



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

12/23/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment  
DLCD File Number 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, January 08, 2014

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

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

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

Cc: Cheryl Goodhue, Douglas County  
Jon Jinings, DLCD Community Services Specialist  
Josh LeBombard, DLCD Regional Representative  
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 003-13 (20038)

[17720]

Received: 12/20/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Douglas County

Local file no.: N/A

Date of adoption: 12/11/2013 Date sent: 12/18/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

☒ Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/7/2013☐ NoIs the adopted change different from what was described in the Notice of Proposed Change? ☐ Yes ☒ No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Cheryl Goodhue, Planning Manager

Phone: 541-440-4289 E-mail: cagoodhu@co.douglas.or.us

Street address: Room 106, Justice Bldg., Courthouse City: Roseburg Zip: 97470-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from \_\_\_\_\_ to \_\_\_\_\_ acres. ☐ A goal exception was required for this change.Change from \_\_\_\_\_ to \_\_\_\_\_ acres. ☐ A goal exception was required for this change.Change from \_\_\_\_\_ to \_\_\_\_\_ acres. ☐ A goal exception was required for this change.Change from \_\_\_\_\_ to \_\_\_\_\_ acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): \_\_\_\_\_

☐ The subject property is entirely within an urban growth boundary☐ The subject property is partially within an urban growth boundary



**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**If the comprehensive plan map change is an urban reserve amendment** including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

See attached Board Draft for number and titles of amended sections.

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from            to            . Acres:

Change from            to            . Acres:

Change from            to            . Acres:

Change from            to            . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:            . Acres added:            . Acres removed:

Location of affected property (T, R, Sec., TL and address):

---

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



## NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

---

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or .xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

---

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

### **Notice checklist. Include all that apply:**

- ☒ Completed Form 2
- ☒ A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- ☐ The findings and the text of the change to the comprehensive plan or land use regulation
- ☐ If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - ☐ A map showing the area changed and applicable designations, and
  - ☐ Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable



**BEFORE THE BOARD OF COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON**

Douglas County Official Records  
Patricia K. Hitt, County Clerk  
Commissioners' Journals

**2013-1164**

12/11/2013

AN ORDINANCE ADOPTING AMENDMENTS  
TO THE DOUGLAS COUNTY LAND USE &  
DEVELOPMENT ORDINANCE (LUDO)

)  
) **ORDINANCE NO. 2013-12-01**  
)

**RECITALS**

- A. Amendments to the Douglas County Land Use and Development Ordinance are needed in order to comply with new state law passed in the 2013 Legislature related to: Poultry Processing (HB 2393); Agricultural Buildings (HB 2441); Transmission Lines (HB 2704); Replacement Dwellings (HB 2746); Food Banks (HB 2788); Solar Energy Facilities (HB 2820); Forest Divisions (HB 3125) & Wineries (SB 841).
- B. On November 21, 2013, the Douglas County Planning Commission held a Legislative hearing and unanimously recommended that the amendments, as contained in the attached draft, be adopted by the Board of Commissioners.

**THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:**

**SECTION ONE:** The amendments contained in the green-cover attachment titled "Amendments to the DOUGLAS COUNTY LAND USE & DEVELOPMENT ORDINANCE (LUDO)," BOARD DRAFT dated December 2013, are ADOPTED and by reference made part of this ordinance.

**SECTION TWO:** The amendments are necessary and appropriate and shall become effective on January 10, 2014.

**SECTION THREE Severability:** If any provision of this ordinance is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other provision of the ordinance. The ordinance shall be construed as if such invalid provision had never been included.


DATED this 11<sup>th</sup> day of December, 2013.

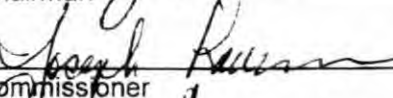
DOUGLAS COUNTY OREGON  
FILED


DEC 11 2013

PATRICIA K. HITT, COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, OREGON

  
Chairman

  
Commissioner

  
Commissioner

**SUMMARY**  
**LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS**  
**BOARD DRAFT - DECEMBER 2013**

Planning Commission Hearing: November 21, 2013  
Board of Commissioners Adoption: December 11, 2013  
Effective date of Amendments: January 10, 2014

Subject	Summary	Effect
<b>1. Poultry Processing</b>	<b>HB 2393:</b> this bill allows for the slaughtering, processing and selling of up to 1000 poultry per calendar year as a use permitted with standards in the EFU zones.	Deregulation
<b>2. Agricultural Buildings &amp; Associated Forest Uses</b>	<b>HB 2441:</b> authorizes agricultural buildings on land zoned for forest use or mixed farm and forest use. Provides for forestry-related agricultural buildings not subject to the state structural specialty code.	Deregulation
<b>3. Associated Transmission Lines</b>	<b>HB 2704:</b> establishes standards by which an applicant may demonstrate that an associated transmission line in the EFU zone is necessary for public service. An "associated transmission line" connects an energy facility (e.g. wind or solar) to the first point of junction with the power distribution facility or grid	Deregulation
<b>4. Replacement Dwellings</b>	<b>HB 2746:</b> this bill modifies provisions for authorizing alteration, restoration or replacement of a dwelling on EFU land. Expands dwelling eligibility for replacement but adds additional assessment requirements and eliminates the permit expiration date. The provisions of the bill sunset on January 2, 2024.	Regulation & Deregulation
<b>5. Food Banks</b>	<b>HB 2788:</b> adds "donation to a local food bank or school" as a means of disposing of farm products.	Deregulation
<b>6. Solar Facilities</b>	<b>HB 2820:</b> modifies definition of energy facility for purposes of site certificates issued by the Energy Facility Siting Council. Raises acreage threshold for allowable solar power generation facility not located on high value farmland.	Deregulation
<b>7. Divisions in Forest Land, Exception to Minimum Parcel Size</b>	<b>HB 3125:</b> eliminates the prohibition on the creation of a parcel smaller than the minimum parcel size, where a dwelling is involved, in order to facilitate a forest practice. The bill also splits the statutory provisions for the preexisting dwelling division into two sections, one with the standards for the division of land zoned for forest use and the other with the standards for the division of land zoned for mixed farm and forest use, as additional criteria applies to the division of mixed use lands.	Deregulation & Clarification
<b>8. Wineries, Events &amp; Bed &amp; Breakfasts</b>	<b>SB 841:</b> adds winery accessory uses, including agri-tourism, other commercial events and bed and breakfast facilities to the statutory provisions for wineries, permitted with standards. Validates wineries approved as CACFU or other law but imposes new limitation that gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.	Deregulation & New Regulation

**Amendments to the**

**DOUGLAS COUNTY LAND USE &  
DEVELOPMENT ORDINANCE  
(LUDO)**

**BOARD DRAFT**

**December, 2013**

**Planning Commission  
November 21, 2013**

**Board of Commissioners  
December 11, 2013**

## LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS

BOARD DRAFT - December, 2013

### AMENDMENTS RESULTING FROM LAW PASSED BY THE 2013 LEGISLATURE

1. **HB 2393 \*EFU\*, Poultry Processing:** This bill allows for the slaughtering, processing and selling of up to 1,000 poultry per calendar year, pursuant to ORS 603.038, as a Use Permitted with Standards in the EFU zones. ♦ ♦ **Effect: Deregulation**

**ACTION:** ADD NEW STATUTORY PROVISIONS FOR POULTRY PROCESSING FACILITIES TO EXISTING FARM PROCESSING FACILITIES AS USES PERMITTED WITH STANDARDS IN THE **FG, 3.3.075.12. (P.3-27) AND FC, 3.4.075.12. (P.3-41) ZONES. UPDATE DEFINITION OF FARM USE AT 1.090, DEFINITIONS, (P.1-13) TO PROVIDE FOR PROCESSING ESTABLISHMENTS AS WELL AS FACILITIES AND DELETE OUTDATED ORS 215.283 LETTER REFERENCE, AS FOLLOWS:**

#### SECTION 3.3.075 Uses Permitted with Standards, FG

12. A facility for the processing of farm crops or for the production of biofuel, if the facility is located on a farm operation that provides ~~provided that:~~
- a. ~~The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility; , or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038, which limits slaughter to not more than 1,000 poultry per calendar year, provided that:~~
- a. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
- b. ~~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, if an existing farm building is used, no more than 10,000 square feet shall be devoted to processing activities within that building; and~~
- c.b. A land division separating the processing facility from the farm operation on which it is located shall not be permitted.

#### SECTION 3.4.075 Uses Permitted with Standards, FC

12. A facility for the processing of farm crops or for the production of biofuel, if the facility is located on a farm operation that provides ~~provided that:~~



- a. ~~The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility; , or an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038, which limits slaughter to not more than 1,000 poultry per calendar year, provided that:~~
- a. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use.
- b. ~~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, if an existing farm building is used, no more than 10,000 square feet shall be devoted to processing activities within that building; and~~
- e.b. A land division separating the processing facility from the farm operation on which it is located shall not be permitted.

## SECTION 1.090, DEFINITIONS

FARM USE: ... "Current employment" of land for farm use includes: ... (f) ... including the processing facilities or establishments allowed by ORS 215.283(1)(u) and the processing of farm crops...

2. **HB 2441 \*EFU\*, Agricultural Buildings & Associated Forest Uses**, Authorizes agricultural buildings on land zoned for forest use or mixed farm and forest use. Provides for forestry-related agricultural buildings not subject to the state structural specialty code. ♦ ♦ **Effect: Deregulation**

**ACTION:** REVISE "FARM AGRICULTURAL BUILDING" DEFINITION AT **1.090**, DEFINITIONS , (P.1-12) TO REFLECT THE FORESTRY USE DEREGULATION.

~~FARM AGRICULTURAL BUILDING~~, as provided in ORS 455.315, is means a structure ~~located on a farm and used~~ customarily provided in conjunction with an ~~existing farm~~ use or forest use operation for:

- a. ~~the s~~Storage, maintenance or repair of farm or forestry machinery and equipment;
- b. ~~all other uses essential to the preparation, storage, and management of farm products for profit as outlined by Section 1.090 definition of "Farm Use."~~ The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation

and storage of forest products and the disposal, by means of marketing or otherwise, of farm produce or forest products.

A FARM AGRICULTURAL BUILDING is does not mean:

- a. ~~a~~A dwelling or use accessory to a residential use;
- b. ~~a~~A structure where 10 or more persons are present at any one time except for the purpose of growing plants;
- c. ~~a~~A structure regulated by the State Fire Marshal per ORS chapter 476;
- d. ~~a~~A a structure for public use; or
- e. permit-exempt if it is located in the floodplain and subject to Floodplain regulations of Article 30 of the LUDO.

Note: mechanical, plumbing and electrical permits may still be required for a building-permit exempt, Farm Agricultural Building.

3. **HB 2704 \*EFU\*: Associated Transmission Lines**, Establishes standards by which an applicant may demonstrate that an associated transmission line in the EFU zone is necessary for public service. An "associated transmission line" connects an energy facility (such as a wind or solar facility) to the first point of junction with the power distribution facility or grid. ♦ ♦ **Effect: Deregulation**

**ACTION:** ADD "ASSOCIATED TRANSMISSION LINES" AS DEFINED BY ORS 469.300, TO DEFINITIONS AT 1.090 (P. 1-5)

## SECTION 1.090, DEFINITIONS

**ASSOCIATED TRANSMISSION LINE:** a new transmission line constructed to connect a commercial energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.

**ACTION:** ADD "ASSOCIATED TRANSMISSION LINES" TO CONDITIONAL USES, COMMERCIAL UTILITY FACILITIES IN THE FG, 3.3.100.7, (P.3-29), AND FC, 3.4.100.7, (P.3-43) ZONES, SUBJECT TO ORS DEFINITIONAL STANDARDS AND THE APPLICABLE SITING STANDARDS OF OAR 660-33-130.

## SECTION 3.3.100 Buildings and Uses Permitted Conditionally, FG

7. Commercial utility facilities for the purpose of generating power for public use by sale on 10 acres or greater, including wind power generation facilities, photovoltaic solar power generation facilities, associated transmission lines and transmission towers over 200 feet in height. A commercial utility power-generating facility shall be subject to the applicable siting standards of OAR 660-33-130 and ORS definitional standards. ~~not preclude more than 20 acres (or 12 acres on high value farmland) from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.~~



## SECTION 3.4.100 Buildings and Uses Permitted Conditionally, FC

7. Commercial utility facilities for the purpose of generating power for public use by sale on 10 acres or greater, including wind power generation facilities, photovoltaic solar power generation facilities, associated transmission lines and transmission towers over 200 feet in height. A commercial utility power generating facility shall be subject to the applicable siting standards of OAR 660-33-130 and ORS definitional standards. ~~not preclude more than 20 acres (or 12 acres on high value farmland) from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.~~
4. **HB 2746 \*EFU\*: Replacement Dwellings:** This bill modifies provisions for authorizing alteration, restoration or replacement of a dwelling on EFU land. Expands dwellings eligible for replacement to include those that formerly had specified features, adds assessment/taxation requirements, adds a provision to validate voided replacement permits and provides that replacement dwelling permits authorized under these provisions do not expire. The provisions of this bill take effect on January 2, 2014 and are repealed on January 2, 2024, at which time the provisions revert to existing language. ♦ ♦ **Effect: Regulation & Deregulation**

**ACTION:** ADD PROVISIONS AS USE PERMITTED WITH STANDARDS IN THE **FG, 3.3.075**, (P.3-27A) AND **FC, 3.4.075** (P.3-41A) ZONES, SUBJECT TO SECTION 2.060.1 AND THE STANDARDS CONTAINED IN SECTION 3.40.400 (P. 3-251)

## SECTION 3.3.075 Uses Permitted with Standards, FG

19. Alteration, restoration or replacement of a lawfully established dwelling as provided for by HB 2746, a 2013 Act, and subject to LUDO Section 2.060.1 and the standards of Section 3.40.400.

## SECTION 3.4.075 Uses Permitted with Standards, FC

19. Alteration, restoration or replacement of a lawfully established dwelling as provided for by HB 2746, a 2013 Act, and subject to LUDO Section 2.060.1 and the standards of Section 3.40.400.

## SECTION 3.40.400 Administrative Variance from Replacement Dwelling Requirements of Section 3.3.050 and 3.4.050

1. Alteration, restoration or replacement of a lawfully established dwelling that has or formerly had:
  - a. Intact exterior walls and roof structure;
  - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - c. Interior wiring for interior lights;

- d. A heating system; and
- e. The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the lesser of:
  - 1) The previous five property tax years unless the value of the dwelling was eliminated as a result of the destruction, or demolition in the case of restoration, of the dwelling; or
  - 2) From the time when the dwelling was erected upon or affixed to the land and became subject to assessment unless the value of the dwelling was eliminated as a result of the destruction, or demolition in the case of restoration, of the dwelling.
- f. If the dwelling does not meet the requirements of "e." above, the dwelling may be altered, restored or replaced if the applicant establishes that the dwelling was improperly removed (as defined by ORS 215.283) from the tax roll by a person other than the current owner.
- g. In the case of replacement, the dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
  - 1) Within one year after the date the replacement dwelling is certified for occupancy; or
  - 2) If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, within 90 days after the replacement permit is issued.
- h. The replacement dwelling:
  - 1) May be located on any part of the same lot or parcel.
  - 2) Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
- i. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, record a deed restriction prohibiting the future siting of a dwelling on that non-EFU portion of the lot or parcel. The deed restriction shall be noted on Planning Department records. A release from the deed restriction may only occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation.
- j. When a replacement dwelling qualifies for replacement: i) because it formerly had the features described in a. through d. of this provision;



ii) because it meets the requirements of f. of this provision, or; iii) because it meets the requirements of l. of this provision, then the replacement dwelling must be sited on the same lot or parcel:

- 1) Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
- 2) If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

k. Deferred replacement: Upon request from an applicant, a deferred replacement may be authorized, allowing the replacement dwelling to be constructed or placed at any time in the future. A deferred replacement is subject to the following:

- 1) The replacement dwelling permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred placement is issued; and
- 2) May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.
- 3) 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 or placement.

l. A permit for a replacement dwelling that was issued and became void before January 2, 2014 shall be deemed valid if, by January 2, 2015 the holder of the permit:

- 1) Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
- 2) Causes to be recorded in the deed records with the county a statement that the dwelling to be replaced had been removed, demolished or converted.

m. The provisions of this 2013 Act became operative January 2, 2014 and are repealed January 2, 2024<sup>1</sup>.

<sup>1</sup> Permits approved for alteration, restoration or replacement a dwelling issued under the provisions of this 2013 Act do not expire.

- 5. HB 2788 \*EFU\*: Food Banks:** This bill adds "donation to a local food bank or school" as a means of disposing of farm products. ♦ ♦ **Effect: Deregulation**

**ACTION:** ADD PROVISION FOR "DONATION TO FOOD BANK OR SCHOOL" TO 1.090 DEFINITION OF FARM USE. (P. 1-13)

FARM USE: ... "Farm Use" includes the preparation, storage and disposal by marketing, donation to a local food bank or school or otherwise of the products or by-products raised on such land for human or animal use. . .

6. **HB 2820: \*EFU\* Solar Facilities:** Modifies definition of energy facility for purposes of site certificates issued by the Energy Facility Siting Council. Raises acreage threshold for allowable solar power generation facility not located on high value farmland. ♦ ♦  
**Effect: Deregulation**

NO ADDITIONAL ACTION NEEDED; SEE LUDO AMENDMENT NO. 5, WHICH CROSS-REFERENCES THAT COMMERCIAL SOLAR FACILITIES ARE SUBJECT TO THE APPLICABLE SITING STANDARDS OF OAR 660-33-130 AND TO ORS DEFINITIONAL STANDARDS.

7. **HB 3125: Divisions in Forest Land, Exceptions to Minimum Parcel Size:** The primary purpose of this bill was to eliminate the prohibition on the creation of a parcel smaller than the minimum parcel size, where a dwelling is involved, in order to facilitate a forest practice (one of the exceptions to the mps requirements in forest zones). The bill also splits the statutory provisions for the preexisting dwelling ("mom & pop") division (another exception to mps in the forest zones), into two sections, one with the standards for the division of land zoned for forest use and the other with the standards for the division of land zoned for mixed farm and forest use, as additional criteria applies to the division of mixed use lands. ♦ ♦ **Effect: Deregulation (& Clarification)**

**ACTION:** DELETE PROHIBITION ON CREATION OF PARCEL SMALLER THAN MPS WHERE DWELLING IS INVOLVED IN FOREST PRACTICE SECTION & REVISE LANGUAGE OF BOTH THE FOREST PRACTICE MPS EXCEPTION AND THE PREEXISTING DWELLING EXCEPTION AT **TR, 3.2.200.1.b.(3)&(4)** (p. 3-18), AND AT FF, **3.5.200.1.b.(3)&(4)** (p. 3-60)

#### **SECTION 3.2.200.1.b.(3)&(4), Property Development Standards, TR**

1.b. The following exceptions may apply:

- (3) The minimum parcel size may be waived to allow the division to establish of a parcel containing for a dwelling that has existed prior to since before June 1, 1995 provided that:
- The parcel containing the dwelling ~~shall~~ may not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - The remaining parcel, not containing the dwelling, shall either:
    - meet the minimum parcel size standard of the zone; or
    - be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
  - The remaining parcel, not containing the dwelling, ~~shall is~~ is not ~~be~~ entitled to a dwelling unless subsequently authorized by law or goal.

[no change to iv. or v.]



(4) Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size...Parcels created under this provision:

- i. ~~Shall~~ **Are** not be eligible for siting of a new dwelling;
- ii. ~~Shall~~ **May** not serve as the justification for the siting of a future dwelling on other lots or parcels;
- iii. ~~Shall~~ **May** not, as a result of the land division, be used to justify redesignation or rezoning of resource lands, and;
- iv. ~~Shall~~ **May** not result in a parcel of less than 35 acres, **except unless the purpose of the land division is to:**
  - a) ~~where the purpose of the land division is to~~ Facilitate an exchange of lands involving a governmental agency; or
  - b) ~~where the purpose of the land division is to~~ **allow** transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; ~~and~~ .
- v. ~~If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.~~
- vi. v. An irrevocable deed restriction shall be recorded...
- vii. vi. A nonexclusive resource management covenant...

#### **SECTION 3.5.200.1.b.(3)&(4), Property Development Standards, FF**

**1.b.** The following exceptions may apply:

- (3) The minimum parcel size may be waived to allow the division of a tract of at least 40 acres in size ~~and which contains to establish a parcel for~~ a dwelling that **has** existed ~~prior to since before~~ June 1, 1995 provided that:
  - i. The subject tract is predominately in forest use and that portion in forest use qualified for special assessment under ORS Chapter 321.
  - ii. The parcel containing the dwelling ~~shall~~ **may** not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
  - iii. The remaining parcel, not containing the dwelling, shall either:
    - (a) meet the minimum parcel size standard of the zone; or
    - (b) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.

- iv. The remaining parcel, not containing the dwelling, ~~shall is~~ not be entitled to a dwelling unless subsequently authorized by law or goal, and ~~shall does~~ not qualify for any uses allowed under ORS215.283 that are not allowed on forest land.

[no change to v. or vi.]

- (4) Divisions of forest land to facilitate a forest practice as defined in ORS 527.620, may result in parcels less than the minimum parcel size standard provided that parcels created under this provision:

- i. ~~Shall~~ Are not be eligible for siting of a new dwelling;
- ii. ~~Shall~~ May not serve as the justification for the siting of a future dwelling on other lots or parcels;
- iii. ~~Shall~~ May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands, and;
- iv. ~~Shall~~ May not result in a parcel of less than 35 acres, except unless the purpose of the land division is to:
  - a) ~~where the purpose of the land division is to f~~Facilitate an exchange of lands involving a governmental agency; or
  - b) ~~where the purpose of the land division is to a~~Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and .
- ~~v. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.~~

~~vi.v.~~ An irrevocable deed restriction shall be recorded...

~~vii.vi.~~ A nonexclusive resource management covenant...

- 8. **SB 841 \*EFU\*: Wineries, Events & B&B's**, adds winery accessory uses, including agri-tourism, other commercial events and bed and breakfast facilities to the statutory provisions for wineries, permitted with standards. Validates wineries approved as CACFU or other law but imposes new limitation that gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. ♦ ♦ **Effect: Deregulation & New Regulation**

**ACTION:** ADD INCOME LIMITATION TO CACFU, WINERY AT 1.090, DEFINITIONS (P. 1-18). ADD NEW WINERY ACCESSORY USES TO STATUTORY PROVISIONS FOR A WINERY IN CONJUNCTION WITH THE 15, 40 OR 80 ACRE TRACT AS USES PERMITTED WITH STANDARDS IN THE **FG, 3.3.075**, (P.3-27), **FC, 3.4.075**, (P.3-41) AND **FF, 3.5.075** (P. 3-53) ZONES.



#### **SECTION 3.3.075 Uses Permitted with Standards, FG**

13. A winery and accessory uses in conjunction with the 15 or 40 acre tract vineyard provisions and standards as set forth in ORS 215.452 and 215.237.
14. A winery and accessory uses in conjunction with the 80 acre tract vineyard provisions and standards as set forth in ORS 215.453, subject to LUDO Section 2.060.1.

#### **SECTION 3.4.075 Uses Permitted with Standards, FC**

13. A winery and accessory uses in conjunction with the 15 or 40 acre tract vineyard provisions and standards as set forth in ORS 215.452 and 215.237.
14. A winery and accessory uses in conjunction with the 80 acre tract vineyard provisions and standards as set forth in ORS 215.453, subject to LUDO Section 2.060.1.

#### **SECTION 3.5.075 Uses Permitted with Standards, FF**

13. A winery and accessory uses in conjunction with the 15 or 40 acre tract vineyard provisions and standards as set forth in ORS 215.452 and 215.237.
14. A winery and accessory uses in conjunction with the 80 acre tract vineyard provisions and standards as set forth in ORS 215.453, subject to LUDO Section 2.060.1.

#### **SECTION 1.090, DEFINITIONS**

COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE: The processing, packaging, treatment and wholesale distribution and storage of a product primarily derived from farm activities on the premises, excluding the statutorily allowed "facility for the processing of farm crops". Also, retail sales of agricultural products, supplies and services directly related to the production and harvesting of agricultural products. Such uses include the following:

- j. Wineries for production from fruits, a portion of which are grown on the property, including retail sales. The gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. The gross income of a winery does not include income received by third parties unaffiliated with the winery.

#### **MISCELLANEOUS AMENDMENTS/SCRIVENER ERRORS**

1. **SECTION 3.45.100.b., Capability Test**, correct numerical reference (P. 3-265)
  - (2) A study is conducted, pursuant to OAR 660-33-135 ~~(3)~~ **(2)**...



**PLANNING DEPARTMENT**

Room 106, Justice Building  
Douglas County Courthouse  
Roseburg, Oregon 97470



DEC 20 2013

ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM OR 97301-2540

9730132540 C007

