

LAND DEVELOPMENT ORDINANCE

CHAPTER 00—INTRODUCTORY PROVISIONS AND DEFINITIONS¹

00.010 TITLE:

This Ordinance shall hereafter be known, cited, and referred to as the Land Development Ordinance for Jackson County, Oregon.

00.020 ORGANIZATION:

The Land Development Ordinance consists of two parts: Land Division Regulations, starting with Chapter 01; and Zoning Regulations, starting with Chapter 200.

00.030 FEES, GENERALLY:

For the purpose of partially defraying expenses involved in processing land development applications, the Department shall collect fees in the amounts established by order of the Board of County Commissioners.

00.040 DEFINITION OF TERMS:

As used in the Land Division Regulations and Zoning Regulations of the Land Development Ordinance the masculine includes the feminine, and the singular includes the plural, unless the context otherwise requires. No preference or prejudice is intended through this choice of words. "May" is permissive, and "shall" is mandatory. Unless specifically defined below, or by other ordinance, administrative rule or statute, words or phrases used in this Ordinance shall be interpreted so as to give the meaning they have in common usage and to give this Ordinance its most reasonable application. The following definitions shall also apply:

- 1) **ABANDONMENT, AGGREGATE OPERATION:** The cessation of a use of a property for aggregate removal, mining operation, or the processing of materials therefrom, for more than 36 consecutive months shall constitute the abandonment of the surface mine, unless there is evidence that the operator has terminated all operations with the intent to cease all operations in the future. After abandonment, use of the property for surface mining operations shall be subject to all provisions of this Ordinance.
- 2) **ACCEPTED FARMING PRACTICE:** The mode of operation that is common to farms of a similar nature, necessary for operation of such farms to obtain gross farm income, and customarily utilized in conjunction with farm use.

¹ *Adopted by Ordinance #94-156 on December 28, 1994; Effective February 27, 1995 (File #94-17-OA)*

- 3) ACCESS: A legally and physically defined area available and practical for motor vehicle ingress and egress to a parcel or lot. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.
- 4) ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use which is necessary for the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use. A use which involves an increase in the number of dwelling units in a building, or on a lot, beyond that which is permitted outright in the district, or which constitutes, in effect, the conversion of a use to one not permitted in the district, shall not be considered an accessory use.
- 5) AGGREGATE RESOURCES: Sand, gravel, rock, stone, loam and dirt.
- 6) AGGREGATE OR MINERAL PROCESSING: The crushing, non-chemical washing, screening, weighing, sorting, stockpiling, and blending of sands, gravels, and other earth, natural materials, or precious metals, not including batching of sand and gravel into asphaltic and portland cement concrete products, the manufacturing of aggregate products such as concrete pipe, bricks, concrete forms, and the like, or the chemical blending or extraction of minerals.
- 7) AGGREGATE OR MINING REFUSE: All waste materials, soil, rock, minerals, liquid, vegetation and other materials, resulting from, or displaced by, surface or subsurface mining operations within the operating permit area.
- 8) AGGREGATE OR MINING SITE COMPLETION: Termination of mining activities, including reclamation in accordance with the approved reclamation plan and/or operating permit.
- 9) AGGREGATE OR MINING SITE/OPERATION: The tract of land/operation from which any aggregate or mining materials are removed or excavated, stockpiled, or processed for sale as an industrial or commercial product by either retail, wholesale, contract purchase, or other considerations, including uses by a governmental agency. The on-site leveling, grading, filling, or removing of earth materials in conjunction with a farm use, on-site road construction, or on-site construction projects, are not considered an aggregate operation under this definition.
- 10) AGRICULTURAL BUILDING: As defined by Oregon Revised Statutes, an agricultural building is a structure located on a farm and used in the operation of such farm for the storage, maintenance or repair of farm machinery and equipment or for the raising, harvesting, and selling of crops or in the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees or for dairying and sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof including the preparation and storage of products raised on such farms for man's use and animal use and disposal by marketing or otherwise. "Agricultural Building" does not include:
 - A) A dwelling;

- B) A structure used for a purpose other than growing plants in which persons perform more than 144 man-hours of labor a week;
 - C) A structure regulated by the State Fire Marshal pursuant to ORS Chapter 476;
 - D) A structure used by the public; or,
 - E) A structure subject to Sections 4001 to 4127, title 42, United States Code (The National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.
- 11) AGRICULTURAL PRODUCE STAND: A facility for the marketing of produce grown on the subject parcel or contiguous properties.
- 12) AGRICULTURE, AGRICULTURE USE: The use of the land for crop and tree farming; the raising of livestock, poultry, furbearing animals, or honeybees; the tilling of the soil; the raising of field and tree crops including agriculture, horticulture, floriculture, silviculture, viticulture, nurseries and greenhouses, and the necessary uses for storing produce that is incidental to that of normal agricultural activity. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use, and disposal by marketing or otherwise. Agriculture use shall not include auction yards, slaughter houses, or rendering plants. When located outside of a commercial or industrial zone, a plant nursery or greenhouse involving wholesale or commercial sales is an agricultural use only if the products offered for sale are produced by the farm use of the property as defined by this Ordinance and ORS 215.203.
- 13) AGRICULTURAL/STOCK USE WELL: A well used, or intended to be used, to supply water for agricultural irrigation and/or stock use only.
- 14) AIRPORT APPROACH: That area of approach and transition surface areas around airports, where special land use and height regulations are established.
- 15) AIRPORT/HELIPORT: Any area of land which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- 16) AIRPORT HAZARD: Any structure, tree, or use of land which hinders or obstructs the airspace required for the safe operation of aircraft in or around an airport.
- 17) AIRPORT REFERENCE POINT: The highest point of an airport's usable landing area, measured in feet above mean sea level.
- 18) AIRSPACE OBSTRUCTION: Any structure, tree, land mass, smoke or steam, or use of land which penetrates a primary, transitional, horizontal, or conical surface of an airport as defined by Federal Aviation Regulations (FAR, Part 77, available through the Department).

- 19) ALLOWABLE USE PERMIT, HISTORIC: A use that will encourage and facilitate the preservation of an historic landmark, yet not require substantial alteration.
- 20) AMUSEMENT, COMMERCIAL: Any amusement enterprise, in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee or charge; this term includes, but is not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.
- 21) ANIMAL CLINIC OR HOSPITAL: Facility, with or without outside runs, for diagnosis, treatment, or hospitalization of animals including, but not limited to, dogs, cats, birds, cows, and horses; and, does not include boarding other than those being treated.
- 22) ANNUAL FLOOD RISK PERIOD: November through March.
- 23) ANTIQUUE SHOP: An establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have value and significance as a result of age, design, or sentiment; and, when there is no outside display of such items offered for sale.
- 24) APARTMENT: Three or more contiguous dwelling units, under common ownership, each unit being occupied by not more than one family.
- 25) APARTMENT ACCESSORY USES: Permitted uses accessory to an apartment building shall include a recreation room, employees' washroom, manager's office, and laundry facilities for tenants only.
- 26) APPLIANCE: Large or small household goods including washers, dryers, refrigerators, freezers, ranges, TVs, toasters, electric irons, and the like.
- 27) APPROACH ZONE: An imaginary surface, beginning at the end of, and at the same elevation as the primary surface and extending a specified horizontal distance along the extended runway centerline, which is necessary for the safe take-off and landing of aircraft. Precision approaches are preserved with a fifty foot horizontal to one foot vertical approach surface, 10,000 feet long, followed by a 40,000 foot long, forty to one approach surface. Visual runways have a 5,000 foot long, twenty to one approach surface.
- 28) ARCPACS: American Registry of Certified Professionals in Agronomy, Crops and Soils.
- 29) AREA OF SHALLOW FLOODING: An area where the base flood depths range from one to three feet, a clearly defined channel does not exist, and the path of flooding is unpredictable and indeterminate. Such areas are designated AH or AO on the Flood Insurance Rate Map (FIRM).
- 30) AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year (see Chapter 254 of this Ordinance).
- 31) ARTERIALS: See ROADS.

- 32) AUTO/TRUCK REPAIR: Does not include body or fender shop.
- 33) BARBER AND BEAUTY SHOP: A facility, licensed by the state, where haircutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related services are performed.
- 34) BASE COURSE: A course of specified aggregate material of planned thickness placed upon the subgrades.
- 35) BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, i.e., the 100-year flood.
- 36) BASE FLOOD ELEVATION: The crest elevation, in relation to mean sea level, expected to be reached by the base flood, also known as the regulatory flood elevation.
- 37) BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for nonmotorized traffic.
- 38) BIKEWAY: Are facilities with rights-of-way for bicycle use, with cross flows by motorists minimized.
- 39) BLACKSMITH SHOP: See MACHINE SHOP.
- 40) BOARD: Jackson County Board of Commissioners.
- 41) BOARDING OF HORSES FOR PROFIT: Provision of food and shelter for horses for a fee. Synonymous with commercial stable.
- 42) BOARDING OR ROOMING HOUSE: A residential building, other than a hotel or motel, where lodging or meals are provided to three or more persons, and for which a fee is charged.
- 43) BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.
- 44) BUSINESS OR PROFESSIONAL OFFICE: An office of a professional providing a service to the public, including but not limited to: medical or dental offices; architectural, engineering or surveying offices; certified public accountant or tax preparer's office; realty or insurance office; or, business or computer consultant.
- 45) BUS/TRUCK STATION AND TERMINAL: Facility on a common carrier line for bus/truck docking, freight storage, and passenger loading and unloading. Synonymous with bus/truck terminal and freight forwarding facility.
- 46) CABINET, CARPENTRY AND WOODWORK SHOP, CUSTOM: Shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

- 47) CAMPING OR RECREATIONAL VEHICLE: Vacation trailer, park trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is designed for human occupancy and is being used for temporary vacation/recreational or emergency purposes, as allowable by this Ordinance but not for residential purposes, and may be equipped with plumbing, sink, or toilet (see Section 280.210).
- 48) CAR WASH: A facility for the washing and/or steam cleaning of passenger automobiles, including a self-service operation. When installed and operated in conjunction with another use, including a service station, only the equipment customarily associated with an auto laundry installed solely for the purpose of washing and cleaning of automobiles shall be permitted.
- 49) CEMETERY: Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.
- 50) CHURCH: A place of worship and religious training.
- 51) CLINIC--MEDICAL, DENTAL, OR OPTICAL: Facility for examining, consulting with, and treating patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment.
- 52) COMMERCIAL MOTOR RACING FACILITY: Facility for motorized races, including closed course, straight-away, and/or acceleration runs. The term also includes drag strip and go-cart tracks.
- 53) COMMISSION: The Jackson County Planning Commission or the White City Area Planning Commission.
- 54) COMMUNITY WATER SYSTEM: A water system which serves four or more dwellings.
- 55) COMMON OPEN SPACE: An open area within a development, designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.
- 56) COMMUNE: A cultural or racial grouping of individuals not necessarily related by blood, marriage, or legal adoption, who are living together in single or multiple dwellings, either on a temporary or permanent basis.
- 57) COMMUNITY CENTER: A facility owned and operated by a governmental agency or a nonprofit community organization, for the purpose of public assembly, provided that no permanent commercial eating or drinking facilities shall be operated on the premises.
- 58) CONDOMINIUM: An apartment building in which the apartments are owned individually.
- 59) CONICAL SURFACE ZONE: An area extending outward from the horizontal surface, at a ratio of 20:1, to a height of 350 feet above the airport reference point elevation.
- 60) CONSOLIDATION: The act of aggregating two or more tax lots or tracts of land into one or more parcels.

- 61) CONTIGUOUS: Lots, parcels, or lots and parcels that have a common boundary. “Contiguous” includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right-of-way or flagpole. Lots or parcels are not contiguous if their common boundary is the Rogue River.
- 62) CONTRACT ANNEXATION: A binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by city action into city jurisdiction.
- 63) CONVENT OR MONASTERY: The dwelling units of a religious order or congregation which cannot exceed the density of the zoning district.
- 64) COUNTY: Jackson County, Oregon, the legally elected or appointed officials thereof, and the Director of Roads, Parks and Planning Services.
- 65) COUNTY ROAD: See ROADS.
- 66) DAY: Unless otherwise specified by this ordinance or statute, all references to days shall mean calendar days.
- 67) DAY CARE CENTER: An institution maintained under public or private auspices and licensed by the state, for which care is provided on a daily basis for 13 or more children under 16 years of age. Note: Day care centers providing care for more than six children result in an educational (“E” occupancy) status for the structure under the Uniform Building Code and the National Electrical Code. (See “Family Day Care Providers’ Home.”)
- 68) DEAD-END STREET: See ROADS.
- 69) DEDICATED WAY: See ROADS.
- 70) DEFERRED IMPROVEMENT AGREEMENT: A written agreement which is recorded with the County Clerk in which the property owner agrees to make road improvements or to contribute a fair share toward road improvements at a later date. This agreement may take the form of an irrevocable consent to participate in a Local Improvement District (LID) or may be a contract between the property owners or successors and the County through its Board of Commissioners.
- 71) DEMOLITION PERMIT, HISTORIC: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of an historic landmark.
- 72) DENSITY: The number of dwelling units, expressed in a ratio to land area. Density is computed by dividing the number of dwelling units by total gross acreage of the site. (Example: 20 dwelling units divided by five acres, equals a density of four units per acre.)
- 73) DEPARTMENT: Jackson County Roads, Parks and Planning Services and the employees thereof.
- 74) DEVELOPER: A person or other legal entity who subdivides or partitions land.

- 75) DEVELOPMENT: Any man-made change to improved or unimproved tracts of land, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area.
- 76) DEVELOPMENT PERMIT: Authorization from the Director or designee to proceed with development or to secure building or sanitation permits. A development permit may take the form of a zoning clearance sheet, a staff report from which no appeal is taken and therefore is considered to be a final decision, or a written decision by a hearings body, or a combination thereof.
- 77) DIRECTOR: The Director of Roads, Parks and Planning Services of Jackson County, Oregon, or a designee.
- 78) DIVIDE: To separate land into two or more parcels or lots for the purpose of transferring a substantial interest in land. (Refer to Chapters 15, 16 and 20, and definitions of “partition land” and “subdivision.”)
- 79) DIVISION: The act or process of dividing land or a tract that has been divided.
- 80) DIVISION CLASSIFICATIONS: Divisions of land classified with respect to location, and intended use of the division, in order to determine proper design and development standards. These classifications are:
- A) Class A Division: A division located within an urban growth boundary or urban containment boundary identified by the Comprehensive Plan for Jackson County, or a division within an area zoned to allow the creation of lots or parcels smaller than 2.5 acres in size.
 - B) Class B Division: A division located within an area zoned to allow the creation of lots or parcels between 2.5 and 4.99 acres in size.
 - C) Class C Division: A division located within an area zoned to allow only the creation of lots or parcels five acres or larger in size.
- 81) DOMESTIC WELL: A well used to serve three or fewer dwelling units for the purpose of supplying water intended for human sanitation, consumption or any other household purposes, including non-commercial stock watering and irrigation of up to one-half acre per dwelling, and which is not used as a public water supply.
- 82) DOUBLE FRONTAGE: A term used to describe a lot or parcel which has road frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three sides. Alley access is not considered “frontage” in this definition.
- 83) DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors. Synonymous with bar, lounge, or tavern.

- 84) DRIVEWAY: A legally and physically defined area available and practical for motor vehicle ingress and egress to the building site from a road. Must comply with the standards listed in Sections 05.070 and 280.100 of this Ordinance.
- 85) DRUG STORE OR PHARMACY: Facility for preparing, preserving, compounding, and dispensing drugs and medicines; and, may include the display and sale of other merchandise, such as cosmetics, notions, fountain service, and similar items.
- 86) DRYCLEANER OR LAUNDRY, COMMERCIAL: A plant for cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.
- 87) DRYCLEANING OR LAUNDRY SHOP, SMALL CUSTOM: An establishment for custom cleaning only of individual garments, fabrics, rugs, draperies, or other similar items, and not a bulk or commercial type plant.
- 88) DWELLING: A building, or portion thereof, designed or used for human occupancy as a residence for one or more persons, not including vehicles, travel trailers, or recreational/camping vehicles.
- 89) DWELLING CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE: (See "Farm Dwelling.")
- 90) DWELLING GROUP: A group of three or more dwellings, located on a parcel of land, in one ownership, and having any yard or court in common (PUD).
- 91) DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed or used as a residence by three or more families, and containing three or more dwelling units.
- 92) DWELLING, NONFARM, NONFOREST, NONRESOURCE: A single-family dwelling which is not provided in conjunction with farm, forest, or resource use.
- 93) DWELLING, SINGLE-FAMILY: A building, designed or used for residential purposes by not more than one family and containing one dwelling unit. A manufactured dwelling shall be considered a single-family dwelling. (See "Family.")
- 94) DWELLING, TWO-FAMILY OR DUPLEX: A building designed or used for residential purposes, by not more than two families, and containing not more than two contiguous dwelling units.
- 95) DWELLING, TOWNHOUSE: A single-family dwelling unit, on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two separate one-hour fire-resistive walls, or a single masonry common wall, having a two-hour fire-resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services; however, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

- 96) EATING ESTABLISHMENT: Synonymous with restaurant, but does not include drinking establishment.
- 97) EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of 10,000 pounds.
- 98) EMERGENCY MEDICAL FACILITY: A first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.
- 99) EMERGENCY WATER STORAGE FACILITY: A facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, a twenty gallon per minute well, or other reasonable means to store an emergency water supply on the premises.
- 100) ENGINE OR MOTOR REPAIR SHOP: A shop for the repair of engines or motors. Term includes electric or fuel power motors.
- 101) FAIRGROUNDS: An area where a fair, circus, or exhibition is held.
- 102) FAMILY: An individual or two or more persons related by blood, marriage, adoption or legal guardianship using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, living together as one housekeeping unit, using one kitchen.
- 103) FAMILY DAY CARE PROVIDER'S HOME: A permitted residential use of property for the purpose of providing child care in the provider's home for fewer than thirteen children including children of the provider, regardless of full-time or part-time status. Note that any structure where care is provided to more than six children is subject to Uniform Building Code and National Electrical Code Class E (Educational) Occupancy Status. (See "Day Care Center.")
- 104) FARM DWELLING: A dwelling customarily provided in conjunction with farm use if the dwelling is on a lot or parcel that is managed as part of a commercial farm operation. Includes dwellings for full-time farmhands or ranch hands.
- 105) FARM DWELLING, RELATIVES: A dwelling on real property used for farm use if the dwelling is located on the same lot or parcel as the dwelling of the farm operator and is occupied by a relative which means a grandparent, grandchild, parent, child, brother, or sister of the farm operator or the operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.
- 106) FARMHAND/RANCHHAND/FARM WORKER: A person employed on an agricultural unit for the sole purpose for assisting in the operation of the farm unit.
- 107) FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry or any combination thereof. "Farm use" includes

the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3).

- 108) FEED STORE, RETAIL (NO MILL): Facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items.
- 109) FLAG LOT: A “panhandle” shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access. Access, as used in this definition, shall be based upon the definition of “access” set forth in Subsection 3), above.
- 110) FLAGPOLE: The thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.
- 111) FLOOD OR FLOODING: A general temporary condition or partial or complete inundation of normally dry land areas from:
- A) The overflow of inland waters; and/or,
 - B) The unusual and rapid accumulation of runoff of surface waters from any source.
- 112) FLOOD BOUNDARY AND FLOODWAY MAP: An official map of certain portions of Jackson County entitled Flood Boundary and Floodway Map, issued by the Federal Emergency Management Agency.
- 113) FLOOD HAZARD BOUNDARY MAP: An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e. mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.
- 114) FLOOD INSURANCE: The insurance coverage provided under the federal flood insurance program.
- 115) FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.
- 116) FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- 117) FLOODPLAIN 100-YEAR: The land within the county subject to a one percent chance of flooding in any given year, including the floodway and floodway fringe.
- 118) FLOODPRONE: Areas likely to be flooded by virtue of their location adjoining a river, stream, or other water course or water body. Floodprone areas include lands within

Federal Emergency Management Agency (FEMA) designated floodplain, floodway, and approximate method floodplain, torrential flood hazard area identified by the Department of Geology and Mineral Industries, and other areas both within or outside of FEMA mapped areas which are either known to be prone to flooding or where flood hazards may be more extreme than indicated by FEMA and where development could jeopardize life or property.

- 119) FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- 120) FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 121) FLOODWAY FRINGE: That area of the floodplain lying outside of the floodway, but still subject to inundation by waters of a base flood.
- 122) FLOODWAY--REGULATORY: The sum of all areas depicted as lying within a “floodway” on the Flood Boundary and Floodway Map, as defined in Subsection 113), above, and those other areas determined to be subject to flooding, utilizing the approximate method set forth in Chapter 254 of this Ordinance.
- 123) FLOOR AREA: The maximum horizontal area of the building at the finished floor line, including any storage area.
- 124) FLOW TEST: A procedure for pumping water from a well for a specified period of time to establish well yield and/or basic ground water quantity information. Refer to Administrative Procedures for flow test requirements.
- 125) FOOD STORE, RETAIL SALE: An establishment where diversified foods and associated items are kept and displayed for retail sales. Synonymous with grocery store, supermarket, and convenience grocery.
- 126) FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five persons in addition to the primary owner or occupant of the home.
- 127) FRATERNAL OR LODGE BUILDING: A building for a chartered private service organization, club, society, or order.
- 128) FUEL ALCOHOL PRODUCTION: The distillation of fuel alcohol from agricultural products, by-products, or waste.
- 129) FUELBREAK: A fuelbreak is an area of reduced and/or managed vegetation designed to slow and minimize fire intensity (see Section 280.100 of this Ordinance).
- 130) GARAGE: An attached or accessory structure, designed primarily for storage of the family automobile(s).

- 131) GARDEN SHOP AND PLANT SALES, DISPLAY, OR GREENHOUSE: Facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.
- 132) GOLF COURSE: A golf course, owned or controlled by a public agency or private ownership.
- 133) GROCERY STORE: See food store.
- 134) GROUND WATER: Water occurring naturally underground.
- 135) GROUP HOME: A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of 18 years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five.
- 136) GUEST HOUSE: Living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house must conform to the dwelling density and standards of the zoning district.
- 137) GUEST/DUDE RANCH: A vacation resort offering activities which are typical of western ranching and offering sleeping and eating accommodations in conjunction with existing ranching operations.
- 138) HABITABLE FLOOR: Any floor which is or can be made suitable for living purposes. These areas may be walled and are suitable for use as a place of working, sleeping, cooking, recreation, or the like. As used in this Ordinance, the area beneath the lowest habitable floor may only be crawl space or unenclosed carport. See Section 254.070, "Specific Standards for Flood Hazard Reduction" for areas below the lowest floor. The term "lowest floor" is defined in Subsection 174), below.
- 139) HALF-WAY HOME: A temporary residence for five or more persons who are temporarily unable to live at home due to a variety of family circumstances, including but not limited to: physical or mental abuse, pregnancy, recent release from detention resulting from substance abuse or delinquency, or post-incarceration. Term includes shelter care facility.
- 140) HANDCRAFT, CERAMIC SCULPTURE OR SIMILAR ART WORK STUDIO OR FACILITY: Facility to create custom, artistic or decorative objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art. Synonymous with studio-art.
- 141) HATCHERY AND BREEDING OPERATION: Facility for hatching eggs and/or breeding of animals or fish.
- 142) HAZARDOUS WASTE: Discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous

pursuant to ORS 459.410, OAR 340-63-100 to 135, and these rules. A hazardous material is a substance this same definition applies to except that it is not a waste.

- 143) HEARINGS OFFICER: The Hearings Officer appointed by the Board to carry out functions described in this Ordinance.
- 144) HEALTH RELATED CENTER OR SPA: A facility which offers health related treatment, education, recreation, not including long-term or emergency care.
- 145) HEIGHT OF BUILDING: The vertical distance from the grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.
- 146) HISTORIC LANDMARK: Any historic resource, including its site or a geographic area, listed on the Jackson County Register of Historic Landmarks, or as otherwise described in Chapter 266.
- 147) HISTORIC REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.
- 148) HISTORIC RESOURCE: A district, site, building, structure, object, or natural feature significant in American history, prehistory, architecture, archeology, and culture. It may be of value to the nation as a whole, or solely to the community in which it is located.
- 149) HOME OCCUPATION: An accessory use, usually of a nonresidential nature, carried on in a dwelling unit except where otherwise allowed by this Ordinance, and which:
- A) Is incidental to the primary occupancy of the home as a dwelling;
 - B) Is for gainful employment involving the manufacture, provision or sale of goods and/or services;
 - C) Does not take on an outward appearance or manifest any characteristics of a business or operation of a retail nature; and,
 - D) Conforms to the standards specified by this Ordinance for home occupations set forth in Section 280.120.

A major home occupation (authorized by ORS 215.448) means the resident may employ a limited number of individuals to assist in the conduct of the home occupation. A minor home occupation means that the resident conducting the home occupation does not employ persons who reside off the premises to conduct the permitted use.

- 150) HORIZONTAL SURFACE ZONE: That flat, disc shaped, imaginary surface, 150 feet above the airport reference point elevation, through which no structures or uses should penetrate and which is necessary to protect the air-space.

- 151) HOTEL OR MOTEL: A temporary abiding place, containing six or more guest rooms or units, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture. Term does not include Bed and Breakfast facility as set forth in Section 280.240.
- 152) INSTITUTION FOR CARE OF ALCOHOLIC, NARCOTIC, OR PSYCHIATRIC PATIENTS: An establishment offering resident or out-patient treatment to alcoholic, narcotic, or psychiatric patients.
- 153) INTENSIVE LIVESTOCK PRODUCTION: In a Farm Residential, Rural Residential or Suburban Residential zoning district, the raising of livestock including cattle, goats, sheep, horses, swine, poultry, or fur-bearing animals in excess of the following standards per each acre:
- A) Cattle—1 animal;
 - B) Horses, Mules, or Donkeys—1 animal;
 - C) Sheep or Goats—3 animals;
 - D) Swine—on a parcel at least 5 acres in size 1 barrow (over 4 months of age) per each acre, or not more than 2 breeding animals per each 5 acres;
 - E) Poultry—20 fowl; or,
 - F) Fur-bearing Animals—50 animals.
- 154) JACKSON COUNTY REGISTER OF HISTORIC LANDMARKS: An official list of the County's historic resources which have been documented, nominated, and determined worthy of preservation due to their cultural, aesthetic, educational, architectural, or historic significance. See Chapter 266.
- 155) KENNEL: A place of business or a facility, not including an animal hospital: *[Amended by Ordinance #94-154, adopted December 28, 1994; effective February 27, 1995 (File #93-21-OA.)]*
- A) In which dogs owned by persons other than the business or facility owner are given training, boarded, or groomed for profit or compensation;
 - B) Maintained by public or private funds which serves as a temporary shelter for holding lost, strayed, surrendered, or abandoned dogs and cats until disposition by redemption, adoption, or euthanasia is made;
 - C) A facility which trains dogs as guides for the visually, physically, or hearing impaired; or,
 - D) Which is maintained and operated as a business for breeding, buying, selling, or bartering of dogs and cats for profit or compensation.

- 156) KINDERGARTEN: Public or private school or class for children usually from four to six years old.
- 157) LABORATORY, MANUFACTURING: Operations involving the compounding of products such as perfumes and pharmaceuticals, and the development and assembly of instruments and similar items.
- 158) LABORATORY, SCIENTIFIC TESTING-PRECISION: Facility which performs scientific tests or analysis or experimental studies.
- 159) LANDSCAPE OR PLANT NURSERY: Facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.
- 160) LIGHT FABRICATION AND ASSEMBLY PROCESS: Manufacturing which does not involve the generation outside the property of noise, odor, vibration, dust or hazard. The term includes, but is not limited to, the manufacture of electronic components, jewelry, clothing, trimming decorations and any similar item.
- 161) LIVESTOCK AUCTION PENS OR SHEDS: Facility for public sale to the highest bidder of animals, including but not limited to, horses, cows, and sheep. Term does not include slaughtering, rendering, or tannery.
- 162) LOCAL UTILITIES: The usual electric power, telephone, gas, water, sewer drainage lines, and those in-line facilities such as gas regulating stations and water pumping stations.
- 163) LODGING OR BOARDING: (See “Boarding or Rooming House.”)
- 164) LOT: A unit of land that is created by a subdivision. (See “Divide,” “Partition Land” and “Tax Lot,” Chapters 15 and 20.)
- 165) LOT AREA: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.
- 166) LOT, CORNER: A lot, parcel, or portion thereof, situated at the intersection of two or more streets.
- 167) LOT DEPTH: The average horizontal distance between the front lot or parcel line and the rear lot or parcel line.
- 168) LOT LINE: The property line bounding a lot or parcel.
- 169) LOT OR PARCEL LINE ADJUSTMENT: A relocation of an existing common boundary line between lots or parcels. (See definition of “Partition Land”, and Chapter 40.)
- 170) LOT LINE, FRONT: The property line separating the lot or parcel from the road or street, other than an alley. In the case of a corner lot or parcel or a lot with double frontage, the shortest property line along a street or road which has been improved and for which addresses have already been assigned, other than an alley. In the case of a flag lot or

other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

- 171) LOT LINE, REAR: A property line which is opposite and most distant from the front lot or parcel line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten feet in length within the lot or parcel, parallel to, and at a maximum distance from, the front lot or parcel line.
- 172) LOT LINE, SIDE: Any property line, not a front or rear lot or parcel line.
- 173) LOT WIDTH: The average horizontal distance between the side lot or parcel lines, calculated by dividing the lot area measured in square feet by the length of the lot (e.g., the distance between the front and rear property lines excluding the flag strip) measured in feet.
- 174) LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found in Sections 254.060 and 254.070.
- 175) LUMBER YARD: Facility for stocking and selling lumber and other materials needed for building. Term includes hardware and building materials and supplies.
- 176) MACHINE SHOP: Facility in which material is processed by machining, cutting, grinding, welding, or similar processing. Term includes blacksmith shop, electric motor repair, and gun shop.
- 177) MACHINERY SALES AND SERVICE: Facility for repairing equipment and selling and/or servicing machinery.
- 178) MAJOR FLOW TEST - (12-HOUR FLOW TEST): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of 12 hours while noting the effect on static water levels in the subject well and any existing wells within 500 feet of the subject well. Refer to "Administrative Procedures - Major Flow Test", for a complete description of major flow test procedures.
- 179) MAN: As used by this Ordinance, the word man refers generally to humans and is inclusive of both the masculine and feminine, unless the context otherwise requires.
- 180) MAP: A diagram or drawing of a major or minor partition.
- A) A "tentative map" is a map submitted as part of an application for a major partition and a minor partition. The term "preliminary map" may be applied to maps prepared for discussion purposes only. Preliminary maps are not required by this Ordinance.

- B) A “final map” is a map which is submitted for final review after approval of the tentative map.
- 181) MARINA: A dock or basin providing secure moorings for motorboats, sailboats, and/or yachts and offering fuel, marine supplies, food, and marine repairs.
- 182) MARQUEE: A permanent, roofed, nonenclosed structure projecting over an entrance to a building and not separately attached to the ground surface.
- 183) MINERAL RESOURCES: Precious metals and other earth or natural materials other than aggregate resources.
- 184) MINOR FLOW TEST - (4-HOUR FLOW TEST): The procedure used to determine well yield during which a new or deepened well is continuously pumped for a minimum of four hours while noting the effect on static water levels in the subject well. Refer to “Administrative Procedures - Minor Flow Test” for a complete description of minor flow test procedures.
- 185) MOBILE HOME: A structure or vehicle fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of the Oregon mobile home law in effect at the time of construction. Although Oregon Administrative Rules (OAR) Chapter 814, Division 23 separately define and distinguish between “manufactured home” and “mobile home” according to federal or state construction codes for such dwellings, the term “manufactured home” shall be considered a “mobile home” for land development regulatory purposes under this Ordinance. The term “mobile home” shall not include “camping vehicle,” “travel trailer,” “park trailer,” “tip-out” and any other similar vehicle which is not intended, designed, constructed or used for residential purposes for use as a single-family dwelling and is not otherwise labeled as manufactured or mobile home under any federal or state law provided; however, for floodplain management purposes under Chapter 254 of this Ordinance, park trailers, camping vehicles, travel trailers, “tip-out,” and other similar vehicles shall be considered mobile homes subject to the requirements of Chapter 254, although such vehicles are otherwise included within the term “mobile home.” Synonymous with manufactured dwelling.
- 186) MOBILE HOME PARK: Synonymous with manufactured dwelling park, Chapter 270. Any place where four or more such homes are located within 500 feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is:
- A) To rent or lease space for mobile homes for a charge or fee paid;
- B) To be paid for the rental, lease, or use of facilities for mobile homes; or,

- C) To offer space free for location of mobile homes in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

For floodplain management purposes, any parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale will be subject to the requirements of Chapter 254 of this Ordinance.

- 187) NEGOTIATE: Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation, and promotion of the sale of such land.
- 188) NEW CONSTRUCTION: Structures for which the “start of construction” commenced or will commence on or after October 28, 1980.
- 189) NONCONFORMING LOTS OR PARCELS: Lots or parcels legally created prior to the effective date of a land division or zoning regulation and not meeting the minimum lot area, width, or access requirements of those regulations.
- 190) NONCONFORMING STRUCTURE: A building, structure, or portion thereof, which lawfully existed prior to adoption of a zoning regulation with which the structure does not conform. Such structures may be nonconforming as to height, setback, lot coverage, or similar requirements of the zone.
- 191) NONCONFORMING USE: A use lawfully made prior to adoption of a zoning regulation with which the use does not conform.
- 192) NURSING HOME OR CONVALESCENT HOME: Facility providing care, rehabilitation services, and minor treatment for more than five persons under the direction of a physician, licensed by the state. May furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanitorium.
- 193) OPERATOR (AGGREGATE/MINERAL): Any individual, public or private corporation, political subdivision, agency, board or department of this state or County, or any municipality, partnership, association, firm, trust, estate, or any other legal entity, whatsoever, that is engaged in surface or subsurface mining.
- 194) OREGON AERONAUTICS DIVISION: That division of the Oregon Department of Transportation responsible for aviation safety.
- 195) OVERBURDEN: Soil, rock, sand, and similar materials that lie above natural deposits of minerals.
- 196) OWNER/LANDOWNER: Person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or purchasing a parcel of property under written contract.
- 197) PARCEL: Includes a unit of land created:

- A) By partitioning land as defined in ORS 92.010 in compliance with all applicable land use and partitioning ordinances or regulations; or,
- B) By deed or land sales contract, if there were no applicable land use or partitioning ordinances or regulations as provided in Section 15.020.

The term parcel does not include a unit of land created solely to establish a separate tax account. (See “Divide,” “Division,” and Chapters 15 and 16 of this Ordinance, and ORS Chapters 92 and 215.)

- 198) PARK OR PLAYGROUND: A recreation area or park owned or operated by a private entity, public agency, or school district, and available to the general public.
- 199) PARTITION LAND: To divide land into two or three parcels within a calendar year, but does not include a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with Chapter 40. Partitions are classified as follows:
 - A) Major Partition: A partition which involves the creation or extension of a road or street.
 - B) Minor Partition: A partition which does not involve the creation or extension of any road or street.
- 200) PAVEMENT/PAVE/PAVING: Asphaltic concrete or concrete road surfacing applied to achieve a smooth, reasonably dust-free surface.
- 201) PET SHOP: Facility for the display and sale of small animals, fish, and birds as pets, but not involving commercial boarding or treating of any animal, fish, or bird.
- 202) PLACE OF PUBLIC ASSEMBLY: A structure or area in which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.
- 203) PLANNED COMMUNITY: Any subdivision which results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property, in which there is a homeowners association responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and, owners of individual lots, by virtue of their ownership, automatically are members of the homeowners association and assume liability for membership fees.
- 204) PLANNED UNIT DEVELOPMENT (PUD): A development, as provided for in this Ordinance, of residential, commercial, industrial, or a mixture of residential, commercial, industrial, and semi-public units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship

between buildings and open spaces. Planned unit developments should each be planned as an entity, grouping dwellings units, allowing an area for open space, mixing housing types, including mobile homes, land uses, and should be designed to preserve natural features.

- 205) PLAT: A diagram, drawing, replat, or other writing concerning a subdivision (see Chapter 20):
- A) A “preliminary plat” is a plat submitted prior to actual application and is intended only for department review or discussion.
 - B) A “tentative plat” is a plat submitted as a part of an application for a subdivision.
 - C) A “final plat” is a plat which has been prepared for recordation after approval of the tentative plat.
 - D) A “replat” is an alteration of a previously recorded plat. A lot line adjustment is not a replat. A partition of an existing lot is not a replat.
- 206) POTABLE WATER: Water that meets the American Public Health Association standards for drinking. Generally, water which is sufficiently free from biological, chemical, physical, or radiological impurities, so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be palatable.
- 207) PRESERVATION, HISTORIC: The act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
- 208) PRIMARY SURFACE: A surface, longitudinally centered, on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but, when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77, of the Federal Aviation Regulations (FAR), for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 209) PRIVATE ROAD: See ROADS.
- 210) PUBLIC: As used in this Ordinance, the term “public” means owned and operated by a governmental or tax supported entity or a private entity which provides for a utility facility used by the general public.
- 211) PUBLIC ROAD: See ROADS.
- 212) PUBLIC WATER SUPPLY: A domestic water supply source and distribution system other than a municipal water supply system or public utility water supply system where

water is provided for or is available for public consumption, including, but not limited to, a school, farm labor camp, industrial establishment, recreational facility, restaurant, motel, group care home, or planned unit development.

- 213) RACING FACILITY, COMMERCIAL MOTORIZED: Facility for motorized races, including closed course, straight-away, and/or acceleration runs. The term also includes drag strip and go-cart tracks.
- 214) RADIO, TELEVISION, OR MICRO-WAVE TOWERS: Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.
- 215) RECLAMATION: The employment in a mining operation of procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.
- 216) RECLAMATION PLAN: A written and graphic proposal for rehabilitation of the mined area, further defined as being one of the below:
- A) Natural Reclamation Plan: A reclamation and/or rehabilitation process in which the primary purpose is to restore the land to a natural appearing landscape consistent with surrounding terrain. Rehabilitation to an agricultural use is considered a natural reclamation plan.
 - B) Second Use Plan: A reclamation and/or rehabilitation process that involves development of the land to a specific use.
- 217) RECREATION CLUB OR AREA, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the facilities as normally provided in a public park or playground.
- 218) RECREATIONAL VEHICLE: (See “Camping Vehicle” and Section 280.210.)
- 219) RECREATIONAL VEHICLE PARK OR CAMPGROUND: An area where facilities are provided to accommodate temporary recreational trailers, motor homes, campers, and/or tents.
- 220) RECTORY: A place of residence for the pastor of a church.
- 221) RECYCLING DROPBOX: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.
- 222) RESIDENCE HOME FOR AGED: A facility for the care of six or more persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis.

- 223) **RESIDENTIAL HOME:** As provided by Oregon Revised Statutes (ORS), a residence licensed by the state for the care of five or fewer physically or mentally handicapped persons, including staff personnel, is permitted in residential or commercial zones (excluding resource lands) subject to the normal requirements for a residence. Residents and staff need not be related to each other or any other home resident. Handicapped means that a person suffers from a functional limitation in one or more major life activities.
- 224) **RESIDENTIAL OR DAY TREATMENT FACILITY:** A facility licensed by the state for the care of five or more related or unrelated persons who are physically or emotionally handicapped by functional limitations in one or more major life activities. Term includes shelter care facility.
- 225) **RESOURCE LAND:** Any land that has been identified and designated on the Official Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land under the Statewide Planning Goals, the Jackson County Comprehensive Plan, and implementing ordinances. This definition shall not be construed to exclude from protection under the provisions of state or County law other identified resources which have not been zoned, such as riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or scenic areas.
- 226) **RETIREMENT HOME:** Facility providing living quarters, either owned or rented, to persons 62 years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.
- 227) **ROADS:** The following definitions apply to roads (none of these definitions are intended to supersede ORS 368.001):
- A) **Roads:** “Road” means the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles. “Roads” include, but are not limited to:
 - i) Ways described as streets, highways, throughways or alleys;
 - ii) Road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and,
 - iii) Structures that provide for continuity of the right-of-way such as bridges.
 - B) **Road Classifications:** As shown in the Transportation Element of the Comprehensive Plan, roads are classified to the extent that they serve two main functions, to provide access and to enable movement of vehicles from one place to another.
 - i) **Arterial:** Arterial roads are designed to move traffic as efficiently as possible. Direct access from adjoining properties is restricted and may

- be prohibited entirely. Arterials often have more than two traffic lanes, no on-street parking, higher speed limits, and are controlled with traffic lights rather than stop signs.
- ii) Principal Arterial: A road which provides for through traffic between major centers of activity in urban, suburban, and rural areas.
 - iii) Collector: A road that is designed to collect traffic from local streets and funnel it onto arterial roads, where it can move rapidly and efficiently to its destination. Collector roads provide some access, but are also intended to move traffic. The collector is usually wider than the local roads, may not provide for on-street parking, and has a moderate speed limit.
 - iv) Local: A public roadway designed to provide access to the properties that adjoin it and move local traffic onto collectors. Local roads are designed primarily to provide access, and include local streets and cul-de-sacs. Such roads usually have only two lanes, and lower speed limits.
- C) The following are types or forms of access. You should refer to the noted agency or section of this Ordinance for further information on these roads:
- i) State Highway: A public road under the jurisdiction of the State of Oregon. Contact the Oregon Department of Transportation.
 - ii) County Road: A public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016. See Section 05.040 of this Ordinance.
 - iii) City Street: A public road under the jurisdiction of the city in which the road is located. Contact the appropriate city.
 - iv) Dedicated Way: A form of local access road dedicated to the public for residential purposes, shown on a map or plat approved by the County, and recorded in the records of Jackson County.
 - v) Private Road: A road which provides access to residentially zoned properties to serve one to nine lots, parcels, areas or tracts of land, and which has been approved by the County. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not maintained by the County, nor can the County contract for its maintenance. See Section 05.060 of this Ordinance.
 - vi) Ways of Necessity (Gateway Road): A road to provide access from a public road to land that would otherwise have no access, or a landlocked parcel. Such an easement can be forced upon an owner of a property only by the official action of the courts.

- vii) Bureau of Land Management Road: A federally owned easement or right-of-way which provides access to federally owned land. See Chapter 05 of this Ordinance.
 - viii) U. S. Forest Service Road: A federally owned easement or right-of-way which provides access to federally owned land. See Chapter 05 of this Ordinance.
 - ix) Local Access Road: A public road that has been dedicated to the public for access, but is not part of the County, state or federal road system. A local access road is not a part of a public maintenance or improvement program. See Chapter 05 of this Ordinance.
 - x) Prescriptive Easement: A right to an easement acquired through the uninterrupted use of another's land. See Chapter 05 of this Ordinance.
 - xi) Cul-de-sac: A local or limited local road having only one outlet with a turn-around at the opposite end, and which is not intended to be extended or continued.
 - xii) Dead-end Street: A road or street with no outlet to other roads or streets.
 - xiii) Frontage Road: A road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of- way, and which provides access to abutting properties.
 - xiv) Public Road: A road over which the public has a right of use that is a matter of public record.
 - xv) Stubbed Road: A road having only one outlet, but which is intended to be extended or continued.
 - xvi) Through Street: A road or street that connects to another road. All through streets are not arterials.
- 228) RODEO: Facility for public performance which may feature bronco riding, calf roping, steer wrestling, brahma bull riding, and other similar activities.
- 229) RUNWAY: A defined area on an airport prepared for landing and/or takeoff of aircraft along its path.
- 230) SANITATION DIVISION: The Sanitation Division of Jackson County Roads, Parks and Planning Services.
- 231) SCHOOL, BUSINESS: A business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, commercial artist, but not including commercial trades or crafts.

- 232) SCHOOL, COMMERCIAL, TRADE OR CRAFT: A business enterprise, not a public, private, or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.
- 233) SCHOOL, (PUBLIC/PRIVATE): An educational institution, licensed or regulated by the state, which has a curriculum, including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence, or defective, delinquent, or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.
- 234) SECOND HAND STORE, USED FURNITURE OR RUMMAGE SHOP FACILITY OR PAWNSHOP: Facility for the sale of second hand or used items. No outside display is permitted.
- 235) SEMINARY: An institution for the training of candidates for the priesthood, ministry, or rabbinate.
- 236) SENSITIVE FISH AND/OR WILDLIFE HABITAT: Areas important to the survival of a species, or group of species, and habitats with a limited area.
- 237) SERVICE STATION: Commercial facility which offers petroleum products and limited accessory sales of products for motor vehicle use, including limited vehicle repair service to the public.
- 238) SETBACK: The distance from a right-of-way or easement boundary of a public or private road, other easement, or from a lot line to any point of a building.
- 239) SEWERAGE FACILITY OR SEWAGE FACILITY: The sewers, drains, treatment and disposal works, and other facilities useful or necessary in the collection, treatment, or disposal of sewage, industrial waste, or other wastes.
- 240) SEWERAGE FACILITY, COMMUNITY: A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot, and serves a predetermined level of development within a specific geographic area.
- 241) SEWERAGE FACILITY, INDIVIDUAL: A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.
- 242) SEWERAGE FACILITY, PUBLIC: A sewerage facility which serves two or more uses for the purpose of disposal of sewage, and is provided for or is available for public use.
- 243) SHELTER CARE FACILITY: A home licensed by the state to provide for short- term emergency care for no more than nine children at any one time. (See “Half-Way Home” or “Residential or Day Treatment Facility.”)
- 244) SIGN: Any device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, person, institution, or business, whether portable or affixed

to a building, structure, or the land. Each display surface of a sign shall be considered a separate sign.

- A) **Off-Premise Sign:** A sign which provides directions to a business, commodity, industry, or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located as distinct from advertising sign.
 - B) **On-Premise Sign:** A sign which directs attention to a business, commodity, industry, or other activity which is sold, offered, or conducted on the premises upon which the sign is located.
 - C) **Advertising Sign:** Commonly known as outdoor advertising sign or billboard. Directs attention to a business commodity, or other activity which is sold, offered or conducted elsewhere than the premises upon which the sign is located. Advertising sign also may include display of ideas, opinions, information of any nature for review by the public.
- 245) **SLOPE EASEMENT:** An area adjoining a road which is affected by the road fill or cut, but is not within the road easement or right-of-way.
- 246) **SOLAR ORIENTATION:** The layout and design of parcels and siting of a structure on building lots to take advantage of solar insolation for optimal utilization of the sun as an energy source.
- 247) **SOLID WASTE DISPOSAL SITE:** An area used for the collection, storage, transfer, treatment, utilization, or processing of waste material. A solid waste disposal site includes, but is not limited to, dumps, landfills, sanitary landfills, incinerators, transfer stations, and composting and recycling plants.
- 248) **STABLE, COMMERCIAL:** Facility which boards, rents, or trains horses or offers riding lessons to the public, but not including a sales barn, auction, or similar trading activity.
- 249) **START OF CONSTRUCTION:** Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, reconstruction or placement of other improvement was within 180 days of the permit date. The actual start of construction is either the first placement or permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a mobile home on a temporary or permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units for residential purposes and not part of the main structure.
- 250) **STOCK AUCTION YARD:** See LIVESTOCK AUCTION PENS OR SHEDS.

- 251) STREAMS, CLASS I AND II:
- A) Class I Stream: Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the State of Oregon. Stream flows may be perennial or intermittent.
 - B) Class II Stream: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the State of Oregon. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.
- 252) STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as the foundation, bearing walls, columns, beams, girders, floor or ceiling joists, or rafters.
- 253) STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks but shall exclude fences less than six feet in height and uncovered patios.
- 254) STUDIO - ART, MUSIC, CERAMICS, DRAMA, PHOTOGRAPHY, SPEECH, DANCE, OR SIMILAR SKILLS: The instructing, coaching, or counseling in art, music, ceramics, drama, photography, speech, dance, martial arts, gymnastics or similar personal skills or arts.
- 255) STUDIO, BROADCASTING AND/OR RECORDING: Facility for broadcasting live or pre-recorded programs by radio and/or television; and/or recording on records, tapes, video tapes or other suitable recording media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals. Such facility shall not engage in production of consumer products.
- 256) SUBDIVIDE LAND: To divide an area, parcel, or tract of land into four or more lots within a calendar year. (See "Divide" and Chapter 20.)
- 257) SUBDIVISION: The act of subdividing land, or an area or a tract of land subdivided as defined above. (See Chapter 20.)
- 258) SUBGRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.
- 259) SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- A) Before the improvement, reconstruction or repair is started; or,

- B) If the structure has been damaged and is being repaired, reconstructed or improved before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

For purposes of determining percentage of market value of the structure, the most current value as shown in the Assessor's records or an independent Member of Appraisal Institute (MAI) certified appraisal shall be utilized. If repair, reconstruction, alteration or improvement of a structure has commenced without permits or authorization prior to a determination of a substantial improvement, the value of such unauthorized improvements shall be deducted from the market value of the structure. The term does not, however, include either:

- C) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or,
- D) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- 260) SURFACE MINING: All or any part of the process of removal, by extraction of minerals from the surface of the earth. Removal of overburden or diversion of water necessary to expose the deposit of minerals is considered part of the process. Leveling, grading, filling, or removing earth materials in conjunction with farm use, or on-site construction projects are not considered surface mining.
- 261) SWIMMING POOLS - PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family, duplex, townhouse, or apartment dwellings.
- 262) TAX LOT: A parcel, lot, or other unit of land as created by the County Assessor for the purpose of taxation. A tax lot may also be a lot or parcel when created at a property owner's request for the purpose of land division consistent with applicable land use or division regulations in effect at that time. (See “Divide,” “Division,” “Lot,” “Parcel,” and “Partition Land;” and, Chapters 15, 16, and 20.)
- 263) TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT: Nonattended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.
- 264) TEMPORARY: Temporary shall mean 30 days or less in any 12 month period, unless otherwise specified by a provision of this Ordinance.
- 265) TEMPORARY FIELD OR CONSTRUCTION OFFICE: Temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.
- 266) TEMPORARY MOBILE HOME: A mobile home or manufactured dwelling which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who

requires care, or for the person providing that care, according to certifications by Oregon licensed medical doctors or a responsible state licensed medical agency.

- 267) THROUGH STREET: See ROADS.
- 268) TENT: A fabric shelter supported by poles or rope, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.
- 269) TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.
- 270) TRANSITIONAL SURFACE ZONES: That area necessary to protect the airport approach surfaces which extend at a ratio of seven feet horizontal, to one foot vertical, beginning at the sides of and at the same elevation as the primary and the approach surfaces, and extending to a height of 150 feet above the airport reference point elevation, except where approach surfaces extend upward and beyond the horizontal surface. A transitional zone is also established at the same 7:1 ratio.
- 271) TRANSMISSION FACILITY: Any facility constructed in two or more contiguous zoning districts of Jackson County, for the purpose of transmitting or transporting in any form, energy resources, telecommunications, persons, or goods, such as highways, railroads, gas and petroleum product pipelines, waterways, and electric power transmission lines, but not underground water pipelines, sewer trunk lines, and cable television facilities. This definition shall not apply to facilities which have a primary purpose of providing direct service to end users within the zoning district or districts within which the facilities may be located. In particular, the following specifically-defined types of facilities are subject to this Ordinance.
- A) Electric power transmission facilities carrying 115 kV or greater.
 - B) Gas pipelines carrying 300 p.s.i. capacity or greater.
 - C) New highway construction or improvements to existing highways which result in an increased traffic volume of 5,000 vehicles/day.
- 272) UNINCORPORATED URBAN CONTAINMENT BOUNDARY (UCB): A site specific line imposed on the Official Comprehensive Plan and Zoning Map of Jackson County which identifies and encompasses unincorporated urban and urbanizable lands, which have been determined to be suitable for fill-in, but not outward expansion, and which are or can be economically served with basic urban level facilities and services within the parameters of the policies of the Jackson County Comprehensive Plan.
- 273) URBAN GROWTH BOUNDARY (UGB): A site specific line imposed on the Official Comprehensive Plan and Zoning map of Jackson County, which identifies and encompasses urban and urbanizable lands in or adjacent to each incorporated city in the County.

- 274) USE: The purpose for which land, roadways or a structure is designed, arranged, or intended, or for which it is occupied or maintained, whether on a permanent or temporary basis.
- 275) UTILITY FACILITY: Those necessary appurtenances including related rights-of-way for the transmission of electric power, gas, water, sewerage, telephone and other in-line facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources.
- 276) VIOLATION: An act of any person which is prohibited or prevented by the Jackson County Comprehensive Plan, Land Development Ordinance or other state or County law, or the failure of any person to act as required by the Comprehensive Plan, Land Development Ordinance or other state or County law.
- 277) WALKWAY: Any road, path, or way which in some manner is specifically designated as being open to pedestrian travel.
- 278) WELL: Any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure, or is artificially withdrawn or injected, providing that this definition shall not include a natural spring, or wells drilled for the purpose of exploration or production of oil or gas, or monitoring wells.
- 279) WILDLIFE: Wild mammals, birds, reptiles, and amphibians.
- 280) WINERY, COMMERCIAL: A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and sales area.
- 281) WRECKING YARD: Any establishment maintained, used, or operated for the storing, keeping, dismantling, salvaging, buying, or selling of:
- A) Scraps or discarded pieces of metal, paper, rags, tires, bottles, and other materials.
 - B) Inoperable, wrecked, scrapped, ruined, or discarded automobiles, trucks, trailers, and parts thereof; machinery or appliances.
- This term also includes junk, salvage, or scrap metal yard.
- 282) YARD, FRONT: A yard between side lot lines, measured horizontally at right angles from the front lot line, to the nearest point of a building or other structure. (See also “Lot Line, Front.”)
- 283) YARD, REAR: A yard between side lot lines, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

- 284) YARD, REQUIRED: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
- 285) YARD, SIDE: A yard between the front and rear yards, measured horizontally and at right angles from the side lot line to the nearest point of a building or other structures.

00.050 INTERPRETATION OF KEY TERMS OR PHRASES:

Except as may be otherwise stated in Oregon Administrative Rules or Statutes, the Jackson County Comprehensive Plan, or its related implementing ordinances, the terms “no adverse impact or effect,” “no greater adverse impact,” “compatible,” “will not interfere,” and other similar terms contained in standards of this Ordinance are not intended to be construed to establish an absolute test of noninterference or adverse effects of any type whatsoever with adjacent uses resulting from a proposed land development or division action, nor shall it be construed to shift the burden of proof to the County. The terms are intended to allow the County to consider or require use of mitigating measures which would render any potential incompatibility or adverse consequences of development to a minimal level which the County finds to be acceptable in light of the purpose of the district and the reasonable expectations of the other people who own or use property for permitted uses in the zone.