



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

December 19, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Douglas County Plan Amendment  
DLCD File Number 016-06



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: January 2, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
John Renz, DLCD Regional Representative  
Mark Bernard, Douglas County

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D L C D NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)

DEPT OF

DEC 12 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Douglas County Local File No: None  
(if no number, use none)

Date of Adoption: December 6, 2006 Date Mailed: December 11, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: September 27, 2006

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
Amendments to the Land Use and Development Ordinance. Legislative amendments to facilitate minor clarifications to improve the LU&DO.

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

Added a provision concerning LUBA remands.

Plan Map Changed From: N/A to N/A

Zone Map Changed From: N/A to N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 3 and 9

Was an Exception Adopted? Yes:  No:

=====  
DLCD File No: 016-06 (15589)

Did the Department of Land Conservation and Development **receive** a Notice of Proposed Amendment **FORTY- FIVE (45) days prior to the first evidentiary hearing?** Yes: X No:    

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

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

Affected State or Federal Agencies, Local Government or Special Districts: ODF&W

Local Contact: Mark Bernard Area Code + Phone Number: (541) 440-4289

Address: Room 106, Justice Building, Douglas County Courthouse

City: Roseburg, Oregon Zip Code + 4: 97470

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## ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** of the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need more copies?** You can copy this form on to 8½ x 11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

DEC 06 2006

BARBARA E. NIELSEN, COUNTY CLERK

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

AN ORDINANCE ADOPTING AMENDMENTS )  
TO THE DOUGLAS COUNTY LAND USE )  
AND DEVELOPMENT ORDINANCE )

**ORDINANCE NO. 2006-11-03**

RECITALS

- A. Amendments to the Douglas County Land Use and Development Ordinance are needed in order to clarify, and/or improve the use and application of various land use review procedures.
- B. On November 16, 2006, the Douglas County Planning Commission held a hearing and recommended that the attached amendments be adopted by the Board of Commissioners.

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

SECTION ONE: The amendments contained in the green attachment titled "Land Use & Development Ordinance Amendments", Final Draft, dated December 1, 2006, are ADOPTED and by reference made part of this Ordinance.

SECTION TWO: The amendments are necessary and appropriate and shall become effective on January 5, 2007.

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 6<sup>th</sup> day of December, 2006

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, OREGON

  
Chair

  
Commissioner

**ABSENT**

Commissioner

**LAND USE  
&  
DEVELOPMENT ORDINANCE  
AMENDMENTS**

**FINAL DRAFT**

**December 1, 2006**

Planning Commission  
November 16, 2005

Board of Commissioners  
December 6, 2006

# Land Use & Development Ordinance Amendments

Final Draft - December 1, 2006

## LOCAL AMENDMENTS NECESSARY TO IMPROVE THE USE AND EFFECTIVENESS OF THE LU&DO

1. **Auto Dismantlers:** There has been a preponderance of small scale parts salvaging operations throughout the County in recently. To facilitate enforcement of these operations, it is appropriate to revise Chapter 1.  
◆ ◆ **Effect: Clarification**

*REVISE SECTION 1.090 (DEFINITIONS) AS FOLLOWS:*

**AUTOMOBILE WRECKING YARD:** Any area of land used for the storage, wrecking, dismantling for parts or sale of five or more inoperable motor vehicles, trailers or farm equipment, or parts thereof, where such vehicles, trailers, equipment or parts are stored in the open and are not being actively restored to operating condition, and includes any land used for the commercial salvaging of any other goods, articles or merchandise.

2. **Notice of Administrative Action:** Maintaining consistency with Section 2.065(1) of the LUDO and including only property owners within a notice area will be facilitated by a minor change in the wording of Section 2.065(2). To incorporate the clarification, it is appropriate to revise Chapter 2. ◆ ◆ **Effect: Clarification**

*REVISE SECTION 2.065 (NOTICE) AS FOLLOWS:*

2. Notice for Administrative Action shall be given at least fifteen (15) days prior to a decision, and shall be sent as prescribed by subsection 1 of this section except that notice shall be sent to owners of property within 750 feet of the subject property if the property is within a farm or forest zone.
3. **Notice of Industrial Development:** The scope of notice for industrial developments authorized by the County outside of the UGB requires some specific language to avoid confusion. It is appropriate to elaborate on the nature of notice provided to cities. ◆ ◆ **Effect: Clarification**

*REVISE SECTION 3.23B.250 (INDUSTRIAL DEVELOPMENT STANDARDS) AS FOLLOWS:*

1. The following standards apply to industrial development on lands that were planned and zoned for industrial use as of January 1, 2004:
  - a. Location: A qualifying site must be located outside of a city urban

growth boundary (UGB), and may not be closer than three miles from a UGB containing a population of 20,000 or more (Roseburg).

- b. **Building Size:** Subject to the permit approval process, there shall be no limitations on the size or type of industrial buildings authorized.
- c. **Sewer facilities:** Subject to DEQ approval, on-site sewer facilities may be allowed to serve authorized industrial development on qualifying lands, but shall be limited in size to meet only the needs of the authorized industrial use.
- d. **Other uses not permitted:** On qualifying lands, the Approving Authority may not allow retail, commercial, or non-accessory residential development.
- e. **Notice to cities** ~~shall be provided as specified in ORS:~~ At least 21 days prior to taking action, notice of a pending industrial development (including sewer facilities serving the development) under this section shall be sent to any city with an urban growth boundary within 10 miles of the subject site. If the city objects to the pending development, the city and County shall negotiate to establish conditions of approval, or changes in the development, to mitigate concerns raised by the city.

4. **Agencies Notified When Altering a Watercourse:** During the recent CAV visit conducted by FEMA, attention was focused on the need to provide the Department of Land Conservation and Development notice when a watercourse is altered. Notice to DLCD will be provided to satisfy FEMA's wishes.

◆ ◆ **Effect: Clarification**

*REVISE SECTION 3.30.280 (DESIGNATION OF ADMINISTRATOR) AS FOLLOWS:*

Alteration of Watercourses

7. Notify adjacent communities and the Department of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration and the Department of Land Conservation and Development.

5. **Uses Within the Beaches and Dunes Overlay:** Beaches and dunes are prone to shifting so a geotechnical analysis is customarily conducted to assure that structures meet the standards of development within a dune form. To ensure standards are applied uniformly throughout the zone, it is necessary to simplify the uses, activities and accessory structures language to clarify that review is appropriate for all use categories (not only the "uses permitted with standards").

◆ ◆ **Effect: Clarification**

REVISE SECTION 3.33.100 (USES PERMITTED WITH STANDARDS) AS FOLLOWS:

**SECTION 3.33.100 Uses Permitted With Standards**

Within the Beaches and Dunes Overlay, uses, activities and their accessory structures which are permitted ~~with standards~~ in the underlying zone(s) but not listed as permitted above may be permitted only on older and recently stabilized dunes subject to the standards and criteria set forth in §3.33.200. In addition, the following uses and activities are permitted subject to conformance with the below referenced standards and criteria.

6. **Payment of Filing Fees upon LUBA Appeal Remand:** Procedural clarification is necessary to identify parties responsible for payment of filing fee costs in connection with remands of LUBA appeals. To incorporate the clarification, it is appropriate to revise Chapter 2. ◆ ◆ **Effect: Clarification**

ADD NEW SUBSECTION 9 TO 2.700 (REVIEW BY THE BOARD) TO READ AS FOLLOWS:

9. In cases of appeal of a final local decision to LUBA in which the County is not an active participant and LUBA remands the decision and orders the County and applicant to pay the cost of the filing fee to the petitioner at LUBA, the applicant must provide to the County proof of payment before the remanded application will be reconsidered. If the applicant doesn't pay the fee within 60 days from the date of the LUBA remand, the applicant's permit application shall be deemed to be withdrawn by the applicant. The applicant will be subject to new local fees and a one year waiting period as provided in Section 3.52.075 before the application may be reconsidered.