



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

02/06/2012

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 001-11A

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Friday, February 17, 2012

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
Katherine Daniels, DLCD Farm/Forest Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
STAMP

DEPT OF

JAN ³⁰ 2012 *akt*

**LAND CONSERVATION
AND DEVELOPMENT**
For Office Use Only

Jurisdiction: **Douglas County**

Local file number: **N/A**

Date of Adoption: **1/25/2012**

Date Mailed: **1/27/2012**

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

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".

Amendments to the LUDO were adopted to comply with new state laws, reflect DLCD rulemaking and improve the general effectiveness of the LUDO.

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

The Legislative Amendment process was segregated at the Planning Commission level. The Plan Amendments were adopted on 12/07/11. The Board adopted the LUDO Amendments contained herein on 01/25/12.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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. 001-11A (19001) [16918]

DLCD file No. _____

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

Local Contact: Cheryl Goodhue	Phone: (541) 440-4289	Extension:
Address: Rm 106 Justice Bldg 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 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

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

Updated December 30, 2011

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

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK
COMMISSIONERS' JOURNAL

CJ 2012-70

01/25/2012

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

)
) **ORDINANCE NO. 2012- 01- 01**
)

RECITALS

- A. Amendments to the Douglas County Land Use and Development Ordinance are needed in order to, 1) comply with new state laws related to: plan amendment notice requirements; farm worker housing; wineries; farm income dwelling standards; irrigation districts and recreational facilities, and; agri-tourism events, 2) reflect DLCD rulemaking related to the limitation on EFU uses within three miles of a UGB and, 3) improve the effectiveness of the LUDO through local amendments clarifying LUDO provisions related to: farm agricultural buildings; outdoor events; zoning/overlay map updates; temporary uses in the TR zone; owner of record dwelling standards; M-1 and M-3 uses; floodproofing review process; boundary line adjustment statutory authority, and; correction of miscellaneous scrivener errors.
- B. On November 17, 2011, the Douglas County Planning Commission held a Legislative hearing and continued the hearing to the January 12, 2012 Planning Commission meeting for staff to provide further clarification on specified amendments. At the January 12, 2012 continued hearing, the Commission 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 January 2012, are ADOPTED and by reference made part of this ordinance.

SECTION TWO: The amendments are necessary and appropriate and shall become effective on February 24, 2012.

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 25th day of January, 2012.

DOUGLAS COUNTY OREGON
FILED


JAN 25 2012

PATRICIA K. HITT, COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chairman


Commissioner


Commissioner

Amendments to the

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

BOARD DRAFT

January 2012

**Planning Commission
November 17, 2011 &
January 12, 2012**

**Board of Commissioners
January 25, 2012**

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KEY: Additions have been **bolded and underlined**
Deletions have been ~~struckout~~

LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS
BOARD DRAFT, JANUARY 2012

AMENDMENTS RESULTING FROM LAW PASSED BY THE
2011 LEGISLATURE

1. **HB 2129: Post-acknowledgment Plan Amendment (PAPA) Process**, changes notice time frames and procedures. ♦ ♦ **Effect: Deregulation**

ACTION: CHANGE TIME FRAME FOR NOTICE IN CHAPTER 6, QUASI-JUDICIAL PLAN AMENDMENT, (P. 6-1)

SECTION 6.600 Notice

1. At least ~~45~~ **35** days prior to the hearing by the Commission or Hearings Officer, notice shall be given as provided in §2.065 of this ordinance...
2. **HB 2154: Farm Worker Housing**, clarifies definition of "farmworker" (an individual who performs labor, temporarily or on a continuing basis...) and "farmworker housing," as well as the definition of "owner" and "relative," in the context of farmworker housing only. This amendment does *not* affect the definition of "relative" as used in the provisions for a second single-family dwelling for a family member in conjunction with farm use (i.e., Relative Dwelling). ♦ ♦ **Effect: Clarification**

ACTION: DELETE DEFINITION OF "SEASONAL FARM WORKER HOUSING" AND ADD DEFINITION OF "FARMWORKER HOUSING," AS ADDED TO ORS 215.278, AT §1.090 (DEFINITIONS), (P. 1-5); DELETE ARTICLE 45 REFERENCES TO "SEASONAL" FARMWORKER HOUSING AND REPLACE ORS CITATION 197.677-685 WITH 215.277-278, (P.3-263)

~~SEASONAL FARM WORKER HOUSING: Housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than nine months a year.~~

FARMWORKER HOUSING: means housing:

- a. Limited to occupancy of farmworkers (as defined by ORS 215.278(2)(b)), and their immediate families; and
- b. No dwelling unit of which is occupied by a relative (as defined by ORS 215.278(2)(e)) of the owner or operator of the farmworker housing.

SECTION 3.45.100 Farm Dwelling Building Permits

5. a. (5) Except for ~~seasonal~~ farm-worker housing as permitted **provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...
- b. (7) Except for ~~seasonal~~ farm-worker housing as permitted **provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...

- c. (3) Except for ~~seasonal~~ farm-worker housing as **permitted provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...
- d. (3) Except for ~~seasonal~~ farm-worker housing as **permitted provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...

3. **HB 3280: Statutory Wineries in EFU**, brings in winery accessory uses: wine tours, wine tasting/tasting rooms, private events, etc., to existing statutory provisions for a winery as a permitted use in conjunction with a 15-acre or 40-acre vineyard. Bill adds a provision for a winery in conjunction with an 80-acre tract ownership with at least 50 acres of vineyard and an additional 80 acres of Oregon vineyards, which allows the same accessory uses as the 15 and 40 acre winery provisions, but also adds provisions for a full service restaurant. A restaurant requires a separate permit and cannot materially alter the land use pattern of the area; an issued permit must be reviewed every 5 years for potential renewal. The 15, 40 and 80-acre statutory provisions will be added to the FG, FC and FF zones as Uses Permitted with Standards to comply with new state law. ♦♦**Effect: Deregulation**

ACTION: ADD STATUTORY PROVISIONS FOR A WINERY IN CONJUNCTION WITH A 15, 40 OR 80 ACRE TRACT VINEYARD AS A USE PERMITTED WITH STANDARDS AND ADD RESTAURANT IN CONJUNCTION WITH THE 80-ACRE STATUTORY WINERY, SPECIFYING THAT THE 80 ACRE WINERY AND RESTAURANT WILL BE SUBJECT TO NOTICE UNDER LUDO SECTION 2.060.1, IN THE FG, 3.3.075, (P. 3-25), FC, 3.4.075, (P. 3-39) AND FF, 3.5.075 (P. 3-51) ZONES. DELETE LISTING FOR WINERY AS A CONDITIONAL USE IN THE AW ZONE, 3.5.100 (P. 3-65); WINERY IS ALREADY INCLUDED BY REFERENCE TO 3.5.100, CONDITIONAL USES IN THE FF ZONE, COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE.

SECTION 3.3.075 Uses Permitted with Standards, FG

A winery in conjunction with the 15 or 40 acre tract vineyard provisions as set forth in ORS 215.452.

A winery in conjunction with the 80 acre tract vineyard provisions as set forth in ORS 215.452, subject to LUDO Section 2.060.1

A restaurant in conjunction with a winery authorized under the 80 acre tract vineyard provision of ORS 215.452, subject to LUDO Section 2.060.1.

SECTION 3.4.075 Uses Permitted with Standards, FC

A winery in conjunction with the 15 or 40 acre tract vineyard provisions as set forth in ORS 215.452.

A winery in conjunction with the 80 acre tract vineyard provision as set forth in ORS 215.452, subject to LUDO Section 2.060.1.

A restaurant in conjunction with a winery authorized under the 80 acre tract vineyard provision of ORS 215.452, subject to LUDO Section 2.060.1.

SECTION 3.5.075 Uses Permitted with Standards, FF

A winery in conjunction with the 15 or 40 acre tract vineyard provisions as set forth in ORS 215.452.

A winery in conjunction with the 80 acre tract vineyard provision as set forth in ORS 215.452, subject to LUDO Section 2.060.1.

A restaurant in conjunction with a winery authorized under the 80 acre tract vineyard provision of ORS 215.452, subject to LUDO Section 2.060.1.

SECTION 3.6.100 Buildings and Uses Permitted Conditionally, AW

~~7. Winery:~~

4. **HB 3290: Farm Dwelling Income Test**, adds third provision for meeting farm-related dwelling income test by taking the average of the best three of the last five years. ♦ ♦ **Effect: Deregulation**

ACTION: FOLD INTO ARTICLE 45, FARM RELATED DWELLINGS, 3.45.100.5.c.(2), (P. 3-265), 3.34.100.5.d.(2), (P. 3.266) and 3.45.200.1.d.(1) and (2), (P. 3-268)

SECTION 3.45.100 Farm Dwelling Building Permits

5. c. (2) The subject tract is currently employed in a farm use...that produced a gross annual income, excluding the cost of purchased livestock, of at least \$22,500 in each of the last two years; or in at least three of the last five years, or ;based on the average farm income earned on the tract in the best three of the last five years.
- d. (2) The subject tract is currently employed in a farm use...that produced a gross annual income from the sale of farm products, excluding the cost of purchased livestock, of at least \$80,000 in each of the last two years; or in at least three of the last five years, or ;based on the average farm income earned on the tract in the best three of the last five years.

SECTION 3.45.200 Permits for Accessory Farm Dwellings in EFU (FG or FC) and Farm Forest (FF) Zoned Areas.

1. d. (1) On land which does not contain predominately high value soils...that produced a gross annual income, excluding the cost of purchased livestock, of at least \$22,500 in each of the last two years; or in at least three of the last five years, or ;based on the average farm income earned on the tract in the best three of the last five years.

- (2) On land containing predominately high value soils...that produced a gross annual income from the sale of farm products, excluding the cost of purchased livestock, of at least \$80,000 in each of the last two years; or in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years.

5. **HB 3408: Irrigation Districts**, adds "reservoirs" to ORS 215.283 (1) (t), "*Irrigation canals, delivery lines...*," and specifically excludes park and recreational structures and facilities associated with a district as accessory uses. ♦♦**Effect: Regulation**

ACTION: ADD "RESERVOIRS" TO EFU PERMITTED USES, FG, 3.3.075.11. IRRIGATION CANALS..., (P.3/25), AND FC, 3.3.075.11, IRRIGATION CANALS..., (P. 3.39), AND MOVE TO USES PERMITTED WITH STANDARDS TO SPECIFICALLY EXCLUDE ACCESSORY PARK AND RECREATIONAL STRUCTURES AND FACILITIES; ADD TO USES PERMITTED WITH STANDARDS IN FF, 3.5.075, (P. 3-51)

SECTION 3.3.050 Permitted Uses, FG

- ~~11. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).~~

SECTION 3.3.075 Uses Permitted with Standards, FG

Irrigation **reservoirs**, canals, delivery lines and those structures and accessory operational facilities, **not including parks or other recreational structures and facilities**, associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).

SECTION 3.4.050 Permitted Uses, FC

- ~~11. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).~~

SECTION 3.4.075 Uses Permitted with Standards, FC

Irrigation **reservoirs**, canals, delivery lines and those structures and accessory operational facilities, **not including parks or other recreational structures and facilities**, associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).

SECTION 3.5.075 Uses Permitted with Standards, FF

Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).

6. **SB 128: Dump Trucks and Trailers**, adds provision to park up to seven dump trucks and up to seven trailers on land zoned for forest use or mixed farm and forest use unless the local government determines such use will "force a significant change in, or significantly increase the cost of, farm or forest practices on surrounding lands devoted to farm or forest use." ♦ ♦ **Effect: Deregulation**

ACTION: ADD "PARKING OF UP TO SEVEN DUMP TRUCKS AND UP TO SEVEN TRAILERS," AS A USE PERMITTED WITH STANDARDS IN THE TR ZONE, 3.2.075, (P. 3-11) AND FF ZONE, 3.5.075, (P.3-54)

SECTION 3.2.075 Uses Permitted with Standards, TR

Parking of up to seven dump trucks and up to seven trailers unless the County determines that dump truck/trailer parking on a particular lot or parcel will:

- a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

SECTION 3.5.075 Uses Permitted with Standards, FF

Parking of up to seven dump trucks and up to seven trailers unless the County determines that dump truck/trailer parking on a particular lot or parcel will:

- a. Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
- b. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

7. **SB 960: Agri-tourism**, provides for new agri-tourism or other commercial events or activities which are related to and supportive of agriculture to be established on lands zoned for farm use. ORS 215.283(4) identifies four categories of agri-tourism/commercial events or activities, each of which must be incidental and subordinate to existing farm use on a tract. "Outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015(10)(d), do not include agri-

tourism or other commercial events and activities as those terms are used in the new agri-tourism provisions of ORS 215.283(4). ♦ ♦ **Effect: Deregulation**

The four categories of events identified by ORS 215.283(4) are:

(a) Single Event: calendar year; up to 72 hours (3 days); 500 people; 250 vehicles; non-transferrable; cannot force a significant change in, or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use.

(b) Expedited Single Event License: calendar year; not a land use decision; single-event license issued; non-transferrable; 6 a.m. to 10 p.m., 100 attendees; 50 vehicles; music 8 a.m. to 8 p.m., 10 acre tract.

(c) Limited Use Permit: up to 6 events in a calendar year; up to 72 hours each; cannot force a significant change in, or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use; cannot, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; may issue permit for 2 calendar years, and may consider application for renewal.

(d) Up to 18 Events in a Calendar Year: but must be incidental and subordinate to existing "commercial" farm use of the tract, and be "necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;" must meet the minimum parcel size; must request review of the permit at four-year intervals which requires notice and opportunity.

ACTION: ADD DEFINITION OF AGRITOURISM AT 1.090, DEFINITIONS, (P. 1-6), WHICH SPECIFICALLY EXCLUDES STATUTORY DEFINITION OF "OUTDOOR MASS GATHERING." ADD AGRITOURISM EVENTS AS USES PERMITTED WITH STANDARDS IN THE EFU AND FF ZONES AT 3.3.075 (P. 3-25), 3.4.075 (P. 3-39) AND 3.5.075 (P. 3-51), WITH THE "LIMITED USE PERMIT" AND "UP TO 18 EVENTS" PROVISIONS SUBJECT TO SECTION 2.060.1

SECTION 1.090 Definitions

AGRI-TOURISM: As provided for by ORS 215.283(4), commercial events or activities which are related to and supportive of agriculture which may be established on lands zoned for farm use. Agri-tourism does not include "outdoor mass gatherings" as defined by ORS 433.735.

SECTION 3.3.075 Uses Permitted with Standards, FG

Agri-tourism commercial events or activities as provided for by ORS 215.283(4), with the "Limited Use Permit" provision and the "Up to 18 Events in a Calendar Year" provision subject to LUDO Section 2.060.1.

SECTION 3.4.075 Uses Permitted with Standards, FC

Agri-tourism commercial events or activities as provided for by ORS 215.283(4), with the "Limited Use Permit" provision and the "Up to 18 Events in a Calendar Year" provision subject to LUDO Section 2.060.1.

SECTION 3.5.075 Uses Permitted with Standards, FF

Agri-tourism commercial events or activities as provided for by ORS 215.283(4), with the "Limited Use Permit" provision and the "Up to 18 Events in a Calendar Year" provision subject to LUDO Section 2.060.1.

AMENDMENTS RESULTING DLCD RULEMAKING

1. **Siting Standards for places of assembly in EFU**, revise in accordance with DLCD Rule amendments to the siting standards of OAR 660-33-130 (2), which state,

(2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

◆◆Effect: Regulation and Deregulation

ACTION: REVISE THE LANGUAGE FOR CHURCHES AS A USE PERMITTED WITH STANDARDS IN THE EFU ZONES AT 3.3.075.5, FG (P. 3-26) and, 3.4.075.5, FC (P. 3-40) and as a conditional use in the ff zone at 3.5.100.9, (P. 3-54). [SCHOOLS, WHICH WENT FROM PERMITTED TO CONDITIONALLY PERMITTED USES IN EFU AS A RESULT OF 2009 LEGISLATION, ARE ALREADY CODIFIED AS BEING SUBJECT TO THE SITING STANDARDS OF OAR 660, DIVISION 33.]

SECTION 3.3.075 Uses Permitted with Standards, FG

5. Churches, subject to §2.065.2, ~~provided that they are not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4~~ **and the standards of OAR 660-33-130 regarding siting and spacing for a structure or group of structures with a design capacity of greater than 100 people.** Existing churches may be maintained, enhanced or expanded on the same tract ~~without an exception~~ **, except that enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of the above-cited OAR, without an exception.** New...

SECTION 3.4.075 Uses Permitted with Standards, FC

5. Churches, subject to §2.065.2, provided that they are not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4 **and the standards of OAR 660-33-130 regarding siting and spacing for a structure or group of structures with a design capacity of greater than 100 people.** Existing churches may be maintained, enhanced or expanded on the same tract without an exception, **except that enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of the above-cited OAR, without an exception.** New...

SECTION 3.5.100 Buildings and Uses Permitted Conditionally, FF

9. Churches and public or private schools, including all buildings essential to the operation of a school, provided that **all such places of assembly shall be consistent with the siting standards of OAR 660-33-130.** they are not within 3 miles of a UGB unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.

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

1. **New Definition:** add definition of Farm Agricultural Building to clarify statutory requirements as well as issues related to floodplain, exemptions from building permit and electrical permits. ♦ ♦ **Effect: Clarification**

SECTION 1.090 Definitions

ACTION: ADD FARM AG BUILDING TO DEFINITIONS, (P. 1-12)

A FARM AGRICULTURAL BUILDING, as provided in ORS 455.315, is a structure located on a farm and used in conjunction with an existing farm operation for:

- a. the storage, maintenance or repair of farm 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."**

A FARM AGRICULTURAL BUILDING is not:

- a. a dwelling or use accessory to a residential use;**
- b. a structure where 10 or more persons are present at any one time except for the purpose of growing plants;**
- c. a structure regulated by the State Fire Marshal per ORS chapter 476;**
- d. 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.

2. **OUTDOOR EVENTS:** remove reference to statutory mass gathering from LUDO definition of OUTDOOR GATHERING and make it a separate definition to clarify that the statutory mass gathering is not a land use decision and that the statutory mass gathering requirements are not additive to the provisions of the Article 41, TUP review process for outdoor events. Clarify that an outdoor event is not a statutory mass gathering by capping attendance at less than 3,000, and specifically exclude agri-tourism and other commercial events that are related to and supportive of agriculture from the definition of outdoor events. ♦♦ **Effect: Clarification**

ACTION: AMEND DEFINITION OF OUTDOOR GATHERING AT 1.090, DEFINITIONS, TO CLARIFY THAT AN OUTDOOR EVENT IS NOT A STATUTORY OUTDOOR MASS GATHERING AND SPECIFICALLY EXCLUDE AGRI-TOURISM AND OTHER COMMERCIAL EVENTS THAT ARE RELATED TO AND SUPPORTIVE OF AGRICULTURE FROM THE DEFINITION OF OUTDOOR EVENTS, (P. 1-23), CHANGE REFERENCES TO OUTDOOR GATHERINGS TO EVENTS AND CLARIFY DEFINITION AT ARTICLE 41, (P. 3.251), AND ADD NEW DEFINITION OF STATUTORY MASS GATHERING AT 1.090, DEFINITIONS, WHICH SPECIFICALLY EXCLUDES STATUTORY DEFINITION OF AGRI-TOURISM (P. 1-30)

SECTION 1.090 Definitions

OUTDOOR EVENT: An assembly that is held outside of a public park primarily in open spaces and not in any permanent structure, where either: the anticipated attendance will be more than 1,000 but less than 3,000 persons, or; the event is expected to continue for more than three days within any three month period. Temporary Events of less than 1,000 persons that will not continue for more than three days within any three month period are subject to LUDO Section 3.41.050. Outdoor Events and Temporary Events are not "outdoor mass gatherings" as defined by ORS 433.735 and are not Agri-tourism events as provided for by ORS 215.283(4).

SECTION 3.41.050 Temporary Event Outdoor-Gathering

~~Outdoor gatherings and e~~ **Temporary Events are events held** outside of a public park that have an expected attendance of 1,000 or less people, that will not continue for more than three days within any three month period, and **that** will be located in a rural or resource area. ~~Temporary Events~~ **Temporary Events** are exempt from administrative review, provided that proof of compliance with the following standards is demonstrated prior to the ~~gathering or event~~, and ministerial authorization is obtained from the Director:

[no change to 1. and 2.]

3. There must be a plan for safe and adequate access to the ~~gathering or event~~ site. The plan for access shall be approved by the County Engineer.

[no change to 4. and 5.]

6. Except for ~~gatherings and~~ events sponsored by non-profit organizations, there shall be no commercial aspect including admission to the event.

SECTION 3.41.100 Permitted Temporary Uses

Temporary structures, activities or uses may be ~~permitted~~ **authorized, subject to notice** pursuant to LUDO Section §2.060.1 of this ordinance, as necessary to provide for housing of personnel, storage and use of supplies and equipment, or to provide for temporary sales offices for uses permitted in the zoning district. Other uses may include temporary signs, outdoor ~~gatherings~~ **events**, short term uses, roadside stands, or other uses not specified in this ordinance and not so recurrent as to require a specific or general regulation to control them.

SECTION 1.090, DEFINITIONS

STATUTORY "OUTDOOR MASS GATHERING," as defined by ORS 433.735, and unless otherwise defined by county ordinance, means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4) and do not include a Temporary Event or Outdoor Event reviewed under Article 41.

3. **Zoning and Overlay Maps:** restore 2008 adopted language via scriveners error and clarify, official maps for zoning (p. 3-2) ♦ ♦ **Effect: Clarification**

ACTION: 2008 ADOPTED LANGUAGE, RESTORED VIA SCRIVENER CORRECTION WITH THESE AMENDMENTS, APPEARS BELOW. REVISE LANGUAGE TO CLARIFY AT 3.1.040, (P. 3-2).

SECTION 3.1.040 Zoning and Overlay Maps

The Douglas County Zoning Maps and Overlay Maps are digitized (~~with the exception of the Coastal Goals and Airport Impact overlay maps~~) and consist of a computer file that is backed up to insure that the electronic information is protected. A hard copy of the current digital maps is located at the County Planning Department Office. **Digitized maps for Mineral Resources, Riparian Corridors, Floodplains and Coastal Goal issues are graphic representations and must be used in conjunction with the hard copy Plan overlay mapping.** The Douglas County Zoning Maps and overlay maps are certified by the Director as being the official zoning and overlay maps adopted by reference in §3.1.030. Hard copies of all county zoning and overlay maps are located at the Planning Department.

4. **Temporary TR Uses,** clarify, with a footnote, that a temporary portable facility for the primary processing of forest products, including processing forest products into biofuel, is a conditional use in the TR zone. ♦ ♦ **Effect: Clarification**

ACTION: ADD A FOOTNOTE TO TR REFERENCE TO TEMPORARY ONSITE STRUCTURES AT 3.2.050, (P. 3-9)

SECTION 3.2.050 Permitted Uses

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.¹

¹ A temporary portable facility for the primary processing of forest products (including the processing of a forest product into biofuel) is a conditional use, pursuant to Section 3.2.100.1.

5. **Owner of Record Dwelling Standards for "Owner of Record" Dwellings**, clarify clear and objective standards of ministerial OOR review process. ♦ ♦ **Effect: Clarification**

ACTION: REVISE LANGUAGE TO CLARIFY STANDARDS AT 3.2.155 (TR), (P. 3-14)

Section 3.2.155 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, and was acquired...

[no change to 1.]

2. ~~Findings must be made to satisfy all of the following~~The tract on which the dwelling will be sited :
- a. ~~That the tract on which the dwelling will be sited does not currently include a dwelling, and :~~
 - b. ~~That if the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.~~
 - c. ~~That t~~The tract is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
 - d. ~~That t~~The tract is located within 1,500 feet of a maintained public road...
 - e. ~~That the location of the homesite is consistent with the wildlife habitat requirements in Article 32.~~ The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.
 - f. ~~That the proposed dwelling will meet the siting standards contained in Section 3.2.160 and the fire safety requirements and guidelines outlined in Section 3.2.170.~~

[no change to 3., 4. and 5.]

ACTION: REVISE LANGUAGE TO CLARIFY STANDARDS AT 3.3.125 (FG), (P. 3-14), and at 3.4.125 (FC), (P. 3-44)

FG, 3.3.125 & FC, 3.4.125, Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, and was acquired...

[no change to 1. and 2.]

3. The land in the tract is not either composed predominantly of soils that are:

- a. ~~Characterized by predominantly irrigated prime, ... as designated by the Natural Resources Conservation Service (NRCS),¹ of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or~~
- b. ~~Planted with Growing "specified perennials" ... grown for market or research purposes...~~
- c. ~~The soil class, soil rating, or soil designation of a specific lot or parcel may be changed if the property owner:
 - (1) ~~Submits a statement of agreement from the NRCS that the soil data should be adjusted based on new information; or~~
 - (2) ~~Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and~~
 - (3) ~~Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph 2) above and finds the analysis in the report to be soundly and scientifically based.~~~~

4. ~~The location of the homesite is consistent with the wildlife habitat requirements in Article 32. The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.~~

[no change to 5., 6., 7. and 8.]

¹ A challenge to the soils data provided by the Natural Resources Conservation Service pertaining to whether land qualifies as agricultural land must be made in accordance with the provisions of applicable statutes and administrative rules.

ACTION: REVISE LANGUAGE TO CLARIFY STANDARDS AT 3.5.115 (FF), (P. 3-54)

Section 3.5.115 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, and was acquired...

[no change to 1. and 2.]

3. If the predominant use of the tract is agriculture, the land in the tract is not either **composed predominantly of soils that are:**

a. ~~Characterized by predominantly i Irrigated prime, ... as designated by the Natural Resources Conservation Service (NRCS),¹ of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or~~

b. ~~Planted with **Growing** "specified perennials" ... grown for market...~~

c. ~~The soil class, soil rating, or soil designation of a specific lot or parcel may be changed if the property owner:~~

~~(1) Submits a statement of agreement from the NRCS that the soil data should be adjusted based on new information; or~~

~~(2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and~~

~~(3) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph 2) above and finds the analysis in the report to be soundly and scientifically based.~~

4. If the predominant use of the tract is forestry the following must be satisfied:

a. ~~That t~~The tract is composed of soils not capable...

b. ~~That t~~The tract is located within 1,500 feet of a maintained public road ...

c. ~~That the proposed dwelling will meet the siting standards contained in Section 3.5.160 and the fire safety requirements and guidelines outlined in Section 3.5.170.~~

[no change to d.]

5. ~~The location of the homesite is consistent with the wildlife habitat requirements in Article 32. **The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.**~~

[no change to 6., 7., 8. and 9.]

¹ ~~**A challenge to the soils data provided by the Natural Resources Conservation Service pertaining to whether land qualifies as agricultural land must be made in accordance with the provisions of applicable statutes and administrative rules.**~~

6. **M-1 Uses**, add "auction houses" to permitted uses. ♦ ♦ **Effect: Clarification**

ACTION: ADD "AUCTION HOUSE" TO PERMITTED USES IN THE M-1, LIGHT INDUSTRIAL ZONE AT 3.20.050.7 (P.3-132)

SECTION 3.20.050 Permitted Uses

7. Wholesale business salesrooms and auction houses.

7. **M-3 Uses**, add "upland uses associated with or part of a use or activity permitted in the (MRI) Marine Industrial zone," as a permitted use ♦ ♦ **Effect: Clarification**

ACTION: ADD "UPLAND USES..." TO PERMITTED USES IN THE M-3, HEAVY INDUSTRIAL ZONE AT 3.22.050.5 (P. 3-138)

SECTION 3.22.050 Permitted Uses

5. Upland uses associated with or part of a use or activity permitted in the (MRI) Marine Industrial zone.

8. **Article 30, Floodplain Overlay**, clarify use of floodproofing of nonresidential structures, as opposed to elevating, is a deviation, "variance" to FEMA elevation standards, approved through a ministerial development review process. Clarify exemption of mono-pole utility structure at definitions. **Effect: Clarification**

ACTION: REVISE NONRESIDENTIAL CONSTRUCTION STANDARDS TO INCORPORATE MINISTERIAL FEMA "VARIANCE" REVIEW STANDARDS FOR FLOODPROOFING PURSUANT TO 2.060.2.f, ADD CODE PROVISION ON INSURANCE INFORMATION AND CORRECT REFERENCE TO SPECIALTY CODE, APPENDIX CHAPTER 31 AT 3.30.450, (P. 3-185); CORRECT REFERENCE TO SPECIFIC FEMA TECHNICAL BULLETIN AT 3.30.460.2.b. (P. 3-186) CLARIFY THAT A MONO-POLE STRUCTURE FOR UTILITY PURPOSES IS EXEMPT FROM FLOODPLAIN STANDARDS AT 3.30.200, DEFINITION OF DEVELOPMENT (P. 3-174).

SECTION 3.30.200, Definitions

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard; **except that mono-pole structures for utility purposes shall not be considered development for the purposes of this article.**

SECTION 3.30.450 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at or above the regional flood height; or **be reviewed as a "variance" to FEMA standards if floodproofing development is proposed. In all cases, the structure shall:**

1. ~~Be floodproofed as provided in the State Structural Specialty Code, Appendix Chapter 31, so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- 2.1. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- 3-2. Be certified by a registered professional engineer or architect that the standards of this ~~S~~subsection are satisfied. Such certifications shall be provided to the Official as set forth in §3.30.270.
- 4-3. Non residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as provided in §3.30.455.

Nonresidential construction, including detached accessory structures, garages and storage sheds not exceeding 500 square feet and agricultural structures for farm use to be floodproofed in lieu of elevation, may be reviewed under this section for a ministerial FEMA "variance" under 2.060.2.f. (development review subject to overlay), to authorize a deviation from elevated construction standards.

- 1. **The FEMA "variance" will be a part of development review.**
- 2. **The review will provide applicant with information regarding potential impact on insurance rates.**
- 3. **Any authorized structure shall be floodproofed in accordance with applicable FEMA Technical Bulletins.**
- 4. **This FEMA "variance" to deviate from elevated construction standards will address applicable FEMA standards and will not apply to any other land use standards.**
- 5. **If a construction request is inconsistent with FEMA floodproofing standards, a land use Variance, pursuant to LUDO Section 3.40.100, will be required.**

Under this section, an open structure that does not have more than one (1), outside wall is exempt from elevation or floodproofing. Permitting of an exempt structure will include requirements for: i) construction with flood resistant materials and anchoring; ii) a non-enclosure agreement that precludes additional walls on the exempt structure, and; iii) a "no-rise" certification if the building site for the structure is in the floodway.

SECTION 3.30.460 Mobile Home Standards

- 2. 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 4-93.
- 9. **Boundary Line Adjustment Authority**, as a cross-reference, cite County authority under ORS 92.190(3).

ACTION: FOLD IN AUTHORITY OF ORS 92.190(3) AT 4.140, (P. 4-11)

SECTION 4.140 Adjustment of Common Boundary Lines

As set forth in ORS 92.190(3), ~~the~~ the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting

procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368). Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as a Ministerial Action.

10. Miscellaneous Clarifications and Scrivener Error Corrections

- SECTION 3.1.040 Zoning Maps**, restore 2008 language regarding digitization of zoning maps not carried forward to subsequent LUDO editions.

The Douglas County Zoning Maps and Overlay Maps are digitized (with the exception of the Coastal Goals and Airport Impact overlay maps) and consist of a computer file that is backed up to insure that the electronic information is protected. A hard copy of the current digital maps is located at the County Planning Department Office. The Douglas County Zoning Maps and overlay maps are certified by the Director as being the official zoning and overlay maps adopted by reference in §3.1.030. Hard copies of all county zoning and overlay maps are located at the Planning Department.

- SECTION 3.3.100 Buildings and Uses Permitted Conditionally, FG**

5. Community centers owned by a governmental agency or a nonprofit community organization operated primarily by and for residents of the local
- delete line space -
rural community...

- SECTION 3.5.075 Uses Permitted with Standards, FF**, delete specific statutory reference.

b. Except as provided in ORS 215.283(1)(e),...

- SECTION 3.3.200 Property Development Standards, FG**, correct spelling errors.

1.b.(1) Parcel size for non-farm uses,may be accommodated...

SECTION 3.4.200 Property Development Standards, FC, correct spelling errors.

1.e.(1) Parcel size for non-farm uses,may be accommodated...

SECTION 3.5.200 Property Development Standards, FF, correct spelling errors.

1.b.(2) Parcel size for non-farm uses,may be accommodated...

- SECTION 3.23.B.250, Industrial Development Standards authorized by the 2003 State Legislature, ME**. These provisions were to sunset in 2006, but in 2005, HB 2458 deregulated the law and repealed the sunset provision. Move the provisions to Uses Permitted with Standards, Section 3.23.B.125.

SECTION 3.23B.125 Industrial Development Standards authorized by the 2003 and 2005 State Legislature

The 2003 State Legislature enacted law (HB 2614 and HB 2691) **and in 2005 (HB 2458)** that is designed to encourage industrial development on qualifying lands outside of city urban growth boundaries.

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: 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.
2. The following standards apply to any land identified as an abandoned or diminished mill site regardless of current zoning:
 - a. An "abandoned or diminished mill site" is a former or current wood products mill site that was closed after January 1, 1980, or has been operating at less than 25% of capacity since January 1, 2003, and contains, or contained, permanent buildings used in the production or manufacturing of wood products. The County shall identify and determine the boundaries of abandoned or diminished mill sites (the boundary may only include those areas that were improved for the processing or manufacturing of wood products).
 - b. Sites identified by the County may be changed (either legislatively or through the quasi-judicial process) to an Industrial Plan and Zone designation to allow any level of industrial use without review under statewide planning goals 2, 3, 4, 11 and 14.
 - c. Location: The site must be located outside of a city UGB.
 - d. Building Size: Subject to the permit approval process, there shall be no limitations on the size or type of industrial buildings authorized.
 - e. Sewer facilities: Subject to DEQ approval, on-site sewer facilities, or the extension of sewer facilities from a city UGB or County urban unincorporated

area, 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.

- f. Lands rezoned for industrial use under this provision may not later be rezoned for retail, commercial, or other non-resource uses unless a Quasi-Judicial Plan Amendment and exception has been approved by the Approving Authority.

- SECTION 3.35.050 Access onto County Roads**, clarify includes development

Standards of access for new lots and parcels or development onto County roads are regulated by the Douglas County Public Works Department...

- ARTICLE 43**, consistently de-hyphenate the word nonfarm

SECTION 3.43.100 Building Permits

1.a. Any permitted non-farm dwelling...

1.c.(2)(b) the number, location and type of existing dwellings (i.e. e.g., farm, non-farm, hardship, etc.);

1.c.(3)(d) The proposed site of the non-farm dwelling...

- ARTICLE 44**, consistently de-hyphenate the word nonfarm; consistently refer to nonfarm parcels in text (not headings)

SECTION 3.44.100 Criteria for Decision

1. **Nonresource Partitions where the remaining parcel complies with the minimum parcel size:** The County may approve a division...each parcel to contain a non-farm dwelling, so long as:

- a. The non-farm dwelling(s)...
- b. The parcel(s) for the non-farm dwelling(s)...
- c. The parcel(s) for the non-farm dwelling(s)...
- d. The remainder...that does not contain the non-farm dwelling(s)...
- e. The parcel(s) for the non-farm dwelling(s)...

2. **Nonresource Partitions where the original parcel is smaller than the minimum parcel size:** The County may approve a division of land to divide a lot or parcel into two parcels, each to contain one non-farm dwelling, so long as:

- a. The non-farm dwellings...
- b. The parcels for the non-farm dwellings...
- c. The parcels for the non-farm dwellings...
- d. The parcels for the non-farm dwellings...
- e. The parcels for the non-farm dwellings...
- f. The parcels for the non-farm dwellings...

3. The proposed new nonfarm parcel(s) has appropriate physical characteristics...

4. The size of a new nonfarm parcel created...

5. For each nonresourcefarm parcel created...

[no change to 6.]

7. New lots or parcels created under this Article, and for which a non-farm dwelling is required, shall not be finally approved unless the non-farm dwelling...

SUMMARY
LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS
BOARD DRAFT - JANUARY 2012

Planning Commission Hearing: November 17, 2011 & January 12, 2012
Board of Commissioners Hearing: January 25, 2012

AMENDMENTS REQUIRED TO COMPLY WITH NEW STATE LAWS

Subject	Summary	Effect
1. PAPA Process	HB 2129: stipulates that DLCD cannot require a local government to provide more than 35 days notice of a Post-acknowledgment Plan Amendment (currently 45 days).	Deregulation
2. Farm Worker Housing	HB 2154: clarifies the statutory definitions of "farmworker," "farmworker housing," "owner" and "relative," in the context of provisions for farmworker housing only; this definition does <u>not</u> affect the definition of "relative" as used in the provisions for a second farm dwelling for a family member (Relative Dwelling).	Clarification
3. Statutory Wineries in EFU	HB 3280: brings in winery accessory uses: wine tours, wine tasting, events, etc., to existing statutory provisions for a winery in conjunction w/ a 15-acre or 40-acre vineyard; events (number of days per year) and gross income from events are limited. The bill also adds a statutory provision for an 80-acre tract winery which may permit a full service restaurant. The 15, 40 and 80-acre tract winery provisions will be added to the LUDO as uses permitted with standards in the EFU and FF zones to comply with new state law.	Deregulation
4. Farm Dwelling Income Test	HB 3290: adds a third provision for meeting the farm-related dwelling income test by taking the average of the best three of the last five years.	Deregulation
5. Irrigation Districts	HB 3408: makes reservoirs, irrigation canals, etc., a use permitted with standards to specifically prohibit park and recreational structures and facilities as accessory uses.	Regulation
6. Dump Trucks and Trailers	SB 128: adds provision to park up to seven dump trucks and up to seven trailers on land zoned for forest use or mixed farm and forest use.	Deregulation
7. Agri-tourism	SB 960: provides for four categories of agri-tourism or other commercial farm-related events on farm lands. The event options will be added as "Uses Permitted with Standards" in the EFU and Farm Forest zones, the standards being those as provided in ORS 215.283(4).	Deregulation
8. Amendment Resulting from DLCD Rulemaking	Refines the limitation on EFU uses within three miles of a UGB by applying the three-mile standard to places of assembly with a design capacity of greater than 100 people, and adding spacing standards between structures when the standard applies.	Regulation & Deregulation

SUMMARY
LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS
BOARD DRAFT - JANUARY 2012

Planning Commission Hearing: November 17, 2011 & January 12, 2012
Board of Commissioners Hearing: January 25, 2012

LOCAL AMENDMENTS

Subject	Summary	Effect
1. Farm Agricultural Building	This amendment adds the statutory definition of farm agricultural building to clarify structures exempt from building permits. It also lists structures that do not qualify as farm agricultural buildings to reduce confusion about the exemption. The County has used the broadest definition of farm use under the law for the application of this definition.	Clarification
2. Outdoor Events	This amendment coordinates the local event provisions with changes in the state law related to winery and farm events. The provision also clarifies that outdoor events are not within the definition of the statutory mass gathering.	Clarification
3. Zoning and Overlay Maps	This updates references to electronic versions of zoning maps used in the administration of our program.	Clarification
4. Temporary TR Uses	This clarifies the distinction between permitted and conditional uses in the TR zone. It adds no new regulation, it simply provides better guidance for the administration of the law.	Clarification
5. Owner of Record Dwelling Standards	This amendment clarifies the review process for owner of record dwellings. It also responds to recent court cases and changes in soils review rules.	Clarification
6. M-1 Uses	This amendment adds and clarifies the permitted uses in the M-1 zone.	Deregulation
7. M-3 Uses	This amendment adds and clarifies the permitted uses in the M-3 zone.	Deregulation
8. Article 30, Floodplain Overlay	This amendment is <u>required</u> because of changes in the federal floodplain management program. FEMA now requires any flood proofed structure to be reviewed in a variance like process. This new provision adds a simplified, small "v" variance provision to the floodplain ordinance. The amendments have been coordinated with DLCD.	Clarification & Review Process Change
9. Boundary Line Adjustment	This amendment adds a cross-reference to applicable state statutes.	Clarification
10. Correction of Scrivener Errors	These amendments are housekeeping maintenance of the Ordinance and do not change policy or regulatory standards. They correct citations and numbering, and provide internal consistency within the Code.	Clarification

BEFORE THE BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, OREGON

DOUGLAS COUNTY OFFICIAL RECORDS
PATRICIA K. HITT, COUNTY CLERK
COMMISSIONERS' JOURNAL

CJ 2012-70

01/25/2012

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

)
)
)
ORDINANCE NO. 2012- 01- 01

RECITALS

- A. Amendments to the Douglas County Land Use and Development Ordinance are needed in order to, 1) comply with new state laws related to: plan amendment notice requirements; farm worker housing; wineries; farm income dwelling standards; irrigation districts and recreational facilities, and; agri-tourism events, 2) reflect DLCD rulemaking related to the limitation on EFU uses within three miles of a UGB and, 3) improve the effectiveness of the LUDO through local amendments clarifying LUDO provisions related to: farm agricultural buildings; outdoor events; zoning/overlay map updates; temporary uses in the TR zone; owner of record dwelling standards; M-1 and M-3 uses; floodproofing review process; boundary line adjustment statutory authority, and; correction of miscellaneous scrivener errors.
- B. On November 17, 2011, the Douglas County Planning Commission held a Legislative hearing and continued the hearing to the January 12, 2012 Planning Commission meeting for staff to provide further clarification on specified amendments. At the January 12, 2012 continued hearing, the Commission 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 January 2012, are ADOPTED and by reference made part of this ordinance.

SECTION TWO: The amendments are necessary and appropriate and shall become effective on February 24, 2012.

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 25th day of January, 2012.

DOUGLAS COUNTY OREGON
FILED

JAN 25 2012

PATRICIA K. HITT, COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, OREGON


Chairman


Commissioner


Commissioner

Amendments to the

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

BOARD DRAFT

January 2012

**Planning Commission
November 17, 2011 &
January 12, 2012**

**Board of Commissioners
January 25, 2012**

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KEY: Additions have been **bolded and underlined**
Deletions have been ~~struckout~~

LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS
BOARD DRAFT, JANUARY 2012

AMENDMENTS RESULTING FROM LAW PASSED BY THE
2011 LEGISLATURE

1. **HB 2129: Post-acknowledgment Plan Amendment (PAPA) Process**, changes notice time frames and procedures. ♦ ♦ **Effect: Deregulation**

ACTION: CHANGE TIME FRAME FOR NOTICE IN CHAPTER 6, QUASI-JUDICIAL PLAN AMENDMENT, (P. 6-1)

SECTION 6.600 Notice

1. At least ~~45~~ **35** days prior to the hearing by the Commission or Hearings Officer, notice shall be given as provided in §2.065 of this ordinance...
2. **HB 2154: Farm Worker Housing**, clarifies definition of "farmworker" (an individual who performs labor, temporarily or on a continuing basis...) and "farmworker housing," as well as the definition of "owner" and "relative," in the context of farmworker housing only. This amendment does *not* affect the definition of "relative" as used in the provisions for a second single-family dwelling for a family member in conjunction with farm use (i.e., Relative Dwelling). ♦ ♦ **Effect: Clarification**

ACTION: DELETE DEFINITION OF "SEASONAL FARM WORKER HOUSING" AND ADD DEFINITION OF "FARMWORKER HOUSING," AS ADDED TO ORS 215.278, AT §1.090 (DEFINITIONS), (P. 1-5); DELETE ARTICLE 45 REFERENCES TO "SEASONAL" FARMWORKER HOUSING AND REPLACE ORS CITATION 197.677-685 WITH 215.277-278, (P.3-263)

~~SEASONAL FARM WORKER HOUSING: Housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than nine months a year.~~

FARMWORKER HOUSING: means housing:

- a. Limited to occupancy of farmworkers (as defined by ORS 215.278(2)(b)), and their immediate families; and
- b. No dwelling unit of which is occupied by a relative (as defined by ORS 215.278(2)(e)) of the owner or operator of the farmworker housing.

SECTION 3.45.100 Farm Dwelling Building Permits

5. a. (5) Except for ~~seasonal~~ farm-worker housing as permitted **provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...
- b. (7) Except for ~~seasonal~~ farm-worker housing as permitted **provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...

- c. (3) Except for ~~seasonal~~ farm-worker housing as **permitted provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...
- d. (3) Except for ~~seasonal~~ farm-worker housing as **permitted provided** in ORS ~~197.677-685~~ 215.277-278, there is no other dwelling...

3. **HB 3280: Statutory Wineries in EFU**, brings in winery accessory uses: wine tours, wine tasting/tasting rooms, private events, etc., to existing statutory provisions for a winery as a permitted use in conjunction with a 15-acre or 40-acre vineyard. Bill adds a provision for a winery in conjunction with an 80-acre tract ownership with at least 50 acres of vineyard and an additional 80 acres of Oregon vineyards, which allows the same accessory uses as the 15 and 40 acre winery provisions, but also adds provisions for a full service restaurant. A restaurant requires a separate permit and cannot materially alter the land use pattern of the area; an issued permit must be reviewed every 5 years for potential renewal. The 15, 40 and 80-acre statutory provisions will be added to the FG, FC and FF zones as Uses Permitted with Standards to comply with new state law. ♦♦**Effect: Deregulation**

ACTION: ADD STATUTORY PROVISIONS FOR A WINERY IN CONJUNCTION WITH A 15, 40 OR 80 ACRE TRACT VINEYARD AS A USE PERMITTED WITH STANDARDS AND ADD RESTAURANT IN CONJUNCTION WITH THE 80-ACRE STATUTORY WINERY, SPECIFYING THAT THE 80 ACRE WINERY AND RESTAURANT WILL BE SUBJECT TO NOTICE UNDER LUDO SECTION 2.060.1, IN THE FG, 3.3.075, (P. 3-25), FC, 3.4.075, (P. 3-39) AND FF, 3.5.075 (P. 3-51) ZONES. DELETE LISTING FOR WINERY AS A CONDITIONAL USE IN THE AW ZONE, 3.5.100 (P. 3-65); WINERY IS ALREADY INCLUDED BY REFERENCE TO 3.5.100, CONDITIONAL USES IN THE FF ZONE, COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE.

SECTION 3.3.075 Uses Permitted with Standards, FG

A winery in conjunction with the 15 or 40 acre tract vineyard provisions as set forth in ORS 215.452.

A winery in conjunction with the 80 acre tract vineyard provisions as set forth in ORS 215.452, subject to LUDO Section 2.060.1

A restaurant in conjunction with a winery authorized under the 80 acre tract vineyard provision of ORS 215.452, subject to LUDO Section 2.060.1.

SECTION 3.4.075 Uses Permitted with Standards, FC

A winery in conjunction with the 15 or 40 acre tract vineyard provisions as set forth in ORS 215.452.

A winery in conjunction with the 80 acre tract vineyard provision as set forth in ORS 215.452, subject to LUDO Section 2.060.1.

A restaurant in conjunction with a winery authorized under the 80 acre tract vineyard provision of ORS 215.452, subject to LUDO Section 2.060.1.

SECTION 3.5.075 Uses Permitted with Standards, FF

A winery in conjunction with the 15 or 40 acre tract vineyard provisions as set forth in ORS 215.452.

A winery in conjunction with the 80 acre tract vineyard provision as set forth in ORS 215.452, subject to LUDO Section 2.060.1.

A restaurant in conjunction with a winery authorized under the 80 acre tract vineyard provision of ORS 215.452, subject to LUDO Section 2.060.1.

SECTION 3.6.100 Buildings and Uses Permitted Conditionally, AW

~~7. Winery.~~

4. **HB 3290: Farm Dwelling Income Test**, adds third provision for meeting farm-related dwelling income test by taking the average of the best three of the last five years. ♦ ♦ **Effect: Deregulation**

ACTION: FOLD INTO ARTICLE 45, FARM RELATED DWELLINGS, 3.45.100.5.c.(2), (P. 3-265), 3.34.100.5.d.(2), (P. 3.266) and 3.45.200.1.d.(1) and (2), (P. 3-268)

SECTION 3.45.100 Farm Dwelling Building Permits

5. c. (2) The subject tract is currently employed in a farm use...that produced a gross annual income, excluding the cost of purchased livestock, of at least \$22,500 in **each of** the last two years; or in **at least** three of the last five years, **or ;based on the average farm income earned on the tract in the best three of the last five years.**
- d. (2) The subject tract is currently employed in a farm use...that produced a gross annual income from the sale of farm products, excluding the cost of purchased livestock, of at least \$80,000 in **each of** the last two years; or in **at least** three of the last five years, **or ;based on the average farm income earned on the tract in the best three of the last five years.**

SECTION 3.45.200 Permits for Accessory Farm Dwellings in EFU (FG or FC) and Farm Forest (FF) Zoned Areas.

1. d. (1) On land which does not contain predominately high value soils...that produced a gross annual income, excluding the cost of purchased livestock, of at least \$22,500 in **each of** the last two years; or in **at least** three of the last five years, **or ;based on the average farm income earned on the tract in the best three of the last five years.**

- (2) On land containing predominately high value soils...that produced a gross annual income from the sale of farm products, excluding the cost of purchased livestock, of at least \$80,000 in each of the last two years; or in at least three of the last five years, or based on the average farm income earned on the tract in the best three of the last five years.

5. **HB 3408: Irrigation Districts**, adds "reservoirs" to ORS 215.283 (1) (t), "*Irrigation canals, delivery lines...*," and specifically excludes park and recreational structures and facilities associated with a district as accessory uses. ♦♦**Effect: Regulation**

ACTION: ADD "RESERVOIRS" TO EFU PERMITTED USES, FG, 3.3.075.11. IRRIGATION CANALS..., (P. 3/25), AND FC, 3.3.075.11, IRRIGATION CANALS..., (P. 3.39), AND MOVE TO USES PERMITTED WITH STANDARDS TO SPECIFICALLY EXCLUDE ACCESSORY PARK AND RECREATIONAL STRUCTURES AND FACILITIES; ADD TO USES PERMITTED WITH STANDARDS IN FF, 3.5.075, (P. 3-51)

SECTION 3.3.050 Permitted Uses, FG

- ~~11. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).~~

SECTION 3.3.075 Uses Permitted with Standards, FG

Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).

SECTION 3.4.050 Permitted Uses, FC

- ~~11. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).~~

SECTION 3.4.075 Uses Permitted with Standards, FC

Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).

SECTION 3.5.075 Uses Permitted with Standards, FF

Irrigation **reservoirs**, canals, delivery lines and those structures and accessory operational facilities, **not including parks or other recreational structures and facilities**, associated with an irrigation district, drainage district, water improvement district, or water control district (as those terms are defined in ORS 540).

6. **SB 128: Dump Trucks and Trailers**, adds provision to park up to seven dump trucks and up to seven trailers on land zoned for forest use or mixed farm and forest use unless the local government determines such use will "force a significant change in, or significantly increase the cost of, farm or forest practices on surrounding lands devoted to farm or forest use." ♦ ♦ **Effect: Deregulation**

ACTION: ADD "PARKING OF UP TO SEVEN DUMP TRUCKS AND UP TO SEVEN TRAILERS," AS A USE PERMITTED WITH STANDARDS IN THE TR ZONE, 3.2.075, (P. 3-11) AND FF ZONE, 3.5.075, (P.3-54)

SECTION 3.2.075 Uses Permitted with Standards, TR

Parking of up to seven dump trucks and up to seven trailers unless the County determines that dump truck/trailer parking on a particular lot or parcel will:

- a. **Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or**
- b. **Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

SECTION 3.5.075 Uses Permitted with Standards, FF

Parking of up to seven dump trucks and up to seven trailers unless the County determines that dump truck/trailer parking on a particular lot or parcel will:

- a. **Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or**
- b. **Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

7. **SB 960: Agri-tourism**, provides for new agri-tourism or other commercial events or activities which are related to and supportive of agriculture to be established on lands zoned for farm use. ORS 215.283(4) identifies four categories of agri-tourism/commercial events or activities, each of which must be incidental and subordinate to existing farm use on a tract. "Outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015(10)(d), do not include agri-

tourism or other commercial events and activities as those terms are used in the new agri-tourism provisions of ORS 215.283(4). ♦ ♦ **Effect: Deregulation**

The four categories of events identified by ORS 215.283(4) are:

(a) Single Event: calendar year; up to 72 hours (3 days); 500 people; 250 vehicles; non-transferrable; cannot force a significant change in, or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use.

(b) Expedited Single Event License: calendar year; not a land use decision; single-event license issued; non-transferrable; 6 a.m. to 10 p.m., 100 attendees; 50 vehicles; music 8 a.m. to 8 p.m., 10 acre tract.

(c) Limited Use Permit: up to 6 events in a calendar year; up to 72 hours each; cannot force a significant change in, or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use; cannot, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; may issue permit for 2 calendar years, and may consider application for renewal.

(d) Up to 18 Events in a Calendar Year: but must be incidental and subordinate to existing "commercial" farm use of the tract, and be "necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;" must meet the minimum parcel size; must request review of the permit at four-year intervals which requires notice and opportunity.

ACTION: ADD DEFINITION OF AGRITOURISM AT 1.090, DEFINITIONS, (P. 1-6), WHICH SPECIFICALLY EXCLUDES STATUTORY DEFINITION OF "OUTDOOR MASS GATHERING." ADD AGRITOURISM EVENTS AS USES PERMITTED WITH STANDARDS IN THE EFU AND FF ZONES AT 3.3.075 (P. 3-25), 3.4.075 (P. 3-39) AND 3.5.075 (P. 3-51), WITH THE "LIMITED USE PERMIT" AND "UP TO 18 EVENTS" PROVISIONS SUBJECT TO SECTION 2.060.1

SECTION 1.090 Definitions

AGRI-TOURISM: As provided for by ORS 215.283(4), commercial events or activities which are related to and supportive of agriculture which may be established on lands zoned for farm use. Agri-tourism does not include "outdoor mass gatherings" as defined by ORS 433.735.

SECTION 3.3.075 Uses Permitted with Standards, FG

Agri-tourism commercial events or activities as provided for by ORS 215.283(4), with the "Limited Use Permit" provision and the "Up to 18 Events in a Calendar Year" provision subject to LUDO Section 2.060.1.

SECTION 3.4.075 Uses Permitted with Standards, FC

Agri-tourism commercial events or activities as provided for by ORS 215.283(4), with the "Limited Use Permit" provision and the "Up to 18 Events in a Calendar Year" provision subject to LUDO Section 2.060.1.

SECTION 3.5.075 Uses Permitted with Standards, FF

Agri-tourism commercial events or activities as provided for by ORS 215.283(4), with the "Limited Use Permit" provision and the "Up to 18 Events in a Calendar Year" provision subject to LUDO Section 2.060.1.

AMENDMENTS RESULTING DLCD RULEMAKING

1. **Siting Standards for places of assembly in EFU**, revise in accordance with DLCD Rule amendments to the siting standards of OAR 660-33-130 (2), which state,

(2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of June 17, 2010.

(c) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this rule.

◆◆Effect: Regulation and Deregulation

ACTION: REVISE THE LANGUAGE FOR CHURCHES AS A USE PERMITTED WITH STANDARDS IN THE EFU ZONES AT 3.3.075.5, FG (P. 3-26) and, 3.4.075.5, FC (P. 3-40) and as a conditional use in the ff zone at 3.5.100.9, (P. 3-54). [SCHOOLS, WHICH WENT FROM PERMITTED TO CONDITIONALLY PERMITTED USES IN EFU AS A RESULT OF 2009 LEGISLATION, ARE ALREADY CODIFIED AS BEING SUBJECT TO THE SITING STANDARDS OF OAR 660, DIVISION 33.]

SECTION 3.3.075 Uses Permitted with Standards, FG

5. Churches, subject to §2.065.2, ~~provided that they are not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4~~ **and the standards of OAR 660-33-130 regarding siting and spacing for a structure or group of structures with a design capacity of greater than 100 people.** Existing churches may be maintained, enhanced or expanded on the same tract ~~without an exception~~ **, except that enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of the above-cited OAR, without an exception.** New...

SECTION 3.4.075 Uses Permitted with Standards, FC

5. Churches, subject to §2.065.2, ~~provided that they are not within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4~~ **and the standards of OAR 660-33-130 regarding siting and spacing for a structure or group of structures with a design capacity of greater than 100 people.** Existing churches may be maintained, enhanced or expanded on the same tract ~~without an exception, except that enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of the above-cited OAR, without an exception.~~ New...

SECTION 3.5.100 Buildings and Uses Permitted Conditionally, FF

9. Churches and public or private schools, including all buildings essential to the operation of a school, provided that **all such places of assembly shall be consistent with the siting standards of OAR 660-33-130.** ~~they are not within 3 miles of a UGB unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.~~

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

1. **New Definition:** add definition of Farm Agricultural Building to clarify statutory requirements as well as issues related to floodplain, exemptions from building permit and electrical permits. ♦ ♦ **Effect: Clarification**

SECTION 1.090 Definitions

ACTION: ADD FARM AG BUILDING TO DEFINITIONS, (P. 1-12)

A FARM AGRICULTURAL BUILDING, as provided in ORS 455.315, is a structure located on a farm and used in conjunction with an existing farm operation for:

- a. the storage, maintenance or repair of farm 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."**

A FARM AGRICULTURAL BUILDING is not:

- a. a dwelling or use accessory to a residential use;**
- b. a structure where 10 or more persons are present at any one time except for the purpose of growing plants;**
- c. a structure regulated by the State Fire Marshal per ORS chapter 476;**
- d. 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.

2. **OUTDOOR EVENTS:** remove reference to statutory mass gathering from LUDO definition of OUTDOOR GATHERING and make it a separate definition to clarify that the statutory mass gathering is not a land use decision and that the statutory mass gathering requirements are not additive to the provisions of the Article 41, TUP review process for outdoor events. Clarify that an outdoor event is not a statutory mass gathering by capping attendance at less than 3,000, and specifically exclude agri-tourism and other commercial events that are related to and supportive of agriculture from the definition of outdoor events. ♦♦ **Effect: Clarification**

ACTION: AMEND DEFINITION OF OUTDOOR GATHERING AT 1.090, DEFINITIONS, TO CLARIFY THAT AN OUTDOOR EVENT IS NOT A STATUTORY OUTDOOR MASS GATHERING AND SPECIFICALLY EXCLUDE AGRI-TOURISM AND OTHER COMMERCIAL EVENTS THAT ARE RELATED TO AND SUPPORTIVE OF AGRICULTURE FROM THE DEFINITION OF OUTDOOR EVENTS, (P. 1-23), CHANGE REFERENCES TO OUTDOOR GATHERINGS TO EVENTS AND CLARIFY DEFINITION AT ARTICLE 41, (P. 3.251), AND ADD NEW DEFINITION OF STATUTORY MASS GATHERING AT 1.090, DEFINITIONS, WHICH SPECIFICALLY EXCLUDES STATUTORY DEFINITION OF AGRI-TOURISM (P. 1-30)

SECTION 1.090 Definitions

OUTDOOR EVENT: An assembly that is held outside of a public park primarily in open spaces and not in any permanent structure, where either: the anticipated attendance will be more than 1,000 but less than 3,000 persons, or; the event is expected to continue for more than three days within any three month period. Temporary Events of less than 1,000 persons that will not continue for more than three days within any three month period are subject to LUDO Section 3.41.050. Outdoor Events and Temporary Events are not "outdoor mass gatherings" as defined by ORS 433.735 and are not Agri-tourism events as provided for by ORS 215.283(4).

SECTION 3.41.050 Temporary Event Outdoor-Gathering

~~Outdoor gatherings and e-Temporary Events~~ **are events held** outside of a public park that have an expected attendance of 1,000 or less people, that will not continue for more than three days within any three month period, and ~~that~~ **will** be located in a rural or resource area. ~~Temporary Events~~ **are exempt from administrative review,** provided that proof of compliance with the following standards is demonstrated prior to the ~~gathering or event,~~ and ministerial authorization is obtained from the Director:

[no change to 1. and 2.]

3. There must be a plan for safe and adequate access to the ~~gathering or event~~ site. The plan for access shall be approved by the County Engineer.

[no change to 4. and 5.]

6. Except for ~~gatherings and events~~ sponsored by non-profit organizations, there shall be no commercial aspect including admission to the event.

SECTION 3.41.100 Permitted Temporary Uses

Temporary structures, activities or uses may be ~~permitted~~ **authorized, subject to notice** pursuant to **LUDO Section §2.060.1** of this ordinance, as necessary to provide for housing of personnel, storage and use of supplies and equipment, or to provide for temporary sales offices for uses permitted in the zoning district. Other uses may include temporary signs, outdoor ~~gatherings~~ **events**, short term uses, roadside stands, or other uses not specified in this ordinance and not so recurrent as to require a specific or general regulation to control them.

SECTION 1.090, DEFINITIONS

STATUTORY "OUTDOOR MASS GATHERING," as defined by ORS 433.735, and unless otherwise defined by county ordinance, means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure. Any decision for a permit to hold an outdoor mass gathering as defined by statute is not a land use decision and is appealable to circuit court. Outdoor mass gatherings do not include agri-tourism events and activities as provided for by ORS 215.283(4) and do not include a Temporary Event or Outdoor Event reviewed under Article 41.

3. **Zoning and Overlay Maps:** restore 2008 adopted language via scriveners error and clarify, official maps for zoning (p. 3-2) ♦ ♦ **Effect: Clarification**

ACTION: 2008 ADOPTED LANGUAGE, RESTORED VIA SCRIVENER CORRECTION WITH THESE AMENDMENTS, APPEARS BELOW. REVISE LANGUAGE TO CLARIFY AT 3.1.040, (P. 3-2).

SECTION 3.1.040 Zoning and Overlay Maps

The Douglas County Zoning Maps and Overlay Maps are digitized (~~with the exception of the Coastal Goals and Airport Impact overlay maps~~) and consist of a computer file that is backed up to insure that the electronic information is protected. A hard copy of the current digital maps is located at the County Planning Department Office. **Digitized maps for Mineral Resources, Riparian Corridors, Floodplains and Coastal Goal issues are graphic representations and must be used in conjunction with the hard copy Plan overlay mapping.** The Douglas County Zoning Maps and overlay maps are certified by the Director as being the official zoning and overlay maps adopted by reference in §3.1.030. Hard copies of all county zoning and overlay maps are located at the Planning Department.

4. **Temporary TR Uses,** clarify, with a footnote, that a temporary portable facility for the primary processing of forest products, including processing forest products into biofuel, is a conditional use in the TR zone. ♦ ♦ **Effect: Clarification**

ACTION: ADD A FOOTNOTE TO TR REFERENCE TO TEMPORARY ONSITE STRUCTURES AT 3.2.050, (P. 3-9)

SECTION 3.2.050 Permitted Uses

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.¹

¹ A temporary portable facility for the primary processing of forest products (including the processing of a forest product into biofuel) is a conditional use, pursuant to Section 3.2.100.1.

5. **Owner of Record Dwelling Standards for "Owner of Record" Dwellings**, clarify clear and objective standards of ministerial OOR review process. ♦ ♦ **Effect: Clarification**

ACTION: REVISE LANGUAGE TO CLARIFY STANDARDS AT 3.2.155 (TR), (P. 3-14)

Section 3.2.155 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, and was acquired...

[no change to 1.]

2. ~~Findings must be made to satisfy all of the following~~ The tract on which the dwelling will be sited :
 - a. ~~That the tract on which the dwelling will be sited does not currently include a dwelling, and :~~
 - b. ~~That if the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.~~
 - c. ~~That t~~The tract is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
 - d. ~~That t~~The tract is located within 1,500 feet of a maintained public road...
 - e. ~~That the location of the homesite is consistent with the wildlife habitat requirements in Article 32.~~ The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.
 - f. ~~That the proposed dwelling will meet the siting standards contained in Section 3.2.160 and the fire safety requirements and guidelines outlined in Section 3.2.170.~~

[no change to 3., 4. and 5.]

ACTION: REVISE LANGUAGE TO CLARIFY STANDARDS AT 3.3.125 (FG), (P. 3-14), and at 3.4.125 (FC), (P. 3-44)

FG, 3.3.125 & FC, 3.4.125, Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, and was acquired...

[no change to 1. and 2.]

3. The land in the tract is not either composed predominantly of soils that are:

- a. ~~Characterized by predominantly irrigated prime, ... as designated by the Natural Resources Conservation Service (NRCS),¹ of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or~~
- b. ~~Planted with **Growing** "specified perennials" ... grown for market or research purposes...~~
- c. ~~The soil class, soil rating, or soil designation of a specific lot or parcel may be changed if the property owner:
 - (1) ~~Submits a statement of agreement from the NRCS that the soil data should be adjusted based on new information; or~~
 - (2) ~~Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and~~
 - (3) ~~Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph 2) above and finds the analysis in the report to be soundly and scientifically based.~~~~

4. ~~The location of the homesite is consistent with the wildlife habitat requirements in Article 32. **The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.**~~

[no change to 5., 6., 7. and 8.]

¹ A challenge to the soils data provided by the Natural Resources Conservation Service pertaining to whether land qualifies as agricultural land must be made in accordance with the provisions of applicable statutes and administrative rules.

ACTION: REVISE LANGUAGE TO CLARIFY STANDARDS AT 3.5.115 (FF), (P. 3-54)

Section 3.5.115 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created in compliance with the LUDO Section 1.090 definition of Lot of Record, and was acquired...

[no change to 1. and 2.]

3. If the predominant use of the tract is agriculture, the land in the tract is not ~~either~~ **composed predominantly of soils that are:**

a. ~~Characterized by predominantly i~~ Irrigated prime, ... as designated by the Natural Resources Conservation Service (NRCS),¹ ~~of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or~~

b. ~~Planted with~~ **Growing** "specified perennials" ... ~~grown for market...~~

c. ~~The soil class, soil rating, or soil designation of a specific lot or parcel may be changed if the property owner:~~

~~(1) Submits a statement of agreement from the NRCS that the soil data should be adjusted based on new information; or~~

~~(2) Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and~~

~~(3) Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in subparagraph 2) above and finds the analysis in the report to be soundly and scientifically based.~~

4. If the predominant use of the tract is forestry ~~the following must be satisfied:~~

a. ~~That t~~The tract is composed of soils not capable...

b. ~~That t~~The tract is located within 1,500 feet of a maintained public road ...

c. ~~That the proposed dwelling will meet the siting standards contained in Section 3.5.160 and the fire safety requirements and guidelines outlined in Section 3.5.170.~~

[no change to d.]

5. ~~The location of the homesite is consistent with the wildlife habitat requirements in Article 32. The dwelling will not exceed an areawide (i.e., Planning Advisory Committee geographic planning area), density of one dwelling unit per 40 acres, in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.~~

[no change to 6., 7., 8. and 9.]

¹ A challenge to the soils data provided by the Natural Resources Conservation Service pertaining to whether land qualifies as agricultural land must be made in accordance with the provisions of applicable statutes and administrative rules.

6. **M-1 Uses**, add "auction houses" to permitted uses. ♦ ♦ **Effect: Clarification**

ACTION: ADD "AUCTION HOUSE" TO PERMITTED USES IN THE M-1, LIGHT INDUSTRIAL ZONE AT 3.20.050.7 (P.3-132)

SECTION 3.20.050 Permitted Uses

7. Wholesale business salesrooms and auction houses.

7. **M-3 Uses**, add "upland uses associated with or part of a use or activity permitted in the (MRI) Marine Industrial zone," as a permitted use ♦ ♦ **Effect: Clarification**

ACTION: ADD "UPLAND USES..." TO PERMITTED USES IN THE M-3, HEAVY INDUSTRIAL ZONE AT 3.22.050.5 (P.3-138)

SECTION 3.22.050 Permitted Uses

5. Upland uses associated with or part of a use or activity permitted in the (MRI) Marine Industrial zone.

8. **Article 30, Floodplain Overlay**, clarify use of floodproofing of nonresidential structures, as opposed to elevating, is a deviation, "variance" to FEMA elevation standards, approved through a ministerial development review process. Clarify exemption of mono-pole utility structure at definitions. **Effect: Clarification**

ACTION: REVISE NONRESIDENTIAL CONSTRUCTION STANDARDS TO INCORPORATE MINISTERIAL FEMA "VARIANCE" REVIEW STANDARDS FOR FLOODPROOFING PURSUANT TO 2.060.2.f, ADD CODE PROVISION ON INSURANCE INFORMATION AND CORRECT REFERENCE TO SPECIALTY CODE, APPENDIX CHAPTER 31 AT 3.30.450, (P. 3-185); CORRECT REFERENCE TO SPECIFIC FEMA TECHNICAL BULLETIN AT 3.30.460.2.b. (P. 3-186) CLARIFY THAT A MONO-POLE STRUCTURE FOR UTILITY PURPOSES IS EXEMPT FROM FLOODPLAIN STANDARDS AT 3.30.200, DEFINITION OF DEVELOPMENT (P. 3-174).

SECTION 3.30.200, Definitions

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard-, except that mono-pole structures for utility purposes shall not be considered development for the purposes of this article.

SECTION 3.30.450 Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a level at or above the regional flood height; or be reviewed as a "variance" to FEMA standards if floodproofing development is proposed. In all cases, the structure shall:

- ~~1. Be floodproofed as provided in the State Structural Specialty Code, Appendix Chapter 31, so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;~~
- 2.1. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

- 3-2. Be certified by a registered professional engineer or architect that the standards of this ~~S~~subsection are satisfied. Such certifications shall be provided to the Official as set forth in §3.30.270.
- 4-3. Non residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as provided in §3.30.455.

Nonresidential construction, including detached accessory structures, garages and storage sheds not exceeding 500 square feet and agricultural structures for farm use to be floodproofed in lieu of elevation, may be reviewed under this section for a ministerial FEMA "variance" under 2.060.2.f. (development review subject to overlay), to authorize a deviation from elevated construction standards.

1. **The FEMA "variance" will be a part of development review.**
2. **The review will provide applicant with information regarding potential impact on insurance rates.**
3. **Any authorized structure shall be floodproofed in accordance with applicable FEMA Technical Bulletins.**
4. **This FEMA "variance" to deviate from elevated construction standards will address applicable FEMA standards and will not apply to any other land use standards.**
5. **If a construction request is inconsistent with FEMA floodproofing standards, a land use Variance, pursuant to LUDO Section 3.40.100, will be required.**

Under this section, an open structure that does not have more than one (1), outside wall is exempt from elevation or floodproofing. Permitting of an exempt structure will include requirements for: i) construction with flood resistant materials and anchoring; ii) a non-enclosure agreement that precludes additional walls on the exempt structure, and; iii) a "no-rise" certification if the building site for the structure is in the floodway.

SECTION 3.30.460 Mobile Home Standards

2. 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 4-93.
9. **Boundary Line Adjustment Authority**, as a cross-reference, cite County authority under ORS 92.190(3).

ACTION: FOLD IN AUTHORITY OF ORS 92.190(3) AT 4.140, (P. 4-11)

SECTION 4.140 Adjustment of Common Boundary Lines

As set forth in ORS 92.190(3), the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting

procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368). Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as a Ministerial Action.

10. Miscellaneous Clarifications and Scrivener Error Corrections

- SECTION 3.1.040 Zoning Maps**, restore 2008 language regarding digitization of zoning maps not carried forward to subsequent LUDO editions.

The Douglas County Zoning Maps and Overlay Maps are digitized (with the exception of the Coastal Goals and Airport Impact overlay maps) and consist of a computer file that is backed up to insure that the electronic information is protected. A hard copy of the current digital maps is located at the County Planning Department Office. The Douglas County Zoning Maps and overlay maps are certified by the Director as being the official zoning and overlay maps adopted by reference in §3.1.030. Hard copies of all county zoning and overlay maps are located at the Planning Department.

- SECTION 3.3.100 Buildings and Uses Permitted Conditionally, FG**

- 5. Community centers owned by a governmental agency or a nonprofit community organization operated primarily by and for residents of the local
- delete line space -
rural community...

- SECTION 3.5.075 Uses Permitted with Standards, FF**, delete specific statutory reference.

- b. Except as provided in ORS 215.283(1)(e),...

- SECTION 3.3.200 Property Development Standards, FG**, correct spelling errors.

- 1.b.(1) Parcel size for non-farm uses,may be accommodated...

SECTION 3.4.200 Property Development Standards, FC, correct spelling errors.

- 1.e.(1) Parcel size for non-farm uses,may be accommodated...

SECTION 3.5.200 Property Development Standards, FF, correct spelling errors.

- 1.b.(2) Parcel size for non-farm uses,may be accommodated...

- SECTION 3.23.B.250, Industrial Development Standards authorized by the 2003 State Legislature, ME.** These provisions were to sunset in 2006, but in 2005, HB 2458 deregulated the law and repealed the sunset provision. Move the provisions to Uses Permitted with Standards, Section 3.23.B.125.

SECTION 3.23B.125 Industrial Development Standards authorized by the 2003 and 2005 State Legislature

The 2003 State Legislature enacted law (HB 2614 and HB 2691) and in 2005 (HB 2458) that is designed to encourage industrial development on qualifying lands outside of city urban growth boundaries.

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: 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.
2. The following standards apply to any land identified as an abandoned or diminished mill site regardless of current zoning:
 - a. An "abandoned or diminished mill site" is a former or current wood products mill site that was closed after January 1, 1980, or has been operating at less than 25% of capacity since January 1, 2003, and contains, or contained, permanent buildings used in the production or manufacturing of wood products. The County shall identify and determine the boundaries of abandoned or diminished mill sites (the boundary may only include those areas that were improved for the processing or manufacturing of wood products).
 - b. Sites identified by the County may be changed (either legislatively or through the quasi-judicial process) to an Industrial Plan and Zone designation to allow any level of industrial use without review under statewide planning goals 2, 3, 4, 11 and 14.
 - c. Location: The site must be located outside of a city UGB.
 - d. Building Size: Subject to the permit approval process, there shall be no limitations on the size or type of industrial buildings authorized.
 - e. Sewer facilities: Subject to DEQ approval, on-site sewer facilities, or the extension of sewer facilities from a city UGB or County urban unincorporated

area, 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.

- f. Lands rezoned for industrial use under this provision may not later be rezoned for retail, commercial, or other non-resource uses unless a Quasi-Judicial Plan Amendment and exception has been approved by the Approving Authority.

- SECTION 3.35.050 Access onto County Roads**, clarify includes development

Standards of access for new lots and parcels **or development** onto County roads are regulated by the Douglas County Public Works Department...

- ARTICLE 43**, consistently de-hyphenate the word nonfarm

SECTION 3.43.100 Building Permits

1.a. Any permitted non-farm dwelling...

1.c.(2)(b) the number, location and type of existing dwellings (~~f.e.g.~~, farm, non-farm, hardship, etc.);

1.c.(3)(d) The proposed site of the non-farm dwelling...

- ARTICLE 44**, consistently de-hyphenate the word nonfarm; consistently refer to nonfarm parcels in text (not headings)

SECTION 3.44.100 Criteria for Decision

1. **Nonresource Partitions where the remaining parcel complies with the minimum parcel size:** The County may approve a division...each parcel to contain a non-farm dwelling, so long as:

- a. The non-farm dwelling(s)...
- b. The parcel(s) for the non-farm dwelling(s)...
- c. The parcel(s) for the non-farm dwelling(s)...
- d. The remainder...that does not contain the non-farm dwelling(s)...
- e. The parcel(s) for the non-farm dwelling(s)...

2. **Nonresource Partitions where the original parcel is smaller than the minimum parcel size:** The County may approve a division of land to divide a lot or parcel into two parcels, each to contain one non-farm dwelling, so long as:

- a. The non-farm dwellings...
- b. The parcels for the non-farm dwellings...
- c. The parcels for the non-farm dwellings...
- d. The parcels for the non-farm dwellings...
- e. The parcels for the non-farm dwellings...
- f. The parcels for the non-farm dwellings...

3. The proposed new **nonfarm** parcel(s) has appropriate physical characteristics...

4. The size of a new **nonfarm** parcel created...

5. For each non**resourcefarm** parcel created...

[no change to 6.]

7. New lots or parcels created under this Article, and for which a non-farm dwelling is required, shall not be finally approved unless the non-farm dwelling...

SUMMARY
LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS
BOARD DRAFT - JANUARY 2012

Planning Commission Hearing: November 17, 2011 & January 12, 2012
Board of Commissioners Hearing: January 25, 2012

AMENDMENTS REQUIRED TO COMPLY WITH NEW STATE LAWS

Subject	Summary	Effect
1. PAPA Process	HB 2129: stipulates that DLCD cannot require a local government to provide more than 35 days notice of a Post-acknowledgment Plan Amendment (currently 45 days).	Deregulation
2. Farm Worker Housing	HB 2154: clarifies the statutory definitions of "farmworker," "farmworker housing," "owner" and "relative," in the context of provisions for farmworker housing only; this definition does <u>not</u> affect the definition of "relative" as used in the provisions for a second farm dwelling for a family member (Relative Dwelling).	Clarification
3. Statutory Wineries in EFU	HB 3280: brings in winery accessory uses: wine tours, wine tasting, events, etc., to existing statutory provisions for a winery in conjunction w/ a 15-acre or 40-acre vineyard; events (number of days per year) and gross income from events are limited. The bill also adds a statutory provision for an 80-acre tract winery which may permit a full service restaurant. The 15, 40 and 80-acre tract winery provisions will be added to the LUDO as uses permitted with standards in the EFU and FF zones to comply with new state law.	Deregulation
4. Farm Dwelling Income Test	HB 3290: adds a third provision for meeting the farm-related dwelling income test by taking the average of the best three of the last five years.	Deregulation
5. Irrigation Districts	HB 3408: makes reservoirs, irrigation canals, etc., a use permitted with standards to specifically prohibit park and recreational structures and facilities as accessory uses.	Regulation
6. Dump Trucks and Trailers	SB 128: adds provision to park up to seven dump trucks and up to seven trailers on land zoned for forest use or mixed farm and forest use.	Deregulation
7. Agri-tourism	SB 960: provides for four categories of agri-tourism or other commercial farm-related events on farm lands. The event options will be added as "Uses Permitted with Standards" in the EFU and Farm Forest zones, the standards being those as provided in ORS 215.283(4).	Deregulation
8. Amendment Resulting from DLCD Rulemaking	Refines the limitation on EFU uses within three miles of a UGB by applying the three-mile standard to places of assembly with a design capacity of greater than 100 people, and adding spacing standards between structures when the standard applies.	Regulation & Deregulation

SUMMARY
LAND USE & DEVELOPMENT ORDINANCE AMENDMENTS
BOARD DRAFT - JANUARY 2012

Planning Commission Hearing: November 17, 2011 & January 12, 2012
Board of Commissioners Hearing: January 25, 2012

LOCAL AMENDMENTS

Subject	Summary	Effect
1. Farm Agricultural Building	This amendment adds the statutory definition of farm agricultural building to clarify structures exempt from building permits. It also lists structures that do not qualify as farm agricultural buildings to reduce confusion about the exemption. The County has used the broadest definition of farm use under the law for the application of this definition.	Clarification
2. Outdoor Events	This amendment coordinates the local event provisions with changes in the state law related to winery and farm events. The provision also clarifies that outdoor events are not within the definition of the statutory mass gathering.	Clarification
3. Zoning and Overlay Maps	This updates references to electronic versions of zoning maps used in the administration of our program.	Clarification
4. Temporary TR Uses	This clarifies the distinction between permitted and conditional uses in the TR zone. It adds no new regulation, it simply provides better guidance for the administration of the law.	Clarification
5. Owner of Record Dwelling Standards	This amendment clarifies the review process for owner of record dwellings. It also responds to recent court cases and changes in soils review rules.	Clarification
6. M-1 Uses	This amendment adds and clarifies the permitted uses in the M-1 zone.	Deregulation
7. M-3 Uses	This amendment adds and clarifies the permitted uses in the M-3 zone.	Deregulation
8. Article 30, Floodplain Overlay	This amendment is <u>required</u> because of changes in the federal floodplain management program. FEMA now requires any flood proofed structure to be reviewed in a variance like process. This new provision adds a simplified, small "v" variance provision to the floodplain ordinance. The amendments have been coordinated with DLCD.	Clarification & Review Process Change
9. Boundary Line Adjustment	This amendment adds a cross-reference to applicable state statutes.	Clarification
10. Correction of Scrivener Errors	These amendments are housekeeping maintenance of the Ordinance and do not change policy or regulatory standards. They correct citations and numbering, and provide internal consistency within the Code.	Clarification

COUNTY PLANNING DEPT.
JUSTICE BLDG
COUNTY COURTHOUSE
G, OR 97470



DEPT OF

JAN 27 2012

LAND CONSERVATION
AND DEVELOPMENT

ATT PLAN AMENDMENT SPECIALIST
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