



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

12/20/2010

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 003-10

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: Monday, January 03, 2011

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
Ed Moore, DLCD Regional Representative
Chris Shirley, FEMA Specialist

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

DEC 13 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Douglas County**

Local file number: **N/A**

Date of Adoption: **12/08/10**

Date Mailed: **12/10/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 09/30/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

LUDO Amendments (green booklet dated December 8, 2010) include: amendments to Article 30, Floodplain Overlay, resulting from changes to the Manufactured Dwelling Specialty Code; amendment resulting from DLCD adoption of a Division 33 Rule change to provide for temporary workforce housing in conjunction with the siting of an energy facility, and; a number of minor amendments affecting the review process for various land use actions.

Does the Adoption differ from proposal? Yes, Please explain below:

Definition of fence (page 4 of FIRST DRAFT) was deleted. Fence/retaining wall clarification was added to Yard Setback Exceptions (page 6, Item 7., 4. of SECOND DRAFT).

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 003-10 (18548) [16447]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

N/A

Local Contact: Cheryl Goodhue

Phone: 541-440-4289 Extension:

Address: Room 106, Justice Building, Courthouse

Fax Number: 541-440-6266

City: Roseburg

Zip: 97470

E-mail Address: cagoodhu@co.douglas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

12/10/2010

CJ 2010-1325

DOUGLAS COUNTY OREGON
FILED

DEC 10 2010

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

BARBARA E. NIELSEN, COUNTY CLERK

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

ORDINANCE NO. 2010 - 12 - 03

RECITALS

- A. Amendments to the Douglas County Land Use and Development Ordinance are needed in order to: address Floodplain management revisions to conform to FEMA standards and Building Code changes; incorporate a new provision based on LCDC Rule for Temporary Workforce Housing; clarify local setback provisions for existing yard encroachments and for fences and retaining walls, and; effect minor text corrections and clarifications. Appropriate legal notices have been completed.
- B. On November 18, 2010, the Douglas County Planning Commission held a Legislative 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," "Second Draft," dated December 8, 2010, are ADOPTED and by reference made part of this Ordinance.

SECTION TWO: The amendments are necessary and appropriate and shall become effective on January 7, 2011.

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 8th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

ABSENT

Chairman

Joseph Lawrence
Commissioner

Sharon R.
Commissioner

**LAND USE
&
DEVELOPMENT ORDINANCE
AMENDMENTS**

SECOND DRAFT

December 8, 2010

Planning Commission
November 18, 2010

Board of Commissioners
December 8, 2010

Land Use & Development Ordinance Amendments

SECOND DRAFT - December 8, 2010

AMENDMENTS RESULTING FROM CHANGES TO MANUFACTURED DWELLING SPECIALTY CODE

1. **Article 30, Floodplain Overlay:** amend language to reflect Specialty Code changes. The Oregon Manufactured Dwelling and Park Specialty Code is the code used by the Douglas County Building Department for inspections pertaining to manufactured dwellings. In 2008, the Code changed to preclude the placement of new manufactured dwellings in the floodway; replacement was allowed if certain conditions were met. The April 1, 2010 version of the Code reflects three changes: 1) there is no longer a prohibition against the installation of manufactured dwellings in floodways; 2) there is no difference in elevation requirements for manufactured dwellings installed in pre-FIRM manufactured home parks (i.e., all new installations anywhere must conform to elevation requirements in the building code, and; 3) the definition of "lowest floor" for manufactured dwellings differs from stick-built homes. For a manufactured dwelling, the lowest floor means the bottom of the longitudinal chassis frame beam in A zones and the bottom of the lowest structural member supporting the home in V zones. ♦ ♦ **Effect: Regulation & Deregulation**

REVISE ARTICLE 30, §3.30.460 "MOBILE HOME STANDARDS," (P. 3-191) AS FOLLOWS:

[no change to 1.]

REVERSE ORDER AND REVISE ITEMS 2. AND 3. :

- ~~3.2.~~ As provided for in the Oregon Manufactured Dwelling and Park Specialty Code, manufactured dwellings located in a flood hazard zone (100 Year Flood District and Floodway District ~~outside of an existing manufactured home park as provided in 2.d. above~~), are subject to the following:
 - a. The finished floor shall be elevated a minimum of 18 inches above the Base Flood Elevation (BFE) as identified on the Flood Insurance Rate Map.
 - b. The manufactured dwelling stand or foundation shall be a minimum of 12 inches above the BFE unless openings are provided per FEMA Technical Bulletin 1-93.
 - ~~c. Placement of new manufactured dwellings in the floodway is prohibited.~~
 - ~~d. Replacement of a manufactured dwelling in the floodway is allowed if placement complies with a. and b. above.~~

~~e.c.~~ Accessory buildings designed for residential occupancy being replaced in a floodway shall have the finished floor elevated a minimum of 18 inches above BFE as identified on the Flood Insurance Rate Map.

2.3. For: 1) new manufactured home parks and manufactured home subdivisions; ~~for 2)~~ expansions to existing manufactured home parks and manufactured home subdivisions, and; for 3) existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced ~~and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, it shall be required that~~, **the following additional standards shall apply:**

- a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be a minimum of 18 inches above the base flood elevation;
- b. Adequate surface drainage and access for hauler are provided; and
- c. In the instance of elevation on pilings, that;
 - (1) lots are large enough to permit steps;
 - (2) piling foundations are placed in stable soil no more than 10 feet apart; and
 - (3) reinforcement is provided for pilings more than six feet above the ground level.
- ~~d. Manufactured homes in existing manufactured home parks may be placed and elevated so that either;~~
 - ~~(1) The lowest floor of the manufactured home is a minimum of 18 inches above the base flood elevation, or~~
 - ~~(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~
- ~~e. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, the manufactured home shall meet the standards a. through e. of this subsection.~~

4. Recreational vehicles placed on sites within the floodplain shall also meet the placement requirements ~~2-3~~ a. through c. of this section unless they either:

[no change to Item 4. a. or b. or Item 5.]

REVISE ARTICLE 30, §3.30.520 "FLOODWAY DISTRICT" (P. 3-194) AS FOLLOWS:

SECTION 3.30.520 Floodway District

In the Floodway District, the following restrictions shall apply:

[no change to 1. or 2.]

~~3. Placement of new manufactured dwellings in the floodway is prohibited.~~

~~4.3.~~ Any mobile homes placed, or additions thereto shall conform to standards of §3.30.460; and 3.30.270 ~~and 3.30.520.~~

NOTE: The LUDO Article 30 definition of LOWEST FLOOR, which means the lowest enclosed area (including basement), is consistent with the Manufactured Dwelling Specialty Code definition which means "*the bottom of the longitudinal chassis frame beam in A zones and the bottom of the lowest structural member supporting the home in V zones*"; no revision is necessary.

AMENDMENTS RESULTING FROM DLCD ADOPTION OF ADMINISTRATIVE RULE CHANGE (660-33)

1. **Temporary Workforce Housing:** On September 2, 2010, DLCD adopted an Administrative Rule Change to OAR Chapter 660, Division 33, to allow on-site and off-site temporary housing opportunities to be considered as part of a proposal to site an energy facility on agricultural lands. The provision is limited as an incidental use that must be in conjunction with the construction of an energy generation or transmission facility. The provision will be added to the LUDO definition of Utility Facility, but will only apply in certain cases. ♦ ♦ **Effect: New Provision**

SECTION 1.090 Definitions

ADD TEMPORARY WORKFORCE HOUSING TO THE DEFINITION OF UTILITY FACILITY, (P. 1-32)

UTILITY FACILITY: a communication facility or a facility constructed for a public utility, including but not limited to. . . Utility facilities are locationally dependent if they must cross or be located on land to achieve reasonably direct routes or service or to meet unique geographic needs. Temporary workforce housing facilities may be provided in accordance with OAR 660-033-0130.

LOCAL AMENDMENTS NECESSARY TO IMPROVE THE USE AND EFFECTIVENESS OF THE LUDO

1. **New Definition:** add definition of WATER IMPOUNDMENT to clarify that a tank is considered a water impoundment. ♦ ♦ **Effect: Clarification**

SECTION 1.090 Definitions

ADD TO DEFINITIONS, (P. 1-32)

WATER IMPOUNDMENT: reservoirs, tanks and other natural and manmade places where water is collected and stored.

2. **Withdrawal of Application:** clarify that when an applicant submits a letter of withdrawal, at any stage of the land use process, the withdrawal terminates the application, rendering any resulting decisions or appeals moot. ♦ ♦ **Effect: Clarification**

SECTION 2.040.4., Who May Apply

REVISE ITEM 4. REGARDING WITHDRAWAL, (P. 2-2)

4. If an applicant submits a letter of withdrawal of an application, the application shall be terminated, the application withdrawn and the file closed ~~without a decision~~ with no opportunity for refund of the application fee. **If a decision has been issued, withdrawal of the application shall render that decision null and void. If the withdrawn application is under appeal, the voiding of the decision shall render the appeal moot.**
3. **Notice Distance:** clarify that the 500 foot notice distance for farm and forest zoning only applies when the property is *outside* of a UUA or UGB. ♦ ♦ **Effect: Clarification**

SECTION 2.065, Notice

QUALIFY DISTANCE FOR FARM OR FOREST ZONE (P. 2-8)

1. At least twenty (20) days prior to the date of a quasi-judicial public hearing under §2.060.3.a₁,b₁,c₁ and e₁, and §2.060.4.a₁,b₁,c₁,e₁ and f₁, notice shall be sent by mail to:

[no change to a.]

- b. All owners of property within

[no change to i. or ii]

- iii. 500 feet of the property which is the subject of the notice if such property is within the farm or forest zone **and outside of an urban unincorporated area or an urban growth boundary** .

[no change to c. or d.]

2. Notice for Administrative Action shall be given at least fifteen (15) days prior to a decision, and shall be send 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 **and outside of an urban unincorporated area or an urban growth boundary** .
4. **Amendments to Land Use Actions:** clarify that a major amendment to a ministerial action does not require an administrative process. ♦ ♦ **Effect: Clarification**

SECTION 2.900, Amendments to Land Use Actions, except those actions approved under Chapter 4 of this Ordinance.

CLARIFY NO NOTICE REQUIRED FOR MINISTERIAL MAJOR AMENDMENT (P. 2-29)

[no change to 1. or 2.]

3. Approval of Major Amendments

Approval of a major amendment to an approved land use action shall be an Administrative Action subject to the provisions of §2.060.1 of this ordinance , **except where the land use action proposed for amendment was approved pursuant to §2.060.2** .
5. **Temporary TR Uses:** clarify that temporary onsite structures are permitted outright *unless* specifically listed as a conditional use in the TR zone. ♦ ♦ **Effect: Clarification**

SECTION 3.2.050, TR Permitted Uses

QUALIFY TEMPORARY ONSITE STRUCTURES (P. 3-9)

3. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation, **unless the temporary use is specifically listed as a conditional use in the TR zone** .
6. **M-3 Permitted Uses:** clarify permitted uses ♦ ♦ **Effect: Clarification**

SECTION 3.22.050, Permitted Uses

DELETE "OR ANY OTHER SECTION OF THIS ORDINANCE" FROM ITEM 3., (P. 3-142)

3. Manufacturing, repairing, fabricating, processing, parking, or storage use not listed in any other section of this ordinance or under conditional uses below.
7. **Yard Setback Exceptions:** add two provisions to the list of exceptions to yard requirements provided in Article 35 to: i) allow preexisting, lawfully established structures to be replaced in the impacted setback, and/or extended, provided the replacement or extension creates no further encroachment into the required setback, and; ii) clarify that a fence or retaining wall not requiring a building permit is exempt from yard setback requirements. ♦ ♦ **Effect: Deregulation**

SECTION 3.35.020, Exceptions to Yard Requirements

ADD AN ITEM 3. AND ITEM 4. TO EXCEPTIONS TO YARD REQUIREMENTS, (P. 3-209)

The following exceptions to yard requirements is may be authorized for a lot in any zone:

[no change to 1. or 2.]

3. Where a preexisting, lawfully established structure encroaches into a required yard, the structure may be replaced and/or extended along a parallel line in relation to the required yard, provided the replacement or extension results in no further encroachment into the required yard setback.
 4. A fence or retaining wall that does not require a building permit is not subject to yard setback requirements.
8. **Outdoor Gatherings:** note that both the PR zone and the definition of Winery Accessory Uses provide for events and gatherings not subject to Article 41, Temporary Use Permit. ♦ ♦ **Effect: Clarification**

SECTION 3.41.000, Temporary Use Permit, Purpose

NOTE PR AND WINERY ACCESSORY USE PROVISIONS FOR EVENTS AND GATHERINGS IN PURPOSE STATEMENT, (P. 3-255)

A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district. A temporary use permit is not required for events and gatherings permitted in the (PR) Public Reserve zone, or which are authorized as accessory uses to a lawfully established winery.

9. **Nonfarm Dwellings:** at 1.a., add “or forest” to mirror OAR 660-33-0130(4)(c)(A) which states, “Any permitted nonfarm dwelling shall not force a significant change in or significantly increase the cost of accepted farming or forest practices...” ♦ ♦ **Effect: Clarification**

REVISE 1.a., (P. 3-260)

SECTION 3.43.100 Building Permits

[no change to 1.]

- a. Any permitted non-farm dwelling shall not force a significant change in or significantly increase the cost of accepted farming **or forest** practices on nearby land devoted to farm or forest uses.

10. **Subdivision Blocks:** clarify that block provisions apply to urban subdivisions.
◆ ◆ **Effect: Clarification**

SECTION 4.100, General Requirements and Standards of Design and Development for Preliminary Plans

REVISE BLOCKS (P.4-8)

11. Blocks

In subdivisions with an average lot size of less than one (1) acre, no block shall be longer than eight hundred (800) feet between street lines. In other urban subdivisions, block lengths will be individually evaluated. . .

11. **Units of Land:** clarify that *lot* dimensions shall not include part of existing or proposed public streets. ◆ ◆ **Effect: Clarification**

REVISE UNITS OF LAND (P.4-9)

12. Units of Land

- a. Size, width, shape and orientation of each unit of land created shall be appropriate for the location of the subdivision and for the types of use permitted. Dimensions shall not include part of existing or proposed public streets. . .

12. Miscellaneous Clarifications and Scrivener Error Corrections

- Article 3, (FG) Exclusive Farm Use-Grazing:**

SECTION 3.3.050, Permitted Uses

CORRECT BAD REFERENCE AT 8.h., (P. 3-25)

- h. Deferred replacement: . . . The deferred replacement allows a property owner to remove a dwelling meeting the criteria of ~~9. 8.a-d~~ above with the guarantee that the removed dwelling can be replaced at any time in the future, subject to the siting standards of ~~9. 8.e-g~~. A deferred. . .

❑ **Article 4, (FC) Exclusive Farm Use-Cropland:**

SECTION 3.4.050, Permitted Uses

CORRECT BAD REFERENCE AT 8.h. , (P. 3-39)

- h. Deferred replacement: . . . The deferred replacement allows a property owner to remove a dwelling meeting the criteria of ~~9: 8.a.-d.~~ above with the guarantee that the removed dwelling can be replaced at any time in the future, subject to the siting standards of ~~9: 8.e.-g.~~ A deferred. . .

❑ **Article 35, Supplementary Provisions**

SECTION 3.35.060, Coordination of Development Review

DELETE URCOG, NO LONGER EXISTS (P. 3-212)

To maintain a process for coordinated review of future land use decisions affecting transportation facilities, corridors and sites and to provide information to ODOT, ~~URCOG~~, City of Roseburg, . . .

❑ **Article 35, Supplementary Provisions**

SECTION 3.35.250, Resource Zone Road Improvements

CORRECT SCRIVENER'S ERROR AT 2.C. (P. 3-220)

- c. Improvement of public roads and highway related facilities, such as maintenance yards. . .

❑ **Article 43, Approval of Nonresource Dwellings**

SECTION 3.43.100, Building Permits

CORRECT SCRIVENER'S ERROR AT FOOTNOTE 1 (P. 3-260)

¹OAR 6600-033-0020(4), "Date of Creation and Existence." When a lot. . .

❑ **Article 44, Division of Nonresource Lands**

SECTION 3.44.100, Criteria for Decision

CORRECT SCRIVENER'S ERROR AT FOOTNOTE 1 (P. 3-264)

¹OAR 6600-033-0020(4), "Date of Creation and Existence." When a lot. . .

DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470



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