES</b>																	
Utility	Building-mounted transmission towers	2	2	2	2	2	2	2	2	2	2	2	2	2	1	6.3.6(A)	
	Co-location on existing towers	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1	
	Concealed transmission towers (stealth)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6.3.6(A), 12.3.1	
	Freestanding transmission towers (new)	2	2	-	-	2	-	-	-	-	-	-	-	-	2	6.3.6(A)	
	Major utility facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	2	6.3.6(B)	
	Minor utility facilities	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(B)	
	Small scale energy producing facility	3	3	-	-	-	-	-	-	-	-	-	-	-	2	6.3.6(B)	

<sup>3</sup>Discretionary review may be required pursuant to Section 6.3.5(C)

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

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		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	S V R S	G I	L I			
Waste-Related Use	Composting plant	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Incinerator	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4	
	Modification of waste related use	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.6(D)
	Recycle drop-box	-	2	2	2	2	2	2	2	2	2	2	2	2	2	2	5.5.3; 6.3.6(C)
	Recycling plant	-	-	-	-	-	-	-	-	-	-	-	-	-	4	4	6.3.6(C)
	Sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
	Slaughter house/tannery/animal tallow/rendering plant	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	6.3.6(C)
Solid waste transfer station	-	-	-	-	3	-	-	-	-	-	-	-	-	3	3	6.3.6(C); 3.2	
<b>PARKS/PUBLIC/QUASI-PUBLIC USES</b>																	
Cemetery	Cemetery (incl. animals)	-	3	3	3	-	-	-	-	-	-	-	2	-	-	-	12.4.1(H)
Library	All types	-	3	3	3	3	3	3	3	3	3	3	2	2	2	2	6.3.7(B); 12.4.1(H)
Museum	All types	-	3	3	3	-	-	-	-	-	-	-	2	2	-	-	12.4.1(H)

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit

CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO		
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	S V R S	G I	L I			
Parks and Recreation	Campground/RV (new)	-	-	-	-	3	3	-	3	3	-	3	-	3	-	-	6.3.7(C); 12.4.1(H)
	Campground/RV (expand existing)	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Country club	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	6.3.7(C); 12.4.1(H)
	Fairgrounds or rodeo grounds	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Firearm training or shooting range	-	-	-	-	-	3	-	-	-	-	3	-	-	3	-	6.3.7(A); 12.4.1(H)
	Golf course	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Park/playground	-	2	2	2	2	2	2	2	2	2	2	2	2	2	2	6.3.7(C); 12.3.1, 12.4.1(H)
	Recreation/sports club, private	-	3	3	3	3	2	-	2	-	2	-	-	-	2	2	12.4.1(H)
	Recreation/sports club, public	-	3	3	2	2	2	-	2	-	2	-	-	-	2	2	12.4.1(H)
	Post Office substation	-	-	-	-	2	2	-	2	2	2	2	2	2	2	2	5.5.3; 12.3.1, 12.4.1(H)

**TABLE 6.2-1: USE TABLE FOR BASE ZONING DISTRICTS**

1 = Type 1 Permit 2 = Type 2 Permit 3 = Type 3 Permit 4 = Type 4 Permit

CATEGORY	SPECIFIC USE	ZONING DISTRICTS													SEE ALSO		
		RURAL RESIDENTIAL		URBAN RESDL.		COMMERCIAL						INDUSTRIAL					
		RR 00 & 10	RR-5 RR-2.5 & RR-5A	UR-1, UR-4 to UR-10	UR 30	G C	I C	N C	R S	A R S	R S	S V R S	G I	L I			
Public Assembly	Community/town hall/grange	-	3	3	3	2	2	2	2	2	2	2	2	2	2	2	12.3.1, 12.4.1(H)
	Convention and exhibit hall	-	-	-	-	2	-	-	-	-	-	-	-	-	2	2	12.4.1(H)
Public Works	Public works buildings & facilities	3	3	3	3	2	3	3	3	3	3	3	3	2	2	2	6.3.7(D); 12.4.1(H)
Religious	Religious assembly, house of worship (church)	-	2	2	2	2	-	-	-	-	-	-	-	-	-	-	2.7.4(C) 12.4.1(H)
	Seminary	-	3	3	-	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
Safety Services	Emergency medical, ambulance service, fire/police stations	3	3	3	3	2	2	2	2	2	2	2	2	2	2	2	12.3.1, 12.4.1(H)
Schools	Commercial or business school	-	-	-	3	2	-	-	3	-	-	-	-	-	2	2	12.4.1(H)
	College/university	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	12.4.1(H)
	Public or private school (K thru 12)	-	3	3	3	-	-	-	-	-	-	-	1	-	-	-	12.4.1(H)
	Satellite campus	-	3	3	3	2	-	-	2	2	2	2	2	2	2	2	12.4.1(H)



