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CHAPTER 1

INTRODUCTORY AND GENERAL PROVISIONS

SECTION 1.010 Authority

This Ordinance is enacted pursuant to the provisions of ORS Chapters 92, 197, 203 and 215.

SECTION 1.020 Title

This Ordinance shall be known as the Douglas County Land Use and Development Ordinance.

SECTION 1.025 Purpose

This Ordinance is designed to provide and coordinate regulations in Douglas County governing the development and use of lands and to implement the Douglas County Comprehensive Plan. To these ends, it is the purpose of this ordinance to:

1. Insure that the development of property within the County is commensurate with the character and physical limitations of the land, and, in general to promote and protect the public health, safety, convenience and welfare;
2. Protect the economy of the County;
3. Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth;
4. Conserve farm and forest lands for the production of crops, livestock, and timber products;
5. Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live;
6. Conserve all forms of energy through sound economical use of land and land uses developed on the land;
7. Provide for the orderly and efficient transition from rural to urban land use;
8. Guarantee the ultimate development and arrangement of efficient public services and facilities within the County;
9. Provide for and encourage a safe, convenient, and economic transportation system within the County;
10. Protect the quality of the air and water resources of the County;

11. Protect life and property in areas subject to floods, landslides, and other natural disasters and hazards;
12. Provide for the recreational needs of residents of Douglas County and visitors to the County;
13. Conserve open space and protect historic, cultural, natural and scenic resources; and
14. Protect, maintain, where appropriate develop, and where appropriate restore the estuaries, coastal shorelands, coastal beach and dune area and the nearshore ocean and continental shelf of Douglas County.

SECTION 1.030 Scope and Compliance

1. A parcel of land may be used or developed, by land division or otherwise, and a structure may be used or developed, by construction, reconstruction, alteration, occupancy or otherwise only as this ordinance permits.
2. In addition to complying with the criteria and other provisions within this ordinance, each development shall comply with the applicable standards published by the Director of Public Works.
3. The requirements of this ordinance apply to the person undertaking a development or the user of a development and to the persons or user's successors in interest.

SECTION 1.035 Use of a Development

A development may be used only for a lawful use. A lawful use is a use that is not prohibited by law and for which the development is designed, and arranged, as permitted or approved, or which is nonconforming pursuant to Chapter 3 of this ordinance.

SECTION 1.040 Compliance Required

1. No person shall engage in or cause to occur a development which does not comply with these regulations. Neither the Building Official nor any other state or local official shall issue a permit for a use or the construction, reconstruction or alteration of a structure or a part of a structure which has not been approved.
2. A development shall be approved by the Director or other Approving Authority according to the provisions of this ordinance. The Director shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of a development proposal.

3. Unless appealed, a decision on any application shall be final upon expiration of the period provided for filing an appeal or, if appealed, upon rendering of the decision by the reviewing body.

SECTION 1.050 Compliance with Comprehensive Plan

In the event of any conflict between any provision of this ordinance and provisions of the Comprehensive Plan of Douglas County, or duly adopted portions, elements or amendments of such Plan, the more restrictive provisions shall prevail.

SECTION 1.055 Effect on Agreements Between Parties

This Ordinance shall not interfere with or abrogate or annul any easement, covenant or other agreement between parties, provided that where this ordinance imposes a greater restriction than that imposed by the agreement the provisions of this ordinance shall control.

SECTION 1.060 Interpretation

1. When in the administration of this ordinance there is doubt regarding the intent of the Ordinance or the suitability of uses not specified, the Director shall request an interpretation of the provision by the Commission. The Commission shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this ordinance. Any interpretation of the Ordinance shall be based on the following considerations:
 - a. The Douglas County Comprehensive Plan;
 - b. The purpose and intent of the Ordinance as applied to the particular section in question; and
 - c. The opinion of the County Counsel.
2. The interpretation of the Commission shall be forwarded to the Board. Whenever such an interpretation is of general public interest, copies of such interpretation shall be made available for public distribution.

SECTION 1.065 Minor Text Corrections

The Director may correct the Land Use & Development Ordinance or the Comprehensive Plan, without prior notice or hearing, so long as the Director does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the Director may:

1. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections,

subsections, findings, goals, objectives, and policies of the Land Use & Development Ordinance and Comprehensive Plan;

2. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;
3. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies;
4. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals objectives, and policies;
5. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy numbers;
6. Change capitalization and spelling for the purpose of uniformity;
7. Correct manifest clerical, grammatical or typographical errors; and,
8. Change the name of an agency by reason of a name change prescribed by law.

The Director shall maintain a record, available for public access, of all corrections made under this Section.

Corrections to the Land Use & Development Ordinance and Comprehensive Plan made by the Director pursuant to this Section are prima facie evidence of the law, but they are not conclusive evidence. If any correction to the Land Use & Development Ordinance or Comprehensive Plan made pursuant to this Section differs in sense, meaning, effect, or substance from any adopted ordinance, the adopted ordinance shall prevail.

SECTION 1.070 Restrictiveness

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by other provisions of this ordinance the provisions which are more restrictive shall govern.

SECTION 1.080 Severability

If any provision of this ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the remainder of this ordinance, and the effect thereof shall be confined to the provision immediately involved in the controversy in which such judgment is rendered, it being the intent of the

governing body to enact the remainder of this ordinance notwithstanding the parts so declared unconstitutional or invalid. Further, should any provision of this ordinance be declared unreasonable or inapplicable to a particular premise or to a particular use at any particular location, such declaration shall not affect provisions as to any other premise or use.

SECTION 1.090 Definitions

1. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.
2. For the purpose of this ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:

ABUTTING: Adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting if the common property line between the two parcels measures less than eight feet in a single direction.

ACCESS: The place, means or way by which pedestrians or vehicles shall have adequate and usable ingress and egress to a property, use or parking space.

ACCESS EASEMENT: A private street, approved pursuant to Chapter 4 of this ordinance, which is not a part of the lot, parcel or unit of land and which provides access to one or more lots, parcels or units of land.

ACCESSORY BUILDING: Any subordinate building or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building. No building shall be considered accessory if it is the only building on a lot, parcel or unit of land.

ACCESSORY USE: A use incidental, appropriate and subordinate to the main use of a lot or building.

ACCRETION: The buildup of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

ADMINISTRATIVE ACTION: An "Administrative Action" means a proceeding pursuant to this ordinance:

- a. In which the legal rights, duties or privileges of specific parties are determined, and any appeal or review thereof, pursuant to the provisions of this ordinance; or

- b. The Board of County Commissioners so provides by Ordinance, rule or order.

The provisions for "Administrative Action" in Chapter 2 of this ordinance apply to Comprehensive Plan map amendments, zone changes or request for Planned Unit Development approval alone or in conjunction with subdivision platting, as specifically modified by the provisions of this ordinance.

ALLEY: A public or private way not less than thirty (30) feet in width affording only secondary means of access to abutting property.

ALTERATION: A change in the use of no greater adverse impact than the existing use to the neighborhood; or a change in the structure or physical improvements of no greater adverse impact than the existing structure or physical improvements to the neighborhood.

AMENDMENT: A change in a portion of the Douglas County Comprehensive Plan maps pursuant to Chapter 6 of this ordinance, a change in the wording, text, or substance of this ordinance, or a change in the district boundaries or overlay boundaries upon the zoning maps.

APPROVING AUTHORITY: The person or body given authority to decide applications for administrative actions under the provisions of §2.060 of this ordinance. Whenever the Approving Authority consists of three or more persons, the action taken by such Authority may be exercised by a majority of a quorum. Upon failure of a majority to agree, the matter before the Authority shall be considered denied.

AQUACULTURE: The propagation and harvesting of aquatic life, including but not limited to fish and shellfish farming, development of new seafoods, methods of rearing larvae of clams and oysters, and utilization of seaweed and other aquatic plants as a food source.

AUTOMOBILE REPAIR GARAGE: A use providing for the major repair and maintenance of motor vehicles, and includes any mechanical and body work, straightening of body parts, painting, welding, or storage of motor vehicles not in operating condition.

AUTOMOBILE SERVICE STATION: A use providing for the retail sale of motor fuels, lubricating oils and vehicle accessories, and includes the servicing and repair of motor vehicles as an accessory use, but excludes all other sales and services except the sale of minor convenience goods for service station customers as accessory and incidental to the principal operation. Uses permitted at an automobile service station shall not include major mechanical and body work, straightening of body parts, painting, welding, tire recapping, storage of motor vehicles not in operating condition, or other work generating noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. An automobile service station shall not be deemed to include a repair garage or a body shop.

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

BASEMENT: A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

BED AND BREAKFAST ACCOMMODATION: An accessory use to be carried on within a structure designed for and occupied as a single family dwelling in which no more than five sleeping rooms are provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title. Bed and Breakfast shall be considered a Home Occupation where not specifically listed as a permitted or conditionally permitted use.

BLOCK: An area of land within a subdivision which area may be bounded on all sides by streets, railroad rights of way, unsubdivided land or water courses.

BOARD: The Douglas County Board of Commissioners.

BOARDING OF HORSES: The boarding of horses for profit shall include the following:

- a. The stabling, feeding and grooming for a fee, or the renting of stalls for and the care of horses not belonging to the owner of the property; and
- b. Related facilities, such as training arenas, corrals and exercise tracks.

The boarding of horses for profit does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The incidental stabling of not more than four (4) horses;
- c. The boarding of horses for friends or guests where no charge is made; and
- d. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

BUILDING: For the purpose of this ordinance, the terms "Building" and "Structure" shall be synonymous. See STRUCTURE.

BUILDING HEIGHT: The vertical distance from the average finished grade at the front of the building to the highest point of a building, exclusive of chimneys.

BUILDING SITE: The ground area of a building or buildings, together with all open spaces required by this ordinance.

CAMPGROUND: An area designed for short-term recreational purposes and where facilities, except commercial activities such as grocery stores and laundromats, are provided to accommodate that use. Space for tents, campers, recreational vehicles, and motor homes are allowed and permanent open air shelters (adirondacks) may be provided on the site by the owner of the development. A private campground may provide yurts (as defined in state statute) for overnight camping provided that no more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. In the exclusive farm use zones, intensively developed recreation uses such as swimming pools, tennis courts, retail stores or gas stations shall not be allowed.

CARPORT: A stationary structure consisting of a roof with its supports and no more than two walls or storage cabinets substituting for walls used for sheltering a motor vehicle.

CEMETERY: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes; including columbaria, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

CHURCH: A building, together with its accessory buildings and uses, where persons regularly assemble for worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Church accessory uses include, worship services, religion classes, weddings, funerals, child care and meal programs. A church may offer temporary overnight parking space (on church property) to homeless persons living in vehicles. Any church offering homeless parking space shall 1) limit such space to three or fewer vehicles at any one time; 2) provide access to sanitary facilities that include toilet, hand washing and trash disposal; and 3) limit length of stay to 14 days.

CLINIC: Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths, and other members of the healing arts, including a pharmacy in any such building.

CLUB OR LODGE: A building and facilities owned and operated for a social or recreational purpose, to which membership is required for participation, but is not operated primarily for profit or to render a service which is customarily carried on as a business. A club does not include a public rehabilitation facility of any kind.

COASTAL WATERS: Territorial ocean waters of the continental shelf, estuaries, and coastal lakes.

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

- a. Storage, distribution and sale of feed, fertilizer, seed, chemicals, and other products used for commercial agriculture.
- b. Farm product receiving plants, including processing, packaging and reshipment facilities, excluding canneries.
- c. Livestock feed or sales yards.
- d. Storage, repair, or sale of fencing, irrigation, pipe, pumps, and other commercial farm-related equipment and implements.
- e. Farm equipment storage and repair facilities.
- f. Bulk storage and distribution facilities for fuels, pesticides, and fertilizers.
- g. Veterinarian clinic.
- h. Horticultural specialties such as nurseries or green-houses for retail sales of plants and products.
- i. Slaughtering of animals, including attendant retail and wholesale sales, which may be conducted outside an enclosed building.
- j. Wineries for production from fruits, a portion of which are grown on the property, including retail sales.
- k. Feedlot.
- l. Other such uses which may be construed as similar to the uses listed above.

COMMISSION: The Planning Commission of Douglas County, Oregon.

COMMITTEE: The Historic Resource Review Committee of Douglas County, appointed by the Board of Commissioners pursuant to provisions of Chapter 9 of this ordinance.

COMMUNICATION FACILITY: A facility constructed for the purpose of transmitting telegraph, telephone, microwave, television, radio, and other similar signals.

COMMUNITY CENTER OR HALL: A building and facilities owned and operated by a governmental agency or nonprofit community organization whose membership is open to any resident of the community in which the center or hall is located.

COMMUNITY SANITARY-SEWER SYSTEM: A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

COMMUNITY WATER-SUPPLY SYSTEM: A public or private system of underground distribution pipes providing a continuous supply of potable water from a central source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

COMPREHENSIVE PLAN: The generalized, coordinated land use map and policy statement of the governing body of Douglas County (or of a city if the development requiring approval is within an Urban Growth Boundary of such city) that interrelates all functional and natural systems and activities relative to the use of lands but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

CONDOMINIUM: "Property" or "Condominiums" means the land, whether leasehold or in fee simple and whether contiguous or noncontiguous, all buildings, improvements and structures thereon, and all easements, rights, and appurtenances belonging thereto, which are submitted according to the provisions of ORS 100.005 to 100.910 and 100.990.

CONSULTANT ENGINEER: A professional engineer, registered in the State of Oregon, who is retained by and responsible to an applicant for the design and construction of subdivisions and required public or private improvements. Although a Civil Engineer is preferable, any engineer who is qualified to perform the work involved, and so certifies, may be a consultant engineer.

CONTIGUOUS LOTS: Two or more abutting lots having at least one common boundary line greater than eight feet in length.

COUNTY ROAD: A public road which has been designated as a county road and formally accepted for maintenance by the Douglas County Board of Commissioners. For the purposes of regulating access for development, any road maintained by a public body shall be treated as a county road.

DAY NURSERY: Any institution, establishment or place in which are commonly received at one time, three or more children not of common parentage, under the age of six years, for a period or periods not exceeding twelve hours, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

DECLARANT: The person who files a declaration under ORS 92.075.

DECLARATION: Means the instrument described on ORS 92.075 by which the subdivision or partition plat was created.

DENSITY: The number of dwelling units to be contained within a specified land area.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, alteration, installation or use of buildings, division of land, creation of private or public streets, mining, excavation, farming, forest use, open storage of materials, or any other activity specifically regulated by the provisions of this ordinance.

DIRECTOR: The Douglas County Planning Director or his duly authorized representative.

DIRECTOR OF PUBLIC WORKS: The Douglas County Director of Public Works, also known as the County Engineer.

DISTRICT: A portion of the unincorporated territory of the County within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth and specified in this ordinance.

DUPLEX: See DWELLING, TWO-FAMILY definition.

DWELLING: A building or portion thereof which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, but excluding hotels and motels.

DWELLING, MULTIPLE-FAMILY: A building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.

DWELLING, SINGLE-FAMILY: A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family (See FAMILY).

DWELLING, TWO-FAMILY (DUPLEX): A building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

DWELLING UNIT: One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with housekeeping facilities for living, sleeping, cooking and eating.

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. Estuaries extend upstream to the head of tidewater.

EXPEDITED LAND DIVISION: A land division process approved by the 1995 State Legislature (Oregon Laws 1995, chapter 959, sections 7. to 11.) that may be applied as an applicant option to residential land divisions in urban growth boundaries so long as statutory provisions are met. The expedited land division is not a land use

decision under ORS 197. If requested, an expedited land division shall be subject to the same fee as that for a partitioning and shall be processed pursuant to statutory provisions.

FACILITY: A structure that is constructed, placed or erected for the purpose of furthering a permitted or conditional use.

FAMILY: An individual or two or more persons related by blood, marriage, adoption, legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons, living together as one housekeeping unit using one kitchen; or five or fewer unrelated physically or mentally handicapped persons and staff, living together as one housekeeping unit using one kitchen. (C293 OR Laws 1983).

FAMILY CHILD CARE PROVIDER: A person who provides care in their home to 12 or fewer children (depending on how the care provider is licensed by the State under OAR Division 414), including children of the provider, regardless of full-time or part-time status. A family child care provider's home shall be considered a residential use of property for zoning purposes.

FAMILY HARDSHIP DWELLING: A mobile home or recreational vehicle used temporarily during a family hardship situation, pursuant to Chapter 3 of this ordinance when an additional dwelling is allowed to house aged or infirm persons or persons physically incapable of maintaining a complete separate residence apart from their family.

FARM USE: The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or by feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honey bees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm Use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance, and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection.

"Farm use" does not include the use of land subject to the provisions of ORS 321 (timber taxation), except land used exclusively for growing cultured Christmas trees as defined by ORS 215.203(3).

"Current employment" of land for farm use includes: (a) land subject to any farm-related government program; (b) land lying fallow for one year as a normal and

regular requirement of good agricultural husbandry; (c) land planted in orchards or other perennials, other than the land specified in subparagraph (d) of this paragraph, prior to maturity; (d) land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years; (e) any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially assessed at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use; (f) wasteland, in an exclusive farm use zone, dry or covered with water, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use; (g) land under buildings supporting accepted farm practices, excepting land under a single family dwelling; (h) water impoundments lying in or adjacent to and in common ownership with farm use land; and, (i) land used for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing.

FEEDLOT: Any structure, pen or corral wherein cattle, sheep, horses, goats or swine are maintained in close quarters for the purpose of fattening such livestock for shipment to market. This definition does not apply to the fattening of animals solely for the domestic use of the property owner, or to the penning and feeding of animals for display or show.

FISH AND WILDLIFE MANAGEMENT: The protection, preservation, propagation, promotion and control of wildlife by either public or private agencies or individuals.

FLOODPLAIN: The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.

A REGIONAL (100-YEAR) FLOOD: is a standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream-flows, extremely high tides, high winds, rapid snow-melt, natural stream blockages, tsunamis, or combinations thereof.

FLOODWAY: The normal stream channel and the adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.

FLOODFRINGE: The area of the floodplain lying outside the floodway, but subject to periodic inundation from flooding.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including attic space providing headroom of less than seven feet, or basement if the floor above is less than six feet above grade.

FOREST MANAGEMENT: The current employment of lands, along with accessory buildings and uses, for the growing, harvesting and management of forest products, including primary processing facilities.

FOREST OPERATION: Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6).

FOREST USE: (1) Forest operations, practices and auxiliary uses subject only to regulations found in ORS 527.722; (2) uses related to and in support of forest operations; (3) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; and (4) locationally dependent uses.

FORESTRY: A use providing for the growing, harvesting, storage and processing of primary forest products and the management and protection of forest land as defined in ORS 321.257, the Douglas County Comprehensive Plan and the Statewide Planning Goals, and includes the location, construction and maintenance of forest access roads and forest protection facilities. Forestry includes "forest use" as defined herein but does not include "farm use" as herein defined.

GARAGE, PRIVATE PARKING: A publicly or privately-owned structure having one or more tiers or heights used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this ordinance, and which is not open for use by the general public.

GARAGE, PUBLIC PARKING: A publicly or privately-owned structure having one or more tiers or heights used for the parking of automobiles and open garages may include parking spaces for customers, patrons or clients which are required by the Ordinance, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

GEOHERMAL RESOURCES: The natural underground reservoirs of heat that may be exploited for the production of heat energy, including but not limited to all minerals obtained from naturally or artificially injected fluid, brine or associated gas and steam in any form whatsoever, but excluding oil, hydrocarbon gas and other hydrocarbon substances and hot waters of less than 250 degrees Fahrenheit and bottom hold temperature.

GRADE: The average of the finished ground level at the center of all walls of a building. When the walls are parallel to and within five feet of a sidewalk, the grade shall be measured at the sidewalk.

GRAZING: The use of land for the pasture of horses, cattle, sheep, goats, and or other domestic or herbivorous animals alone or in conjunction with agricultural pursuits.

GUEST HOUSE: A subordinate residential use that is accessory to, and dependent on, an existing primary dwelling located on the same lot or parcel as the guest house.

A guest house may either be a separate area located within or attached to the primary dwelling, or a separate structure (either constructed on site or a manufactured dwelling, but not a recreational vehicle). A guest house is considered to be part of the primary dwelling. It is not intended to be separate or independent from the primary dwelling. Together, the primary dwelling and guest house are considered to be one dwelling unit. Land divisions separating an approved guest house from the primary dwelling shall not be allowed. A guest house may only be occupied by members of the family residing in the primary dwelling or by their non-paying guests. A guest house shall not be offered for rent, except as approved through a conditional use permit process. A guest house shall conform to the following standards:

- a. A guest house shall be permitted in any non-resource zone where a single family dwelling is listed as a use, as long as the coverage, set back and height standards of the zone can be met. Only one guest house shall be allowed on a lot or parcel.
- b. The lot or parcel on which the guest house is located shall be at least 10,000 square feet if located within an urban area, and shall be at least one acre if located outside of an urban area.
- c. The guest house shall not exceed a total floor area of 600 square feet of living area, excluding a garage. Kitchen facilities in a guest house shall not exceed 100 square feet.
- d. The guest house shall either be located within or attached to the primary dwelling, or be no further than 100 feet from the primary dwelling (as measured in a straight line between the closest part of each structure).
- e. The guest house shall receive all utilities via extensions of the same service lines as that of the primary dwelling. The guest house shall not have separate utility services from that of the primary dwelling (nor shall it have separate meters) for water, sewer, electric or gas. If the primary dwelling is on a septic system, then the guest house shall use the same septic system as the primary dwelling, pending certification that the existing system is adequate to accommodate the additional residential use.

HABITABLE FLOOR: Any floor usable for living purposes which includes working, eating, cooking or recreation or a combination thereof. A basement, as that word is defined in the Oregon State Structural Specialty Code and Fire and Life Safety Code, is a habitable floor.

HARDSHIP: A substantial injustice which deprives the landowner of beneficial use of his land. "Hardship" applies to the property itself including structures, and not to the owner or applicant; and is applicable to property which is unique or unusual in its physical characteristics so that the regulations render the property substantially unusable.

HEARINGS OFFICER: The Hearings Officer of Douglas County, Oregon.

HEIGHT: The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

HELIPORT: An area used or intended to be used for landing or take off of helicopters or other VTOL aircraft capable of hovering and may include any or all of the area or buildings which are appropriate to accomplish these functions.

HISTORIC RESOURCE REVIEW COMMITTEE: See COMMITTEE.

HOME FOR THE AGED: Any home or other institution that maintains facilities for rendering board and domiciliary care for compensation to three or more persons who are of the age of sixty five years or more, or persons of less than sixty-five years who, by reason of infirmity, require domiciliary care.

HOME OCCUPATION: Any occupation or profession and associated parking of vehicles subject to the following standards:

- a. It shall be operated by a resident or employee of a resident of the property on which the business is located;
- b. It shall employ on the site no more than five full or part-time persons;
- c. It shall be operated substantially in:
 - i. The dwelling; or
 - ii. Other buildings normally associated with uses permitted in the zone in which the property is located;
- d. It shall not unreasonably interfere with other uses permitted in the zone in which the property is located;
- e. Not more than 25% of the total floor area shall be used for retail sales; all items sold on premises shall be grown, manufactured, compounded or processed on the premises; and
- f. It will comply with all conditions imposed by the Approving Authority pursuant to Article 39.

The existence of home occupations shall not be used as justification for a zone change.

HOSPITAL: An institution devoted primarily to the rendering of healing, curing and nursing care, which maintains and operates facilities for the diagnosis, treatment and care of two or more non-related individuals suffering from illness, injury or deformity, or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding 24 hours.

HOTEL: A building which is designed, intended, or used for the accommodation of tourists, transients, and permanent guests for compensation and in which no provision is made for cooking in individual rooms or suites of rooms.

HUNTING AND FISHING PRESERVE: An area wherein the hunting of privately owned game birds and angling for privately owned game fish are permitted by state or federal law.

IMMEDIATE FAMILY MEMBER: Family member of the first degree of kinship or equivalent thereof.

INFLATABLE ADVERTISING: A temporary advertising display designed to be inflated with a gaseous substance and which is intended to float in the air while being secured on a tether attached to a structure or the ground. Such advertising shall be limited to 60 days in one location and in any one calendar year unless a Temporary Use Permit is granted.

INTER TIDAL: Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

INTERMEDIATE CARE FACILITY: See NURSING HOME.

KENNEL: A use providing for the accommodation of four or more dogs, cats, or other household pets at least four months of age, where such animals are kept for board, propagation, training or sale. However, a new kennel is not permitted on lands designated as High Value farmland as defined in OAR 660-33-020(8).

KITCHEN: Any room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation of food and or the washing of dishes.

LAND USE COMPATIBILITY STATEMENT (LUCS): State agencies in Oregon are required to consider the Statewide Planning Goals and Acknowledged Comprehensive Plans prior to approval of State permits. A LUCS is a document issued by a State agency, where the agency provides information concerning a pending permit, and seeks a local government determination concerning whether or not the pending permit is consistent with the local Comprehensive Plan. A local government determination on a LUCS is a ministerial decision, unless the Director determines the requested determination requires a higher level of discretion because: 1) the proposed use (as described in the LUCS) is not specifically listed in the applicable zone, or 2) the proposed use requires interpretation of the LU&DO, or 3) an objector to the proposed permit is known to exist. Where such discretion is involved, the Director may issue a decision with written findings pursuant to 2.060.1, and shall mail a 10 day notice of decision to property owners within the appropriate notice distance pursuant to Section 2.065. An objector may appeal the Director's decision for review by the Planning Commission.

LIMITED HOME OCCUPATION: Any occupation or profession carried on by a member of the family residing on the premises, provided the following conditions are satisfied:

- a. No sign shall be used which exceeds three square feet in area;
- b. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling;
- c. The building retains the characteristics of a residence;
- d. There is no outside storage of materials;
- e. No non-family paid employees shall perform work or render services to clients upon the premises;
- f. No dwelling shall be used as a headquarters for the assembly of employees for instructions or other purposes, or for dispatch for work at other locations;
- g. All aspects of a home occupation shall be contained and conducted within a completely enclosed building which shall be the same structure as the principal residence or appropriate accessory building;
- h. The aggregate of all space within any building devoted to one or more home occupation shall not exceed 500 square feet in floor area, except such space within or on a lot occupied by an apartment dwelling containing three or more units shall not exceed one hundred square feet in floor area for any one dwelling unit;
- i. Products made or sold shall be disposed of primarily by delivery from the premises to the homes or places of business of customers;
- j. Customer and client contact shall be primarily by telephone, mail or in their homes and places of business, except for those home occupations which by their very nature cannot otherwise be conducted except by personal contact upon the premises;
- k. Instruction in music shall be limited to no more than two students on the premises at one time and, in crafts to no more than six students on the premises at one time.

LIMITED MAINTENANCE AND REPAIR: An enclosed facility used to repair and maintain commercial vehicles and equipment used by the owner operator in occupations other than those normally associated with agricultural or forest activities occurring as a permitted use on the property. The following conditions shall be met:

- a. No sign shall be used which exceeds six square feet in area;
- b. The building retains the character of an accessory building normally permitted within the zone which the use is located;
- c. There shall be no outside storage of materials other than those required by ordinance or statute;

- d. The use does not destroy the character of the area as recognized by the applicable zone classification;
- e. All parking will be provided off street;
- f. The equipment and vehicles shall be limited to a total of ten (10) such vehicles;
- g. The structure shall be limited to a maximum floor area of 3,500 square feet;
- h. The height of the structure shall be limited to 45 feet;
- i. The structure shall be located a minimum of 100 feet from all adjoining property lines and the road right-of-way; and
- j. Suitable visual screening shall be required when determined necessary by the reviewing body.

LIVESTOCK: Animals of the bovine species, horses, mules, asses, sheep, goats, swine and fowl. In residential zones where livestock is allowed, all livestock animals shall be subject to zoning limitations, except that an adult female and her offspring up to six months old shall be considered as one animal.

LOAD SPACE: An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOCAL ACCESS ROAD: An existing public road which is open to public travel and is not maintained by a public body.

LOT: A single unit of land created by a subdivision of land.

LOT AREA: The total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property (Also applies to PROPERTY).

LOT, CORNER: A lot abutting on two or more streets other than an alley, at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees (Also applies to PROPERTY).

LOT COVERAGE: The total horizontal area within the vertical projection of the exterior walls of the buildings on a lot, expressed as a percentage of the lot area (Also applies to PROPERTY).

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots,

all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section (Also applies to PROPERTY).

LOT, INTERIOR: A lot other than a corner lot with only one frontage on a street (Also applies to PROPERTY).

LOT LINE: The property line bounding a lot (Also applies to PROPERTY).

LOT LINE, FRONT: The lot line or lines common to the lot and a street other than an alley, and in case of a corner lot, the shortest lot line along a street other than an alley (Also applies to PROPERTY).

LOT LINE, REAR: The lot line or lines opposite and most distant from the front lot line. In the case of irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line (Also applies to PROPERTY).

LOT LINE, SIDE: Any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot or to the lot and an alley. An exterior side lot line is a lot line common to the lot and a street other than an alley (Also applies to PROPERTY).

LOT MEASUREMENTS:

- a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear-most points of the side lot lines in the rear.
- b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the 80 percent requirement shall not apply (Also applies to PROPERTY).

LOT OF RECORD: A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or,
- b. A parcel in an existing, duly recorded major or minor land partition; or,
- c. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or,
- d. Any unit of land created prior to zoning and partitioning regulations by deed or metes and bounds description, and recorded with the Douglas County

Clerk, provided, however, that contiguous units of land so created under the same ownership and not conforming to the minimum property size of this ordinance shall be considered one (1) lot of record.

MANUFACTURED DWELLING: A residential trailer, mobile home or manufactured home.

MANUFACTURED DWELLING PARK: Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, parcel or unit of land under the same ownership, the primary purpose of which is to rent or lease space or manufactured dwellings for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

MANUFACTURED HOME: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was built after June 15, 1976 and was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MANUFACTURED STRUCTURE: A recreational vehicle or manufactured dwelling.

MARINA: Public or private piers, docks, boat launching and moorage facilities used for both commercial and pleasure-craft, including fueling and other similar service activities, but not including industrial activities.

MARINE REPAIR: An activity involving major alteration, disassembling, reassembly or other physical change or modification to water craft, including, but not limited to major engine work, painting, welding, structural repair or modification and other similar uses.

MARINE SERVICES: A retail activity involving the sale of goods and services for consumption by the boating public, including, but not limited to, fuels and lubricants, minor repair and maintenance activities not involving physical or structural change to the craft, and other similar uses.

MOBILE HOME: A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976 under the State Mobile Home Code in effect at the time of construction. A mobile home shall also mean a recreational vehicle used for residential purposes for a period of 90 days or longer in any calendar year. For the purpose of a land use action permitted under this Ordinance, "mobile home" and "manufactured home" shall be interchangeable terms.

MOBILE HOME PARK: Any place where four or more manufactured structures are located within 500 feet of one another on a lot, parcel or unit of land under the same ownership, the primary purpose of which is to rent or lease space or manufactured

structures for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

MOTEL: A building or groups of buildings on the same lot containing guest units, which building or group is intended or used primarily for the accommodation of transient automobile travelers.

NONCONFORMING LOT OF RECORD: A unit of land which lawfully existed in compliance with all applicable ordinances and laws, but which, because of the application of subsequent zoning regulations, no longer conforms to the lot dimension requirements for the zoning district in which it is located.

NONCONFORMING STRUCTURE OR NONCONFORMING USE: Use of structure or land, or structure and land in combination, which was lawfully established in compliance with all applicable ordinances and laws or development which has continuously existed for at least 20 years, but which, because of the application of zoning regulations, does not conform to the dimension or use requirements for the zoning district in which it is located.

NURSING HOME: Any home, place or institution which operates and maintains facilities providing convalescent and/or chronic care, for a period exceeding twenty-four hours for two or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick.

ONSITE FILMING AND RELATED ACCESSORY USES: Includes filming and site preparation, construction of sets, staging, makeup and support services customarily provided for onsite filming. Onsite filming and related accessory uses also includes the production of advertisements, documentaries, feature films, television services and other film productions that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. Onsite filming and related accessory uses does not include facilities for marketing, editing and other such activities that are allowed only as a home occupation; or construction of new structures that require a building permit.

OUTDOOR GATHERING: An outdoor event or assembly where either the anticipated attendance will be more than 1,000 persons or the event is expected to continue for more than three days and which is held outside of a public park primarily in open spaces and not in any permanent structure. Gatherings meeting the definition in the previous sentence are subject to the provisions of Article 41 (Temporary Use Permit) and the requirements of ORS 433.750 to 433.763 that are found to be applicable in the review process. Gatherings meeting the statutory definition of a "mass gathering" shall be subject to the provisions of ORS 433.735 to 433.770. Temporary outdoor gatherings of 1,000 or less people that will not continue for more than three days within any three month period may be exempt from a land use decision process providing they comply with Health and Sanitation requirements,

provide for off street parking for all vehicles associated with the gathering, shall not be a traffic hazard, provide for fire protection and suppression by a public entity or on-site equipment, and except for non-profit organizations, shall not contain any commercial aspect including admission to the event.

OVERLAY DISTRICT: A set of zoning requirements described in Chapter 3 of this ordinance, mapped on the zone maps, and applied in addition to the zoning requirements of the underlying districts.

OWNER: The owner of record of real property as shown on the latest tax rolls or deed records of the County, or a person who is purchasing a parcel of property under recorded contract.

OWNERS' AGREEMENT: A contract or set of deed restrictions whereby agreement and terms are established for the use and maintenance of zero lot line dwelling units that share a common zero lot line or other areas of common interest. Such agreement, consisting of a declaration of easements, covenants, conditions and restrictions, shall be filed with the County Clerk and be attached to the deed of each property.

PARCEL: A single unit of land created: (a) by partitioning land as defined in ORS 92.010; (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or (c) by deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations. Parcel does not include a unit of land created solely to establish a separate tax account.

PARK: An open or enclosed tract of land set apart and devoted for the purposes of pleasure, recreation, ornament, light and air for the general public or, in the case of a private development, for invited guests or controlled access use.

PARKING AREA, AUTOMOBILE: Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

PARKING AREA, PRIVATE: Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this ordinance, and which is not open for use by the general public.

PARKING AREA, PUBLIC: Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this ordinance, and which is open for use by the general public.

PARKING SPACE: An area nine feet by eighteen feet within a private or public parking area, building or structure, for the parking of one automobile.

PARTITION: An act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION LAND: To divide land into two or three parcels within a calendar year, but does not include:

- a. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- b. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning or other provisions of this ordinance;
- c. The division of land resulting from the recording of a subdivision or condominium plat;
- d. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way complying with the Comprehensive Plan; or
- e. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.

PARTITION PLAT: Includes a final map and other writing containing all the descriptions, location, specifications, provisions, and information concerning a partition.

PARTY: The following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Douglas County Assessor's office, of the property which is the subject of the application.
- b. All property owners of record, as provided in a. above, within the area of notification as described in §2.065.
- c. A Planning Advisory Committee recognized by the Board pursuant to the Citizen Involvement Program approved pursuant to ORS 197.160.
- d. Any affected unit of local government or state or federal agency which has entered into an agreement with Douglas County to coordinate planning efforts.
- e. Any other person, or entity whether or not a timely statement or request is made, may be recognized at the hearing if the person or entity is found by the presiding officer to be specially, personally, or adversely affected in the subject matter.

PERSON: A natural person, his heirs, executors, administrators, or assigns, or a firm, partnership or corporation, its heirs or successors or assigns, or the agent of any of the aforesaid, or any political subdivision, agency, board or bureau of the state.

PHARMACY: A dispensary for physicians, surgeons, dentists, chiropractors, osteopaths and other members of the healing arts to handle merchandise primarily of a nature customarily prescribed.

PLANNED DEVELOPMENT (PD): A unit of land planned for residential purposes as a single unit, processed under the PD overlay zone provided in this ordinance rather than an aggregate of individual lots, with design flexibility from traditional siting or land use regulations.

PLANNING ADVISORY COMMITTEE (PAC): A group of persons appointed by the Board pursuant to the Citizen Involvement Program adopted in accordance with ORS 197.160, for the purpose of representing a specified geographical portion of Douglas County in matters dealing with certain types of land use proceedings.

PLANNING COMMISSION: The Planning Commission of Douglas County, Oregon.

PLANNING DEPARTMENT: The Douglas County Planning Department.

PLANNING DIRECTOR: See DIRECTOR.

PLAT: Includes a final subdivision plat, replat or partition plat.

PRIMARY PROCESSING FACILITY: A facility for the primary processing of forest products. The primary processing of a forest product means the use of a portable or temporary chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing. Forest products, as used in this section, mean timber and other resources grown upon the land or contiguous units of land where the primary processing facility is located.

PRIVATE ROAD: A road which is not public, but which intersects with an existing public road, including but not limited to:

- a. roads designed primarily for resource use and under the jurisdiction of Bureau of Land Management (BLM), U.S. Forest Service, or Oregon State Forestry Department;
- b. gateway roads; and
- c. statutory ways of necessity.

PROFESSIONAL OFFICE: The place of business of a person engaged in a profession such as but not limited to: accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

PROPERTY: a unit of land, but also includes a nonconforming lot of record.

PUBLIC AND SEMI-PUBLIC BUILDINGS AND USE: A building or use operated by a governmental agency or a religious, charitable, or other nonprofit organization; a public utility; a church, school, auditorium, meeting hall, grange hall, hospital, stadium, library, art gallery, museum, fire station, utility substation or uses such as a park or playground or community center, community halls, or pumping stations.

PUBLIC ROAD: A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

PUBLIC UTILITY: Any corporation, company, individual, association of individuals, or its lessees, trustees or receivers, that owns, operates, manages or controls all or any part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers, or for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly to the public.

RECREATIONAL VEHICLE: A vacation trailer or other unit with or without motive power which is designed for human occupancy and is used temporarily for recreational or emergency residential purposes and has a gross floor space of less than 400 square feet. "Recreational vehicle" includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. A recreational vehicle used for residential purposes for a period of 90 days or longer in any one calendar year shall be subject to the same regulations as a mobile home. A recreational vehicle or travel trailer may be located on a federal mining claim for the duration of the mining exploration so long as the mining activity remains in compliance with local, state and federal regulations; accommodation is made for the proper disposal of domestic waste water; and, the recreational vehicle or travel trailer wheels remain attached and road ready.

RECREATIONAL VEHICLE PARK: A development designed primarily for transient service on which travel trailers, pickup campers, tent trailers and self-propelled motorized vehicles are parked and used for the purpose of supplying to the public a temporary location while traveling, vacationing or recreating.

REPLAT: Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications and provisions, and information concerning a recorded subdivision.

RESIDENTIAL FACILITY: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL TRAILER: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

RESOURCE CAPABILITY: The degree to which a natural resource can be physically, chemically or biologically altered, or otherwise assimilate an external use, and still function to achieve the purpose of the management unit in which it is located.

RESTORE: Revitalizing, returning or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities or catastrophic events.

ACTIVE RESTORATION involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, or rebuilding deteriorated urban waterfront areas.

PASSIVE RESTORATION is the use of natural processes, sequences, and timing or which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

RESOURCE CAPABILITIES TEST: Natural Management Unit: A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

Conservation Management Unit: A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

RESTRICTED MAINTENANCE AND REPAIR: An enclosed facility used to repair and maintain vehicles and equipment used by the owner or operator of such vehicles or equipment. The following conditions shall be met:

- a. No sign shall be used which exceeds six square feet in area;
- b. The building retains the character of an accessory building normally permitted within the zone which the use is located;
- c. There shall be no outside storage of materials other than those required by ordinance or statute;

- d. The use does not destroy the character of the area as recognized by the applicable zone classification;
- e. All parking will be provided off street;
- f. The equipment and vehicles shall be limited to a total of three such vehicles and equipment;
- g. The structure shall be limited to a maximum floor area of 1,500 square feet;
- h. The height of the structure shall be limited to 45 feet;
- i. The structure shall be located a minimum of 100 feet from all adjoining property lines and the road right-of-way; and
- j. Suitable visual screening shall be required when determined necessary by the Approving Authority.

ROAD: The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways or alleys;
- b. Road related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right-of-way such as bridges.

ROADSIDE STAND: A use providing for the retail sale of any agricultural produce where more than one-half of the gross receipts result from the sale of produce grown on the unit of land where the roadside stand is located.

SALVAGE YARD: Any property where scrap, waste material or other goods, articles or second-hand merchandise are dismantled, sorted, stored, distributed, purchased or sold in the open.

SCHOOL: Any public or private institution for learning which meets the Oregon Board of Education standards.

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.

SIGN: Any fabricated sign for use outdoors, including its structure, consisting of any letter(s), figure, character, mark, point, plane, design, poster, picture, stroke, stripe, line, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public

in any manner for recognized purposes to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display.

Exempted from this definition are:

1. Signs not oriented or intended to be legible beyond the property line of the property where the sign is located.
2. Address numbers required under Chapter 7.
3. Signs designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.
4. Signs legally placed within public rights-of-way.
5. Temporary signs (signs erected for less than sixty days in any one calendar year) including lawn signs. Lawn signs may not be greater than 6 square feet in area and may not be over 42 inches in height.

SIGN AREA: The entire area within a single, continuous perimeter formed by lines joined at right angles which encloses the extreme limits of such sign, and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign, and not forming an integral part of the display. Only one side of a double faced sign is counted as the area.

SPECIAL HOUSEHOLD: A household, living together as a family unit, and containing an individual(s) such as an elderly or handicapped person with special housing needs in a dwelling modified to accommodate those special needs.

STABLE, PUBLIC: A building or use for which horses are kept for remuneration, hire or sale.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling above. (See BASEMENT)

STREET: The term "street" is synonymous with "road".

STREET WIDTH: The distance between right-of-way lines.

STRUCTURE: That which is built or constructed; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground. This definition shall include, for the purpose of this ordinance, a mobile home and accessories thereto.

SUBDIVIDE LAND: To divide land into four or more lots within a calendar year when such land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION: Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

SUBDIVISION PLAT: Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

SUBTIDAL: Below the level of mean lower low tide (MLLT).

TEMPORARY MOBILE COMMERCIAL VENDOR: A commercial business operating within a pre-fabricated structure that is constructed for movement on the public highway. Such a use may locate in any commercial zone so long as 1) the structure has been reviewed by the County Building Department; 2) the structure remains road ready with chassis, wheels and trailer tongue attached; 3) the parking requirements of Article 35 have been met; and, 4) the County Health Department has licensed the vendor for food and beverage handling. The structure shall be subject to permit renewal each six months if it was not constructed according to the State Building Code.

UNIT OF LAND: An area of contiguous land at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by this ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Board under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein; or
- c. A parcel, as defined herein.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

USE, PERMITTED: A building, structure, or use permitted outright in a zoning district, and which complies with all of the regulations applicable in that district.

USE, PRINCIPAL: The primary use of a lot or site and includes a permitted or conditional use.

UTILITY FACILITY: A communication facility or a facility constructed for a public utility, including but not limited to: facilities for generating power on less than 10 acres; new distribution lines (gas-oil-geothermal) with a right-of-way of 50 feet or less width, or new distribution lines for electric transmission with a right-of-way of 100

feet or less width; water intakes, treatment, pumping and distribution; wastewater treatment; rural fire protection facility; utility lines, accessory facilities or structures not limited to an individual end user and not in a public right-of-way which are necessary for public service (electricity, gas, water, telephone, cable); and, equipment for the production, transmission, delivery or conveyance of communications, with or without lines, including towers. These uses may be subject to limitations as specified in the applicable zoning designation. Utility facilities are locationally dependent if they must cross or be located on land to achieve reasonably direct routes or service or to meet unique geographic needs.

UTILITY FACILITY SERVICE LINES: The utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on a public right of way; on land immediately adjacent to a public right of way (provided the written consent of all adjacent property owners has been obtained); or, on the property to be served by the utility.

VETERINARY CLINIC: A business establishment in which veterinary services are rendered to domestic animals.

VISION CLEARANCE: A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction exceeding three feet in height above the curb level.

WATER-DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation, recreation, energy production, or source of water.

WATER-RELATED: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

WINERY, ACCESSORY USES: Uses in conjunction with a winery such as wine tasting, music and art festivals, charitable and non profit organization fund raisers, private parties and weddings, and other activities which promote the sale of wine produced at the winery are considered permitted accessory uses provided that they comply with the following:

- a. Sponsored or co-sponsored by the winery;
- b. Located on the same tract of land as the winery;
- c. The event will have a total anticipated attendance of less than 1000 people;
- d. Comply with Health and Sanitation laws and obtain the required permits;
- e. Provide for off street parking;
- f. Not be a restaurant or headquarters for other commercial use;
- g. Is not a continuous event throughout the year; and
- h. Will not cause a traffic hazard.

YARD: An open space on a property which is unobstructed from the ground upward except as otherwise provided in these regulations.

YARD, REAR: A yard between side property lines measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

YARD, SIDE: A yard between the front and rear yard measured horizontally and at right angles from the side property line to the nearest point of the building. In the case of a corner lot, the side yard bordering the street shall extend from the front yard to the rear lot line.

ZERO LOT LINE DWELLING: A single-family detached dwelling or duplex where each unit is placed on its lot in such a manner that one wall is located on a lot line, hence, a setback of zero (0) feet on one side.

CHAPTER 2

DEVELOPMENT APPROVAL PROCEDURES

SECTION 2.010 Purpose

The purpose of this Chapter is to establish procedures for approval of development required by this ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

SECTION 2.020 Review Process

An application for development approval required by Douglas County shall be processed by quasi-judicial public hearing or Administrative Action, pursuant to applicable sections of this ordinance. Quasi-judicial hearings shall be held on all applications for a permit or approval required by these regulations, provided that hearings shall not be held in those matters the Director has authority to act upon, unless appealed or referred pursuant to the provisions of this Chapter.

SECTION 2.030 Coordination of Development Approval

1. The Director shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this ordinance. Before approving any development the Director shall be provided with information by the applicant sufficient to establish full compliance with the requirements of this ordinance. Where multiple applications are necessary to permit a proposed development, the Director may undertake a consolidated review of the applications.
2. After an application has been submitted, no building permit for the proposed use shall be issued until final action has been taken. Following final action on the application, the issuance of a building permit shall be in conformance with the zoning regulations of this ordinance, and any conditions of development approval.

SECTION 2.040 Who May Apply

1. Applications for development approval may be initiated by one or more of the following:
 - a. One or more owners of the property which is the subject of the application; or
 - b. One or more purchasers of such property who submits a duly executed written land sales contract or copy thereof which has been recorded with the Douglas County Clerk; or

- c. One or more lessees in possession of such property who submits written consent of one or more owner's to make such application; or
- d. Person or entity authorized by resolution of the Board or Commission;
or
- e. A Department of Douglas County when dealing with land involving public works or economic development projects; or
- f. A public utility or transportation agency, when dealing with land involving the location of facilities necessary for public service.

Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

- 2. When an application is initiated and signed by less than all of the owners, purchasers and lessees of record, the Director shall give all other owners, purchasers and lessees of record at least fifteen days written notice of the initiation of the application. Such notice shall be mailed to such owners, purchasers and lessees at their most recent address of record. Such notice shall provide that all owners, purchasers and lessees of record shall be deemed to concur with the requests of the application, unless a timely written objection is received by the Director. Such notice shall also provide that if a timely objection is received by the Director, the application will be deemed by the Director to be withdrawn by the applicant, without any right to a refund of any application filing fee. This paragraph shall not apply to applications filed under subsections d., e., or f., above.
- 3. Where application is made to approve a lot or parcel that was previously created in violation of County ordinances, the County may accept such application notwithstanding that less than all of the owners of the existing legal lot or parcel (i.e. the parent parcel) have applied for the approval. The notice provisions of §2.040.2 shall still apply except that if an objection is received, the application is not deemed withdrawn.

SECTION 2.050 Pre-Application Conference

An applicant shall meet with a Planning Department staff person in a pre-application conference prior to submitting a request for development approval. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

SECTION 2.060 Application

Application for development approval shall be made pursuant to applicable sections of this ordinance on forms provided by the Director. An application shall be complete, contain the information required by this Ordinance and address the appropriate criteria for review and approval of the request. If a railroad crossing will provide the only access to the subject property, the applicant shall indicate that fact in the submitted application. All applications shall be accompanied by the required fee, except that no fee shall be charged for applications initiated by a County Department.

1. The Director shall have the authority to review, and approve or deny the following applications which shall be Administrative Actions:
 - a. Variance (§3.40.100)
 - b. Temporary Use Permit (Article 41)
 - c. Subdivision (Chapter 4)
 - d. Private Road Approval (Chapter 4)
 - e. Approval of non-resource dwellings in FG, FC or FF zones (Article 43)
 - f. Division of land and issuance of building permit for non-resource dwellings in FG, FC or FF zones (Article 44)
 - g. Conditional Use Permit (Article 39)
 - h. Administrative Variance for:
 - (1) Setback requirements, when adjacent owner consent cannot be obtained (Article 40)
 - (2) Height requirements, when adjacent owner consent cannot be obtained (Article 40)
 - (3) Rural road standards, when adjacent owner consent cannot be obtained (Chapter 4)
 - (4) Pre-existing dwellings (Article 47)
 - (5) Dividing feature (Article 47)
 - (6) Homestead provision (Article 47)
 - i. Limited Maintenance and Repair in specified zones (Article 48)
 - j. Restricted Maintenance and Repair in specified zones (Article 49)

- k. Alteration, repair or increase of a Non-Conforming Use (Article 37)
- l. Land divisions in resource zones (Chapter 4)
- m. Approval of Major Amendments (Chapters 2, 4 and 5)
- n. Recommendation to the Board on street dedications (Chapter 4)
- o. Technical review - Use Permitted With Standards in coastal zones and coastal overlay districts (Article 36)
- p. Review of development proposals on property subject to overlay regulations including:
 - (1) Cultural, Historic and Archaeological Resources (Article 35)
 - (2) Geologic Hazards (Article 35)
 - (3) Potential Water Impoundments (Article 35)
 - (4) Dredge Material Disposal and Mitigation Site (Article 35)
 - (5) Mineral Resources (Article 32)
 - (6) Natural Areas (Article 32)
- q. Conditional Use Permit and applicable overlay districts - Coastal Zones (Articles 33, 34 and 39)
- r. Alteration or exterior remodeling of a significant Historic Resource (Chapter 9)
- s. Demolition of a significant Historic Resource (Chapter 9)
- t. Mobile Home Parks (Article 51)
- u. Planned Development Preliminary Site Plan approval (Chapter 5)
- v. Destination Resort Preliminary Site Plan approval (Article 50)
- w. Minimum parcel size change within the FC Zone (Article 4)
- x. Resource related dwellings, subject to the provisions of Article 45
- y. Partitions in residential, commercial, public reserve and industrial areas excepting ministerial partitions authorized in 2.060.2 (Chap 4)

2. The Director shall have the authority to review and approve or deny the following matters which shall be ministerial actions:
 - a. Temporary Use-Family Hardship (Article 46)
 - b. Final subdivision plat approval (Chapter 4)
 - c. Final partition plat approval (Chapter 4)
 - d. Minor amendments to land use actions, land divisions, and Planned Developments (Chapters 2, 4 and 5)
 - e. Final Planned Development Site Plan approval (Chapter 5)
 - f. Development on property subject to overlay districts including:
 - (1) Riparian Vegetation Corridor (Article 32)
 - (2) Peripheral Big Game Habitat (Article 32)
 - (3) Special Bird Habitat (Article 32)
 - (4) Significant Wetlands (Article 32)
 - (5) Geologic Hazards (Article 35)
 - (6) Airport Impact (Article 35)
 - (7) North Umpqua Park or Public Recreation Area (Article 35)
 - (8) Right-of-Way Protection (Article 35)
 - (9) Architecturally Controlled Districts (Article 35)
 - g. Adjustment of Common Boundary Lines (Article 37 and Chapter 4)
 - h. Uses permitted with standards
 - i. Destination Resort Final Site Plan approval (Article 50)
 - j. Road name changes (Chapter 7)
 - k. Partitions in non-resource zones where: 1) the new parcel(s) will utilize a public road for access; 2) the new parcel(s) can meet the sanitation and water requirements of Chapter 4 of this Ordinance; and, 3) an engineers statement is received certifying that there will be no adverse drainage impact on adjacent properties (Chapter 4)

3. The Hearings Officer shall have the authority to review and approve or deny the following matters provided, however, that the Planning Commission shall assume such responsibility when no Hearings Officer is appointed by the Board:
 - a. Zone change (Article 38)
 - b. Comprehensive Plan map amendment (Chapter 6)
 - c. Appeal of Director's decision made pursuant to §2.060.1.
 - d. Owner of Record Dwelling on High Value Farmland (Articles 3, 4 & 5)
 - e. Matters which the Commission elects not to hear
4. The Planning Commission shall have the authority to review and approve or deny the following matters:
 - a. Review of a decision of the Hearings Officer, Committee, or Director upon its own motion (Chapter 2)
 - b. Appeal of Director's decision pursuant to §3.52.450, and §7.140
 - c. Matters which the Hearings Officer elects not to hear (Chapter 2)
 - d. Interpretations of this ordinance requested by the Director (Chap. 1)
 - e. Matters referred to the Commission by the Director (Chapter 2)
 - f. Exceptions Process Limited Use Overlay (Article 35)
5. The Historic Resources Review Committee shall have the authority to review and approve or deny the following matters:
 - a. Additions, deletions or changes to the Historic Register (Chapter 9)
 - b. Director's decision related to the alteration, exterior remodeling or demolition of a significant historic resource, and a decision pursuant to Chapter 9.

SECTION 2.065 Notice

1. At least twenty (20) days prior to the date of a quasi-judicial public hearing under §2.060.3.a, b, c and e, and §2.060.4.a, b, c, e and f, notice shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;

- b. All owners of property within
 - i. 100 feet of the property which is the subject of the notice if such property is wholly or partially within an urban unincorporated area or an urban growth boundary.
 - ii. 250 feet of the property which is the subject of the notice if such property is outside an urban growth boundary and not within a farm or forest zone.
 - iii. 500 feet of the property which is the subject of the notice if such property is within a farm or forest zone.
 - c. The appropriate Planning Advisory Committee; and
 - d. Any affected governmental agency which has entered into an agreement with Douglas County to coordinate planning efforts and to receive notices of such hearings.
2. Notice for Administrative Action shall be given at least fifteen (15) days prior to a decision, and shall be sent as prescribed by subsection 1 of this section except that notice shall be sent to property owners within 750 feet of the subject property if the property is within a farm or forest zone.
 3. Notice for interpretations heard by the Planning Commission pursuant to §2.060.4.d shall be given at least 20 days prior to the date of the hearing by publication in a newspaper of general circulation and notice sent by mail to the appropriate Planning Advisory Committee.
 4. Notice for a Historic Resource Review Committee hearing shall be sent no less than ten days prior to the hearing to affected tenants and titleholders of the subject historic resource or Historic District, and other citizen groups and individuals who request such notice.
 5. The same notice required in subsection 4 above shall also be given to participating cities when a historic resource within its Urban Growth Boundary is the subject of the hearing.
 6. The records of the Douglas County Assessor's office shall be used for notice required by this ordinance. Persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the action. The failure of a property owner to receive notice shall not invalidate the action if a good-faith attempt was made to notify all persons entitled to notice. The Director shall cause to be filed certification of compliance with the personal notice provisions of this section.
 7. The Historic Resource Review Committee shall be sent notice for quasi-judicial hearings and administrative actions pursuant to subsections 1 and

2 of this section when a historic resource subject to the Historic Resources Overlay is located on the subject property.

8. Notice for hearings involving Zone Changes and Comprehensive Plan Amendments shall also be given by publication in a newspaper of general circulation in the area affected at least twenty days prior to the date of the hearing.
9. Any notice described in subsections 1 and 2 of this section shall be provided to the owner of an airport defined by the State of Oregon Department of Transportation as a "public use airport" if:
 - a. The name and address of the airport owner has been provided by the Aeronautics Division of the Department of Transportation to the County Planning Department; and
 - b. The property subject to the land use hearing is:
 - i. Within 5,000 feet of the side or end of a runway of an airport determined by the Department of Transportation to be a "visual airport."
 - ii. Within 10,000 feet of the side or end of a runway of an airport determined by the Department of Transportation to be an "instrument airport".

Notwithstanding the above provisions of this subsection, notice need not be provided if the zone change, permit or approval which is the subject of the hearing or Administrative Action for which notice is given, would only allow a structure less than 35 feet in height and the property is located outside the runway "approach surface" as defined by the State of Oregon Department of Transportation.

10. The giving of notice of an application shall not apply to those actions listed in 2.060.1 unless the Director, in the Director's discretion, determines that the giving of notice of application is appropriate.

This subsection applies only to the notice of an application for Administrative Action otherwise required by section 2.065. This subsection does not relieve the Director from giving notice of Administrative Decision under Section 2.130.

11. Notice of all land use requests (except as exempted in §3.35.900) affecting lands subject to the North Umpqua Park or Public Recreation Area Overlay (PO) shall be sent to the State Parks and Recreation Department in Salem for their review of compatibility of the request with the "State Scenic Waterways Program" and the "Management Program For The North Umpqua River Scenic Waterway."

12. Notice of requests for approval of a Owner of Record Dwelling on High Value Farmland, pursuant to 2.060.3, shall be sent to the Oregon State Department of Agriculture at least 20 days prior to the public hearing.
13. For requests where a railroad crossing will provide the only access to the subject property, notice shall be sent to the Oregon Department of Transportation and to the affected railroad company as prescribed in this Section.

SECTION 2.090 Ministerial Actions of the Director

1. Within 45 days after accepting an application for a ministerial action the Director shall deny or approve (or cause a hearing to be held on) the application unless such time limitation is extended with the consent of the applicant.

The Director shall not accept applications which he deems cannot be acted upon initially in a rational manner within 45 days of receipt unless the applicant consents to a longer period for action.

2. Within such 45 day period the Director shall issue the permit or approval or advise the applicant that the application has been denied.
3. Ministerial actions are effective on the date of the decision of the Planning Director.

SECTION 2.100 Administrative Action Procedure of the Director

1. Within sixty (60) days after accepting an application for Administrative Action pursuant to §2.060 of this ordinance, the Director shall act on, or cause a hearing to be held on, the application unless such time limitation is extended with the consent of the applicant.

The director shall not accept applications which he deems cannot be acted upon initially in a rational manner within 60 days of receipt unless the applicant consents to a longer period for action.

2. Within such 60 day period, the Director shall:
 - a. Publish or otherwise give notice per §2.065.
 - b. Prepare findings of fact and conclusions of law.
 - c. Decide to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan.

3. If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under §2.060.1 for public hearing before the Hearings Officer or Commission. The Hearings Officer or Commission shall hear and decide the matter as if it were listed in §2.060.3 or .4. Notice for such hearing shall be provided pursuant to §2.065.1.

SECTION 2.110 Contents of Notice

1. Notice of an application for an Administrative Action Decision of the Director shall include the following information:
 - a. The location, file number and title of the file containing the request and the date such notice was sent.
 - b. A description of the subject property, reasonably calculated to give notice as to its actual location, and for the purpose of this section, shall include but not be limited to metes and bounds descriptions or the tax map designations of the Douglas County Assessor's Office.
 - c. The nature of the application.
 - d. The deadline for filing comments on the request.
2. Notice of a hearing for an Administrative Action shall include the following information:
 - a. Explain the nature of the application and the proposed use or uses which could be authorized.
 - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue.
 - c. Set forth the street address or other easily understood geographical reference to the subject property.
 - d. State the date, time and location of the hearing.
 - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - f. Include the local government representative to contact and the telephone number where additional information may be obtained.

- g. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
 - h. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
 - i. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
3. The Director shall provide for a register of all applications for Administrative Action which have been filed, all such applications which have been acted upon initially and are awaiting final decision, and all such applications which are the subject of administrative review or appeal.

NOTE: ORS 197.763(4)(a) requires that all documents or evidence relied upon by the applicant shall be submitted to the planning department and be made available to the public twenty days before any evidentiary hearing.

SECTION 2.120 Administrative Action Decisions of the Director

In making an Administrative Action decision, the Director:

- 1. Shall consider the following:
 - a. The burden of proof is placed upon the applicant. Such burden shall be to prove:
 - (1) The proposed action fully complies with the applicable goals, policies and map elements of the relevant Comprehensive Plan; and
 - (2) The proposed action is in accord with the applicable criteria of this ordinance.
 - b. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors.
 - c. Written comments from parties or other persons.
- 2. Shall enter findings and conclusions to justify his decision.
- 3. May impose conditions in making a decision to approve an Administrative Action. However, the following limitations shall be applicable to conditional approvals:

- a. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no time be set forth, within a reasonable time.
 - b. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:
 - (1) Protection of the public from the potentially deleterious effects of the proposed use; or
 - (2) Fulfillment of the need for public service demands created by the proposed use.
 - c. Changes or alterations of conditions shall be processed as a new Administrative Action.
 - d. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions for practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no building permit shall be issued for the use covered by the applications until the executed contract is recorded in the real property records of Douglas County and filed in the County Journal. Such contract shall not restrict the power of subsequent Administrative Action with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Douglas County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.
 - e. Failure to fulfill any conditions of approval within the time limitations provided may be grounds for initiation of Article 52 enforcement action or revocation of approval by the Director.
 - f. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or Board, or a cash deposit from the property owners or contract purchasers in such an amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Douglas County Clerk.
4. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order on the action denying the application.

SECTION 2.130 Notice of Administrative Decisions by the Director

1. Notice of an administrative decision shall be filed in the records of the Director and also mailed to the applicant, to those persons who are entitled to notice pursuant to Section 2.065.2, and to others who participated in the process.
2. Notice of an administrative decision shall contain:
 - a. Identification of the application and description of the nature of the decision;
 - b. The findings of fact and conclusions of law of the Director;
 - c. The date of the filing of the decision of the Director;
 - d. A statement explaining the nature of the application and the proposed use or uses which could be authorized;
 - e. An easily understood geographical reference to the subject property;
 - f. The name of a local government representative to contact and the telephone number where additional information may be obtained;
 - g. a statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - h. a statement that the decision will not become final until the period for filing an appeal has expired;
 - i. a statement that any person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830; and
 - j. Notice that any persons who are entitled to written notice (pursuant to Section 2.065) or who are adversely affected or aggrieved by the decision may appeal the decision within twelve (12) days from the date the written notice of decision was mailed by filing a timely written statement with the Director.
3. The administrative decision of the Director shall be final upon the expiration of twelve (12) days from the date the approval or denial was mailed unless an appeal from either a person who would have been entitled to notice, or from a person who is adversely affected or aggrieved by the decision, is received by the Director within such twelve (12) day period or unless the Commission or Board, on its own motion, orders review within such twelve (12) day period after the date of approval or denial.

SECTION 2.200 Establishment of Party Status

1. In order to have standing under this chapter, a person shall be recognized as a party by the presiding officer.
 - a. Party status, when recognized by the presiding officer, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this chapter.
 - b. Of those who appear and are heard at the time of hearing, the presiding officer shall determine who are parties and who are witnesses only, and shall give them an opportunity, if they choose, to be heard with regard to the ruling. Persons who appear by written communication only shall be accorded the status of witnesses unless they are included among those persons entitled to notice of hearing under this ordinance, or the written statement both asserts a position on the merits of an application and establishes the person's status as a party to the satisfaction of the presiding officer.
 - c. For any determination made by the presiding officer under this section, the Approving Authority may overrule the presiding officer upon motion timely made and passed.
2. A request for establishment of Party Status may be made at least eight (8) days before the date set for a quasi-judicial public hearing by any person filing a written statement regarding the application being considered. Such statement shall include:
 - a. The name, address and telephone number of the person filing the statement;
 - b. How the person qualifies as a party, as defined in Chapter 1 of this ordinance;
 - c. Comments which the party wishes to make with respect to the application under consideration; and
 - d. Whether the person desires to appear and be heard at the hearing.
3. Seven or more days before the date set for the first evidentiary hearing on a matter, the Director shall mail the applicant any statements that have been filed and the report of the Director.

Any person or entity who is entitled to notice may appeal a decision of the Director relative to an Administrative Action. In the conduct of a consequent hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

4. With respect to applications under §2.060.3 and .4 of this chapter, the Approving Authority may authorize a person to have party status, at any time prior to the close of the hearing, if that person is otherwise a party, as defined by Chapter 1 of this ordinance.
5. In cases where a matter has been referred back to the Planning Commission from the Board, only those individuals or agencies who were given party status at the first evidentiary hearing on the matter shall be allowed as parties in the matter when reheard by the Commission.

SECTION 2.300 Hearing Procedure

1. In the conduct of a public hearing, the Approving Authority shall have the authority to:
 - a. Determine who qualifies as a party.
 - b. Regulate the course, sequence and decorum of the hearing.
 - c. Dispose of procedural requirements or similar matters.
 - d. Rule on offers of proof and relevancy of evidence and testimony.
 - e. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, cross examination of witnesses and rebuttal testimony.
 - f. Take such other action appropriate for conduct commensurate with the nature of the hearing.
 - g. Grant, deny or, in appropriate cases, attach such conditions to the matter being heard or may be necessary to carry out the Comprehensive Plan, subject to §2.120.3 of this chapter.
2. The applicant or any party wishing to subpoena witnesses to a hearing may do so by application to the Director not less than seven days prior to the hearing and a showing that the witness resides in Oregon, is unable or unwilling to appear and his testimony is material and relevant. Such subpoenas shall be enforceable upon proper completion and inclusion of those fees applicable to civil cases in the Douglas County Circuit Court, upon application by any party and approval of the Director.
3. Order of Procedure:

Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:

- a. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing. A statement shall be made to those in attendance that lists and describes the applicable substantive criteria, that the evidence, testimony and arguments to be heard must be directed towards these criteria, or other criteria in the plan or land use ordinance which a party believes apply to the decision to be made; and that the failure to raise an issue accompanied by statements or evidence sufficient to afford the approving authority and the parties an opportunity to respond to the issue precludes appeal based on that issue.
- b. Permit members of the Approving Authority to announce:
 - (i) A potential conflict of interest (any proceeding where the decision made would be to the private pecuniary benefit or detriment of the member or the member's household except for those benefits or detriments described in ORS 244.020(4) (a) and (b)).
 - (ii) A direct or substantial financial interest in the proceeding of the member or those persons or businesses described in ORS 215.035.
 - (iii) The inability of the member to render a fair judgment because of prejudice or prejudgment (bias).

No member shall serve on any proceeding in which such member has bias or the member (including those persons or businesses described in ORS 215.035) has a direct or substantial financial interest. If a member refuses to disqualify him or herself for bias, or direct or substantial financial interest, the Approving Authority shall have the power to remove such member for that proceeding.

- c. Recognize parties.
- d. Request the Director to present his introductory report, explain any graphic or pictorial displays which are a part of the report, read findings and recommendations, if any, and provide such other information as may be requested by the Approving Authority.
- e. Allow the applicant to be heard first, on his own behalf or by representative.
- f. Allow parties or witnesses in favor of the applicant's proposal to be heard.
- g. Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.

- h. Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
- i. Allow the parties to offer rebuttal evidence and testimony, and to respond to any additional evidence. The scope and extent of rebuttal shall be determined by the Approving Authority.
- j. Conclude the hearing.

Questions may be asked at any time by the Approving Authority. Questions by the parties or Director may be allowed by the Approving Authority, questions may be submitted directly to the witnesses or parties. The witnesses or parties shall be given a reasonable amount of time to respond solely to the questions.

At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings (which may incorporate findings proposed by any party, or by the Director), or may take the matter under advisement. If a majority of the quorum fail to agree, and there is no lower decision, the matter shall be deemed denied, unless the members present at the hearing vote to reschedule the deliberation. The Approving Authority may request proposed findings and conclusions from any party to the hearing. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall not be final until reduced to writing and signed by the Approving Authority. Within forty-five (45) days of the date of public hearing the Approving Authority shall grant, deny or, in appropriate cases, pursuant to §2.120.3, attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director shall notify parties of the decision by mail.

4. General Conduct of Hearing:

The following rules apply to the general conduct of the hearing:

- a. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- b. No person shall testify without first receiving recognition from the Approving Authority and stating his full name and address.
- c. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

- d. Audience demonstrations such as applause, cheering and display of signs, or other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.
5. If the Hearings Officer declines a case for any reason, such case shall be reset for review by the Commission. Upon withdrawal of the Hearings Officer from such case, the Commission shall have the authority and shall function as the Approving Authority in that case.

SECTION 2.310 Official Notice

1. The Approving Authority may take official notice of the following:
 - a. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
 - b. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Douglas County and comprehensive plans and implementing regulations of cities within Douglas County.
2. Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

SECTION 2.320 Record of Proceeding

1. A verbatim record of the proceeding shall be made by stenographic or mechanical means. It shall not be necessary to transcribe testimony except as provided for in §2.500. In all cases the tape, transcript of testimony or other evidence of the proceedings shall be part of the record.
2. All exhibits received shall be marked so as to provide identification upon review.

SECTION 2.330 Decision

The Approving Authority shall render a decision and may affirm, reverse or modify the action of a lesser authority and may reasonably attach conditions necessary to carry out the Comprehensive Plan to an approval, subject to the limitations of §2.120.3.

1. For all cases the Approving Authority shall make a decision based on the record before it as justification for its action.
2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and shall, at the same time, file a copy of the Approving Authority's final order in the records of the Director.

3. If a request is denied by the Approving Authority, and no higher local authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order on the action denying the application.

SECTION 2.400 Appeal from Decision of the Director

1. Administrative Actions taken by the Director shall be subject to review by the Hearings Officer or Commission, pursuant to §2.060.3 and 4, respectively.
2. Any person or entity who files a timely written statement may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.
3. The Planning Commission or Hearings Officer shall review the Administrative Action of the Director upon receipt of a Notice of Appeal. For the purpose of this section, an Appeal shall be filed with the Director no later than ten days following the date the decision was sent. Any decision of the Director may also be reviewed by the Commission upon its own motion passed within ten days of the written decision sought to be reviewed if no appeal is filed.
4. Every Notice of Appeal shall contain:
 - a. A reference to the application sought to be appealed;
 - b. A statement as to how the petitioner qualifies as a party;
 - c. The specific grounds relied upon in the petition request for review; and
 - d. The date of the final decision on the action.

The appeal shall be accompanied by the required fee.

5. At least 20 days prior to the date of the Approving Authority hearing, the Director shall give notice as provided in §2.065 of the date, time and place of the hearing to all parties to the case.
6. Members of the Approving Authority shall neither:
 - a. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
 - b. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.

7. During the course of the review, the Director shall present to the Approving Authority any materials submitted by the applicant as part of his application, staff exhibits used in making the administrative decision, an explanation of the request and the findings of fact articulated in making the decision which is the subject of appeal.
8. The hearing on an appeal of an administrative decision shall be de novo.
9. The review shall be accomplished in accordance with the Rules of Procedure contained in §2.300. The Approving Authority may continue its hearing from time to time to gather additional evidence, to consider the application fully, or to allow a party to respond. Unless otherwise provided by the Hearings Officer or Commission, no additional notice need be given of continued hearings if the matter is continued to a date certain.
10. Action upon the appeal shall be taken within 60 days of filing thereof unless such time limitation be extended with the consent of the applicant; provided that, unless otherwise ordered by the Commission or Board, the Director shall take such appeals in the order in which they are filed with him.
11. All evidence offered and not objected to may be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to ORS 183.450 except as otherwise provided for herein.
12. The Approving Authority shall render a decision to either affirm, reverse or modify the action of a lesser authority, and may reasonably attach conditions necessary to carry out the Comprehensive Plan to an approval, subject to the limitations of §2.120.3.
 - a. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action. Upon failure of a majority of a quorum to agree, the decision of the lesser authority shall stand, unless the members present at the hearing vote to reschedule the deliberation.
 - b. The Director shall send a copy of the Approving Authority's decision to all parties to the appeal and shall, at the same time, file a copy of the Approving Authority's final order in the records of the Planning Department.
 - c. If a request is denied by the Approving Authority, and no higher local authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order on the action denying the application.

SECTION 2.500 Review of the Decision of the Hearings Officer, Historic Resource Review Committee or Commission

Ten days from the date of the written decision of the Historic Resource Review committee (hereafter referred to as "the Committee"), the Hearings Officer or Commission, the decision shall become effective unless review is sought pursuant to this section.

1. Review of the decision:
 - a. Shall be made by the Board, pursuant to §2.700, upon any party filing a Notice of Review with the Director within ten days of the filing of the written decision sought to be reviewed. Failure to file a Notice of Review within ten days shall be a jurisdictional defect.
 - b. May be made by the Board, pursuant to §2.700, on its own motion passed within ten days of the filing of the written decision sought to be reviewed.

Any party not filing a notice of review, may file a notice of cross-review within five days after the notice of review is mailed as provided in §2.500.3. The notice of cross-review shall contain those matters required in a notice of review. The Director shall mail a copy of such notice to all other parties.

2. The decision of the Hearings Officer or Committee may be reviewed by the Commission upon a motion passed ten days of the written decision sought to be reviewed if no appeal is filed or if the Board does not review upon its own motion. Argument by the parties may be heard at the time of Commission review upon a motion passed by at least five of its members. Advance notice of five (5) days shall be given if argument is desired.
3. The notice of review, together with the notice of the date, time and place of the review shall be mailed to parties at least ten (10) days prior to the date of review.

When the review involves an application for development of property entirely within an urban growth boundary, the notice shall also:

- a. Describe in general terms the applicable criteria from the ordinance and the plan known to apply to the application at issue;
- b. Set forth the street address or other easily understood geographical reference to the subject property; and
- c. State that failure to raise an issue in person or by letter precludes appeal and that failure to specify to which criterion the comment is directed precludes appeal based on that criterion.

4. A record of the review shall be the same as that required in §2.320.
5. Every Notice of Review shall contain:
 - a. A reference to the decision sought to be reviewed;
 - b. A statement as to how the petitioner qualifies as a party;
 - c. The specific grounds relied upon in the petition request for review; and
 - d. The date of the decision sought to be reviewed.
6. A Notice of Review shall be accompanied by a fee established by the Board.
 - a. If the Board does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it in the manner provided in this section. The fee shall be no more than the actual cost of the transcript up to \$500 plus one-half the actual costs over \$500. The estimated cost of the transcript shall be specified by the Director. Within five days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this Subsection shall be a jurisdictional defect.
 - b. If a transcript is desired by the Commission or the Board, the costs shall be borne by Douglas County.

SECTION 2.600 Review by the Commission

1. The review of a decision of the Committee or the Hearings Officer by the Commission shall be confined to the record of the proceeding, which will include the following:
 - a. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and recorded or considered as evidence;
 - b. All materials submitted by the Director with respect to the application;
 - c. The transcript of the hearing, if desired by the Commission, or the tape recording of the hearing, or other evidence of the proceedings; and
 - d. The written findings, conclusions and decision.

At the commencement of the review of any application for development of property entirely within an urban growth boundary, a statement shall be made to those in attendance that describes the applicable substantive criteria; that the arguments to be heard on the testimony and evidence in the record must be directed towards these criteria; and that the failure to address a criterion precludes appeal based on that criterion.

2. The Commission may amend, remand, reverse, affirm, or request the Board to review the decision below. The Commission shall review the entire record and make written findings and conclusions supporting its action if it amends, reverses or requests review by the Board. Such findings and conclusion may incorporate findings of the lesser authority. The Commission, before finally adopting findings and conclusions, may circulate them in proposed form to the parties for written comment.

All actions taken by the Commission pursuant to adopting findings and conclusions shall be made part of the record. If the Commission remands the matter to the lesser authority for additional information, the applicant shall be notified. The Commission shall amend, reverse, affirm, remand, or request review by the Board of the decision of the lesser authority within forty-five (45) days of its review.

3. Only those members of the Commission reviewing the entire record may act on a decision of the Committee or the Hearings Officer. Upon failure of a majority of a quorum to agree, the decision of the lesser authority shall stand.
4. If the Commission sustains, amends or reverses the decision of the lesser authority, any party may request review by the Board by following the procedure prescribed in §2.500.
5. If review is requested, notice of the time and place of the review shall be mailed to all parties at least ten days prior to the date of review.

SECTION 2.700 Review by the Board

1. Review by the Board shall be confined to arguments of the parties and the record of the proceeding below, which will include the following:
 - a. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered as evidence;
 - b. All materials in the record submitted by the Director with respect to the application;
 - c. The transcript of the hearing if required by the Board or otherwise provided, or the tape recording or other evidence of the proceeding of the hearing below;

- d. The findings and conclusions; and
- e. Additional evidence, upon the election of the Board, to cure ex parte contacts.

At the commencement of the review of any application for development of property entirely within an urban growth boundary, a statement shall be made to those in attendance that describes the applicable substantive criteria; that the arguments to be heard on the testimony and evidence in the record must be directed towards these criteria; and that the failure to address a criterion precludes appeal based on that criterion.

- 2. Review by the Board shall be a de novo review of the record limited to the grounds relied upon in the notice of review, or cross review, if the review is initiated by such notice.

- 3. Order of procedure:

In the conduct of a hearing, the Board shall:

- a. Announce the nature and purpose of the hearing.
- b. Permit members of the Board to announce a potential conflict of interest, direct or substantial financial interest or any prejudice or bias as specified in §2.300.3.b. No member shall serve in any proceeding in which such member has bias or the member (including those persons or businesses described in ORS 215.035) has a direct or substantial financial interest. If a member refuses to disqualify him or herself for bias or direct or substantial financial interest the Board shall have the power to remove such member for that proceeding.
- c. Advise all parties that they have the right to rebut the substance of the communication.
- d. Request the Director or the Director's representative for an introductory and summary report of the matter before the Board and provide such other information as may be requested by the Board.
- e. Allow the appellant to be heard first.
- f. Allow other parties in support of the appellant to be heard next.
- g. Allow parties opposed to the appeal to be heard next.
- h. Allow the appellant and parties in support of the appeal to make any rebuttal arguments they may have. The scope and extent of rebuttal shall be determined by the Board.

- i. Allow parties opposed to the appeal to make any rebuttal arguments they may have. The scope and extent of rebuttal shall be determined by the Board.
 - j. Conclude the hearing.
4. The Board may affirm, reverse or modify the decision and may approve or deny the request, or grant approval with conditions necessary to carry out the Comprehensive Plan, subject to the limitations of §2.120.3.
 - a. For all cases, the Board shall make findings and conclusions, and make a decision based on the record before it as justification for its action.
 - b. The Board shall cause copies of a final order to be sent to all parties participating in the review before it.
 - c. If a request is denied by the Board or by a Hearings Officer appointed by the Board, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order on the action denying the application.
5. The Board may remand the matter if it is satisfied that testimony or other evidence could not have been presented at the hearing below. In deciding such remand, the Board shall consider and make findings and conclusions respecting:
 - a. Prejudice to parties;
 - b. Convenience or availability of evidence at the time of the initial hearing;
 - c. Surprise to opposing parties;
 - d. Date notice was given to other parties as to an attempt to admit; and
 - e. The competency, relevancy and materiality of the proposed testimony or other evidence.
6. Only those members of the Board reviewing the entire record may act on the matter reviewed. The agreement of at least two members is necessary to amend, reverse, or remand the decision. Upon failure of at least two members to agree, the decision below shall stand.
7. When a majority of the Board is unable to participate in an appeal, the Board may appoint a Hearings Officer to review land use appeals (under §2.500.1.b and 2.700) in its place. The decision of the Hearings Officer shall be final.

8. Review by the Board is discretionary. After a Notice of Review is filed, the Board may choose to either 1) allow review, in which case, the Board shall decide to either hear the matter itself and set a date for holding the review hearing, or the Board may, for any reason, appoint a Hearings Officer to review the matter and make a final local decision in the Board's place, or 2) decline to review the matter, so long as the appealed decision does not involve a Plan Amendment of land designated agricultural or forest land or a goal exception. If Board review of a matter is declined, the lower decision shall stand. If Board review of a matter is declined, the Board shall adopt an order so stating, but the order need not state any reason for the Board's decision to decline review.

SECTION 2.800 Permit Expiration Dates on Farm and Forest Lands

1. A discretionary decision, except for land divisions and those residential developments listed in §2.800.5, made after August 7, 1993, approving a proposed development on agricultural or forest land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438 or under county legislation or regulation adopted pursuant thereto is void two years from the date of the final decision if the development action is not initiated in that period.
2. An extension of 12 months may be granted if:
 - a. The applicant makes a written request for an extension of the development approval period;
 - b. The request is submitted to the county prior to the expiration of the approval period;
 - c. The applicant states the reasons that prevented the applicant from beginning or continuing development within the approval period; and
 - d. The Approving Authority determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.
3. Approval of an extension granted under this provision is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.
4. Additional one year extensions may be authorized where applicable criteria for the decision have not changed.
5. Permits approved through the Administrative Action process for a proposed residential development on resource land outside of an urban growth boundary shall be valid for four (4) years. An extension of two (2) years may be granted subject to the provisions of §2.800.2.a-d. For the purpose of this paragraph, "residential development" means:

- a. Alteration, restoration or replacement of a dwelling,
- b. Non-farm dwellings,
- c. Owner of Record dwellings,
- d. 160 acre and 200 acre non-contiguous forest dwellings,
- e. Template dwellings, or
- f. Caretaker residence in forest zones.

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

1. Definitions

- a. "Minor Amendment" means a change which:
 - (1) Does not increase the intensity of the approved land use;
 - (2) Does not change the general location or amount of land devoted to an approved land use; or
 - (3) Includes only minor shifting of established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.
- b. "Major Amendment" means any change which is not a minor amendment.

2. Approval of Minor Amendments

A minor amendment to an approved land use action may be approved by the Director.

3. Approval of Major Amendments

Approval of a major amendment to an approved land use action requested within two years of the date of decision (or, within the extension period for the decision if an extension has been authorized) shall be an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

CHAPTER 3

ARTICLE 1 Introductory Provisions

SECTION 3.1.010 Preface

In order to achieve the purposes outlined in Chapter 1 of this ordinance and to assure that the development and use of land in Douglas County conforms to the Comprehensive Plan, zoning classifications have been established for all unincorporated lands in Douglas County. These classifications specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Douglas County Zoning maps, unless otherwise provided by agreement with the cities of Douglas County wherein land use planning jurisdiction is surrendered to such cities over certain unincorporated areas within their Urban Growth Boundaries but outside the corporate limits of such cities.

SECTION 3.1.020 Zone Classifications

For the purpose of this ordinance, the following zones are hereby established:

<u>ZONE CLASSIFICATION</u>	<u>ABBREVIATION</u>
Timberland Resource	TR
Exclusive Farm Use-Grazing	FG
Exclusive Farm Use-Cropland	FC
Farm-Forest	FF
Agriculture and Woodlot	AW
Public Reserve	PR
Rural Residential-5	5R
Rural Residential-2	RR
Rural Residential-1	1R
Suburban Residential	RS
Single Family Residential	R-1
Multiple Family Residential	R-2
Residential-High Density and Professional Office	R-3
Limited Commercial	C-1
Tourist Commercial	CT
Community Commercial	C-2
General Commercial	C-3
Rural Service Center Commercial	CRS
Rural Community Commercial	CRC
Rural Commercial	CRE

<u>ZONE CLASSIFICATION (Cont'd)</u>	<u>ABBREVIATION</u>
Water-Oriented Tourist Commercial	WOCT
Water-Oriented Commercial Recreation	WOOCR
Marine Commercial	MC
Light Industrial	M-1
Medium Industrial	M-2
Heavy Industrial	M-3
Rural Community Industrial	MRC
Rural Industrial	ME
Marine Industrial	MRI
Estuarine Natural	EN
Estuarine Conservation	EC
Estuarine Development	ED
Conservation Shorelands	CS
Marine Rural	MR
Water Impoundment	WI

SECTION 3.1.030 Location of Zones

The boundaries for the zones listed in this ordinance are indicated on the Douglas County Zoning Maps which are hereby adopted by reference.

SECTION 3.1.040 Zoning Maps

The Douglas County Zoning Maps 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 are certified by the Director as being the official zoning maps adopted by reference in §3.1.030.

SECTION 3.1.050 Amendment of Maps

Whenever it is necessary to amend the zoning maps to conform with an amendment to this ordinance, or an Administrative Action, or to correct a cartographic error, the Director shall so change the maps and annotate the cover sheet to indicate the date of and the reason for the change including a reference to the Ordinance or Administrative Action number. The Director shall certify that the official maps have been changed in conformance with the amending Ordinance or Administrative Action or to correct a cartographic error.

SECTION 3.1.060 Location of Maps

There shall be only one set of official Zoning Maps which shall be located in the office of the Director as long as this ordinance remains in effect.

SECTION 3.1.070 Interpretation of Zone Boundaries

Whenever an uncertainty exists as to the boundary of a zone as shown on the official Zoning Maps, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lines shall be construed to follow such plat lines.
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits.
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to be midway between the main tracks or utility easements whichever is applicable.
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow said centerlines.
6. Boundaries indicated as following shorelines shall be construed to follow the mean high water line.
7. Boundaries indicated as parallel to or extension of features indicated in Subsections 1 through 5 of this section shall be so construed.
8. Where physical features existing on the ground are at variance with those shown on the official Zoning Maps, or in other circumstances not covered by Subsections 1 through 5 of this section, the Director shall interpret the zone boundaries, and if necessary, may refer the matter to the Commission for their interpretation, pursuant to §1.060.
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property on which the vacated area becomes a part shall apply.

SECTION 3.1.080 Overlay Districts

Any portion of a zone district may be subject to additional consideration by the establishment of regulations that "overlay" the parent district. These "overlay districts" may be applied singularly, or in any combination thereof, and are designed to ensure that the various considerations contained in the text of such overlay districts are employed in using and developing land subject to an overlay district.

Development in any area subject to an overlay district shall be undertaken only after Administrative Action procedures have been followed, and then only in accordance with conditions imposed under §2.120.4 of this ordinance and the regulations of both the overlay district and the underlying zone.

Overlay districts employed in this ordinance include the following:

1. Floodplain Overlay (FP)

A district shall be given a floodplain overlay designation when such district has been identified as subject to periodic inundations by the Department of Housing and Urban Development. Since such inundation adversely affects the public health, safety and general welfare, development in said district shall be in conformance to the provisions of Article 30 of this chapter, in addition to the requirements of the underlying zone.

2. Mineral Resources Overlay (MO)

The Mineral Resources Overlay is designed to conserve prime mineral resource sites from conflicting uses and promote nonpreemptive uses of these needed sites. The overlay is designed to ensure that structural development on mineral sites does not preclude the future availability and use of the mineral resource. Sites are identified on the 3C Mineral Resource Sites Table under the Mineral and Energy Resources section of the Natural Features Element of the Comprehensive Plan and development at these sites is subject to the provisions of §3.32.100 of this ordinance.

3. Riparian Vegetation Corridor Overlay (RVCO)

The Riparian Vegetation Corridor Overlay shall apply to all properties and land use designations located within 50 feet of the bankline of all perennial and intermittent water courses in Douglas County as identified on the Plan map. Development shall be subject to the provisions of §3.32.200 of this ordinance.

4. Peripheral Big Game Habitat Overlay (BGHO)

The Peripheral Big Game Habitat Overlay is designed to preserve identified peripheral habitat areas by providing supplementary development standards which promote an area-wide dwelling density consistent with such habitat management. Development shall be subject to the provisions of §3.32.300 of this ordinance.

5. Natural Area Overlay (NAO)

This overlay classification is intended to preempt conflicting uses in areas identified by the Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. Development is subject to conditional use review and the provisions of §3.32.600 of this ordinance.

6. Significant Wetlands Overlay (SWO)

The Significant Wetlands Overlay shall apply to major swamps, bogs, marshes and transitional lands identified by the Oregon Department of Fish and Wildlife as having good to excellent wetland qualities and designated on the Significant Wetlands maps of the Comprehensive Plan. The SW Overlay shall require an additional development standard in designated resource areas subject to the provisions of §3.32.700 of this ordinance. Development in the areas zoned for nonresource use shall not be subject to the provisions of this overlay.

7. Beaches and Dunes Overlay (BD)

The Beaches and Dunes (BD) overlay district is designed to preserve beach and dune areas containing significant natural resource values and to protect development in these areas from flooding, erosion and damage from moving sand. Uses are permitted, subject to the provisions of the underlying zone, and Articles 33 and 36 of this chapter.

8. Shorelands Overlay (SO)

The Shorelands Overlay designation is intended to apply to those shoreland areas designated "Urban Other", "Rural Conservation" and "Rural Other" in the Comprehensive Plan. These shoreland areas are not suitable or needed for water-dependent or water-related uses and do not contain significant natural resources. The purpose of the overlay district is to protect the public interest in shorelands. Development within such district shall be reviewed and approved pursuant to §2.060.1 and Article 34 of this ordinance.

9. Design Review Overlay (AC)

Any portion of any zoned district may be subject to the Design Review Overlay to ensure that the architectural design, landscaping, yard width and depth, method of ingress and egress, and other special site design features are of such standards as to achieve attractive communities and safe thoroughfares. Within the Design Review Overlay, all development plans, specifications and uses must be reviewed and approved pursuant to §3.35.300 of this Ordinance.

10. Cultural, Historic and Archaeological Resources Overlay (CHA)

Development may be permitted in identified resource areas, that are controlled by (CHA) designation subject to the provisions of §2.060.1 and §3.35.400 of this ordinance.

11. Geologic Hazards Overlay (GH)

The Geologic Hazards Overlay is particularly applicable to areas of active or potential mass movement (landslide areas) and to all areas over 25% slope. Prior to development approval, assurance shall be made that the public health, safety and welfare is not jeopardized by the land use or development being proposed. Such approval shall be pursuant to §2.060.1 and §3.35.500 of this ordinance.

12. Potential Water Impoundment Overlay (WO)

The Potential Water Impoundment Overlay classification is intended to protect resource areas identified as potential water impoundment sites in the Comprehensive Plan from significant conflicting uses. The overlay zone protects these sites from irreversible loss for water impoundment use while permitting nonpreemptive underlying uses, subject to the provisions of §3.35.600 of this ordinance.

13. Dredge Material Disposal & Mitigation Site Overlay (D/MO)

The Dredge Material Disposal and Mitigation Site (D/MO) Overlay classification is intended to protect dredge material disposal sites and mitigation sites that are identified in the Comprehensive Plan from significant conflicting and preemptory uses. The overlay designation protects these sites from irreversible loss for dredge material disposal use while permitting nonpreemptive underlying uses. The overlay designation is to be applied to the designated dredge material disposal sites and mitigation sites.

14. Airport Impact Overlay (AIO)

The purpose of the Airport Impact Overlay District is to protect the public health, safety and welfare by assuring that development within areas impacted by airport operations outside of established urban growth boundaries in Douglas County is appropriately planned to mitigate the impact of such operations.

Further, this overlay district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety and welfare.

15. North Umpqua Park or Public Recreation Area Overlay (PO)

The North Umpqua Park or Recreation Area Overlay classification is intended to protect and conserve areas as identified as containing public value for park or recreational use, aesthetic or visual value, camping, picnicking, activities and passive outdoor games and activities. This area, as identified in the Comprehensive Plan, will be protected from significant conflicting uses by this classification. This overlay classification will promote nonpreemptive underlying uses, a process for consideration for acquisition, and allow other uses subject to administrative review.

16. Right-of-Way Protection Overlay (RW)

The Right-of-Way Protection Overlay (RW) classification is intended to protect future streets identified in the Circulation Plans and Land Use Element of the Comprehensive Plan from significant conflicting uses. Requiring development to be in accordance with §3.35.940 ensures that sufficient and appropriate streets can be provided for future community development.

17. Exceptions Process Limited Use Overlay (EP)

The Exceptions Process Limited Use Overlay (EP) classification is intended to designate the uses permissible in areas which have been excepted from certain Statewide Planning Goals through the "reasons" exception process of Goal 2, Part II (c). Requiring development to be in accordance with §3.35.950 is the method to identify and designate all uses in the exception area as identified in the exceptions process.

18. Destination Resort Overlay (DR)

The Destination Resort (DR) overlay is applied by the Comprehensive Plan to all areas not excluded by destination resort siting exclusions. Within the overlay, destination resorts may be approved subject to the provisions of Article 50 of this ordinance. A destination resort is a planned tourist facility designed to attract tourists for longer visits from greater distances. Within the Destination Resort Overlay, a destination resort may be approved in any zone except industrial.

19. Special Bird Habitat Overlay (BH)

The Special Bird Habitat Overlay is designed to provide protection for special bird habitats including eagle sites, heron rookeries, osprey sites, and pigeon mineral springs from conflicting uses which are not subject to the Forest Practices Act (FPA). Uses and activities subject to the FPA are those uses and activities, defined by the Department of Forestry, that are auxiliary to and

used during the term of a particular forest operation. Conflicting uses not subject to the FPA are those uses and activities listed in the Special Bird Habitat Section of the Comprehensive Plan. The Special Bird Habitat Overlay will be applied to areas (quarter sections for eagles and herons, and site specific for osprey and pigeon spring sites) identified in the Comprehensive Plan as special bird habitats.

20. Tsunami Inundation Overlay (TIO)

The TIO overlay is intended to reduce the risk of loss of life in the event of a Tsunami inundation. The overlay is applied to the Tsunami Inundation Zone which defines the upland areas that could be subject to a tsunami wave. A Tsunami is a series of ocean waves caused by an undersea earthquake. The overlay limits, according to the provisions of Article 35, where certain types of essential facilities or special occupancy structures may be located.

ARTICLE 2

(TR) TIMBERLAND RESOURCE

SECTION 3.2.000 Purpose

The Timberland Resource classification is intended to conserve and protect lands for continued timber production, harvesting and related uses, conserve and protect watersheds, wildlife habitats and other such uses associated with forests and to provide for the orderly development of both public and private recreational uses as appropriate and not in conflict with the primary intent of the zone, which is sustained production of forest products. Uses of land not associated with the management and development of forests shall be discouraged to minimize the potential hazards of damage from fire, pollution and conflict caused by nonforest related residential, commercial and industrial activities.

SECTION 3.2.050 Permitted Uses

In the TR zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, the propagation or harvesting of forest products or forest tree species, application of chemicals, and disposal of slash.
2. Farm uses, as defined in ORS 215.
3. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.
 - a. The term "auxiliary", as used in §3.2.050, means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
4. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

5. Water impoundments with less than 1000 acre feet of storage capacity, in conjunction with beneficial uses of water customarily associated with fire prevention, farm or forest uses or as a source of water for domestic or municipal use, provided that necessary state and federal permits have been issued.
6. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
7. Additional local distribution lines within existing rights-of-way (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.
8. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
9. Private hunting and fishing operations without any lodging accommodations.
10. Towers and fire stations for forest fire protection including landing strips and heliports.
11. Widening of roads within existing rights-of-way in conformance with the Transportation Element of the Comprehensive Plan. This includes public road and highway projects as described in §3.35.250.1.
12. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
13. Caretaker residences for publicly owned parks and fish hatcheries.
14. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
15. Maintenance, repair or replacement of existing dwellings.
16. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights;

- d. Has a heating system; and
 - e. In the case of replacement, the dwelling to be replaced shall be removed, demolished or converted to an allowable non-residential use within three months of completion of the replacement dwelling.
17. Establishment of a Wildlife Habitat Conservation and Management Plan.

SECTION 3.2.075 Uses Permitted with Standards

In the TR zone, the following uses and activities and their accessory buildings and uses are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. Destination resorts reviewed and approved subject to Article 50.
2. Dwelling on a tract of at least 160 contiguous acres, provided the tract does not currently include a dwelling, subject to siting standards in §3.2.160 and §3.2.170.
3. "Owner of Record" Dwelling on a lot or parcel that was lawfully created and was acquired by the current owner before January 1, 1985, or acquired by devise or intestate succession from an owner who acquired the property before January 1, 1985, subject to standards in 3.2.155.
4. Dwelling on a lot or parcel that comprises a tract of at least 200 acres (provided the tract does not currently include a dwelling), that is not contiguous but located in the same county or adjacent counties and zoned for forest use, is subject to deed restriction provisions in 3.2.180 and siting standards in 3.2.160 and 3.2.170.
5. Youth Camps established after June 14, 2000 and meeting the criteria of OAR 660-006.

SECTION 3.2.100 Buildings and Uses Permitted Conditionally

In the TR zone, the following uses and activities and their accessory buildings and uses are necessary for the public convenience and welfare, and are thus permitted subject to the provisions of §2.060.1, §3.2.150, and Article 39 of this chapter:

1. Temporary portable facility for the primary processing of forest products subject to the provisions of Article 41 of this chapter.
2. Temporary forest labor camps, subject to the provisions of Article 41 of this chapter.

3. Disposal site for solid waste approved by the governing body or its designee and for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
4. Private parks and campgrounds, subject to the filing of a Resource Management Covenant. For the purpose of §3.2.100, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized under this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A private campground shall be subject to the following:
 - a. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-004;
 - b. A private campground shall be established on a site, or is contiguous to lands, with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
 - c. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
 - d. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites; and
 - e. For campgrounds approved under this section, overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
5. Public parks and campgrounds subject to OAR 660-034.
6. Log scaling and weigh stations, sorting yards and log storage areas.
7. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
8. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under §3.2.050.14, and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

9. Television, microwave, and radio communication facilities and transmission towers.
10. Fire stations for rural fire protection.
11. Utility facilities for the purpose of generating power on a site which does not consume more than 10 acres of land useable for a commercial forest operation (unless an exception is taken pursuant to OAR 660 Division 4).
12. Aids to navigation and aviation.
13. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
14. Reservoirs and water impoundments over 1000 acre feet, subject to the filing of a Resource Management Covenant.
15. Firearms training facility.
16. Cemeteries.
17. Private seasonal accommodations for fee hunting operations, and private accommodations for fishing occupied on a temporary basis, subject to §3.2.160, §3.2.170, and the following requirements:
 - a. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - b. Only minor incidental and accessory retail sales are permitted;
 - c. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons, or occupied during fishing seasons for private accommodations for fishing, as those seasons are authorized by the Oregon Fish and Wildlife Commission;
 - d. Private accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters; and
 - e. Other appropriate conditions pursuant to Article 39 of this Chapter.
18. New distribution lines (e.g., electrical, gas, oil, geothermal) with rights-of-way 50 feet or less in width; and, new electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210.
19. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects, subject to the provisions of Article 41 of this chapter.

20. Expansion of existing airports.
21. Public road and highway projects as described in §3.35.250.2.
22. Home Occupation, subject to the filing of a Resource Management Covenant.

SECTION 3.2.150 Review Standards For Uses Listed In §3.2.100

The uses authorized by §3.2.100 may be allowed if the following review standards are met:

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on adjacent agriculture or forest lands; and
2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

Section 3.2.155 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created and was acquired and has been owned continuously by the current owner since prior to January 1, 1985, or acquired by devise or intestate succession from an owner who acquired and had owned the property continuously since prior to January 1, 1985, may be allowed subject to the following:

1. For purposes of this provision, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, grandchild, of the owner or a business entity owned by any one or combination of these family members.
2. Findings must be made to satisfy all of the following:
 - a. That the tract on which the dwelling will be sited does not currently include a dwelling.
 - 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 the tract is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.

- d. That the tract is located within 1,500 feet of a maintained public road that will provide access to the subject tract, and that road is either paved or surfaced with rock. The road shall not be a Bureau of Land Management road nor a U.S. Forest Service (USFS) road unless the USFS road is paved to a minimum width of 18 feet, has at least one defined lane in each direction, and a maintenance agreement exists between the U.S. Forest Service and either the landowners adjacent to the road, a local government or a state agency.
 - e. That the location of the homesite is consistent with the wildlife habitat requirements in Article 32.
 - 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.
- 3. If the lot or parcel is greater than 10 acres, the property owner must submit a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
 - 4. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel as a condition of approval.
 - 5. An Owner of Record Dwelling approval may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.

SECTION 3.2.160 Siting Standards for Dwellings and Structures

The following siting standards shall apply to all new dwellings and structures. These standards are designed to make structural development compatible with forest operations and agriculture; to minimize wildfire hazards and risks; and, to conserve values found on forest lands.

- 1. All new dwellings and structures shall be sited on the parcel according to the following standards:
 - a. To ensure that the amount of forest land used to site access roads, service corridors, the dwelling, and structures is minimized, the dwelling or structure shall be located near an existing road.
 - b. To ensure that the risks associated with wildfire are minimized, the dwelling shall be located on a level or near level portion of the parcel.

- c. To ensure that the dwelling or structure will have the least impact on nearby or adjoining forest or agricultural lands, the dwelling or structure shall, when not in conflict with part a. and b. of this section:
 - 1) be located near the center of the property to maintain maximum distance between the dwelling or structure and the adjoining properties; or
 - 2) be clustered near other structures currently existing on the parcel.
- 2. Prior to development authorization, the owner shall provide evidence that domestic water supply is from an authorized source contained within the boundary of the property in question and is not from a Class II stream as defined in the Forest Practices Rule (OAR Chapter 629).
 - a. If the domestic water supply is to be obtained from another source, then the owner shall provide evidence that an easement has been obtained permitting domestic water lines to cross the properties of affected owners, and with the condition that such a use will not affect the owner's (of that water source) right to utilize forest management practices.
- 3. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization for a dwelling or other use where specified. Such covenant shall specify that owners of adjacent and nearby land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.
- 4. Notice of dwellings shall be provided to the County Assessor.

SECTION 3.2.170 Fire Siting Standards for New Dwellings and Structures

The following fire siting standards shall apply to all new dwellings or structures.

- 1. Owners of new dwellings shall maintain an adequate water supply suitable for fire protection, and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI

and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.

- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to new dwellings shall, at a minimum, meet the following standards:
 - a. Maximum grade shall not exceed 20 percent;
 - b. Top surface width shall be 12 feet;
 - c. A turn-around shall be provided which allows for either a 35 foot radius cul-de-sac, or a 60 foot "T-shaped" design;
 - d. The road bed shall have an all weather surface; and
3. Owners of new dwellings and other structures shall:
 - a. Maintain a primary fuel-free building setback, on land that is owned or controlled by the owner, of at least 30 feet surrounding all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than 2 feet high), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - b. Clear and maintain a secondary fuel-free building setback, on land that is owned or controlled by the owner, of at least 100 feet in all directions around the primary safety zone. Vegetation within this secondary safety zone should be pruned and spaced so that fire will not spread between the crowns of trees.
 - c. Maintain adequate access, conforming with road access standards in this section, to the dwelling for fire fighting equipment vehicles.
 - d. Use fire resistant building materials and construction standards. All buildings regulated by the Uniform Building Code shall have Class A or B roofing as defined by the Code. Powerlines that service the

dwelling or structure shall be insulated. If the dwelling has a chimney or chimneys, each chimney must have a spark arrestor.

4. If adjacent to a Rural Fire Protection District, the property owner shall apply for annexation into that district.
5. In areas subject to the State Scenic Waterway Program, compliance with the primary and secondary fuel-free building setback requirements of this section may be modified to comply with specific siting standards contained in a state approved Scenic Waterway Management Program when such regulations conflict.

Section 3.2.180 Deed Restriction Requirements for Dwellings

An owner of tracts that are not contiguous but are in the same county or adjacent counties and zoned for forest use may add together the acreage of two or more tracts to total a minimum of 200 acres to qualify for a dwelling under this section.

When the tracts are not contiguous an irrevocable deed restriction must be recorded with the deed for each tract. The deed restrictions shall preclude all future rights to construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present owner and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forest lands.

SECTION 3.2.200 Property Development Standards

1. Property Size:

- a. The minimum lot or parcel size shall be 80 acres. Applications for land divisions shall be processed as Administrative Actions, subject to the provisions of §2.060.1.
- b. The following exceptions may apply:
 - (1) Divisions of land for the purpose of exchanges and transfers between forest land owners for the purpose of consolidating existing private or public land holdings is exempt from partitioning review; provided, however, that no new parcels are created as a result of such exchange or transfer of less than 80 acres in size. Parcels created as a result of exchanges or transfers shall not be recognized as new parcels for the purpose of establishing additional homesites.
 - (2) Lot or parcel size may be reduced below 80 acres through the administrative action process specified in 2.060.1 only for the uses listed in §3.2.050.14; §3.2.075.1; and §3.2.100.3, 4, 7,

and 9 through 17, provided that all such uses have met the review standards of §3.2.150.

- (3) The minimum parcel size may be waived to allow the division of a parcel containing a dwelling that existed prior to June 1, 1995 provided that:
- i. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
 - ii. The remaining parcel, not containing the dwelling, shall either:
 - a) meet the minimum parcel size standard of the zone; or
 - b) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
 - iii. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal.
 - iv. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - v. A nonexclusive resource management covenant pursuant to §3.2.160.3 shall be recorded for each parcel.
- (4) Divisions of forest land to facilitate a forest practice, as defined in ORS 527.620, may result in parcels less than the minimum parcel size provided that the approval is based on findings which demonstrate that there are characteristics present in the proposed parcel that justify an amount of land smaller than the minimum parcel size in order to conduct the forest practice. Parcels created under this provision:

- i. Shall not be eligible for siting of a new dwelling;
 - ii. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - iii. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
 - iv. Shall not result in a parcel of less than 35 acres, except:
 - a) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
 - b) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and
 - v. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
 - vi. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - vii. A nonexclusive resource management covenant pursuant to §3.2.160.3 shall be recorded for each parcel.
- (5) Division of land for public park uses provided that:
- i. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - ii. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.

- iii. The parcel created for park or open space uses shall not contain a dwelling, and:
 - a) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b) may not be considered in approving or denying an application for siting any other dwelling;
 - c) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - d) May not be smaller than 25 acres unless the purpose of the land division is:
 - i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.
- (6) The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
 - i. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - ii. Each dwelling complies with the criteria for a replacement dwelling under the provisions of Section 3.2.050;
 - iii. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
 - iv. At least one dwelling shall be located on each parcel created, including the parent parcel;

- v. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.

A lot or parcel may not be divided under the provisions of this subsection if:

- vi. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or
- vii. an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
- viii. an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.

- 2. **Lot Coverage:** No standard established.
- 3. **Setbacks:** No structure other than a fence or sign shall be located closer than 50 feet from the right-of-way of a public road and 25 feet from all other property lines.
- 4. **Height:** No standard established.
- 5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
- 6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 3

(FG) EXCLUSIVE FARM USE-GRAZING

SECTION 3.3.000 Purpose

The purpose and intent of the Exclusive Farm Use-Grazing zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grazing, rangeland and other less intensive agricultural uses.

It is the purpose of this zone classification to provide the automatic farm use valuation for farms which automatically qualify under the provisions of ORS 308. Therefore, the Exclusive Farm Use Zone is to be applied to all lands designated "Agriculture" in the Comprehensive Plan in accordance with LCDC Goal No. 3 and the Douglas County Agricultural Element.

The Exclusive Farm Use Zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use free from conflicting nonfarm uses and influences.

SECTION 3.3.050 Permitted Uses

In the FG zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. Farm uses (except as provided in §3.3.100).
2. The propagation or harvesting of a forest product.
3. Other buildings and accessory uses customarily provided in conjunction with farm use.
4. Operations for the exploration of geothermal resources as defined by ORS 522.005.
5. Sites for the disposal of solid waste ordered to be established by the Department of Environmental Quality, and the facilities necessary for their operation.
6. Water impoundments with less than 1000 acre feet of storage capacity, in conjunction with beneficial uses of water customarily associated with farm or forest uses or as a source of water for domestic use, provided that necessary state and federal permits have been issued.

7. Operations for the exploration for minerals as defined by ORS 517.750.
8. Farm stands as described in ORS 215.283.
9. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, the dwelling to be replaced shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. An "Accessory farm dwelling" that was approved under §3.45.300.1.b.(3) may only be replaced by a manufactured dwelling.
 - f. A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards.
 - g. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, record a deed restriction prohibiting the future siting of a dwelling on that non-EFU portion of the lot or parcel. The deed restriction shall be noted on Planning Department records. A release from the deed restriction may only occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation.
10. Model aircraft take-off and landing sites as provided in ORS 215.283(1).
11. Fire service facilities providing rural fire protection services.
12. 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).
13. Establishment of a Wildlife Habitat Conservation and Management Plan.

SECTION 3.3.075 Uses Permitted with Standards

In the FG zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. One single-family dwelling customarily provided in conjunction with farm use on a property meeting the requirements of Article 45.
2. "Owner of Record" dwelling subject to the standards in 3.3.125.
3. "Relative Dwelling" -- A second single-family dwelling on real property used for farm use and meeting the notice and process requirements of §3.45.100.1 through 4:
 - a. If the dwelling is:
 - i. located on the same lot or parcel as the dwelling of the farm operator; and
 - ii. occupied by a relative, which means a child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - b. Except as provided in ORS 215.283(1)(e)(B), establishment of the second dwelling may not be used for future justification of land division; and
 - c. The County must find, based on the farm operators statement, that the second dwelling is necessary for the farm operation and that the farm operator fully understands the conditions under which the building permit is being approved.
4. Accessory farm dwellings on a property meeting the requirements of Article 45.
5. Churches 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. Existing churches may be maintained, enhanced or expanded on the same tract without an exception. New churches are not allowed on high value farmland. Division of land for a new church or cemetery in conjunction with a church, as provided in ORS 215.263, shall not

exceed five acres, and the remaining parcel must either meet the minimum parcel size or, if less than the minimum parcel size, be consolidated with an adjoining parcel.

6. Public or private schools, including all buildings essential to the operation of a school 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. Existing school facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland.
7. Onsite filming and related accessory uses may be conducted without prior approval provided the use does not exceed 45 days.
8. Parking of up to seven log trucks unless the County determines that log truck 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.
9. One single family dwelling in conjunction with a wildlife habitat conservation and management plan that has been approved by the State Department of Fish and Wildlife, provided that:
 - a. the proposed dwelling will be situated on a lot or parcel legally created prior to November 5, 1993; and
 - b. the subject lot or parcel qualifies for a farm or non-farm dwelling under current standards (except that farm assessment disqualification shall not be required); and
 - c. the proposed dwelling will not be established on a lot or parcel that is predominantly composed of class I or II, or prime or unique soils as identified by the U.S. Natural Resources Conservation Service; and
 - d. the governing body or its designee finds that the proposed dwelling will not:
 - (1) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (2) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

- (3) The standards of this subsection may be satisfied through the imposition of clear and objective conditions; and
- e. The proposed dwelling will be the only dwelling situated on the subject lot or parcel.
- 10. Single-family residential dwelling not provided in conjunction with farm use, subject to Sections 2.060.1 and 3.43.100.
- 11. Utility facility service lines as defined in Section 1.090.
- 12. Utility facilities necessary for public service, including wetland waste treatment systems, subject to Section 2.060.1 and provided the standards in Section 3.3.170 are met. This use does not include commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height.

SECTION 3.3.100 Buildings and Uses Permitted Conditionally

In the FG zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

- 1. Commercial activities that are in conjunction with farm use.
- 2. Operations conducted for:
 - a. Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005.
 - b. Mining of 1,000 cubic yards or more of aggregate and other mineral and other subsurface resources or excavation preparatory to mining of a surface area of more than one acre. However, a permit for mining aggregate shall be issued only for a site included on the county inventory.
 - c. Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, except no application shall be approved to allow batching of mineral and aggregate into asphalt cement within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more.
 - d. Processing of other mineral resources and other subsurface resources.
- 3. Private parks, playgrounds, hunting and fishing preserves, and campgrounds, except that such new uses shall not be permitted on land

predominantly composed of high value farmland as defined in OAR 660-33. Hunting preserves licensed under ORS 497.248, and which existed prior to July 29, 2003, are not subject to local land use approval, except that complaints against the hunting preserve shall be processed in the manner described in ORS 215.296. Private campgrounds shall be subject to the following:

- a. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-004;
 - b. A private campground shall be established on a site, or is contiguous to lands, with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
 - c. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
 - d. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites; and
 - e. For campgrounds approved under this section, overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
4. Public parks and playgrounds, except that public parks shall be subject to OAR 660-034.
 5. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.
 6. Golf courses as defined in OAR 660 Division 33.
 7. Commercial utility facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A power generating facility shall not preclude more than 20 acres (or 12 acres on high value farmland) from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
 8. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted except for aircraft emergencies,

to use by the owner and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

9. Home occupation as a use accessory to an existing dwelling.
10. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a property or land contiguous to the location of the primary processing facility.
11. Solid waste disposal site as provided in ORS 215.283.
12. Dog Kennels, including the breeding, kenneling and training of greyhounds for racing, except that, on high value farmland, new kennels may not be established. Existing kennels on high value farmland may be maintained, enhanced or expanded on the same tract.
13. The propagation, cultivation, maintenance and harvesting of aquatic species or insect species as provided in ORS 215.283(2).
14. Hardship dwelling meeting criteria of Article 46.
15. Onsite filming and related activities, subject to the provisions of §3.3.150, if the activity exceeds 45 days on any site within a one-year period or involves erection of sets that would remain in place for longer than 45 days. These activities may include office administrative functions such as payroll and scheduling, and the use of campers, trailers or similar temporary facilities, or other temporary facilities to be used as temporary housing for security personnel.
16. Operations for the extraction and bottling of water.

17. A facility for the processing of farm crops, provided that:
 - a. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;
 - b. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farms use; or, if an existing farm building is used, no more than 10,000 square feet shall be devoted to processing activities within that building; and
 - c. A land division separating the processing facility from the farm operation on which it is located shall not be permitted.
18. Composting facilities on land not defined as high value farmland and as provided in OAR 660-033-0130.
19. Living history museum as defined in ORS 215.283(2)

Section 3.3.125 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created and was acquired and has been owned continuously by the current owner since prior to January 1, 1985, or acquired by devise or intestate succession from an owner who acquired and had owned the property continuously since prior to January 1, 1985 may be allowed after notifying the County Assessor, and subject to the following:

1. For the purposes of this provision, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, grandchild, of the owner or a business entity owned by any one or combination of these family members.
2. The tract on which the dwelling will be sited:
 - a. does not include a dwelling, and
 - b. 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.
3. The land in the tract is not either:
 - a. Characterized by predominantly irrigated prime, unique or Class I or II soils or non-irrigated prime, unique or Class I or II soils, as designated by the Natural Resources Conservation Service (NRCS)

- of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or
- b. Planted with "specified perennials" grown for market or research purposes including but not limited to nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay pasture or alfalfa (as demonstrated by the most recent aerial photograph of the Agricultural Stabilization and Conservation Service prior to November 4, 1993).
 - 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.
 5. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel as a condition of approval.
 6. If a single family dwelling is established under this section, no additional dwellings may be sited later under the nonfarm dwelling criteria.
 7. An Owner of Record Dwelling approval may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.
 8. Owner of Record Dwelling on High Value Farmland: If the tract on which the dwelling will be sited is composed predominately of high value farmland soils as defined in OAR 660-33, then subsection 3.3.125.3.a) and b) do not apply and the approval is subject to the following additional criteria:

- a. Notice, pursuant to §2.065.12, is provided to the State Department of Agriculture; and
- b. The hearings body, pursuant to §2.060.3, finds that:
 - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - (2) The proposed dwelling will not:
 - (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.
 - (3) The dwelling will not materially alter the stability of the overall land use pattern in the area.

SECTION 3.3.150 Conditional Use Approval Standards

The Approving Authority shall consider the following additional criteria which must be met prior to the approval of a conditional use:

The use would not:

- 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.

The Approving Authority shall also impose any conditions necessary to meet the applicable criteria so as to preserve agricultural land. Nothing herein shall be construed to require the granting of a conditional use permit. The criteria set forth in this Section shall not apply to farm or forest uses conducted within: parcels with a single family residential dwelling approved under ORS 215.284; an exception area approved under ORS 197.732; or, an acknowledged urban growth boundary.

SECTION 3.3.160 Siting Standard for Dwellings

The following siting standard shall apply to all new dwellings and other specified uses for the purpose of preserving resource lands for resource purposes.

1. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization for a dwelling or other use where specified. Such covenant shall specify that owners of adjacent and nearby land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

SECTION 3.3.170 Standards for Authorization of Utility Facility Necessary for Public Service

A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary:

1. The applicant must show that reasonable alternatives have been considered.
2. The applicant must show that the facility needs to be sited in an exclusive farm use zone due to one or more of the following factors:
 - a. Technical and engineering feasibility;
 - b. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c. Lack of available urban and nonresource lands;
 - d. Availability of existing rights of way;
 - e. Public health and safety; or
 - f. Other requirements of state or federal agencies.
3. Costs associated with any of the factors listed above may be considered, but cost alone may not be the only consideration in determining that a utility

facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

4. The owner of the utility facility shall submit an agreement that establishes the utility facility as the responsible party for restoring to its former condition those agricultural lands and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.
5. Clear and objective conditions shall be applied to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

Subsections 1 and 2 above shall not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

SECTION 3.3.200 Property Development Standards

1. **Property Size:** The creation of a unit of land shall be subject to the following:
 - a. The minimum parcel size shall be 80 acres.
 - b. The following exceptions may apply:
 - (1) Parcel size for non-farm uses, except dwellings, set out in ORS 215.283(2), may be less than the designated minimum parcel size upon a finding that the parcel is not larger than the minimum size necessary for the use, adequate sanitation facilities may be accommodated and negative impacts to surrounding farm or forest lands do not occur.
 - (2) Division of land for public park uses provided that:
 - i. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - ii. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.

- iii. The parcel created for park or open space uses shall not contain a dwelling, and:
 - a) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b) may not be considered in approving or denying an application for siting any other dwelling;
 - c) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - d) may not be smaller than 25 acres unless the purpose of the land division is:
 - i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.

(3) Nonresource divisions for a non-farm dwelling may be less than the minimum parcel size subject to the provisions of Article 44.

- c. Land partitions which create parcels greater than 80 acres in size shall be reviewed by the Director as a ministerial action to ensure conformance with the provisions of this ordinance.

- 2. **Coverage:** No standard established.
- 3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road and 10 feet from all other property lines.
- 4. **Height:** No standard established.

- 5. Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
- 6. Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 4

(FC) EXCLUSIVE FARM USE-CROPLAND

SECTION 3.4.000 Purpose

The purpose and intent of the Exclusive Farm Use-Cropland zone is to provide areas for the continued practice of agriculture and permit the establishment of only those new uses which are compatible with agricultural activities. The minimum property size established by this zone is intended to promote commercial agricultural pursuits, such as grainlands, croplands and horticultural areas.

It is the purpose of this zone classification to provide the automatic farm use valuation for farms which automatically qualify under the provisions of ORS 308. Therefore, the Exclusive Farm Use Zone is to be applied to all lands designated "Agriculture" in the Comprehensive Plan in accordance with LCDC Goal No. 3 and the Douglas County Agricultural Element.

The Exclusive Farm Use Zone is intended to guarantee the preservation and maintenance of the areas so classified for farm use free from conflicting nonfarm uses and influences.

SECTION 3.4.050 Permitted Uses

In the FC zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. Farm uses (except as provided in §3.4.100).
2. The propagation or harvesting of a forest product.
3. Other buildings and accessory uses customarily provided in conjunction with farm use.
4. Operations for the exploration of geothermal resources as defined by ORS 522.005.
5. Sites for the disposal of solid waste ordered to be established by the Department of Environmental Quality, and the facilities necessary for their operation.
6. Water impoundments with less than 1000 acre feet of storage capacity, in conjunction with beneficial uses of water customarily associated with farm or forest uses or as a source of water for domestic use, provided that necessary state and federal permits have been issued.

7. Operations for the exploration for minerals as defined by ORS 517.750.
8. Farm stands as described in ORS 215.283.
9. Alteration, restoration or replacement of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, the dwelling to be replaced shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. An "Accessory farm dwelling" that was approved under §3.45.300.1.b.(3) may only be replaced by a manufactured dwelling.
 - f. A replacement dwelling may be located on any part of the same lot or parcel so long as it complies, where practicable, with all applicable siting standards.
 - g. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned EFU, then the applicant shall, as a condition of approval, record a deed restriction prohibiting the future siting of a dwelling on that non-EFU portion of the lot or parcel. The deed restriction shall be noted on Planning Department records. A release from the deed restriction may only occur if the statute regarding replacement dwellings changes or if there is a change in the Plan and Zone designation.
10. Model aircraft take-off and landing sites as provided in 215.283(1).
11. Fire service facilities providing rural fire protection services.
12. 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).
13. Establishment of a Wildlife Habitat Conservation and Management Plan.

SECTION 3.4.075 Uses Permitted with Standards

In the FC zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. One single-family dwelling customarily provided in conjunction with farm use on a property meeting the requirements of Article 45.
2. "Owner of Record" dwelling subject to the standards in 3.4.125.
3. "Relative Dwelling" -- A second single-family dwelling on real property used for farm use and meeting the notice and process requirements of §3.45.100.1 through 4:
 - a. If the dwelling is:
 - i. located on the same lot or parcel as the dwelling of the farm operator; and
 - ii. occupied by a relative, which means a child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - b. Except as provided in ORS 215.283(1)(e)(B), establishment of the second dwelling may not be used for future justification of land division; and
 - c. The County must find, based on the farm operators statement, that the second dwelling is necessary for the farm operation and that the farm operator fully understands the conditions under which the building permit is being approved.
4. Accessory farm dwellings on a property meeting the requirements of Article 45.
5. Churches 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. Existing churches may be maintained, enhanced or expanded on the same tract without an exception. New churches are not allowed on high value farmland. Division of land for a new church or cemetery in conjunction with a church, as provided in ORS 215.263, shall not

exceed five acres, and the remaining parcel must either meet the minimum parcel size or, if less than the minimum parcel size, be consolidated with an adjoining parcel.

6. Public or private schools, including all buildings essential to the operation of a school 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. Existing school facilities may be maintained, enhanced or expanded on the same tract without an exception. New facilities are not allowed on high value farmland.
7. Onsite filming and related accessory uses may be conducted without prior approval provided the use does not exceed 45 days.
8. Parking of up to seven log trucks unless the County determines that log truck 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.
9. One single family dwelling in conjunction with a wildlife habitat conservation and management plan that has been approved by the State Department of Fish and Wildlife, provided that:
 - a. the proposed dwelling will be situated on a lot or parcel legally created prior to November 5, 1993; and
 - b. the subject lot or parcel qualifies for a farm or non-farm dwelling under current standards (except that farm assessment disqualification shall not be required); and
 - c. the proposed dwelling will not be established on a lot or parcel that is predominantly composed of class I or II, or prime or unique soils as identified by the U.S. Natural Resources Conservation Service; and
 - d. the governing body or its designee finds that the proposed dwelling will not:
 - (1) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (2) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

- (3) The standards of this subsection may be satisfied through the imposition of clear and objective conditions; and
- e. The proposed dwelling will be the only dwelling situated on the subject lot or parcel.
- 10. Single-family residential dwelling not provided in conjunction with farm use, subject to Sections 2.060.1 and 3.43.100.
- 11. Utility facility service lines as defined in Section 1.090.
- 12. Utility facilities necessary for public service, including wetland waste treatment systems, subject to Section 2.060.1 and provided the standards in Section 3.4.170 are met. This use does not include commercial facilities for the purpose of generating electrical power for public use by sale, or transmission towers over 200 feet in height.

SECTION 3.4.100 Buildings and Uses Permitted Conditionally

In the FC zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

- 1. Commercial activities that are in conjunction with farm use.
- 2. Operations conducted for:
 - a. Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005.
 - b. Mining of 1,000 cubic yards or more of aggregate and other mineral and other subsurface resources or excavation preparatory to mining of a surface area of more than one acre. However, a permit for mining aggregate shall be issued only for a site included on the county inventory.
 - c. Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement, except no application shall be approved to allow batching of mineral and aggregate into asphalt cement within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more.
 - d. Processing of other mineral resources and other subsurface resources.
- 3. Private parks, playgrounds, hunting and fishing preserves, and campgrounds, except that such new uses shall not be permitted on land

predominantly composed of high value farmland as defined in OAR 660-33. Hunting preserves licensed under ORS 497.248, and which existed prior to July 29, 2003, are not subject to local land use approval, except that complaints against the hunting preserve shall be processed in the manner described in ORS 215.296. Private campgrounds shall be subject to the following:

- a. Except on a lot or parcel contiguous to a lake or reservoir, private campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660-004;
 - b. A private campground shall be established on a site, or is contiguous to lands, with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;
 - c. A private campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
 - d. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites; and
 - e. For campgrounds approved under this section, overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
4. Public parks and playgrounds, except that public parks shall be subject to OAR 660-034.
 5. Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.
 6. Golf courses as defined in OAR 660 Division 33.
 7. Commercial utility facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A power generating facility shall not preclude more than 20 acres (or 12 acres on high value farmland) from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
 8. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted except for aircraft emergencies,

to use by the owner and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

9. Home occupation as a use accessory to an existing dwelling.
10. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a property or land contiguous to the location of the primary processing facility.
11. Solid waste disposal site as provided in ORS 215.283.
12. Dog Kennels, including the breeding, kenneling and training of greyhounds for racing, except that, on high value farmland, new kennels may not be established. Existing kennels on high value farmland may be maintained, enhanced or expanded on the same tract.
13. The propagation, cultivation, maintenance and harvesting of aquatic species or insect species as provided in ORS 215.283(2).
14. Hardship dwelling meeting criteria of Article 46.
15. Onsite filming and related activities, subject to the provisions of §3.4.150, if the activity exceeds 45 days on any site within a one-year period or involves erection of sets that would remain in place for longer than 45 days. These activities may include office administrative functions such as payroll and scheduling, and the use of campers, trailers or similar temporary facilities, or other temporary facilities to be used as temporary housing for security personnel.
16. Operations for the extraction and bottling of water.

17. A facility for the processing of farm crops, provided that:
 - a. The farm on which the processing facility is located must provide at least one-quarter of the farm crops processed at the facility;
 - b. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farms use; or, if an existing farm building is used, no more than 10,000 square feet shall be devoted to processing activities within that building; and
 - c. A land division separating the processing facility from the farm operation on which it is located shall not be permitted.
18. Composting facilities on land not defined as high value farmland and as provided in OAR 660-033-0130.
19. Living history museum as defined in ORS 215.283(2)

Section 3.4.125 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created and was acquired and has been owned continuously by the current owner since prior to January 1, 1985, or acquired by devise or intestate succession from an owner who acquired and had owned the property continuously since prior to January 1, 1985, may be allowed after notifying the County Assessor, and subject to the following:

1. For the purposes of this provision, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, grandchild, of the owner or a business entity owned by any one or combination of these family members.
2. The tract on which the dwelling will be sited:
 - a. does not include a dwelling, and
 - b. 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.
3. The land in the tract is not either:
 - a. Characterized by predominantly irrigated prime, unique or Class I or II soils or non-irrigated prime, unique or Class I or II soils, as designated by the Natural Resources Conservation Service (NRCS)

- of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or
- b. Planted with "specified perennials" grown for market or research purposes including but not limited to nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay pasture or alfalfa (as demonstrated by the most recent aerial photograph of the Agricultural Stabilization and Conservation Service prior to November 4, 1993).
 - 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.
 5. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel as a condition of approval.
 6. If a single family dwelling is established under this section, no additional dwellings may be sited later under the nonfarm dwelling criteria.
 7. An Owner of Record Dwelling approval may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.
 8. Owner of Record Dwelling on High Value Farmland: If the tract on which the dwelling will be sited is composed predominately of high value farmland soils as defined in OAR 660-33, then subsection 3.4.125.3.a) and b) do not apply and the approval is subject to the following additional criteria:

- a. Notice, pursuant to §2.065.12, is provided to the State Department of Agriculture; and
- b. The hearings body, pursuant to §2.060.3, finds that:
 - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - (2) The proposed dwelling will not:
 - (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.
 - (3) The dwelling will not materially alter the stability of the overall land use pattern in the area.

SECTION 3.4.150 Conditional Use Approval Standards

The Approving Authority shall consider the following additional criteria which must be met prior to the approval of a conditional use:

The use would not:

- 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.

The Approving Authority shall also impose any conditions necessary to meet the applicable criteria so as to preserve agricultural land. Nothing herein shall be construed to require the granting of a conditional use permit. The criteria set forth in this Section shall not apply to farm or forest uses conducted within: parcels with a single family residential dwelling approved under ORS 215.284; an exception area approved under ORS 197.732; or, an acknowledged urban growth boundary.

SECTION 3.4.160 Siting Standard for Dwellings

The following siting standard shall apply to all new dwellings and other specified uses for the purpose of preserving resource lands for resource purposes.

1. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization for a dwelling or other use where specified. Such covenant shall specify that owners of adjacent and nearby land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

SECTION 3.4.170 Standards for Authorization of Utility Facility Necessary for Public Service

A utility facility is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service. To demonstrate that a utility facility is necessary:

1. The applicant must show that reasonable alternatives have been considered.
2. The applicant must show that the facility needs to be sited in an exclusive farm use zone due to one or more of the following factors:
 - a. Technical and engineering feasibility;
 - b. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - c. Lack of available urban and nonresource lands;
 - d. Availability of existing rights of way;
 - e. Public health and safety; or
 - f. Other requirements of state or federal agencies.
3. Costs associated with any of the factors listed above may be considered, but cost alone may not be the only consideration in determining that a utility

facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.

4. The owner of the utility facility shall submit an agreement that establishes the utility facility as the responsible party for restoring to its former condition those agricultural lands and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility.
5. Clear and objective conditions shall be applied to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmlands.

Subsections 1 and 2 above shall not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

SECTION 3.4.200 Property Development Standards

1. **Size:** The creation of a parcel shall be subject to the following:
 - a. The minimum parcel size for lands designated FC-1 shall be 20 acres.
 - b. The minimum parcel size for lands designated FC-2 shall be 40 acres.
 - c. The minimum parcel size for lands designated FC-3 shall be 80 acres.
 - d. The process for changing the minimum parcel size designation from FC-3 to FC-2 shall be subject to specific FC-2 policies in the Comprehensive Plan Agriculture Element and shall be an administrative action pursuant to §2.060.1. A change from FC-2 to FC-1 shall first be approved according to the process specified in the Comprehensive Plan, then subsequently approved by the County.
 - e. The following exceptions may apply:
 - (1) Parcel size for non-farm uses, except dwellings, set out in ORS 215.283(2), may be less than the designated minimum parcel size upon a finding that the parcel is not larger than the minimum size necessary for the use, adequate sanitation facilities may be accommodated and negative impacts to surrounding farm or forest lands do not occur.

- (2) Division of land for public park uses provided that:
- i. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - ii. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
 - iii. The parcel created for park or open space uses shall not contain a dwelling, and:
 - a) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b) may not be considered in approving or denying an application for siting any other dwelling;
 - c) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - d) May not be smaller than 25 acres unless the purpose of the land division is:
 - i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.
- (3) Nonresource divisions for a non-farm dwelling may be less than the minimum parcel size subject to the provisions of Article 44.
- f. Land partitions which create parcels greater than the minimum parcel size shall be reviewed by the Director as a ministerial action to ensure conformance with the provisions of this ordinance.

2. **Coverage:** No standard established.
3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road and 10 feet from all other property lines.
4. **Height:** No standard established.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 5

(FF) Farm Forest

SECTION 3.5.000 Purpose

The Farm Forest Classification is intended to promote management, utilization, and conservation of forested grazing lands, lands which might not be forested but have such potential, and non-tillable grazing lands adjacent to forested lands. The purpose of this classification is to encourage sound management practices on such lands for agricultural or forest resource uses, including but not limited to: watershed management; recreation; fish and wildlife management; and agricultural activities consistent with sound forest and agricultural management practices, to retain lands within this district for farm and forest use, protecting such land from nonresource use and conflicts.

SECTION 3.5.050 Permitted Uses

In the FF Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. Forest uses listed in §3.2.050.
2. Farm Uses.
3. Other buildings and accessory uses customarily provided in conjunction with farm use.
4. Limited Home Occupation.

SECTION 3.5.075 Uses Permitted with Standards

In the FF zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. One single-family dwelling customarily provided in conjunction with farm use on a property meeting the requirements of Article 45.
2. "Owner of Record" dwelling subject to the standards in 3.5.115.
3. "Relative Dwelling" -- A second single-family dwelling on real property used for farm use and meeting the notice and process requirements of §3.45.100.1 through 4:

- a. If the dwelling is:
 - i. located on the same lot or parcel as the dwelling of the farm operator; and
 - ii. occupied by a relative, which means a child, parent, step-parent, grandchild, grandparent, step-grandparent, sibling, step-sibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse, whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
 - b. Except as provided in ORS 215.283(1)(e)(B), establishment of the second dwelling may not be used for future justification of land division; and
 - c. The County must find, based on the farm operators statement, that the second dwelling is necessary for the farm operation and that the farm operator fully understands the conditions under which the building permit is being approved.
4. Dwelling on a tract of at least 160 contiguous acres subject to siting standards in §3.5.160 and §3.5.170.
 5. Destination resorts reviewed and approved subject to Article 50.
 6. Accessory farm dwellings on a property meeting the requirements of Article 45.
 7. One single family dwelling in conjunction with a wildlife habitat conservation and management plan that has been approved by the State Department of Fish and Wildlife, provided that:
 - a. the proposed dwelling will be situated on a lot or parcel legally created prior to November 5, 1993; and
 - b. the subject lot or parcel qualifies for a farm or non-farm dwelling under current standards (except that farm assessment disqualification shall not be required); and
 - c. the proposed dwelling will not be established on a lot or parcel that is predominantly composed of class I or II, or prime or unique soils as identified by the U.S. Natural Resources Conservation Service; and

- d. the governing body or its designee finds that the proposed dwelling will not:
 - (1) force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (2) significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
 - (3) The standards of this subsection may be satisfied through the imposition of clear and objective conditions; and
 - e. The proposed dwelling will be the only dwelling situated on the subject lot or parcel.
8. Single-family residential dwelling not provided in conjunction with farm use, subject to Sections 2.060.1 and 3.43.100, and upon a finding that the subject property has predominately been in farm use since January 1, 1993.
 9. Dwelling on a lot or parcel that comprises a tract of at least 200 acres (provided the tract does not currently include a dwelling), that is not contiguous but located in the same county or adjacent counties and zoned for forest use, and which is subject to deed restriction provisions in 3.2.180 and siting standards in 3.5.160 and 3.5.170.
 10. Youth Camps established after June 14, 2000 and meeting the criteria of OAR 660-006.
 11. "Template" Dwelling, subject to the provisions of Article 42 and the siting standards in §3.5.160 and §3.5.170.

SECTION 3.5.100 Buildings and Uses Permitted Conditionally

In the FF Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. Commercial activities that are in conjunction with farm use.
2. Uses listed in §3.2.100, except "Owner of Record dwellings", and subject to the additional review standards in 3.5.125.3.
3. Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.
4. Golf courses as defined in OAR 660 Division 33.

5. Commercial utility facilities for the purpose of generating power for public use by sale subject to §3.3.100.7 or §3.2.100.11 based on predominate use of the property on January 1, 1993.
6. Personal use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
7. Kennels.
8. Home Occupation, subject to the filing of a Resource Management Covenant.
9. Churches and public or private schools, including all buildings essential to the operation of a school, provided that they are not within 3 miles of a UGB unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.

Section 3.5.115 Standards for "Owner of Record" Dwellings

A dwelling on a lot or parcel that was lawfully created and was acquired and has been owned continuously by the current owner since prior to January 1, 1985, or acquired by devise or intestate succession from an owner who acquired and had owned the property continuously since prior to January 1, 1985, may be allowed subject to the following:

1. For the purposes of this provision, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, grandchild, of the owner or a business entity owned by any one or combination of these family members.
2. The tract on which the dwelling will be sited:
 - a. does not include a dwelling, and
 - b. 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.

3. If the predominant use of the tract is agriculture, the land in the tract is not either:
 - a. Characterized by predominantly irrigated prime, unique or Class I or II soils or non-irrigated prime, unique or Class I or II soils, as designated by the Natural Resources Conservation Service (NRCS) of the U.S. Department of Agriculture (formerly the Soil Conservation Service); or
 - b. Planted with "specified perennials" grown for market or research purposes including but not limited to nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay pasture or alfalfa (as demonstrated by the most recent aerial photograph of the Agricultural Stabilization and Conservation Service).
 - 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 the tract is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species.
 - b. That the tract is located within 1,500 feet of a maintained public road that will provide access to the subject tract, and that road is either paved or surfaced with rock. The road shall not be a Bureau of Land Management road nor a U.S. Forest Service (USFS) road unless the USFS road is paved to a minimum width of 18 feet, has at least one defined lane in each direction, and a maintenance agreement exists between the U.S. Forest Service and either the landowners adjacent to the road, a local government or a state agency.

- 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.
 - d. If the lot or parcel is greater than 10 acres the property owner must submit a stocking survey report to the assessor and the assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met.
5. The location of the homesite is consistent with the wildlife habitat requirements in Article 32.
6. When the lot or parcel where the dwelling is to be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel as a condition of approval.
7. If a single family dwelling is established under this section, no additional dwellings may be sited later under the nonfarm dwelling criteria.
8. An Owner of Record Dwelling approval may be transferred by a person who has qualified under this section to any other person after the effective date of the land use decision.
9. Owner of Record Dwelling on High Value Farmland: If the tract on which the dwelling will be sited is composed predominately of high value farmland soils as defined in OAR 660-33, then subsection 3.5.115.3.a) and b) do not apply and the approval is subject to the following additional criteria:
 - a. Notice, pursuant to §2.065.15, is provided to the State Department of Agriculture; and
 - b. The hearings body, pursuant to §2.060.3, finds that:
 - (1) The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - (2) The proposed dwelling will not:
 - (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.

- (3) The dwelling will not materially alter the stability of the overall land use pattern in the area.

SECTION 3.5.125 Conditional Use Approval Standards

1. The Approving Authority may approve the application if the use would not seriously interfere with farm uses as defined in ORS 215.203 or forest practices as defined and regulated by ORS 527.610 to 527.730 on adjacent lands devoted to, or suitable for, such uses.
2. The Approving Authority shall impose any conditions necessary to meet the applicable criteria and preserve lands in this district for farm and forest uses. Nothing herein shall be construed to require the granting of a conditional use permit.
3. The uses provided for in §3.5.100.2 shall be subject to the following additional standards:
 - a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on adjacent agriculture or forest lands; and
 - b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

SECTION 3.5.160 Siting Standards for Dwellings and Structures

The following siting standards shall apply to all new dwellings and structures. These standards are designed to make structural development compatible with forest operations and agriculture; to minimize wildfire hazards and risks; and, to conserve values found on forest lands.

1. All new dwellings and structures shall be sited on the parcel according to the following standards:
 - a. To ensure that the amount of forest land used to site access roads, service corridors, the dwelling, and structures is minimized, the dwelling or structure shall be located near an existing road.
 - b. To ensure that the risks associated with wildfire are minimized, the dwelling shall be located on a level or near level portion of the parcel.
 - c. To ensure that the dwelling or structure will have the least impact on nearby or adjoining forest or agricultural lands, the dwelling or structure shall, when not in conflict with part a. and b. of this section:

- (1) be located near the center of the property to maintain maximum distance between the dwelling or structure and the adjoining properties; or
 - (2) be clustered near other structures currently existing on the parcel.
2. Prior to development authorization, the owner shall provide evidence that domestic water supply is from an authorized source contained within the boundary of the property in question and is not from a Class II stream as defined in the Forest Practices Rule (OAR Chapter 629).
 - a. If the domestic water supply is to be obtained from another source, then the owner shall provide evidence that an easement has been obtained permitting domestic water lines to cross the properties of affected owners, and with the condition that such a use will not affect the owner's (of that water source) right to utilize forest management practices.
3. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization for a dwelling or other use where specified. Such covenant shall specify that owners of adjacent and nearby land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.
4. Notice of dwellings subject to this section shall be provided to the County Assessor.

SECTION 3.5.170 Fire Siting Standards for New Dwellings and Structures

The following fire siting standards shall apply to all new dwellings or structures:

1. Owners of new dwellings shall maintain an adequate water supply suitable for fire protection, and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.

- b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to new dwellings shall, at a minimum, meet the following standards:
 - a. Maximum grade shall not exceed 20 percent;
 - b. Top surface width shall be 12 feet;
 - c. A turn-around shall be provided which allows for either a 35 foot radius cul-de-sac, or a 60 foot "T-shaped" design; and
 - d. The road bed shall have an all weather surface.
3. Owners of new dwellings and other structures shall:
 - a. Maintain a primary fuel-free building setback, on land that is owned or controlled by the owner, of at least 30 feet surrounding all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than 2 feet high), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - b. Clear and maintain a secondary fuel-free building setback, on land that is owned or controlled by the owner, of at least 100 feet in all directions around the primary safety zone. Vegetation within this secondary safety zone should be pruned and spaced so that fire will not spread between the crowns of trees.
 - c. Maintain adequate access, conforming with road access standards in this section, to the dwelling for fire fighting equipment vehicles.
 - d. Use fire resistant building materials and construction standards. All buildings regulated by the Uniform Building Code shall have Class A or B roofing as defined by the Code. Powerlines that service the dwelling or structure shall be insulated. If the dwelling has a chimney or chimneys, each chimney must have a spark arrestor.

4. If adjacent to a Rural Fire Protection District, the property owner shall apply for annexation into that district.
5. In areas subject to the State Scenic Waterway Program, compliance with the primary and secondary fuel-free building setback requirements of this section may be modified to comply with specific siting standards contained in a state approved Scenic Waterway Management Program when such regulations conflict.

SECTION 3.5.200 Property Development Standards

1. **Size:** The creation of a lot or parcel shall be subject to the following:
 - a. The minimum lot or parcel size shall be 80 acres.
 - b. The following exceptions may apply:
 - (1) Nonresource divisions for a non-farm dwelling may be less than the minimum parcel size subject to the provisions of Article 44.
 - (2) Parcel size for non-farm uses, except dwellings, set out in ORS 215.283(2), may be less than the designated minimum parcel size upon a finding that the parcel is not larger than the minimum size necessary for the use, adequate sanitation facilities may be accommodated and negative impacts to surrounding farm or forest lands do not occur.
 - (3) The minimum parcel size may be waived to allow the division of a tract of at least 40 acres in size and which contains a dwelling that existed prior to June 1, 1995 provided that:
 - i. The subject tract is predominately in forest use and that portion in forest use qualified for special assessment under ORS Chapter 321.
 - ii. The parcel containing the dwelling shall not be larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
 - iii. The remaining parcel, not containing the dwelling, shall either:
 - (a) meet the minimum parcel size standard of the zone; or

- (b) be consolidated with another parcel, and together the parcels meet the minimum parcel size standard of the zone.
 - iv. The remaining parcel, not containing the dwelling, shall not be entitled to a dwelling unless authorized by law or goal, and shall not qualify for any uses allowed under ORS215.283 that are not allowed on forest land.
 - v. An irrevocable deed restriction shall be recorded with the deed for the remaining parcel not containing the dwelling. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the remaining parcel unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - vi. A nonexclusive resource management covenant pursuant to §3.5.160.3 shall be recorded for each parcel.
- (4) Divisions of forest land to facilitate a forest practice as defined in ORS 527.620, may result in parcels less than the minimum parcel size standard provided that parcels created under this provision:
- i. Shall not be eligible for siting of a new dwelling;
 - ii. Shall not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - iii. Shall not, as a result of the land division, be used to justify redesignation or rezoning of resource lands;
 - iv. Shall not result in a parcel of less than 35 acres, except:
 - (a) where the purpose of the land division is to facilitate an exchange of lands involving a governmental agency; or
 - (b) where the purpose of the land division is to allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land; and

- v. If associated with the creation of a parcel where a dwelling is involved, shall not result in a parcel less than the minimum lot or parcel size of the zone.
 - vi. An irrevocable deed restriction shall be recorded with the deed for the newly created parcel(s). The deed restriction shall be noted in Planning Department records, and shall preclude all rights to construct a dwelling on the new parcel(s) unless authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to agricultural land or forest land.
 - vii. A nonexclusive resource management covenant pursuant to §3.5.160.3 shall be recorded for each parcel.
- (5) Division of land for public park uses provided that:
- i. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - ii. If one of the resulting parcels contains a dwelling, that parcel shall be large enough to support continued residential use of the parcel.
 - iii. The parcel created for park or open space uses shall not contain a dwelling, and:
 - a) is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b) may not be considered in approving or denying an application for siting any other dwelling;
 - c) may not be considered in approving a redesignation or rezoning of forest lands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - d) May not be smaller than 25 acres unless the purpose of the land division is:

- i) To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or
 - ii) To allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of a least 2,000 acres of open space or park property.
- (6) The minimum parcel size may be waived to allow the division of a lot or parcel zoned for forest use if:
 - i. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - ii. Each dwelling complies with the criteria for a replacement dwelling under the provisions of Section 3.2.050;
 - iii. Except for the parent parcel, each parcel created under these provisions shall be between two and five acres in size;
 - iv. At least one dwelling shall be located on each parcel created, including the parent parcel;
 - v. An irrevocable deed restriction shall be recorded with the deeds for the parcels created (including the parent parcel) that prohibits the property owner and the property owner's successors in interest from further dividing the parcel. The deed restriction shall be noted in Planning Department records, and shall preclude all rights to further divide the affected parcels unless subsequently authorized by law or goal. The deed restriction may be released by the Director if the property is no longer subject to protection under statewide planning goals related to forest land.

A lot or parcel may not be divided under the provisions of this subsection if:

- vi. an existing dwelling on the lot or parcel was approved under a land use regulation that required eventual removal of the dwelling; or

- vii. an existing dwelling on the lot or parcel was approved under a land use regulation that prohibited subsequent division of the lot or parcel; or
 - viii. an existing dwelling on the lot or parcel was approved as a farm or non-farm dwelling under the EFU provisions allowed in mixed farm and forest zones.
 - c. Land divisions which create parcels of 80 acres and greater in size shall be reviewed by the Director as a ministerial action to ensure conformance with the provisions of this ordinance.
- 2. **Coverage:** No standard established.
- 3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road and 10 feet from all other property lines.
- 4. **Height:** No standard established.
- 5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
- 6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 6

(AW) Agriculture and Woodlot

SECTION 3.6.000 Purpose

The Agriculture and Woodlot classification is intended to preserve the rural quality and conserve lands of marginal agricultural and timber production capability and which are predominantly in private ownership for agricultural and forest use, and to provide incentives for the beneficial use of these lands for resource use under intensive management.

SECTION 3.6.050 Permitted Uses

In the AW zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this ordinance:

1. Forest uses listed in 3.5.050.
2. Farm Uses.
3. Buildings accessory to a single-family dwelling such as garages, storerooms, woodsheds, laundry, playhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses.
4. Limited Home Occupation.
5. Nursery for growing, sale and display of trees, shrubs and flowers.

SECTION 3.6.075 Uses Permitted with Standards

In the AW zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. Uses listed in 3.5.075 and subject to the siting standards in §3.6.140 and §3.6.145.
2. "Template" Dwelling, subject to the provisions of Article 42 and the siting standards in §3.6.140 and §3.6.145.

3. One single-family dwelling in conjunction with non-commercial farm or forest use subject to the criteria found in §3.43.100 items a - e.¹

SECTION 3.6.100 Buildings and Uses Permitted Conditionally

In the AW zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. Uses listed in §3.5.100, and subject to the additional review standards in §3.6.125.3.
2. Additional single-family dwellings customarily provided in conjunction with farm use, providing residence for an immediate family member or employee, on a property meeting the minimum requirements of §3.6.150.
3. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of the area, including but not limited to fire stations, granges, community halls, and/or churches and schools subject to §3.5.100.10.
4. Parks and playgrounds, and/or golf courses subject to 3.5.100.4.
5. Roadside Stand.
6. Kennels.
7. Winery.
8. Home Occupation, subject to the filing of a Resource Management Covenant.
9. Single-family dwellings not provided in conjunction with farm use may be established, subject to the standards in §3.6.125.3, and upon a finding that each proposed dwelling meets ORS 215.284(3), and that the dwelling will be situated on land not receiving special tax assessments under ORS 321.730 or 321.815 three (3) out of the last five (5) years.

¹**Legislative note:** The AW farm or forest dwelling was originally acknowledged by LCDC as being consistent with the small-scale nature of resource activities in the AW zone. This dwelling opportunity has been an important part of the County's land use action process since adoption of this ordinance in December 1980. The name of this dwelling was changed to "small scale farm or forest dwelling" in December 1992, consistent with LCDC amendments to goal 4. With the passage of HB3661 in 1993, and as interpreted by the state Department of Land Conservation and Development and the Land Use Board of Appeals, the term "small scale" can no longer be used even though the term describes the true nature of these lands as originally acknowledged by LCDC.

SECTION 3.6.125 Conditional Use Approval Standards

1. The Approving Authority may approve the application if the use would not seriously interfere with farm uses as defined in ORS 215.203 or forest practices as defined and regulated by ORS 527.610 to 527.730 on adjacent lands devoted to, or suitable for, such uses.
2. The Approving Authority shall impose any conditions necessary to meet the applicable criteria and preserve lands in this district for farm and forest uses. Nothing herein shall be construed to require the granting of a conditional use permit.
3. The uses provided for in §3.6.100.1 shall be subject to the following additional standards:
 - a. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on adjacent agriculture or forest lands; and
 - b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

SECTION 3.6.140 Siting Standards for Dwellings and Structures

The following siting standards shall apply to all new dwellings and structures. These standards are designed to make structural development compatible with forest operations and agriculture; to minimize wildfire hazards and risks; and, to conserve values found on forest lands.

1. All new dwellings and structures shall be sited on the parcel according to the following standards:
 - a. To ensure that the amount of forest land used to site access roads, service corridors, the dwelling, and structures is minimized, the dwelling or structure shall be located near an existing road.
 - b. To ensure that the risks associated with wildfire are minimized, the dwelling shall be located on a level or near level portion of the parcel.
 - c. To ensure that the dwelling or structure will have the least impact on nearby or adjoining forest or agricultural lands, the dwelling or structure shall, when not in conflict with part a. and b. of this section:
 - 1) be located near the center of the property to maintain maximum distance between the dwelling or structure and the adjoining properties; or

- 2) be clustered near other structures currently existing on the parcel.
2. Prior to development authorization, the owner shall provide evidence that domestic water supply is from an authorized source contained within the boundary of the property in question and is not from a Class II stream as defined in the Forest Practices Rule (OAR Chapter 629).
 - a. If the domestic water supply is to be obtained from another source, then the owner shall provide evidence that an easement has been obtained permitting domestic water lines to cross the properties of affected owners, and with the condition that such a use will not affect the owner's (of that water source) right to utilize forest management practices.
3. To ensure that forest operations and accepted farming practices will not be curtailed or impeded, a non-exclusive Resource Management Covenant shall be filed by the property owner with the County Clerk prior to development authorization for a dwelling or other use where specified. Such covenant shall specify that owners of adjacent and nearby land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.
4. Notice of dwellings subject to this Section shall be provided to the County Assessor.

SECTION 3.6.145 Fire Siting Standards for New Dwellings and Structures

The following fire siting standards shall apply to all new dwellings or structures:

1. Owners of new dwellings shall maintain an adequate water supply suitable for fire protection, and the appropriate fire fighting equipment to contain fire from spreading to surrounding forest lands.
 - a. The property owner shall provide and maintain a water supply of at least 500 gallons with an operating water pressure of at least 50 PSI and sufficient 3/4 inch garden hose to reach the perimeter of the primary fuel-free building setback.
 - b. If another water supply (such as a swimming pool, pond, stream, or lake) is nearby, available, and suitable for fire protection, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround

of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

2. Road access to new dwellings shall, at a minimum, meet the following standards:
 - a. Maximum grade shall not exceed 20 percent;
 - b. Top surface width shall be 12 feet;
 - c. A turn-around shall be provided which allows for either a 35 foot radius cul-de-sac, or a 60 foot "T-shaped" design; and
 - d. The road bed shall have an all weather surface.
3. Owners of new dwellings and other structures shall:
 - a. Maintain a primary fuel-free building setback, on land that is owned or controlled by the owner, of at least 30 feet surrounding all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than 2 feet high), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - b. Clear and maintain a secondary fuel-free building setback, on land that is owned or controlled by the owner, of at least 100 feet in all directions around the primary safety zone. Vegetation within this secondary safety zone should be pruned and spaced so that fire will not spread between the crowns of trees.
 - c. Maintain adequate access, conforming with road access standards in this section, to the dwelling for fire fighting equipment vehicles.
 - d. Use fire resistant building materials and construction standards. Wood roof shingles or shakes shall not be permitted. Powerlines that service the dwelling or structure shall be insulated. If the dwelling has a chimney or chimneys, each chimney must have a spark arrestor.
4. If adjacent to a Rural Fire Protection District, the property owner shall apply for annexation into that district.
5. In areas subject to the State Scenic Waterway Program, compliance with the primary and secondary fuel-free building setback requirements of this section

may be modified to comply with specific siting standards contained in a state approved Scenic Waterway Management Program when such regulations conflict.

SECTION 3.6.150 Property Development Standards

1. **Size:** The minimum lot or parcel size shall be 20 acres, except that the minimum parcel size may be waived using the provisions of Section 3.5.200.1.b.
2. **Coverage:** Not over 40 percent of the property area of any building site shall be covered by all buildings located thereon.
3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road and 10 feet from all other property lines.
4. **Height:** Maximum height of any structure shall be 45 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.
7. **Land Division:**
 - a. All divisions of land zoned AW shall be reviewed, pursuant to §2.060.1, and shall meet the following criteria:
 - (1) The proposed division is compatible with farm or forest uses in the area, and does not interfere with farm or forest practices on adjacent lands.
 - (2) The proposed division does not materially alter the stability of the overall land use pattern in the area nor substantially add to the demand for increased use of road or other public facilities and services.

- (3) The proposed land division provides for resultant parcels of sufficient size to ensure:
 - (a) That farm or forest uses will be the primary use on such lands;
 - (b) That nonfarm/nonforest uses (e.g., dwellings) are incidental to the primary use as an agricultural or forestry operation; and
 - (c) That farm or forest practices continue.
- b. Such requests shall be accompanied by a site management plan for the property, ensuring that resource use shall remain the predominant land use of the property.
- c. The Director may impose reasonable conditions on divisions of land under this article to ensure consistency and compatibility of the request with the Forest or Agricultural Land Policies of the Douglas County Comprehensive Plan.

ARTICLE 7

(PR) Public Reserve

SECTION 3.7.000 Purpose

The Public Reserve classification is intended to establish districts within which a variety of public service activities may be conducted without interference from inappropriate levels of residential, commercial or industrial activities. It is intended to be applied primarily, though not exclusively, to publicly owned lands.

SECTION 3.7.050 Permitted Uses

In the PR zone, the following uses and their accessory buildings and uses are permitted, subject to the provisions and exceptions set forth by this ordinance:

1. Farm uses.
2. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of the area.
3. Cemeteries.
4. Churches, provided setbacks are maintained from side and rear property lines of at least twenty feet. Alleys contiguous to or within the property being used may be included in the required setback.
5. Clubs, fraternal lodges and assembly halls. Alleys contiguous to or within the property being used may be included in the required setback.
6. Fairgrounds.
7. Fire prevention, detection and suppression facilities.
8. Golf course.
9. Hospitals and nursing homes.
10. Orphanages and charitable institutions.
11. Fish and wildlife management.
12. Parks, playground, campgrounds, boating facilities, lodges, camps, and other such recreational facilities.

13. Schools.
14. A single-family dwelling customarily provided in conjunction with a use permitted in this classification.
15. Uses authorized in a local park master plan or in a jointly adopted state park master plan.

SECTION 3.7.100 Buildings and Uses Permitted Conditionally

In the PR zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provision of §2.060.1 and Article 39 of this chapter.

1. Public or private airports, heliports and landing strips.
2. Solid waste transfer and disposal sites.
3. The placement of hydroelectric, solar, wind or geothermal generation facilities, transmission lines or pipes, substations, and communication facilities.
4. Signs which do not conform to the requirements of §3.7.150.5.

SECTION 3.7.150 Property Development Standards

1. **Size:**
 - a. Minimum property size is one acre or larger when determined necessary for proper sewage disposal by the appropriate sanitation authority in areas not served by a community sanitary sewer system.
 - b. In areas served by community water supply system or by community sanitary sewer system but not both, lots or parcels may have a minimum area of 15,000 square feet.
 - c. In areas which are served by both community water supply system and community sanitary sewer system, the minimum lot or parcel area may be 6,500 square feet.
 - d. For uses not requiring sewage disposal or water supply the minimum lot or parcel size should be appropriate to the proposed use.
2. **Lot Coverage:** Not over 40 percent of the lot shall be covered by all buildings located thereon.

3. Setbacks:

- a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line.
- b. Side Yard: No structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior lots, and 10 feet from exterior side property lines for corner building sites.

4. Height: Maximum height for all structures shall be 35 feet, except hospitals, public buildings or churches which may be increased in height to 45 feet.**5. Signs:**

- a. Signs shall not extend over a public right-of-way or project beyond the property line.
- b. Signs may be illuminated, but shall not be capable of movement, flashing or blinking.
- c. The total sign area of all signs on the property shall be limited to thirty-two square feet.

6. Parking: Off street parking shall be provided in accordance with Article 35.

ARTICLE 8

(5R) Rural Residential-5

SECTION 3.8.000 Purpose

The Rural Residential-5 classification is intended to provide for low density rural homesites in an open space environment in order to encourage the continued existence of rural family life. The 5R zone is also intended to provide a transition from more intense residential development to the agriculture, timber and open space areas of the County. The zone may be applied to areas committed to nonresource use or reserved for rural residential expansion at this density, as specifically provided in the Douglas County Comprehensive Plan.

SECTION 3.8.050 Permitted Uses

In the 5R Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. One single-family dwelling.
2. Buildings accessory to a single-family dwelling such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses provided the structure does not exceed 1,500 square feet in size.
3. Additional single-family dwellings, to provide residence for an immediate family member or members of the owner, provided that a minimum average density of five acres per dwelling shall be maintained, and proper sanitation approvals are obtained.
4. Farm uses and/or animals, subject to conditions and limitations provided herein:
 - a. The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (1) One horse, cow or swine per acre; or
 - (2) One goat, sheep, llama, alpaca or emu per half acre.
 - b. A minimum of five hundred square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

- c. The number of colonies of bees allowed on a property shall be limited to one colony for each ten thousand square feet of area and shall not be located closer than 50 feet from any property line.
 - d. Animals and fowl shall be properly caged or housed, and proper sanitation shall be maintained.
5. Forest uses, including the propagation and harvesting of forest products.
 6. Roadside stand.
 7. Limited Home Occupation.
 8. Publicly owned park, playground, or golf course.
 9. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to fire stations, schools, granges, community halls and churches.
 10. Fish and wildlife management.
 11. Utility and communication facilities necessary for public service.

SECTION 3.8.075 Uses Permitted With Standards

In the 5R Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

Item 1 in this use category shall be subject to written consent from all surrounding adjacent property owners. Adjacent property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The surrounding adjacent property owners shall be identified by the Planning Department after a pre-application conference has been held and the fee paid (same fee as if the application were for a conditional use). Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted. If adjacent owner consent cannot be obtained, the request shall then be processed as a conditional use pursuant to §2.060.1.

1. Buildings accessory to a single-family dwelling in excess of 1,500 square feet.

SECTION 3.8.100 Buildings and Uses Permitted Conditionally

In the 5R zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. Private park, playground, or golf course.
2. Nursery for the growing, sale and display of trees, shrubs and flowers.
3. Kennels.
4. Aggregate and mineral extraction.
5. Home Occupation.

SECTION 3.8.150 Property Development Standards

1. **Size:** The minimum property size for which a building permit or placement permit for a dwelling may be issued is five (5) acres, or as otherwise provided in the Ordinance.
2. **Coverage:** Not over 40 percent of the lot area of any building site shall be covered by all buildings located thereon.
3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road or from an easement serving more than 15 units of land, 10 feet from the right-of-way of other private road easements, and 10 feet from all other property lines.
4. **Height:** Maximum height of any structure shall be 45 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 9

(RR) Rural Residential-2

SECTION 3.9.000 Purpose

The Rural Residential-2 classification is intended to provide for rural homesites in an open space environment in order to encourage the continued existence of rural family life. The RR zone is also intended to provide a transition from more intense residential development to the agriculture, timber and open space areas of the County. The zone may be applied to areas committed to nonresource use or reserved for rural residential expansion at this density as specifically provided in the Douglas County Comprehensive Plan.

SECTION 3.9.050 Permitted Uses

In the RR Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. One single-family dwelling.
2. Buildings accessory to a single-family dwelling such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses provided the structure does not exceed 1,500 square feet in size.
3. Additional single-family dwellings, to provide residence for an immediate family member or members of the owner, provided that a minimum average density of two acres per dwelling shall be maintained, and proper sanitation approvals are obtained.
4. Farm use and/or animals, subject to conditions and limitations provided herein:
 - a. The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (1) One horse, cow or swine per acre; or
 - (2) One goat, sheep, llama, alpaca or emu per half acre.
 - b. A minimum of five hundred square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

- c. The number of colonies of bees allowed on a property shall be limited to one colony for each ten thousand square feet of lot area and shall be located no closer than 50 feet from any property line.
 - d. Animals and fowl shall be properly caged or housed, and proper sanitation shall be maintained.
5. Forest uses, including the propagation and harvesting of forest products.
 6. Roadside stand.
 7. Limited Home Occupation.
 8. Publicly owned park, playground, or golf course.
 9. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to fire stations, schools, granges, community halls and churches.
 10. Fish and wildlife management.
 11. Utility and communication facilities necessary for public service.

SECTION 3.9.075 Uses Permitted With Standards

In the RR Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

Item 1 in this use category shall be subject to written consent from all surrounding adjacent property owners. Adjacent property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The surrounding adjacent property owners shall be identified by the Planning Department after a pre-application conference has been held and the fee paid (same fee as if the application were for a conditional use). Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted. If adjacent owner consent cannot be obtained, the request shall then be processed as a conditional use pursuant to §2.060.1.

1. Buildings accessory to a single-family dwelling in excess of 1,500 square feet.

SECTION 3.9.100 Buildings and Uses Permitted Conditionally

In the RR zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. Private park, playground, or golf course.
2. Nursery for the growing, sale and display of trees, shrubs and flowers.
3. Kennels.
4. Aggregate and mineral extraction.
5. Home Occupation.

SECTION 3.9.150 Property Development Standards

1. **Size:** The minimum property size for which a building permit or placement permit for a dwelling may be issued is two (2) acres or as otherwise provided in the Ordinance.
2. **Coverage:** Not over 40 percent of the area of any building site shall be covered by all buildings located thereon.
3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road or from an easement serving more than 15 units of land, 10 feet from the right-of-way of other private road easements, and 10 feet from all other property lines. If the lot or parcel is within a rural community and contiguous to a resource zone outside of the rural community, then new structures other than a fence or sign shall be setback at least 25 feet (if physically possible) from the resource designated land.
4. **Height:** Maximum height of any structure shall be 45 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.
7. **Resource Management Covenant:** If the parcel on which a new development is proposed is within a rural community and contiguous to a resource zone outside of the rural community, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization. Such covenant shall specify that

owners of adjacent and nearby resource land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

ARTICLE 10

(1R) Rural Residential-1

SECTION 3.10.000 Purpose

The Rural Residential-1 classification is intended to provide for additional rural homesites in an open space environment. The zone may be applied only to areas committed to nonresource use or reserved for rural residential expansion at this density as specifically provided in the Douglas County Comprehensive Plan, but shall not be used within an adopted Urban Growth Boundary, excepting as provided in the Comprehensive Plan for the Glide Area.

SECTION 3.10.050 Permitted Uses

In the 1R Zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this ordinance:

1. One single-family dwelling.
2. Buildings accessory to a single-family dwelling such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related accessory uses provided the structure does not exceed 1,500 square feet in size.
3. Additional single-family dwellings, to provide residence for an immediate family member or members of the owner, provided that a minimum average density of one acre per dwelling shall be maintained, and proper sanitation approvals are obtained.
4. Farm use and/or animals, subject to conditions and limitations provided herein:
 - a. The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (1) One horse, cow or swine per acre; or
 - (2) One goat, sheep, llama, alpaca or emu per half acre.
 - b. A minimum of five hundred square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.
 - c. The number of colonies of bees allowed on a property shall be limited to one colony for each ten thousand square feet of lot area and shall be located no closer than 50 feet from any property line.

- d. Animals and fowl shall be properly caged or housed, and proper sanitation shall be maintained.
- 5. Forest uses, including the propagation and harvesting of forest products.
- 6. Roadside stand.
- 7. Limited Home Occupation.
- 8. Publicly owned park, playground, or golf course.
- 9. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to fire stations, schools, granges, community halls and churches.
- 10. Fish and wildlife management.
- 11. Utility and communication facilities necessary for public service.

SECTION 3.10.075 Uses Permitted With Standards

In the 1R Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

Item 1 in this use category shall be subject to written consent from all surrounding adjacent property owners. Adjacent property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The surrounding adjacent property owners shall be identified by the Planning Department after a pre-application conference has been held and the fee paid (same fee as if the application were for a conditional use). Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted. If adjacent owner consent cannot be obtained, the request shall then be processed as a conditional use pursuant to §2.060.1.

- 1. Buildings accessory to a single-family dwelling in excess of 1,500 square feet.

SECTION 3.10.100 Buildings and Uses Permitted Conditionally

In the 1R zone, the following uses and activities and their accessory buildings and uses are permitted, subject to the provisions of §2.060.1 and Article 39 of this chapter:

- 1. Private park, playground, or golf course.
- 2. Nursery for the growing, sale and display of trees, shrubs and flowers.

3. Kennels.
4. Home Occupation.

SECTION 3.10.150 Property Development Standards

1. **Size:** The minimum property size for which a building permit or placement permit for a dwelling may be issued is one (1) acre or as otherwise provided in the Ordinance.
2. **Coverage:** Not over 40 percent of the area of any building site shall be covered by all buildings located thereon.
3. **Setbacks:** No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of a public road or from an easement serving more than 15 units of land, 10 feet from the right-of-way of other private road easements, and 5 feet from all other property lines.
4. **Height:** Maximum height of any structure shall be 45 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 11

(RS) Suburban Residential

SECTION 3.11.000 Purpose

The Suburban Residential classification is intended to provide for a primarily single-family suburban environment within which certain limited agricultural pursuits may be carried on. It is intended to be applied in those areas which are within adopted Urban Growth Boundaries, yet have limited urban services.

SECTION 3.11.050 Permitted Uses

In the RS Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. A single-family dwelling.
2. Duplex, provided a density of one dwelling per 15,000 square feet is maintained.
3. Buildings accessory to a single-family dwelling such as garages, storerooms, woodsheds, laundry, playhouses, greenhouses, hobby shop, animal or fowl shelter, or similar and related uses provided the structure does not exceed 1,500 square feet in size and that there shall not be more than four buildings allowed as accessory to any dwelling.
4. Farm use and/or animals, subject to conditions and limitations provided herein:
 - a. The total number of cows, horses, sheep or goats allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:
 - (1) One horse or cow per acre; or
 - (2) One goat or sheep per half acre.
 - b. A minimum of five hundred square feet of property area shall be required for each chicken, other fowl or rabbit kept on the property.
 - c. The number of colonies of bees allowed on a property shall be limited to one colony for each ten thousand square feet of lot area and shall be located no closer than 50 feet from any property line.
 - d. The raising of swine is not permitted in the RS zone.

- e. Animal runs or barns, and fowl pens shall be located no closer than fifty feet from any property line, or natural or other drainage channel.
 - f. Animals and fowl shall be properly caged or housed, and proper sanitation shall be maintained.
- 5. Limited Home Occupation.
 - 6. Bed and Breakfast.

SECTION 3.11.075 Uses Permitted With Standards

In the RS Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

Items 3, 4 and 5 in this use category shall be subject to written consent from all surrounding adjacent property owners. Adjacent property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The surrounding adjacent property owners shall be identified by the Planning Department after a pre-application conference has been held and the fee paid (same fee as if the application were for a conditional use). Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted. If adjacent owner consent cannot be obtained, the request shall then be processed as a conditional use pursuant to §2.060.1.

- 1. Zero lot line residential developments, subject to provisions of Article 31.
- 2. Mobile Home Parks subject to the density of the RS Zone and the provisions of Article 51.
- 3. Privately operated kindergartens or day nurseries.
- 4. Residential Facility.
- 5. Buildings accessory to a single-family dwelling in excess of 1,500 square feet.

SECTION 3.11.100 Buildings and Uses Permitted Conditionally

In the RS zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

- 1. Park, playground or golf course.
- 2. Public and semipublic buildings, structures and uses essential to the physical, social and economic welfare of an area, including but not limited to

schools, libraries, fire stations, granges, community halls, pumping stations, and substations. Churches shall maintain setbacks from side and rear property lines of at least 20 feet. Alleys contiguous to or within the property may be included in the requested setback.

3. Nursery for the growing, sale and display of trees, shrubs and flowers.

SECTION 3.11.150 Property Development Standards

1. Area:

- a. Minimum property size is one acre or larger when determined for proper sewage disposal by the appropriate sanitary authority in areas not served by a community water supply system or a community sanitary sewer system.
- b. In areas served by community water supply system or by community sanitary sewer system, or both, lots or parcels may have a minimum area of 15,000 square feet.
- c. Minimum average width shall be 100 feet.

2. **Coverage:** Not over 40 percent of the property shall be covered by all buildings located thereon.

3. Setbacks:

- a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line.
- b. Side Yard: No structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior properties and 10 feet from exterior side property lines for corner building sites.
- c. Rear Yard: No structure other than a fence or sign shall be located closer than 5 feet from the rear property line.
- d. Vision Clearance: Vision clearance on corner properties shall be a minimum of 20 feet.

4. **Height:** Maximum height for all structures shall be 35 feet, except hospitals, public buildings or churches which may be increased in height to 45 feet.

5. Signs:

- a. Signs shall not extend over a public right-of-way or project beyond the property line.

- b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 12

(R-1) Single-Family Residential

SECTION 3.12.000 Purpose

The Single-Family Residential classification is intended to provide for a medium density urban residential use plus related compatible uses such as schools and parks. The classification is designed for those areas adjacent or close to existing cities or areas with an urban character in which urban services such as public water and sewer are available.

SECTION 3.12.050 Permitted Uses

In the R-1 Zone, the following uses and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this ordinance:

1. A single-family dwelling.
2. Duplex, subject to development standards contained in §3.12.150 or,
 - a. A duplex on a lot or parcel of not less than 7,500 square feet that was in existence at the time this Ordinance was adopted (Dec 31, 1980), providing such duplex meets one of the following requirements:
 - (1) it will be located on a collector street; or
 - (2) it will be located on a corner lot.
3. Accessory buildings not exceeding 1,500 square feet used as garages, storerooms, woodsheds, hobby shops, laundries, playhouses or similar and related uses provided that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex. Unattached structures shall be located on the rear half of the property unless a variance is granted, except that a detached garage in conjunction with the primary dwelling need not be located on the rear half of the lot.
4. Limited Home Occupation.

SECTION 3.12.075 Uses Permitted With Standards

In the R-1 Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. Zero lot line residential developments, subject to provisions of Article 31.

SECTION 3.12.100 Buildings and Uses Permitted Conditionally

In the R-1 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. Hospitals and schools (kindergartens, elementary, junior high and high), provided setbacks are established from side and rear property lines of at least 50 feet.
2. Privately operated kindergartens or day nurseries.
3. Public and semipublic buildings and uses not otherwise specified in this section.
4. Mobile Home Parks subject to the density of the R-1 Zone and provisions of Article 51 of this chapter.
5. Parks, playgrounds, or community centers.
6. Residential Facility.
7. Bed and Breakfast.
8. Buildings accessory to a single-family dwelling in excess of 1,500 square feet provided that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex and further provided unattached structures shall be located on the rear half of the property unless a variance is granted.

SECTION 3.12.150 Property Development Standards

1. **Area:**
 - a. The minimum property area shall be 6,500 square feet for a single family dwelling and 10,000 square feet for a duplex.
 - b. Lots or parcels shall have a minimum average width of 65 feet.
2. **Coverage:** Not over 40 percent of the lot shall be covered by all buildings located thereon.
3. **Setbacks:**
 - a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line.

- b. Side Yard: No structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior properties, and 10 feet from exterior side property lines for corner building sites.
 - c. Rear Yard: No structure other than a fence or sign shall be located closer than 5 feet from the rear property line.
 - d. Vision Clearance: Vision clearance on corner lots shall be minimum of 20 feet.
- 4. Height:** Maximum height for any structure shall be 35 feet, except hospitals, public buildings or churches may be 45 feet.
- 5. Signs:**
- a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
 - c. The total sign area of all signs on the property shall be limited to thirty-two square feet.
 - d. One sign not exceeding 12 square feet in area is permitted for each building other than a dwelling.
- 6. Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 13

(R-2) Multiple Family Residential

SECTION 3.13.000 Purpose

The Multiple-Family Residential classification is intended to provide a wide range of housing density and type while preserving the residential character of an area. This zone applies to properties with minimal topographic limitations; locations which are readily accessible by and to major streets; and adjacent to public open space or commercial services. This zone is intended for areas with a full range of public services including public sewer and water.

SECTION 3.13.050 Permitted Buildings and Uses

In the R-2 Zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. Multiple family residential dwellings or condominiums.
2. Duplexes.
3. Accessory buildings not exceeding 1,500 square feet used as garages, storerooms, woodsheds, hobby shops, laundries, playhouses or similar and related uses provided that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex. Unattached structures shall be located on the rear half of the property unless a variance is granted, except that a detached garage in conjunction with the primary dwelling need not be located on the rear half of the lot.
4. Limited Home Occupation.
5. Residential Facility.
6. Bed and Breakfast.

SECTION 3.13.075 Uses Permitted With Standards

In the R-2 Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

Items 3 and 4 in this use category shall be subject to written consent from all surrounding adjacent property owners. Adjacent property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The surrounding adjacent property owners shall be identified by the Planning Department after a pre-application conference has been held and the fee paid (same fee as if the application were for a conditional use). Adjacent owner consent signatures shall

be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted. If adjacent owner consent cannot be obtained, the request shall then be processed as a conditional use pursuant to §2.060.1.

1. Zero lot line residential developments, subject to provisions of Article 31.
2. Mobile Home Parks subject to the density provisions and review standards of Article 51.
3. Privately operated kindergartens or day nurseries.
4. Buildings accessory to a single-family dwelling in excess of 1,500 square feet provided that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex and further provided unattached structures shall be located on the rear half of the property unless a variance is granted.
5. One single-family dwelling, provided that adjacent properties within 100 feet are predominately developed with single-family dwellings.

SECTION 3.13.100 Buildings and Uses Permitted Conditionally

In the R-2 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. One single-family dwelling where adjacent properties within 100 feet are predominately developed with uses other than single family dwellings.
2. Public and semipublic buildings and uses not otherwise specified in this section provided that side and rear yards shall be 20 feet.
3. Hospitals and schools (kindergartens, elementary, junior high and high), providing setbacks are established from side and rear property lines of at least 50 feet.
4. Parks, playgrounds, or community centers.

SECTION 3.13.150 Property Development Standards

1. **Area:**
 - a. The minimum property area shall be 6,500 square feet. The minimum property area for multiple-family dwellings shall be 10,000 square feet provided that the minimum property area per dwelling unit shall be 2,000 square feet.

- b. Lots or parcels shall have a minimum average width of 65 feet.
 - c. A property containing less than 6,500 square feet existing at the time this ordinance became effective may be occupied by a single-family dwelling provided that all other property development standards shall be maintained.
2. **Coverage:** Not over 40 percent of the property shall be covered by all buildings located thereon.
3. **Setbacks:**
 - a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line.
 - b. Side Yard: No structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior properties and 10 feet from exterior side property lines for corner building sites. No multi-family dwellings shall be located closer than 10 feet from side property lines.
 - c. Rear Yard: No structure other than a fence or sign shall be located closer than 5 feet from the rear property line.
 - d. Vision Clearance: Vision clearance on corner properties shall be minimum of 20 feet.
4. **Height:** Maximum height for any structure shall be 45 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Except as provided in the following subsection, signs shall be limited to six square feet in area.
 - c. One lighted identification sign (excluding illuminated signs of the flashing or animated type) not exceeding 12 square feet in area is permitted for multiple-family dwellings having five or more dwelling units and for buildings other than dwellings.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.
7. **Access:** Access to multiple-family dwellings or condominiums shall be provided in accordance with the provisions of Article 35.

ARTICLE 14

(R-3) Residential-High Density and Professional Office

SECTION 3.14.000 Purpose

The residential high density and professional office classification is intended to provide for a high concentration of population. A full range of public services should be available. Siting of this zone should be near major streets or roads and community services. This zone may be utilized as a buffer to central business districts, major shopping centers or in areas of redevelopment.

SECTION 3.14.050 Permitted Uses

In the R-3 Zone, the following uses and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this ordinance:

1. Multiple-family dwellings.
2. Duplexes.
3. Accessory buildings not exceeding 1,500 square feet used as garages, storerooms, woodsheds, hobby shops, laundries, playhouses or similar and related uses provided that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex. Unattached structures shall be located on the rear half of the property unless a variance is granted, except that a detached garage in conjunction with the primary dwelling need not be located on the rear half of the lot.
4. Parks, playgrounds, or community centers.
5. Limited Home Occupation.
6. Grocery store, limited to 2,500 square feet.
7. Boarding and lodging houses.
8. Clubs, lodges and assembly halls.
9. Orphanages and charitable institutions.
10. Professional Offices.
11. Medical and dental clinics.
12. Pharmacy.

13. Hospitals.
14. Privately operated kindergartens or day nurseries.
15. Residential Facility.
16. Schools.
17. Churches.
18. Public and semipublic buildings and uses.

SECTION 3.14.075 Uses Permitted With Standards

In the R-3 Zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

Items 3 and 4 in this use category shall be subject to written consent from all surrounding adjacent property owners. Adjacent property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The surrounding adjacent property owners shall be identified by the Planning Department after a pre-application conference has been held and the fee paid (same fee as if the application were for a conditional use). Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted. If adjacent owner consent cannot be obtained, the request shall then be processed as a conditional use pursuant to §2.060.1.

1. Zero lot line residential developments, subject to provisions of Article 31.
2. Mobile Home Parks subject to the density provisions and review standards of Article 51.
3. Nurseries for the growing, sale and display of trees, shrubs and flowers.
4. Buildings accessory to a single-family dwelling in excess of 1,500 square feet provided that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex and further provided unattached structures shall be located on the rear half of the property unless a variance is granted.
5. Veterinary Clinic, provided the use shall be conducted wholly within enclosed structures and there shall be no outside animal runs.

SECTION 3.14.100 Buildings and Uses Permitted Conditionally

In the R-3 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provision of §2.060.1 and Article 39 of this chapter:

1. One single-family dwelling.

SECTION 3.14.150 Property Development Standards

1. Area:

- a. The minimum property area shall be 6,500 square feet.
- b. The minimum area for a multiple-family dwelling shall be 10,000 square feet provided that the minimum area per dwelling unit shall be 2,000 square feet.
- c. Lots or parcels shall have a minimum average width of 65 feet.
- d. Boarding and lodging houses shall have a minimum site area of 300 square feet for each occupant thereof.

2. **Coverage:** Not over 60 percent of the property shall be covered by all buildings located thereon.

3. Setbacks:

- a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line.
- b. Side Yard: No structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior properties and 10 feet from exterior side property lines for corner building sites.

No multiple-family dwellings shall be located closer than 10 feet from a side property line which abuts any other residential zone.

- c. Rear Yard: No structure other than a fence or sign shall be located closer than 5 feet from the rear property line.
- d. Vision Clearance: Vision clearance on corner properties shall be minimum of 20 feet.

4. **Height:** Maximum height of all structures shall be 60 feet.

5. Signs:

- a. Signs shall not extend over a public right-of-way or project beyond the property line.
- b. Except as provided in the following subsections, signs shall be limited to six square feet in area.
- c. One lighted identification sign (excluding illuminated signs of flashing or animated type) not exceeding 12 square feet in area is permitted for multiple dwellings and for buildings other than dwellings.
- d. Exterior signs shall be limited to two per business and shall be designed as part of the structure or landscaping.
- e. No sign shall project above the height of the tallest structure on the property.

6. Parking: Off street parking shall be provided in accordance with Article 35.

7. Access: Access to multiple-family dwellings or condominiums shall be provided in accordance with the provisions of Article 35.

ARTICLE 15

(C-1) Limited Commercial

SECTION 3.15.000 Purpose

The Limited Commercial classification provides for a desirable mixing of residential land uses with limited commercial land uses in close proximity to adjacent residential districts. The zone is also intended to serve local neighborhood needs rather than provide a full commercial area for an entire community. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and ability to meet the frequently recurring needs of the neighborhood. Normally, the district is to be applied as a small compact area conveniently located in or near residential areas and along thoroughfares and may be utilized in areas designated as committed to nonresource use by the Comprehensive Plan.

SECTION 3.15.050 Permitted Uses

In the C-1 zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Business and professional offices.
2. Pharmacy.
3. Medical and dental clinic.
4. Grocery store, limited to 2,500 square feet in area.
5. Public and semipublic buildings and uses.
6. Parks, playgrounds, or community centers.
7. Single family residence in conjunction with a permitted use.

SECTION 3.15.100 Buildings and Uses Permitted Conditionally

In the C-1 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter.

1. Mobile Home Parks, subject to the provisions of Article 51, except that no mobile home parks shall be allowed within urban growth boundaries.
2. Veterinary clinic.

3. Uses similar to permitted uses but not listed and shown to meet the intent and purpose of the zone.
4. Signs which do not conform to the requirements of §3.15.150.5.

SECTION 3.15.150 Property Development Standards

1. **Area:**
 - a. Lots or parcels shall have a minimum area of 7,500 square feet.
 - b. Lots or parcels shall have a minimum average width of 70 feet.
2. **Coverage:** Not over 60 percent of the property shall be covered by all buildings located thereon.
3. **Setbacks:**
 - a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line.
 - b. Side Yard: No structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior properties, 10 feet from exterior side property lines for corner building sites.
 - c. Vision Clearance: Vision clearance on corner properties shall be a minimum of 20 feet.
4. **Height:** Maximum height of all structures shall be 35 feet.
5. **Signs:**
 - a. Exterior signs shall be limited to two per business establishment.
 - b. Signs shall be limited to 32 square feet.
 - c. Signs may be illuminated, but shall not be of the flashing or blinking type.
 - d. No sign shall project above the height of the tallest structure on the lot.
6. **Parking:** Off-street parking shall be provided in accordance with Article 35.

ARTICLE 16

(CT) Tourist Commercial

SECTION 3.16.000 Purpose

The Tourist Commercial classification is intended to provide areas for the orderly and attractive development of commercial uses oriented to the tourist and recreation public. It is intended to be applied around freeway interchanges and in close proximity to recreational areas.

SECTION 3.16.050 Permitted Uses

In the CT zone the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth in this ordinance.

1. Antique shop.
2. Art shop - gallery, studio, supplies.
3. Boat charter and rental, including fishing equipment.
4. Book store.
5. Condominiums which are tourist oriented; subject to the development standards of the R-2 zone classification.
6. Delicatessen.
7. Gift shop.
8. Grocery store limited to 2,500 square feet.
9. Handicraft shop.
10. Hotel, motel.
11. Laundromat.
12. Novelties and curios shop.
13. Photograph gallery.
14. Pottery sales.
15. Public and semipublic buildings and uses.

16. Restaurant.
17. Automobile service station, provided that greasing and tire repairing are performed completely within an enclosed building.
18. Single-family residence in conjunction with a use listed in this article.
19. Sporting goods, retail.
20. Manufacture of handicraft goods for sale on premises only; such as wooden wares, pottery, tile, archery and seashell wares.
21. Other uses similar to the above.

SECTION 3.16.100 Buildings and Uses Permitted Conditionally

In the CT zone, the following uses and their accessory uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter.

1. Recreational vehicle park.
2. Specialized commercial recreational facility, such as dunes vehicle, golf course, miniature golf, archery, riding stables, swimming pools, campground and children's playground.
3. Mobile Home Parks, subject to the provisions of Article 51, except that no mobile home parks shall be allowed within urban growth boundaries.
4. Signs which do not conform to the requirements of §3.16.150.5.

SECTION 3.16.150 Property Development Standards

1. **Area:** Residential uses shall conform to the R-3 property area requirements.
2. **Coverage:** Not over 75% of the property shall be covered by all buildings located thereon.
3. **Setbacks:**
 - a. **Front Yard:** No structure other than a fence or sign shall be constructed closer than 15 feet from the front property line. In the case of a corner property, there shall be a requirement of 15 feet along the abutting side street.

There shall be no parking or other use, except for access drives or walks, made of the front yard, or required yard abutting a side street.

- b. Side Yard: No side yard is required between commercial structures.

Residential uses shall conform to R-3 side yard setback requirements. Side yards may be used for access drives or walks and off-street parking.

- c. Rear Yard: No rear yard is required when property in the CT zone abuts property in a commercial or industrial zone.

When not abutting a commercial or industrial zone, there shall be a rear yard of not less than ten feet extending the full width of the subject property; provided, however, alleys contiguous to or within the property being used may be included in the required setback.

- d. Vision Clearance: Vision Clearance on commercial properties shall be a minimum of 20 feet.

- 4. Height:** Maximum height of any structure shall be 35 feet.

5. Signs:

- a. No sign shall have a total area of more than 50 square feet.
- b. Moving or flashing signs are prohibited.
- c. No sign shall project above the height of the tallest structure on the property.

- 6. Parking:** Off-street parking shall be provided in accordance with Article 35.

ARTICLE 17

(C-2) Community Commercial

SECTION 3.17.000 Purpose

The Community Commercial classification is intended to provide areas for localized shopping facilities. It is intended to preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact locations.

SECTION 3.17.050 Permitted Uses

In the C-2 zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance and provided that these uses are conducted wholly within enclosed structures.

1. Antique or curio shops.
2. Art shop, gallery, studio and supplies.
3. Automobile service station.
4. Bakery.
5. Bank.
6. Barber shop or beauty shop.
7. Book or stationery store.
8. Business and professional offices.
9. Catering service.
10. Clothes cleaning or laundry agency.
11. Clubs or lodges, fraternal and religious associations.
12. Confectionery store.
13. Delicatessen.
14. Department store.
15. Drug store.

16. Dry goods or notions store.
17. Florist or gift shop.
18. Furniture and household goods store.
19. Grocery store.
20. Handicraft shop.
21. Hardware store.
22. Laundromat.
23. Manufacture of handicraft goods for sale on premises only such as wooden wares, pottery, tile, archery and seashell wares.
24. Meat market.
25. Medical and dental clinics.
26. Millinery or custom dressmaking shops.
27. Mobile Home Parks, subject to the provisions of Article 51, except that no mobile home parks shall be allowed within urban growth boundaries.
28. Musical instruments and supplies store.
29. Office supplies and equipment store.
30. Paint and wallpaper supplies store.
31. Photography studio or shop.
32. Pottery sales.
33. Printing.
34. Public and semipublic buildings and uses.
35. Public parking areas developed in accordance with provisions established under Article 35.
36. Restaurants, cafes.
37. Seed and garden supplies.
38. Shoe or shoe repair shop.

39. Sporting goods.
40. Surgical supplies and equipment.
41. Tailor, clothing, and wearing apparel shops.
42. Telephone and telegraph exchanges.
43. Theaters (indoor).
44. Nurseries for the growing, sale and display of trees, shrubs and flowers. This use need not be conducted within enclosed structures.
45. Retail dry cleaning establishment.
46. Single family residence in conjunction with a use listed in this article.
47. Dwelling above a commercial structure, subject to the development standards of the R-2 zone classification.
48. Other uses permitted by §3.16.050 (CT zone).
49. Other uses similar to the above.

SECTION 3.17.075 Uses Permitted With Standards

In the C-2 zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance.

1. Veterinary Clinic, provided the use shall be conducted wholly within enclosed structures and there shall be no outside animal runs.

SECTION 3.17.100 Buildings and Uses Permitted Conditionally

In the C-2 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter and provided that these uses and activities are conducted wholly within enclosed structures unless otherwise specified below:

1. Outdoor activities accessory to a Veterinary Clinic, including outside animal runs.

SECTION 3.17.150 Property Development Standards

1. **Size:** The minimum property area for residential uses shall be the same as the R-3 zone.

2. **Coverage:** Full coverage is allowable, provided minimum loading space and setbacks have been maintained.
3. **Setbacks:**
 - a. Front Yard: Front yards will not be required except setback for residential uses shall conform to those established in the R-3 zone.
 - b. Side Yard: Except for residential uses, side yards will not be required but if side yards are created they shall be a minimum of 3 feet wide. Residential uses shall conform to the minimum setbacks of the R-3 zone.
 - c. Rear Yard: No rear yard is required when property in the C-2 zone abuts property in a commercial or industrial zone.

When not abutting a commercial or industrial zone, there shall be a rear yard of not less than ten feet extending the full width of the subject property; provided, however, alleys contiguous to or within the property being used may be included in the required setback.
 - d. Vision Clearance: Vision clearance for commercial properties shall be at least 10 feet.
4. **Height:** No standard established.
5. **Signs:** No standard established.
6. **Parking:** Off-street parking shall be provided in accordance with Article 35.

ARTICLE 18

(C-3) General Commercial

SECTION 3.18.000 Purpose

The General Commercial classification is intended to provide areas within which a variety of retail and wholesale business will occur. These areas would serve general community needs with types of activities which need not be conducted wholly within an enclosed building.

SECTION 3.18.050 Permitted Uses

In the C-3 zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Agricultural supplies and machinery sales rooms.
2. Nurseries for the growing, sale and display of trees, shrubs and flowers.
3. Automobile, truck and motorcycle sales agencies or repair garages.
4. Auto parts store.
5. Builders supplies including retail sales of lumber.
6. Buildings for commercial storage of private household goods, provided all storage shall be entirely within such building.
7. Business and professional office.
8. Funeral parlor, mausoleum or mortuary.
9. General retail sales of previously prepared products.
10. Hotel, Motel.
11. Medical and dental office.
12. Mobile home and recreational vehicle sales.
13. Outdoor advertising.
14. Places of amusement such as billiard parlors, taverns, bowling alleys, drive-in theaters, dance halls and games of skill and science.
15. Plumbing and sheet metal shop.

16. Professional play fields such as baseball and football.
17. Public and semipublic buildings and uses.
18. Retail dry cleaning establishment.
19. Second-hand stores if conducted wholly within an enclosed building.
20. Stadiums.
21. Veterinary clinic.
22. Single family residence in conjunction with a use listed in this article.
23. Dwelling above a commercial structure; subject to the development standards of the R-3 zone classification.
24. Other uses similar to the above.
25. Other uses permitted by §3.17.050 (C-2 Zone) except those uses permitted by §3.16.050 (C-T Zone) unless such uses are otherwise specifically permitted in the C-2 Zone.

SECTION 3.18.100 Buildings and Uses Permitted Conditionally

In the C-3 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter.

1. Stores (retail and wholesale) and business uses similar to those listed as permitted uses in the C-3 zone and normally located in a commercial district provided that:
 - a. Where there is a manufacturing, compounding, processing or treatment of products for wholesale, a minimum of 25% of the total floor area shall be used for retail sales.
 - b. Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
2. Outdoor sales such as flea markets or swap meets of new or second-hand goods.

SECTION 3.18.150 Property Development Standards

1. **Area:** The area requirements for residential uses shall be the same as the R-3 zone.

2. **Coverage:** Full coverage is allowable, provided minimum loading space and setbacks have been maintained.
3. **Setbacks:**
 - a. Front Yard: Front yards will not be required except for residential uses which shall conform to the setbacks established in the R-3 zone.
 - b. Side Yard: Except for residential use, side yards will not be required, but if side yards are created they shall be a minimum of 3 feet wide. Residential uses shall conform to the minimum setbacks of the R-3 zone.
 - c. Rear Yard: No rear yard is required when property in the C-3 zone abuts property in a commercial or industrial zone.

When not abutting a commercial or industrial zone, there shall be a rear yard of not less than ten feet extending the full width of the subject property; provided, however, alleys contiguous to or within the property being used may be included in the required setback.
 - d. Vision Clearance: Vision clearance for corner properties shall be at least 10 feet.
4. **Height:** No standard established.
5. **Signs:** No standard established.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 19A

(CRS) Rural Service Center Commercial

SECTION 3.19A.000 Purpose

The Rural Service Center Commercial classification is intended to provide a variety of commercial uses which enhance a rural community's viability and livability. It is also intended to provide for development that results in rural employment opportunities. Commercial activities in this zone generally consist of small scale low impact uses which serve the community and surrounding rural area.

SECTION 3.19A.050 Permitted Uses, Small Scale Low Impact

In the CRS zone, the following small scale low impact commercial uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 sq. ft. of floor space and are subject to the general provisions and exceptions set forth by this ordinance.

1. Business and/or professional office.
2. Medical and/or dental clinic.
3. Veterinary clinic.
4. Grocery store.
5. Antique, art, gift, handicraft, novelties or other similar stores and second hand stores if conducted wholly within an enclosed building.
6. Laundromat.
7. Restaurant, café or delicatessen.
8. Automobile service station, provided that greasing and tire repairing are performed completely within an enclosed building.
9. Clubs or lodges, fraternal and religious associations.
10. Household goods, building materials (including retail sale of lumber products) and hardware stores.
11. Storage of personal property not used for commercial purposes.
12. Seed and garden supplies, agricultural supplies and machinery sales store.

13. Nurseries (landscape items).
14. Retail sales of previously prepared products.
15. Places of amusement: such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science.
16. Retail stores and business uses similar to those listed as permitted uses in this Article.

SECTION 3.19A.100 Permitted Uses, Generally

In the CRS zone, the following commercial uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Public and semi public buildings and uses, subject to the development standards of the PR classification.
2. Parks, playgrounds or community centers, subject to the development standards of the PR classification.
3. Single family residence in conjunction with a permitted use.
4. A dwelling above a commercial structure.

SECTION 3.19A.150 Uses Permitted With Standards

In the CRS zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance:

1. Motels, subject to the following criteria:
 - a. New motels up to 35 units may be allowed if the community in which the motel is to be located is at least 10 miles from the urban growth boundary of any city adjacent to the I-5 Freeway, regardless of its proximity to any other urban growth boundary; and
 - b. New motels shall be served by a community sewer system, as that term is defined in OAR 660-22-010(2).
2. Mobile Home Parks, subject to the provisions of Article 51.
3. Recreational Vehicle Park, subject to provisions of Article 39.

SECTION 3.19A.200 Property Development Standards

1. **Area:**
 - a. No standard established, except that:
 - i. the building site shall be of sufficient size to accommodate on-site sewer and water systems, unless such systems are to be provided by a public provider or can be accessed by easement; and,
 - ii. for residential uses, the standards of the 1R zone shall apply.
2. **Coverage:** No more than 60% of the property shall be covered by all buildings located thereon.
3. **Setbacks:**
 - a. Front Yard: No structure other than a fence or sign shall be located closer than 15 feet from the front property line. In the case of a corner property, there shall be a requirement of 15 feet along the abutting side street.
 - b. Side yard: No side yard is required between commercial structures. Side yards may be used for access drives or walks and off-street parking.

For residential uses, no structure other than a fence or sign shall be located closer than 5 feet from side property lines for interior lots and 10 feet from exterior side property lines for corner building sites.
 - c. Rear Yard: No rear yard setback is required when abutting a commercial or industrial designated parcel. When not abutting a commercial or industrial parcel, no structure other than a fence or sign shall be located closer than 10 feet from the rear property line.
 - d. Vision Clearance: Vision clearance on corner properties shall be a minimum of 20 feet.
 - e. Resource Land: Any development which has a yard area abutting a Goal 3 or Goal 4 resource zone shall have no structures other than a fence or sign located closer than 25 feet from the Goal 3 or Goal 4 designated land.
4. **Height:** Maximum height of any structure shall be 35 feet.

- 5. Signs:**
 - a. No sign shall have a total area of more than 50 sq. ft.
 - b. Moving or flashing signs are prohibited.
 - c. No sign shall project above the height of the tallest structure on the property.
- 6. Parking:** Off-street parking shall be provided in accordance with Article 35.
- 7. Access:**
 - a. Prior to construction, the applicant shall receive a road access permit from the Douglas County Public Works Department or the state Department of Transportation.
 - b. Access improvements may be required for uses authorized in the CRS zone. Such improvements shall be directly related to the impact of the use on adjacent properties and vehicular movement.
- 8. Resource Management Covenant:** If the parcel on which a new development is proposed is contiguous to a resource zone outside of the rural community, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization. Such covenant shall specify that owners of adjacent and nearby resource land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

ARTICLE 19B

(CRC) Rural Community Commercial

SECTION 3.19B.000 Purpose

The Rural Community Commercial classification is intended to provide a variety of commercial uses which enhance a rural community's viability and livability. It is also intended to provide for development that results in rural employment opportunities. Commercial activities in this zone generally consist of uses which serve the community and surrounding rural area and the travel needs of people passing through the area.

SECTION 3.19B.050 Permitted Uses, Small Scale Low Impact

In the CRC zone, the following small scale low impact commercial uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 4,000 sq. ft. of floor space and are subject to the general provisions and exceptions set forth by this ordinance.

1. Business and/or professional office.
2. Medical and/or dental clinic.
3. Laundromat.
4. Retail sales of previously prepared products.

SECTION 3.19B.100 Permitted Uses, Generally

In the CRC zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Veterinary clinic.
2. Grocery store.
3. Antique, art, gift, handicraft, novelties or other similar stores and second hand stores if conducted wholly within an enclosed building.
4. Restaurant, café or delicatessen.
5. Sporting goods, retail.
6. Automobile service station and repair garages, provided that greasing and tire repairing are performed completely within an enclosed building.
7. Clubs or lodges, fraternal and religious associations.

8. Household goods, building materials (including retail sale of lumber products) and hardware stores.
9. Seed and garden supplies, agricultural supplies and machinery sales store.
10. Nurseries (landscape items).
11. Places of amusement: such as billiard parlors, taverns, bowling alleys, dance halls and games of skill and science.
12. Storage of personal property not used for commercial purposes.
13. Public and semi public buildings and uses, subject to the development standards of the PR classification.
14. Parks, playgrounds or community centers, subject to the development standards of the PR classification.
15. Single family residence in conjunction with a permitted use.
16. A dwelling above a commercial structure.
17. Retail stores and business uses similar to those listed as permitted uses in this Section.

SECTION 3.19B.150 Uses Permitted With Standards

In the CRC zone, the following uses and activities are permitted subject to specified standards and the general provisions and exceptions set forth by this Ordinance:

1. Motels, subject to the following criteria:
 - a. New motels up to 35 units may be allowed if the community in which the motel is to be located is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other urban growth boundary; and
 - b. New motels shall be served by a community sewer system, as that term is defined in OAR 660-22-010(2).
2. Mobile Home Parks, subject to the provisions of Article 51.
3. Recreational Vehicle Park, subject to provisions of Article 39.

SECTION 3.19B.200 Property Development Standards

- 1. Area:**
 - a. No standard established, except that:
 - i. the building site shall be of sufficient size to accommodate on-site sewer and water systems, unless such systems are to be provided by a public provider or can be accessed by easement; and,
 - ii. for residential uses, the standards of the 1R zone shall apply.
- 2. Coverage:** No more than 60% of the property shall be covered by buildings and structures.
- 3. Setbacks:**
 - a. Front Yard: Front yards will not be required except setback for residential uses shall be 15 feet.
 - b. Side yard: Except for residential uses, side yards will not be required. If side yards are created they shall be a minimum of 3 feet wide. Residential side yards shall be 5 feet from side property lines for interior properties and 10 feet from exterior side property lines for corner building sites.
 - c. Rear Yard: No setback requirement when abutting a commercial or industrial designated parcel. When not abutting a commercial or industrial zone, no structure other than a fence or sign shall be located closer than 10 feet from the rear property line.
 - d. Vision Clearance: Vision clearance on corner properties shall be at least 10 feet.
 - e. Resource Land: Any development which has a yard area abutting a Goal 3 or Goal 4 resource zone shall have no structures other than a fence or sign located closer than 25 feet from the Goal 3 or Goal 4 designated land.
- 4. Height:** Maximum height of any structure shall be 35 feet.
- 5. Signs:**
 - a. Signs for uses other than on-site commercial activity shall be limited to a total area of 50 sq. ft.
 - b. Signs may be illuminated but shall not be flashing or blinking.

6. **Parking:** Off-street parking shall be provided in accordance with Article 35.
7. **Access:**
 - a. Prior to construction, the applicant shall receive a road access permit from the Douglas County Public Works Department or the state Department of Transportation.
 - b. Access improvements may be required for uses authorized in the CRC zone. Such improvements shall be directly related to the impact of the use on adjacent properties and vehicular movement.
8. **Resource Management Covenant:** If the parcel on which a new development is proposed is contiguous to a resource zone outside of the rural community, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization. Such covenant shall specify that owners of adjacent and nearby resource land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

ARTICLE 19C

(CRE) Rural Commercial

SECTION 3.19C.000 Purpose

The Rural Commercial classification is intended to maintain pre-existing rural area commercial uses and to create and enhance opportunities for small scale low impact and rural resource related commercial uses. Uses which serve the traveling public are also consistent with this classification. It is intended that new uses will not exceed the capacity of the area to provide water and absorb sewage. While uses located within this zone may provide employment opportunities, it is the intent of this zone to support rural levels of commercial development which have a limited impact on surrounding uses and communities or cities and which do not use a public sewage disposal system.

SECTION 3.19C.050 Permitted Uses, Small Scale Low Impact

In the CRE zone, the following uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 3,000 sq. ft. of floor space and are subject to the general provisions and exceptions set forth by this ordinance.

1. Retail sales of previously prepared agricultural or forestry products.
2. Veterinary clinic.
3. Grocery store.
4. Antique, art, gift, handicraft, novelties or other similar stores; and second hand stores if conducted wholly within an enclosed building.
5. Restaurant, café or delicatessen.
6. Sporting goods sales, including outdoor recreational equipment rental and repair.
7. Automobile service station and repair garages, provided that greasing and tire repairing are performed completely within an enclosed building.
8. General store or mercantile.
9. Seed and garden supplies, agricultural supplies and machinery sales store.
10. Nurseries (landscape items).
11. Taverns.

12. Public and semi public buildings and uses, subject to the development standards of the PR classification.
13. Parks, playgrounds or community centers, subject to the development standards of the PR classification.
14. Single family residence in conjunction with a permitted use.
15. A dwelling above a commercial structure.
16. Farm and forest machinery repair.
17. Manufacture of products used in agricultural or forestry operations for sale on premises only; such as hay trailers, fencing and water tanks.
18. Manufacture of handicraft goods for sale on premises only; such as wooden wares, pottery, tile, archery and seashell wares.

SECTION 3.19C.100 Permitted Uses, Generally

In the CRE zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Commercial uses existing on or before December 31, 2000, not otherwise listed in this zone, and, if in a building or buildings, the total square footage does not exceed 5,000 square feet.
2. Commercial uses that require proximity to rural resources and/or rely on rural resources in their day to day operation.
3. Non-resource commercial uses permitted under Goals 3 and 4.

SECTION 3.19C.150 Buildings and Uses Permitted Conditionally

In the CRE zone, the following uses and their accessory buildings and uses are permitted subject to the provisions of 2.060.1 and Article 39 of this chapter.

1. Mobile Home Parks, subject to the provisions of Article 51.
2. Recreational Vehicle Park, subject to the provisions of Article 39.
3. Specialized commercial recreational facilities.
4. Non-resource commercial uses conditionally permitted under Goals 3 and 4.

SECTION 3.19C.200 Property Development Standards

- 1. Area:**
 - a. No standard established, except that:
 - i. the site shall be of sufficient size to accommodate an on-site sewer system and water system, unless such system can be accessed by easement or water is to be provided by a public provider; and
 - ii. for residential uses, the standards of the RR zone shall apply.
- 2. Coverage:**
 - a. No more than 60% of the property shall be covered by all buildings located thereon; except
 - b. A building or buildings supporting a use existing on or before December 31, 2000, may be expanded up to a total of 5,000 sq. ft.
- 3. Setbacks:**
 - a. Front Yard: Fifteen (15) feet from the public right-of-way.
 - b. Side Yard: Five (5) feet.
 - c. Rear Yard: No rear yard setback is required when abutting a commercial or industrial designated parcel. When not abutting a commercial or industrial parcel, no structure other than a fence or sign shall be located closer than five (5) feet from the rear property line.
 - d. Vision Clearance: Vision clearance on corner properties shall be a minimum of 20 feet.
 - e. Resource Land: Any development which has a yard area abutting a Goal 3 or Goal 4 resource zone shall have no structures other than a fence or sign located closer than 25 feet from the Goal 3 or Goal 4 designated land.
- 4. Height:** Maximum height of any structure shall be 35 feet.
- 5. Signs:**
 - a. Signs for uses other than on-site commercial activity shall be limited to a total area of 50 sq. ft.

- b. Signs may be illuminated but shall not be flashing or blinking.
 - c. Signs for on-site uses may exceed the 35' height limitation of this zone.
- 6. Parking:** Off-street parking shall be provided in accordance with Article 35.
- 7. Access:**
- a. Access improvements may be required by Douglas County, on County Roads, for uses authorized in the CRE zone. Such improvements shall be directly related to the impact of the use on adjacent properties and vehicular movement.

ARTICLE 19D

(WOCT) Water-Oriented Tourist Commercial

SECTION 3.19D.000 Purpose

The Water-Oriented Tourist Commercial designation is intended to provide areas for the orderly and attractive development of selected tourist commercial uses which enhance and are enhanced by, and provide public access to, waterfront area amenities including views. This designation is applied to waterfront area locations which are proximate to tourist commercial areas and recreation amenities within the Committed Shorelands Areas of the Winchester Bay, for which a Goal 2, Part II Exception has been taken.

SECTION 3.19D.050 Permitted Uses

In the (WOCT) zone, the following uses and activities and their accessory structures and uses are permitted subject to the applicable development standards and provisions set forth in this ordinance.

1. Aids to navigation.
2. Bait and tackle shop.
3. Maintenance and rehabilitation of existing structures.
4. Gift or specialty shop.
5. Public waterfront access.
6. Research and education observation.
7. Utilities.
8. Retail markets for marine/estuarine products.
9. Antique shop.
10. Boat charter and rental, including fishing equipment.
11. Book store.
12. Delicatessen.
13. Handicraft shop.
14. Novelties and curios shop.

15. Photograph or Art gallery.
16. Restaurant.
17. Pottery sales.
18. Museum
19. Manufacture of handicraft goods for sale on premises only; such as wooden wares, pottery, tile and seashell wares.
20. Riprap on banks above mean high high water.

SECTION 3.19D.150 Buildings and Uses Permitted Conditionally

In the (WOCT) zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and the applicable standards and criteria set forth in §3.19D.200 and 3.19D.250 and in Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Flood and erosion prevention structures.
2. Uses not listed as permitted but similar to permitted uses and shown by their design, use, and character to be Water-Oriented Tourist Commercial by the applicant.
3. Signs which do not conform to the requirements of §3.19D.250.6.

SECTION 3.19D.200 Standards and Criteria

In a (WOCT) zone, approval of uses permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards.

1. Uses not listed as permissible may be allowed upon a demonstration by the applicant that the uses are in fact Water-Oriented Tourist Commercial and are consistent with the purpose of this article.
2. Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, all applicable permit and rule requirements of : 1) the Douglas County Salmon Harbor Management Board; 2) the Port of Umpqua; 3) the Department of Environmental Quality; 4) the Division of State Lands; 5) the U.S. Army Corps of Engineers and; 6) all other agencies having interest applicable to the proposed use. If a statement of intent to comply be submitted, the Approving Authority shall condition approval on such compliance.

SECTION 3.19D.250 Property Development Standards

1. **Design:** Structural design and access for any use in the zone must maximize view opportunities and water orientation of uses.
 - a. All structures shall have a public entrance on the waterfront side of the structure.
 - b. A public view of the waterfront shall be provided from the interior of the structure.
2. **Area:** No standard established, provided that the minimum property width and depth shall be 50 feet.
3. **Coverage:** The main building or buildings and accessory buildings shall not occupy in excess of 75 percent of the ground area.
4. **Setbacks:**
 - a. Front Yard: Front yards will not be required except where specified setbacks are established for road widening purposes.
 - b. Side Yard: Side yards will not be required. However, if side yards are created, they shall be a minimum of 3 feet wide.
 - c. Rear Yard: No structural improvements will be allowed within 10 feet of the center line of the alley.
 - d. Shoreline: No structural improvements will be allowed within 20 feet from the top of the spit bank. This setback is for the purpose of providing public access to the shoreline and to water-oriented views.
 - e. Landscaping: If yards are created, they shall be planted and maintained.
 - f. Vision Clearance: Vision clearance for corner properties on streets with width of less than 66 feet shall be a minimum of 1 foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance for more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of 8 feet.
5. **Height:** Maximum height of any structure shall be 15 feet.

- 6. Signs:**
 - a. No sign shall have a total area of more than 50 square feet.
 - b. Moving or flashing signs are prohibited.
 - c. No sign shall project above the height of the tallest structure on the property.
- 7. Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 19E

(WOOCR) Water-Oriented Commercial Recreation

SECTION 3.19E.000 Purpose

The Water-Oriented Commercial Recreation designation is intended to provide areas for attractive development of tourist lodging and restaurant facilities which enhance and are enhanced by, and provide public access to, waterfront area amenities including views. This designation is applied to waterfront locations with high quality views where development will provide greater public use and enjoyment of the views and other waterfront amenities. These waterfront areas are located in the Committed Shorelands area of Winchester Bay, for which a Goal 2, Part II Exception has been taken.

SECTION 3.19E.050 Permitted Uses

In the WOOCR zone, the following uses and activities and their accessory structures and uses are permitted subject to the applicable development standards and provisions set forth in this ordinance.

1. Aids to navigation.
2. Maintenance and rehabilitation of existing structures.
3. Office in conjunction with a permitted or conditionally permitted use.
4. Public waterfront access.
5. Research and education observation.
6. Restaurant that has views oriented toward the waterfront.
7. Motel-Hotel/Convention Center.
8. Utilities.
9. Riprap on bank above mean high high water.

SECTION 3.19E.100 Uses Permitted with Standards

The following uses and activities and their accessory buildings and uses are permitted in the (WOOCR) zone subject to the provisions of §2.060.1 and the applicable standards and criteria set forth in §3.19E.200 and 3.19E.250 and in Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Water-oriented uses which are temporary and do not preclude the timely use of the site when a need arises; for example, parking.

SECTION 3.19E.150 Buildings and Uses Permitted Conditionally

In the WOOCR zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and the applicable standards and criteria set forth in §3.19E.200 and 3.19E.250 and in Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Flood and erosion prevention structures.
2. Gift or specialty shop in conjunction with a restaurant, motel or convention center.
3. Uses not listed as permitted but similar to permitted uses and shown by their use, design and character to be water-oriented commercial recreation by the applicant.
4. Signs which do not conform to the requirements of §3.19E.250.6.

SECTION 3.19E.200 Standards and Criteria

In a WOOCR zone, approval of uses permitted with standards or conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards.

1. Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, all applicable permit and rule requirements of: 1) the Douglas County Salmon Harbor Management Board; 2) the Port of Umpqua; 3) the Department of Environmental Quality; 4) the Division of State Lands; 5) the U.S. Army Corps of Engineers and; 6) all other agencies having interest applicable to the proposed use. If a statement of intent to comply be submitted, the Approving Authority shall condition approval on such compliance.

SECTION 3.19E.250 Property Development Standards

1. **Design:** Structural design and access for any use in the zone must maximize view opportunities and water orientation of uses. A public view of the waterfront shall be provided from the interior of the structure.
2. **Area:** No standard established, provided that the minimum property width and depth shall be 100 feet.
3. **Coverage:** The main building or buildings and accessory buildings shall not occupy in excess of 75 percent of the ground area.

4. Setbacks:

- a. Front Yard: Front yards will not be required except where specified setbacks are established for road widening purposes.
- b. Side Yard: Side yards will not be required. However, if side yards are created, they shall be a minimum of 3 feet wide.
- c. Rear Yard: No structural improvements will be allowed within 10 feet of the center line of the alley.
- d. External Shoreline: No structural improvements shall be allowed within 50 feet from the top of the bank. This setback is for the purpose of providing access for bank maintenance, emergency vehicles, and public recreation.
- e. Internal Shoreline: No structural improvements shall be allowed within 20 feet from the top of the bank. This setback is for the purpose of providing access for bank maintenance, emergency vehicles, and public recreation.
- f. Landscaping: If yards are created, they shall be planted and maintained.
- g. Vision Clearance: Vision clearance for corner properties on streets with width of less than 66 feet shall be a minimum of 1 foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance for more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of 8 feet.

5. Height: Maximum height of any structure shall be 35 feet.

6. Signs:

- a. Moving or flashing signs are prohibited.
- b. No sign shall project above the height of the tallest structure on the property.

7. Parking: Off street parking shall be provided in accordance with Article 35.

8. Other applicable standards of Article 36.

ARTICLE 19F

(MC) Marine Commercial

SECTION 3.19F.000 Purpose

The Marine Commercial classification is intended to establish and preserve adequate shoreland area for water dependent and water related commercial uses within the urban areas of coastal Douglas County. The Marine Commercial classification is primarily intended to be applied to designated urban water related shoreland areas within the Reedsport Urban Growth Boundary and within the committed shorelands areas of Gardiner and Winchester Bay area, for which a Goal 2, Part II Exception has been taken.

SECTION 3.19F.050 Permitted Uses

In the MC zone, the following uses and activities and their accessory structures and uses are permitted subject to the applicable development standards and provisions set forth in this ordinance.

1. Aids to navigation.
2. Bait and tackle shop.
3. Boat launch or moorage facility, marina, and boat charter services.
4. Communication facilities essential to service water-dependent uses.
5. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
6. Laboratory for research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
7. Maintenance and rehabilitation of existing structures.
8. Marine-related specialty shop.
9. Office in conjunction with a permitted or conditionally permitted use.
10. Public waterfront access.
11. Research and education observation.
12. Storage of marine/estuarine products, fishing gear and marine equipment in buildings of less than 5,000 square feet of total floor space.
13. Store for sales and rental of marine supplies and equipment.

14. Utilities.
15. Wholesale and retail markets for marine/estuarine products limited to 2,500 square feet of floor area.

SECTION 3.19F.100 Uses Permitted with Standards

The following uses and activities and their accessory buildings and uses are permitted in the MC zone subject to the provisions of §2.060.1 and the applicable standards and criteria set forth in §3.19F.200 (depicted in parenthesis behind each affected use) and in Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Disposal of dredged material.
2. Nondependent uses which are temporary and do not preclude the timely use of the site for water dependent uses when a need arises; for example, parking and open storage.
3. Transportation facilities essential to service water dependent uses. (2,3)

SECTION 3.19F.150 Buildings and Uses Permitted Conditionally

In the MC zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and the applicable standards and criteria set forth in §3.19F.200 (depicted in parenthesis behind each affected use) and in Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Dwelling for caretaker or single family dwelling attached to a permitted or conditionally permitted use. (3,6)
2. Flood and erosion prevention structures. (3)
3. Grocery store. (3,5)
4. Hotel/convention center at Salmon Harbor consistent with its Master Plan. (3,4)
5. Laundromat. (3,5)
6. Marine oriented public office building. (3,5)
7. Processing of seafood in conjunction with retail sales operation. (3)
8. Restaurant. (3,5)
9. Small scale boat building and repair, not to exceed 5,000 square feet in area.

10. Storage of marine equipment. (2,3)
11. Storage of products and materials transported by means of estuarine waters such as logs or gravel. (2,3)
12. Uses not listed as permitted but shown to be water-dependent or water-related by the applicant. (1)

SECTION 3.19F.200 Standards and Criteria

In a MC zone, approval of uses permitted with standards or conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards.

1. Uses not listed as permissible may be allowed upon a demonstration by the applicant that the uses are in fact water-dependent or water-related consistent with the criteria set forth in the definitions.
2. Storage of materials or products shall be permitted if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing use or activity.
3. Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, all applicable permit and rule requirements of: 1) the Douglas County Salmon Harbor Management Board; 2) the Port of Umpqua; 3) the Department of Environmental Quality; 4) the Division of State Lands; 5) the U.S. Army Corps of Engineers and; 6) all other agencies having interest applicable to the proposed use. If a statement of intent to comply be submitted, the Approving Authority shall condition approval on such compliance.
4. A hotel/convention center shall be permitted in the Salmon Harbor shorelands subarea if found to be consistent with the provisions and architectural guidelines of the Salmon Harbor Master Plan and if it will not interfere with the water-dependent and water-related uses of the Harbor.
5. Nondependent and nonrelated uses such as marine-oriented public office building, grocery store, laundromat and restaurant may be permitted upon a demonstration of public need; findings that sufficient quality of land has been established and preserved to meet the projected need for water-related uses and if shown that the goods and services provided by these areas are directly associated with water-related or water-dependent uses and the quality of these products or services is dependent on being located adjacent to those uses or the water.
6. Dwellings for caretakers and attached single-family dwellings may be allowed in urban water-related shorelands if such uses are an integral part of a water-related use and do not interfere with the location and operation of other water-related uses.

SECTION 3.19F.250 Property Development Standards

1. **Area:** No standard established, provided that the minimum property width and depth shall be 50 feet.
2. **Coverage:** The main building or buildings and accessory buildings shall not occupy in excess of 80 percent of the ground area.
3. **Setbacks:**
 - a. Front Yard: Front yards will not be required except:
 - (1) where specified setbacks are established for road widening purposes.
 - (2) residential uses shall conform to the setbacks established in the R-3 zone.
 - b. Side Yard: Except for residential uses, side yards will not be required. However, if side yards are created, they shall be a minimum of 3 feet wide. Residential uses shall conform to the minimum setbacks of the R-3 zone.
 - c. Rear Yard: No structural improvements will be allowed within 10 feet of the center line of the alley.
 - d. Landscaping: If yards are created, they shall be planted and maintained.
 - e. Vision Clearance: Vision clearance for corner properties on streets with width of less than 66 feet shall be a minimum of 1 foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance for more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of 8 feet.
4. **Height:** Maximum height of any structure shall be 35 feet.
5. **Signs:** No standard established.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 20

(M-1) Light Industrial

SECTION 3.20.000 Purpose

The Light Industrial classification is intended to create, preserve, and enhance areas containing secondary manufacturing and related establishments and intense commercial uses with limited external impact. These uses are typically appropriate to locations near major thoroughfares and non-manufacturing areas.

SECTION 3.20.050 Permitted Uses

In the M-1 zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance:

1. Builder supplies including retail sales of lumber, agricultural supplies and machinery sales room.
2. Laboratories.
3. Mobile home and recreational vehicle sales.
4. Warehouses, including buildings for commercial storage of personal property not used for commercial purposes.
5. Plumbing and sheet metal shops.
6. Open storage area for commercial storage of personal property such as boats and recreational vehicles.
7. Wholesale business salesrooms.
8. Laundry, cleaning and dyeing works and carpet and rug cleaning.
9. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks, and food products; except fish, meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
10. Veterinary clinic.
11. Utility facilities necessary for public service.

12. Outdoor Advertising.
13. One mobile home or watchman's quarters in conjunction with a use listed in this article.

SECTION 3.20.100 Buildings and Uses Permitted Conditionally

In the M-1 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter:

1. Uses similar to those permitted in §3.20.050 that are not specifically listed under the M-2 or M-3 zones, provided that:
 - a. The use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
 - b. Items manufactured, processed or produced in this zone shall be primarily for wholesale.
2. One single family dwelling in conjunction with a use listed in this Article.

SECTION 3.20.150 Property Development Standards

1. **Area:** No standard established.
2. **Coverage:** Full coverage is allowable; provided minimum space, servicing space and setbacks have been provided.
3. **Setbacks:**
 - a. Front Yard: Front yards shall not be required.
 - b. Side and Rear Yard: Side or rear yards will not be required, but if side or rear yards are created they shall be a minimum of five feet.
 - c. Vision Clearance: Vision clearance shall be negotiated on submittal of plot plan for corner building sites.
4. **Height:** No structure shall exceed a height of 50 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs may be illuminated but may not be of the flashing or moving type.

6. **Parking:** Off street parking shall be provided in accordance with Article 35.
7. **Environmental Quality:** All uses in the M-1 zone shall comply with standards adopted by the Environmental Quality Commission for air, land, water and noise quality.

ARTICLE 21

(M-2) Medium Industrial

SECTION 3.21.000 Purpose

The Medium Industrial classification is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.

SECTION 3.21.050 Permitted Uses

In the M-2 zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Any use permitted in the M-1 zone, §3.20.050.
2. Bottling works.
3. Contractor's equipment storage yards.
4. Freight and truck yards or terminals.
5. Lumber yards, retail, including mill work.
6. Manufacture of pottery.
7. Manufacturing, compounding or assembling of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, precious or semiprecious stones, shell, textiles, tobacco, wood, yarns, and paint; none of the foregoing employing a foundry process.
8. Meat processing plant (not including slaughtering).
9. Welding and machine shop.
10. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.
11. Concrete batching plants and the manufacture and sale of concrete products.
12. Airplane hangars, storage and other related facilities associated with an existing airport.
13. One mobile home or watchman's quarters in conjunction with a use listed in this article.

SECTION 3.21.100 Buildings and Uses Permitted Conditionally

In the M-2 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter.

1. Uses similar to those permitted in §3.21.050 that are not specifically listed under the M-3 zone, provided that:
 - a. Use is not objectionable due to odor, dust, smoke, noise, vibration or appearance.
 - b. Items manufactured, processed or produced in this area shall be primarily for wholesale.
2. Slaughterhouse.
3. Airports

SECTION 3.21.150 Property Development Standards

1. **Area:** No standard established.
2. **Coverage:** Full coverage is allowable; provided minimum space, servicing space and setbacks have been provided.
3. **Setbacks:**
 - a. Front Yard: Front yards shall not be required.
 - b. Side and Rear Yard: Side or rear yards will not be required, but if side or rear yards are created they shall be a minimum of five feet.
 - c. Vision Clearance: Vision clearance shall be negotiated on submittal of plot plan for corner building sites.
4. **Height:** No structure shall exceed a height of 50 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs may be illuminated but may not be of the flashing or moving type.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

7. **Environmental Quality:** All uses in the M-2 zone shall comply with standards adopted by the Environmental Quality Commission for air, land, water and noise quality.

ARTICLE 22

(M-3) Heavy Industrial

SECTION 3.22.000 Purpose

The Heavy Industrial classification is intended to provide, protect and recognize areas well suited for medium and heavy industrial development and uses free from conflict with commercial, residential and other incompatible land uses. This district is intended to be applied generally only to those areas which have available excellent highway, rail or other transportation.

SECTION 3.22.050 Permitted Uses

In the M-3 zone, the following uses and their accessory buildings and uses are permitted, subject to the general provisions and exceptions set forth by this ordinance.

1. Any use permitted in the M-2 zone.
2. Processing of aggregate and mineral resources or other subsurface resources, including asphalt plants.
3. Manufacturing, repairing, fabricating, processing, parking, or storage use not listed in any other section of this ordinance or under conditional uses below.
4. One mobile home or watchman's quarters in conjunction with a use listed in this article.

SECTION 3.22.100 Buildings and Uses Permitted Conditionally

In the M-3 zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter.

1. Salvage yard.
2. Automobile wrecking yard.
3. Disposal or reduction of waste materials, garbage, offal, or dead animals (not to be visible from an arterial roadway).
4. Manufacture and storage of chemicals and explosives.
5. Operations conducted for the exploration and mining of aggregate and mineral resources or other subsurface resources.
6. Slaughterhouse.

SECTION 3.22.150 Property Development Standards

1. **Area:** No standard established.
2. **Coverage:** Full coverage is allowable; provided minimum space, servicing space and setbacks have been provided.
3. **Setbacks:**
 - a. Front Yard: Front yards shall not be required.
 - b. Side and Rear Yard: Side or rear yards will not be required, but if side or rear yards are created they shall be a minimum of five feet.
 - c. Vision Clearance: Vision clearance shall be negotiated on submittal of plot plan for corner building sites.
4. **Height:** No structure shall exceed a height of 50 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs may be illuminated but may not be of the flashing or moving type.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.
7. **Environmental Quality:** All uses in the M-3 zone shall comply with standards adopted by the Environmental Quality Commission for air, land, water and noise quality.

ARTICLE 23A

(MRC) Rural Community Industrial

SECTION 3.23A.000 Purpose

The Rural Community Industrial classification is intended to create, preserve and enhance areas containing a wide range of small scale low impact manufacturing and related establishments. It provides for a variety of rural resource related industrial uses which enhance a rural communities viability and livability. It is also intended to provide for development that results in rural employment opportunities. Industrial activities occurring in this zone are intended to have a limited impact on services and surrounding uses.

SECTION 3.23A.050 Permitted Uses, Small Scale Low Impact

In the MRC zone, the following uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 40,000 sq. ft. of floor space and are subject to the general provisions and exceptions set forth by this ordinance.

1. Builder supplies including retail sales of lumber, agricultural supplies and machinery sales room.
2. Plumbing and sheet metal shops.
3. Open storage area for commercial storage of personal property such as boats and recreational vehicles.
4. Wholesale business salesrooms.
5. Laundry, cleaning and dyeing works and carpet and rug cleaning.
6. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, toiletries, soft drinks and food products; except fish, meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
7. Warehouses, including buildings for commercial storage of personal property not used for commercial purposes.
8. Contractors, logging, or excavation equipment storage yard.
9. Freight and truck yards or terminals.
10. Lumber yards, retail, including mill work.

11. Manufacturing, compounding or assembling of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, metals, precious or semiprecious stones, shell, textiles, tobacco, wood, yarns, and paint; none of the foregoing employing a foundry process.
12. Meat processing plant (not including slaughtering).
13. Welding and machine shop.
14. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.
15. Similar manufacturing, repairing, fabricating, processing, parking, or storage uses not listed above.
16. Expansion of a use existing on or before October 28, 1994 (not subject to the 40,000 sq. ft. floor area limitation).

SECTION 3.23A.100 Buildings and Uses Permitted Conditionally

In the MRC zone, the following uses and their accessory buildings and uses are permitted subject to the provisions of §2.060.1 and Article 39 of this chapter. If the use is to occur in a building or buildings, the building(s) shall not exceed 40,000 sq. ft. of floor space.

1. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.
2. Salvage yard.
3. Automobile wrecking yard.
4. Slaughterhouse
5. Concrete batching plants and the manufacture and sale of concrete products.
6. New uses, sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that was zoned for industrial uses on October 28, 1994.

SECTION 3.23A.150 Property Development Standards

1. **Area:** No standard established, except that the building site shall be of sufficient size to accommodate on-site sewer and water systems, unless

such systems are to be provided by a public provider or can be accessed by easement.

2. **Coverage:** Full coverage is allowable provided that minimum space for servicing, deliveries, and building access have been provided.
3. **Setbacks:**
 - a. Front Yard: Front yards shall not be required.
 - b. Side and Rear Yard: Side and rear yards will not be required, but if side or rear yards are created they shall be a minimum of five feet.
 - c. Vision Clearance: Vision clearance on corner properties shall be at least 10 feet.
 - d. Resource Land: Any development which is abutting a Goal 3 or Goal 4 resource zone shall have no structures other than a fence or sign located closer than 25 feet from the Goal 3 or Goal 4 designated land.
4. **Height:** No structure shall exceed a height of 50 feet.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs may be illuminated but may not be of the flashing or moving type.
6. **Parking:** Off-street parking shall be provided in accordance with Article 35.
7. **Environmental Quality:** All uses in the MRC zone shall comply with standards adopted by the Environmental Quality Commission for air, land, water and noise.
8. **Access:**
 - a. Prior to construction, the applicant shall receive a road access permit from the Douglas County Public Works Department or the state Department of Transportation.
 - b. Access improvements may be required for uses authorized in the MRC zone. Such improvements shall be directly related to the impact of the use on adjacent properties and vehicular movement.

9. **Resource Management Covenant:** If the parcel on which a new development is proposed is contiguous to a resource zone outside of the rural community, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk prior to development authorization. Such covenant shall specify that owners of adjacent and nearby resource land shall have: 1) the right to conduct forest operations consistent with the Forest Practices Act and Rules; 2) the right to conduct normal farming practices; and, 3) the right to extract aggregate or rock resources on their properties and that the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

ARTICLE 23B

(ME) Rural Industrial

SECTION 3.23B.000 Purpose

The Rural Industrial classification is intended to maintain pre-existing rural area industrial uses and to create and enhance opportunities for small scale low impact and resource related industrial uses. It is also intended to provide for new uses that will not exceed the capacity of the area to provide water and absorb sewage. While uses located within this zone may provide employment opportunities, it is the intent of this zone to support resource related industries and rural levels of industrial development which have a limited impact on surrounding uses and communities and cities and which do not require public sewage disposal.

SECTION 3.23B.050 Permitted Uses, Small Scale Low Impact

In the ME zone, the following uses and their accessory buildings and uses are permitted in a building or buildings not exceeding 7,500 sq. ft. of floor space and are subject to the general provisions and exceptions set forth by this ordinance.

1. Freight and truck storage, repair, service, staging and point of operation for resource related trucking operations such as log trucks, chip trucks and gravel trucks and their accessory equipment.
2. Welding and machine shop.
3. Wholesale business, storage buildings, warehouses and bulk fuel storage facilities.
4. Manufacturing or compounding of items used in the agricultural or forest products industry and other items which, due to impacts, are hazardous or incompatible in densely populated areas.
5. Storage of industrial equipment or supplies.

SECTION 3.23B.100 Permitted Uses, Generally

In the ME zone, the following uses and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Industrial uses existing on or before December 31, 2000, not otherwise listed in this zone, and, if in a building or buildings, the total square footage does not exceed 7,500 square feet.
2. Resource related industrial uses that require proximity to rural resources and/or rely on rural resources in their day to day operation.

3. Non-resource industrial uses permitted under Goals 3 and 4.
4. Processing of aggregate and mineral resources or other subsurface resources.
5. Operations conducted for the exploration of aggregate and mineral resources or other subsurface resources.
6. One mobile home or watchman's quarters in conjunction with a permitted or conditional use.

SECTION 3.23B.150 Buildings and Uses Permitted Conditionally

In the ME zone, the following uses and their accessory buildings and uses are permitted subject to the provisions of 2.060.1 and Article 39 of this chapter.

1. Salvage yard.
2. Automobile wrecking yard.
3. Slaughterhouse.
4. Manufacture and/or storage of explosives.
5. Mining of aggregate and mineral resources or other subsurface resources.
6. Disposal site (not to be visible from a public arterial roadway).

SECTION 3.23B.200 Property Development Standards

1. **Area:**
 - a. No standard established, except that:
 - l. the site shall be of sufficient size to accommodate an on-site sewer system and water system, unless such system can be accessed by easement or water is to be provided by a public provider.
2. **Coverage:**
 - a. Full coverage is allowable provided that minimum space for servicing, deliveries, and building access have been provided.
 - b. Buildings supporting a use existing on or before December 31, 2000, may be expanded up to 7,500 sq. ft.

3. Setbacks:

- a. Front Yard: Fifteen (15) feet from the public right-of-way.
- b. Side and Rear Yard: Side and rear yards shall be a minimum of five (5) feet.
- c. Vision Clearance: Vision clearance on corner properties shall be at least 10 feet.
- d. Resource Land: Any development which is abutting a Goal 3 or Goal 4 resource zone shall have no structures other than a fence or sign located closer than 25 feet from the Goal 3 or Goal 4 designated land.

4. Height: No structure shall exceed a height of 50 feet.**5. Signs:**

- a. Signs shall not extend over a public right-of-way or project beyond the property line.
- b. Signs may be illuminated but may not be of the flashing or moving type.

6. Parking: Off-street parking shall be provided in accordance with Article 35.**7. Environmental Quality:** All uses in the ME zone shall comply with standards adopted by the Environmental Quality Commission for air, land, water and noise.**8. Access:**

- a. Access improvements may be required by Douglas County, on County Roads, for uses authorized in the ME zone. Such improvements shall be directly related to the impact of the use on adjacent properties and vehicular movement.

SECTION 3.23B.250 Industrial Development Standards authorized by the 2003 State Legislature

The 2003 State Legislature enacted law (HB2614 and HB2691) 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 June 10, 2003:

- 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 15,000 or more (Roseburg).
- b. Building Size: Subject to the permit approval process, there shall be no limitations on the size or type of industrial buildings authorized.
- c. Sewer facilities: Subject to DEQ approval, on-site sewer facilities may be allowed to serve authorized industrial development on qualifying lands, but shall be limited in size to meet only the needs of the authorized industrial use.
- d. Other uses not permitted: On qualifying lands, the Approving Authority may not allow retail, commercial, or non-accessory residential development.
- e. Notice to cities shall be provided as specified in ORS.
- f. The provisions in this sub-section (3.23B.250.1) expire on January 2, 2006, except that an application submitted prior to the expiration date may be processed under these provisions.

[Note: Unless reauthorized by statute or rule, this sub-section shall sunset as provided above and will be deleted from the Land Use & Development Ordinance.]

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.

[Note: The standards in this sub-section are not subject to a sunset provision.]

ARTICLE 23C

(MRI) Marine Industrial

SECTION 3.23C.000 Purpose

The Marine Industrial classification is intended to establish and preserve adequate shoreland area for water dependent industrial and commercial uses within the urban areas of coastal Douglas County. The Marine Industrial classification is primarily intended to be applied to designated urban water dependent shorelands areas adjacent to the estuarine waters within the Reedsport Urban Growth Boundary and within the committed shorelands areas of Gardiner and Winchester Bay area, for which a Goal 2, Part II Exception has been taken.

SECTION 3.23C.050 Permitted Uses

In the MRI zone, the following uses and activities and their accessory buildings and uses are permitted subject to the applicable development standards and provisions set forth in this ordinance:

1. Aids to navigation.
2. Boat launch or moorage facility, marina and boat charter services.
3. Cold storage and ice processing for marine/estuarine products.
4. Communication facilities essential to service water-dependent uses.
5. Energy production facilities, forest products processing and other industrial complexes dependent on the estuarine or marine waters for processing, transportation of material, loading or unloading from ships and barges, etc.
6. Facilities for construction, repair, maintenance and dismantling of boats, barges, ships and related marine equipment.
7. Facilities for processing of products harvested from the estuary or ocean.
8. Facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
9. Laboratory for research on marine/estuarine products and resources and physical and biological characteristics of the estuary.
10. Loading and unloading facilities.
11. Maintenance and rehabilitation of existing structures.

12. Marine ways and drydock facilities for boat, barge and ship repair and maintenance.
13. Office in conjunction with a permitted or conditionally permitted use.
14. Public waterfront access.
15. Research and education observation.
16. Utilities such as power and telephone lines and their support structures, gas lines, water lines and sewer lines.
17. Wharves, docks and piers.

SECTION 3.23C.100 Uses Permitted with Standards

The following uses and activities and their accessory buildings and uses are permitted in the MRI zone subject to the provisions set forth in §2.060.1 and the applicable standards and criteria set forth in §3.23C.200 (depicted in parenthesis behind each affected use) and in Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Disposal of dredged material.
2. Nondependent uses which are temporary and do not preclude the timely use of the site for water-dependent uses when a need arises; for example, parking and open storage.
3. Transportation facilities essential to service water-dependent uses. (2)

SECTION 3.23C.150 Buildings and Uses Permitted Conditionally

In the MRI zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and the applicable standards and criteria set forth in §3.23C.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Dwelling for caretaker or single family dwelling attached to a permitted or conditionally permitted use. (2,3)
2. Flood and erosion prevention structures.
3. Retail seafood market in conjunction with seafood packing and processing plant. (2)
4. Uses not listed above which must locate next to the estuary because of a demonstrated relationship to the water, proven unavailability of upland locations or specialized siting requirements. (1,2)

SECTION 3.23C.200 Standards and Criteria

In a MRI zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards.

1. Uses not listed as permissible may be allowed upon a demonstration by the applicant that the uses are in fact water-dependent consistent with the criteria set forth in the definitions.
2. Any applicant for a use shall furnish evidence of compliance, or intent to comply, with all applicable permit and rule requirements of: 1) the Douglas County Salmon Harbor Management Board; 2) Port of Umpqua; 3) Department of Environmental Quality; 4) Division of State Lands; 5) U.S. Army Corps of Engineers and all other agencies having interest applicable to the proposed use.
3. Dwellings for caretakers and attached single-family dwellings may be allowed in an MRI zone if such uses are a necessary and accessory part of a water-dependent use and do not interfere with the location and operation of other water-dependent uses.

SECTION 3.23C.250 Property Development Standards

1. **Area:** No standard established.
2. **Coverage:** Full coverage is allowable, provided minimum parking space has been provided.
3. **Setbacks:**
 - a. Front Yard: No standard established.
 - b. Side and Rear Yards: Side or rear yards will not be required, but if side or rear yards are created, they shall be a minimum of 5 feet.
 - c. Landscaping: If yards are created, they shall be planted and maintained.
 - d. Vision Clearance: Visual clearance for corner properties on streets with width of less than 66 feet shall be a minimum of 1 foot vision clearance for each foot of street width under 66 feet; provided that a vision clearance of more than 10 feet shall not be required. Said vision clearance shall be from the curb or walk level to a minimum height of 8 feet.

- 4. Signs:**
 - a. Signs shall not extend over a public right-of-way or beyond the property line.
 - b. Signs may be illuminated but may not be of the flashing or moving type.
- 5. Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 24

(EN) Estuarine Natural

SECTION 3.24.000 Purpose

The Estuarine Natural classification is intended to preserve and protect areas containing significant natural resources in the estuary. The classification provides for uses of designated natural resource areas which are consistent with the natural management unit designation of the Comprehensive Plan and its objective to protect significant habitats, biological productivity and scientific, research and educational values.

SECTION 3.24.050 Permitted Uses

In the EN zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Aids to navigation, such as beacons and buoys.
2. Commercial harvest of fin fish in the water column.
3. Grazing of livestock that does not require establishment of dikes, tidegates or other permanent structures.
4. Low intensity, water-dependent recreation not requiring development.
5. Maintenance of existing facilities and structures.
6. Passive restoration measures.
7. Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
8. Research and educational observation without permanent structures.
9. Bridge crossings not including supporting structures on fill located in the waterway or adjacent wetlands.

SECTION 3.24.100 Uses Permitted with Standards

The following uses and activities and their accessory buildings and uses are permitted subject to the procedures set forth in §2.060.1 of this ordinance, and conformance with applicable standards and criteria set forth in §3.24.150 and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement.

2. Aquaculture and commercial harvest of benthic organisms (clams, oysters, shrimp, etc.) which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
3. Log storage in the Steamboat Island management unit.
4. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges.
5. Riprap as an erosion preventive measure.
6. Communication and pipeline facilities.
7. Boat ramps for public use where no dredging or fill for navigational access is needed.
8. Pipelines, cables and utility crossings including incidental dredging necessary for their installation.
9. Installation of tidegates in existing functional dikes.
10. Temporary alterations in support of uses permitted outright or conditionally permitted in Article 24.
11. Bridge crossing-support structures and dredging necessary for their installation.
12. Other alterations limited to uses consistent with the purpose of the management unit.
13. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures.
14. Riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities.

SECTION 3.24.150 Approval Standards And Criteria

In an EN zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Article 36 SUPPLEMENTARY PROVISIONS, including:
 - a. Resource capabilities of the area;

- b. Purpose of the resource management unit as explained in §3.24.000 of this zone classification;
 - c. Other Alterations in §3.36.040; and
 - d. Standards and criteria applicable to specific uses.
2. The use is found to be consistent with any of the following applicable special standards:
- a. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges shall be permitted if such will not conflict with permitted uses in the zoned area.
 - b. Riprap shall be permitted to the extent necessary to protect uses existing on October 7, 1977, and to protect unique natural resources and historical and archaeological values and public facilities only if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
 - c. Log storage may be permitted in the Steamboat Island Natural Management Unit (No. VI) of the Coastal Resources Plan if it is needed to either expand or replace storage required by an existing wood products facility, if it is established in deep water where logs will not go aground at the lowest tide and if it will not interfere with navigation.
 - d. Commercial harvest of benthic organisms which disturb the bottom sediments of the water body must be limited to methods other than dredging in natural management units.
 - e. Active restoration shall be consistent with the definition contained in Chapter 1 of this ordinance. Proposals for active restoration shall identify the historical existence and cause of the lost or degraded estuarine resource being restored.

ARTICLE 25

(EC) Estuarine Conservation

SECTION 3.25.000 Purpose

The Estuarine Conservation classification is intended to establish and protect areas of the estuary for the long term use of renewable resources. The classification is intended to apply to an area designated in the Comprehensive Plan as a conservation management unit and to be managed for uses of low to moderate intensity that do not require a major alteration of the estuary. Areas included in the classification have less biological significance than areas classified as Estuarine Natural.

SECTION 3.25.050 Permitted Uses

In the EC zone, the following uses and activities and their accessory buildings and uses are permitted subject to the applicable standards and provisions set forth in this ordinance.

1. With the exception of temporary alterations and other alterations all uses and activities permitted outright and permitted with standards in the EN Zone.
2. Active restoration of sites identified for such use in the Comprehensive Plan.
3. Agricultural irrigation pumps.
4. Aquaculture.
5. Live bait storage.
6. Log transport.
7. Maintenance and rehabilitation of existing dikes and fishing piers not including dredging.
8. Rehabilitation of existing wing dams, sanitary waste outfalls and bridges.
9. Structures for research and educational observation.
10. Temporary low-water bridges.
11. Commercial harvest of benthic organisms (clams, oysters, shrimp, etc.) without the use of permanent structures or harvest by dredging.

SECTION 3.25.100 Uses Permitted With Standards

The following uses and activities and their accessory buildings and uses are permitted in the EC zone consistent with procedures set forth in §2.060.1 of this ordinance and subject to conformance with applicable standards and criteria set forth in §3.25.200 and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Dredging for maintenance and rehabilitation of dikes.
2. Fill when required to establish a permitted or conditionally permitted use.
3. High intensity, water dependent recreation including:
 - marinas and moorages;
 - boat charter services;
 - boat ramps and hoists; and
 - fishing piers and associated dredging.
4. Individual or community docks.
5. Piling and mooring dolphins for the purpose of mooring craft, barges and log rafts.
6. Maintenance dredging of existing facilities and future marinas/moorages.
7. Minor navigational improvements including maintenance dredging of recognized channels and construction of wing dams.
8. Riprap and other erosion protective measures.
9. Sanitary waste outfalls.
10. Utilities and their support structures.
11. Dredge harvest of clams and other benthic organisms.
12. Active restoration for purposes other than protection of habitat, nutrient, fish, wildlife and aesthetic resources.
13. Other water dependent uses requiring occupation of water surface area by means other than dredge or fill.
14. Aquaculture requiring dredge or fill or other alteration of the estuary.
15. Temporary alterations in support of uses permitted outright or conditionally permitted in Article 25.
16. Other alterations limited to uses consistent with the purpose of the management unit.

SECTION 3.25.150 Buildings and Uses Permitted Conditionally

In the EC zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 of the Ordinance, and applicable standards and criteria set forth in §3.25.200 and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Mining and mineral extraction, including sand and gravel.

SECTION 3.25.200 Standards and Criteria

In an EC zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Article 36 SUPPLEMENTARY PROVISIONS, including:
 - a. Resource capabilities of the area;
 - b. Purpose of the resource management unit, as explained in §3.25.000 of this zone classification;
 - c. Other Alterations in §3.36.040; and
 - d. Standards and criteria applicable to specific uses.
2. The use is found to be consistent with any of the following applicable special standards:
 - a. High intensity water-dependent recreation, maintenance dredging of existing facilities, minor navigational improvements, mining and mineral extraction, utilities, sanitary waste outfalls, water-dependent uses requiring occupation of water surface area by means other than fill and bridge crossings shall be permitted if found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources that do not require major alteration of the estuary.
 - b. Riprap and other bank protective measures shall be permitted to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
 - c. Fills may be allowed in an EC zone only as part of the following uses or activities:

- i. Maintenance and protection of man-made structures existing as of October 7, 1977;
 - ii. Active restoration of the estuarine area if a public need is demonstrated;
 - iii. Temporary low-water bridges if an estuarine location is required, if there are no alternative locations within a "development" management unit and if adverse impacts are minimized as much as feasible;
 - iv. Aquaculture;
 - v. High intensity water dependent recreation and minor navigational improvements if no alternative upland locations exist for the portion of the use requiring fill, and allowing the use is found to be consistent with the objective of providing for and maintaining long-term uses of renewable resources;
 - vi. Flood and erosion control structures, if required to protect water-dependent uses allowed in the management unit and if land use management practices and nonstructural solutions are inadequate to protect the use; and
 - vii. Bridge crossing support structures if there are no alternative locations in an ED zone and if findings required in v. above are made.
- d. Dredging for material for dike repair/maintenance may be allowed in subtidal areas within EC zones on Smith River and Scholfield Creek if no alternative source of suitable material is available or the cost of obtaining and placing the material is prohibitive (cost of using alternative sources is 200% or more of the cost of dredging for material). An application for a permit to dredge for dike repair/maintenance shall include an evaluation of the availability and suitability of alternative sources of material including specific upland and dredged material stockpile sites and a cost comparison of using alternative sources.
 - e. Dredging for dike repair/maintenance shall be carried out in such a manner that the impact on aquatic life and disruption of tide flats and marshes is minimized.
 - f. Active restoration of sites not identified in the Comprehensive Plan shall be consistent with the definition contained in Chapter 1 of this ordinance. Proposals for active restoration shall identify the historical existence and cause of the lost or degraded estuarine resource being restored.

ARTICLE 26

(ED) Estuarine Development

SECTION 3.26.000 Purpose

The Estuarine Development classification is intended to establish and preserve adequate area for navigation and other public, commercial and industrial water dependent uses. This classification is intended to apply to an area designated in the Comprehensive Plan as a Development Management Unit and to be managed for uses of high intensity which may significantly alter the estuarine resource.

SECTION 3.26.050 Permitted Uses

In the ED zone, the following uses and activities and their accessory buildings and uses are permitted subject to the applicable development standards and provisions set forth in this ordinance.

1. Commercial water-dependent uses including:
 - boat launch or moorage facility, marina, and boat charter services; and
 - facilities for refueling and providing other services for boats, barges, ships and related marine equipment.
2. Developed, high-intensity, water-dependent recreation uses including:
 - marinas and moorages;
 - boat charter services;
 - boat ramps and hoists; and
 - fishing piers.
3. Industrial water-dependent uses including:
 - wharves, docks and piers;
 - loading and unloading facilities; and
 - marine ways and drydock facilities for boat, barge and ship repair and maintenance.
4. Interim, temporary uses and activities which do not preclude or interfere with the future development of water-dependent uses and activities.
5. Log transport.
6. Maintenance dredging of water-dependent and other existing uses.
7. Maintenance of existing facilities and structures.

8. Navigation channels and improvements including:
 - maintenance dredging of authorized channels;
 - extension of channels and turning basins to authorized depth and width; and
 - maintenance of jetties.
9. Public water-dependent uses including:
 - aids to navigation such as beacons and buoys;
 - laboratory for research of physical and biological characteristics of the estuary; and
 - sanitary waste outfalls.
10. Utilities.

SECTION 3.26.100 Uses Permitted with Standards

The following uses and activities and their accessory buildings and uses are permitted subject to the procedures set forth in §2.060.1 of this ordinance and conformance with applicable standards and criteria set forth in §3.26.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. In-water (subtidal) disposal of dredged materials. (2b)
2. Laboratory for commercial research on marine/estuarine products and resources.
3. Riprap and other erosion protective measures. (2c)
4. Storage of products and materials transported by means of estuarine waters (including logs). (2d)
5. Uses permitted in natural and conservation management units but not listed as permitted in development management units. (2e)
6. Active restoration. (2g)
7. Uses shown to be water-dependent by an applicant. (2f)
8. Flow-lane disposal of dredged material. (2h)
9. Dredge or fill. (2b & 2i)
10. Other alterations limited to uses consistent with the purpose of the management unit. (2i)

SECTION 3.26.150 Uses Permitted Conditionally

In the ED zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and applicable standards and criteria set forth in §3.26.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Mining and mineral extraction, including sand and gravel. (2a)
2. Where consistent with the purpose of this management unit water related uses and nondependent, nonrelated uses not requiring dredging or fill and activities listed in the Estuarine Natural and Conservation Zones, including the following, shall also be appropriate:
 - storage of marine/estuarine products, fishing gear and marine equipment;
 - wholesale and retail market for marine/estuarine sea products;
 - marine supplies and equipment store;
 - bait and tackle shop;
 - grocery store;
 - restaurant;
 - marine-related gift or specialty shop;
 - houseboat;
 - dwelling for caretaker; and
 - single-family dwelling attached to a permitted or conditionally permitted use. (2a)

SECTION 3.26.200 Approval Standards and Criteria

In an ED zone, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria. Approval may be subject to conditions deemed necessary to ensure that conformance is achieved.

1. The use is found to be consistent with the provisions of Article 36 SUPPLEMENTARY PROVISIONS, including:
 - a. Resource capabilities of the area;
 - b. Purpose of the resource management unit, as explained in §3.26.000 of this zone classification;
 - c. Other Alterations in §3.36.040; and
 - d. Special policies for specific uses.

2. The use is found to be consistent with any of the following applicable special standards:
 - a. Water-related, nondependent and nonrelated uses may be allowed only if:
 - i. The site has minimum biological or recreational significance;
 - ii. The site and adjacent shorelands are not suitable or needed for water-dependent uses;
 - iii. The use is consistent with and does not preempt or interfere with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses; and
 - iv. The use will not result in dredging, filling or other similar reduction/degradation of estuarine natural values.
 - b. In-water disposal of dredged materials shall be permitted, if found to be consistent with the dredge and fill requirements of Article 36 and the objective of providing for and maintaining navigational and other public, commercial and industrial water-dependent uses and state and federal laws.
 - c. Riprap and other bank protective measures shall be permitted in ED zones to protect existing or allowed uses if land use management practices and nonstructural solutions are inadequate and adverse impacts on water currents, erosion and accretion patterns are minimized.
 - d. Water storage of materials or products shall be permitted in ED zones if found to be directly associated with water transportation and an integral part of the operation of a proposed or existing facility; if there are no feasible upland alternatives; if adverse impacts are minimized as much as possible and if consistent with the objective of providing for and maintaining navigational and other water-dependent uses.
 - e. Uses permitted in natural and conservation management units, bridge crossings and mining and mineral extraction may be allowed in an ED zone if found to be consistent with the objective of providing for and maintaining navigational and other needed public, commercial and industrial water-dependent uses.
 - f. Uses not listed as water dependent in the plan or this ordinance may be allowed in an ED zone if the applicant demonstrates that the uses meet the criteria for water-dependency contained within the definition.

- g. Active restoration shall be consistent with the definition contained in Chapter 1 of this ordinance. Proposals for active restoration shall identify the historical existence and causes of the lost or degraded estuarine resource being restored.
- h. Flow-lane disposal of dredged material must be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units.
- i. Other uses and activities which could alter the estuary shall only be allowed once an impact assessment is completed (as required in §3.36.040) and once the following requirements are satisfied:
 - i. if a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - ii. if no feasible alternative upland locations exist; and
 - iii. if adverse impacts are minimized.

ARTICLE 27

(CS) Conservation Shorelands

SECTION 3.27.000 Purpose

The Conservation Shorelands classification is intended to preserve and protect shoreland areas containing major freshwater marshes, significant wildlife habitat, or having exceptional scenic or aesthetic quality due to their association with coastal waters. The classification provides for uses of these shorelands which are consistent with the objective of protecting their natural values. Areas designated as Urban Conservation and Resource Conservation Shorelands in the Comprehensive Plan shall be included in this classification.

SECTION 3.27.050 Permitted Uses

In the CS zone, the following uses and activities and their accessory buildings and uses are permitted subject to the provisions and exceptions set forth by this ordinance.

1. Activities which maintain, enhance or restore major marshes, significant wildlife habitat and exceptional aesthetic resources.
2. Aids to navigation.
3. Grazing of livestock.
4. Harvesting wild crops.
5. Maintenance of dikes, culverts, roads, bridges and other existing structures.
6. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act and Forest Practices Rules administered by the Department of Forestry for the protection of coastal shoreland resource values.
7. Research and educational observation without structures.
8. Undeveloped, low intensity, water-dependent recreation including: boat launching, fishing, hunting, wildlife observation, photography, etc.

SECTION 3.27.100 Uses Permitted with Standards

The following uses and activities and their accessory buildings and uses are permitted in the CS zone consistent with the procedures set forth in §2.060.1 and subject to conformance with applicable standards and criteria set forth in §3.27.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Aquaculture. (1,3)
2. Communication facilities such as communication tower support structures, and pipelines. (1,3)
3. Disposal of dredged material. (2)
4. Maritime museums. (2,3)
5. Public parks, historical monuments. (2,3)
6. Rehabilitation of dikes, culverts, roads, bridges and other existing structures. (2)
7. Sanitary outfalls. (2,3)
8. Transportation facilities. (2,3)
9. Uses and activities necessary to protect the natural or cultural resource values present in the unit.

SECTION 3.27.150 Uses Permitted Conditionally

In the CS zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and applicable standards and criteria set forth in §3.27.200 and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Flood and erosion preventive measures.
2. One single-family dwelling on a lot of record, as defined in Chapter 1 of this ordinance, when compatible with the objectives and implementation standards of the Coastal Resources Element of the Plan.
3. Estuary restoration when identified in the Comprehensive Plan as a restoration site.

SECTION 3.27.200 Standards and Criteria

In the CS zone, approval of uses permitted with standards shall be based on findings which show that the proposed use complies with the following applicable standards and criteria.

1. Utilities, public communication facilities and aquaculture shall be permitted only if found to be consistent with the intent of the Resource Conservation designation and if there is no conflict with uses listed as permitted.

2. New transportation facilities, sanitary outfalls, disposal of dredged material, public parks, historical monuments and maritime museums shall be permitted only when consistent with existing resources and use.
3. Structures allowed shall not have a long term negative effect on the natural and cultural resource values being protected.
4. Fills and structures that might have adverse effects on fish runs or reduce floodplain capacity shall not be permitted in the shorelands area along Winchester Creek.

SECTION 3.27.250 Property Development Standards

1. **Area:** No standard established.
2. **Setbacks:**
 - a. Front Yard: No structure shall be located closer than 30 feet from the front property line.
 - b. Side Yard: No structure shall be located closer than 10 feet from side property lines.
 - c. Rear Yard: No structure shall be located closer than 10 feet from rear property lines.
3. **Land Division:** Requests for land division, including subdivision, or land partition, shall be reviewed through the approval process provided in Chapter 2 of this ordinance and shall conform to the applicable requirements of Chapter 4.

ARTICLE 28

(MR) Marine Rural

SECTION 3.28.000 Purpose

The Marine Rural zone is designed to regulate uses and activities in coastal rural shorelands that are suitable and needed for water dependent and water related uses. The intent of the MR zone is to designate and protect these shoreland areas for water dependent and water related recreational uses, aquaculture, disposal of dredged material and water dependent industrial and commercial uses which require a rural location.

SECTION 3.28.050 Permitted Uses

In the MR zone the following uses and activities and their accessory buildings and uses are permitted subject to the exceptions and provisions set forth in this ordinance.

1. Aids to navigation.
2. Aquaculture.
3. Maintenance and rehabilitation of existing structures.
4. Private and public water-dependent recreation including but not limited to:
 - marinas and moorages;
 - boat charter services;
 - boat ramps and hoists; and
 - fishing piers.
5. Research and education observation.
6. Water-dependent industrial and commercial activities which are linked to the harvest and propagation of agricultural, mineral and timber resources such as: log storage, handling, dumping into the rivers and retrieval from the rivers; loading and unloading of gravel onto and from barges; or the loading and unloading of animals and agricultural products from barges.

SECTION 3.28.100 Uses Permitted with Standards

In shoreland areas subject to the MR zone, the following uses and activities and their accessory buildings and uses are permitted consistent with the procedures set forth in §2.060.1 and subject to conformance with applicable standards and criteria set forth in §3.28.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Bridge crossings, roads and railroads.
2. Disposal of dredged material.
3. Nondependent uses which do not preclude the timely use of the site for water-dependent uses.
4. Travel trailer and camping facilities when part of a moorage facility/marina.
(3)
5. Utilities, communication and transportation facilities necessary to serve permitted and conditionally permitted uses.

SECTION 3.28.150 Uses Permitted Conditionally

In the MR zone, the following uses and activities and their accessory buildings and uses may be permitted subject to the provisions of §2.060.1, Article 39 and the applicable standards and criteria set forth in §3.28.200 (depicted in parenthesis behind each affected use) and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. One single-family dwelling in conjunction with or attached to a permitted use.
(2)
2. Flood and erosion control structures.
3. Water-dependent and water-related industrial and commercial uses listed as permitted in the MRI and MC zones. (1)
4. Uses not listed as permitted but shown to be water-dependent or water-related by the applicant.

SECTION 3.28.200 Standards and Criteria

In a MR zone, approval of uses and activities permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable criteria and standards.

1. Water dependent and water related commercial and industrial uses and other uses may be permitted in shorelands zoned MR only when it is found that such uses satisfy a need which cannot be accommodated on shorelands in urban and urbanizable areas or in rural areas committed to nonresource use.
2. Single-family residences may be permitted on existing lots, parcels or units of land in shorelands zoned MR if found to be compatible with the allowed uses.

3. Recreational vehicle and camping facilities may be permitted in rural shorelands zoned MR when they are owned and operated as an integral part of a moorage facility.

SECTION 3.28.250 Property Development Standards

1. **Area:** No standard established.
2. **Setbacks:**
 - a. Front Yard: Front yards will not be required except residential uses shall maintain a minimum front yard of 15 feet.
 - b. Side Yard: Except for residential uses, side yards will not be required. If they are created, they shall be a minimum of three (3) feet. Residential uses shall maintain five (5) feet for interior side yards and 10 feet for exterior side yards.
 - c. Rear Yards: Rear yards will not be required, except no structural improvements shall be allowed within 10 feet of the centerline of an alley.
3. **Land Division:** Requests for land division, including subdivision, or land partition, shall be reviewed through the approval process provided in Chapter 2 of this ordinance and shall conform to the applicable requirements of Chapter 4.
 - a. Division of land in resource zones for resource use, committed areas or exception areas shall be allowed if provisions of the Ordinance are met.
 - b. In addition to conformance with other requirements of this ordinance, other land divisions subject to the Shorelands Overlay designation shall be allowed only when a finding is made that the use of such land cannot be accommodated on other upland locations or in an urban/urbanized area.

ARTICLE 29

(WI) Water Impoundment

SECTION 3.29.000 Purpose

The purpose and intent of the Water Impoundment zone is to provide sites for multi-purpose water impoundments to meet the municipal, industrial, recreational, power, instream and irrigation needs of the County. The zone is intended to prevent conflicting uses while allowing associated uses normally conducted in conjunction with water impoundments.

The zone is only to be applied to areas which will have water impoundments in excess of 1000 acre feet. This zone is intended to protect selected water impoundment sites from irreversible loss.

SECTION 3.29.050 Permitted Uses

In the WI zone, the following uses and activities are permitted subject to the general provisions and exceptions set forth by this ordinance.

1. Farm uses (not including residential uses).
2. Propagation or harvesting of a forest product.
3. The mining and quarrying of rock permitted in accordance with the Forest Practice Act, ORS 527.610 to 527.730.
4. Nonresidential uses necessary and accessory to the uses listed above in conjunction with water impoundment.
5. Public parks, campgrounds, boating facilities, camps and other such recreational facilities not involving major structures.
6. Water impoundments including accessory uses such as spillway, powerhouse, fish facilities and staging area.

SECTION 3.29.100 Uses Permitted Conditionally

1. Operations conducted for the exploration, mining and processing of aggregate and other mineral resources or other subsurface resources.

SECTION 3.29.200 Property Development Standards

1. **Property Size:** There is no minimum property size for this zone, as divisions of land within the zone shall not be permitted. However, if a parcel is not totally included within the zone, the portion laying outside the zone may be divided from the portion within the zone. Such divisions shall be processed as Administrative Actions, subject to the provisions of §2.060.1.
2. **Lot Coverage:** No standard established.
3. **Setbacks:** No standard established.
4. **Height:** No standard established.
5. **Signs:**
 - a. Signs shall not extend over a public right-of-way or project beyond the property line.
 - b. Signs shall not be illuminated or capable of movement.
6. **Parking:** Off street parking shall be provided in accordance with Article 35.

ARTICLE 30

(FP) Floodplain Overlay

SECTION 3.30.000 Purpose

The flood hazard areas of Douglas County are subject to periodic inundation, resulting in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, impairment of the tax base, and adverse effects on the public health, safety and general welfare.

Flood losses are caused by:

1. The cumulative effect of obstructions in floodways causing increases in flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The provisions of this article are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money and costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 3.30.150 Methods of Reducing Flood Losses

In order to accomplish its purpose, this article includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 3.30.200 Definitions

For the purpose of this article the following definitions shall apply:

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.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

EXTREME HAZARD SITE: A site where any structure constructed on the site is likely to be destroyed during periods of regional flooding. Examples of building sites which may be in this category are:

- a. Sites with adjacent unstable streambanks.
- b. Sites with obvious streambank erosion.
- c. Sites where potential streambank erosion is eminent if existing vegetative cover is removed or destroyed.
- d. Sites on the outside of a curve in a stream, especially if gravel is being deposited on the inside of the curve.
- e. Sites across the stream from a prominent rock ledge or rock outcrop.
- f. Sites that may be dangerously affected by any channel obstruction at any stream stage.
- g. Sites which may be dangerously affected by wave action.
- h. Sites where structure may be undermined by any extreme natural cause.
- i. Sites where flood current velocities are sufficient to destroy structure or where flood debris carried by current is sufficient to destroy structure.
- j. Sites where water depth is above eight (8) feet in height.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

HIGH HAZARD SITE: A site where any structure constructed on the site is likely to be heavily damaged during periods of regional flooding. Examples of building sites which may be in this category are:

- a. Sites which are likely to be undermined by surface water erosion, such as areas where substantial erosion or siltation is currently evident.
- b. Swampy areas which remain inundated for extended periods after regional floodwaters have receded, often found next to hills and/or are located on alluvial plains.
- c. Sites which are likely to be inundated by more than four (4) feet of floodwater and are also subject to either condition (a) or (b) above.

LOW HAZARD SITE: A site where only minor damage to the structure is likely to occur during periods of regional flooding. Examples of building sites which may be in this category are:

- a. Sites where no appreciable flood current is likely to occur.

- b. Sites where backup water will recede slowly as stream and/or tide recedes.
- c. Sites where damage done to a structure is mainly due to inundation.

Low hazard conditions exist only when the above conditions have not been exceeded and when regional floodwaters do not exceed eight (8) feet in height.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MOBILE HOME: Mobile Home means "manufactured home".

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

MOBILE HOME PARK OR SUBDIVISION: Any place where two or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or mobile homes for a charge or fee paid or to be paid for the rental, lease, or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations.

ONE HUNDRED (100) YEAR FLOOD: The flood having one percent chance of being equaled or exceeded in any given year. The term has the same meaning as "base flood" and "regional flood".

RECREATIONAL VEHICLE: for floodplain management purposes, the term recreational vehicle means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and

- d. designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a. before the improvement or repair is started; or
- b. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 3.30.210 Lands to Which This Article Applies

This Article shall apply to all areas of flood hazard within Douglas County, and overlay the regulations of the underlying zoning district.

SECTION 3.30.220 Basis for Establishing Areas of Flood Hazard

Areas of flood hazard for Douglas County are areas designated as special flood hazard areas (A Zones) or areas within a floodway.

Special flood hazard areas and floodways are identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Douglas County, Oregon Unincorporated Areas", dated March 4, 1986, and September 30, 1996, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Hazard Boundary Maps. This publication is used in conjunction with a series of orthophotographs prepared by Spencer B. Gross and David C. Smith.

In addition, "Flood Profiles in the Calapooia Creek Basin, Oregon", an open-file report #82-439 of the U.S. Department of the Interior, Geological Survey, which was published in 1982, and "Floods on Selected Reaches of Elk Creek, Douglas County, Oregon", published by U. S. Geological Survey in 1971 shall be used with accompanying maps for identification of flood hazard areas and floodways for those portions of Calapooia Creek, Elk Creek and their tributaries in the study areas.

All of the above referenced publications, maps, orthophotos, and subsequent revisions or additions to those materials, are hereby adopted by reference and declared to be part of this ordinance in so far as they are consistent with the Federal Insurance Study. These publications, maps and orthophotos shall be kept on file with the Douglas County Planning Department.

These publications shall be used as the basis for determining which flood district applies to property. Where these publications fail to provide data sufficient to determine the applicable flood district, the applicable flood district shall be determined on the basis of the best available information. When base flood elevation has not been provided in accordance with this section, the Director may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer the requirements of the floodplain overlay.

Areas of flood hazard shall also include any land area susceptible to inundation of water from any source where the above referenced maps have not identified any special flood areas.

SECTION 3.30.230 Compliance

No structure shall hereafter be constructed, located, extended, converted or altered nor shall any land be developed, subdivided or partitioned without full compliance with the terms of this article and other applicable regulations.

SECTION 3.30.240 Abrogation and Greater Restrictions

It is not intended by this article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article imposes greater restrictions, the provision of this article shall prevail.

SECTION 3.30.250 Interpretation

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. In cases where more than one flood district applies, the provisions of the more restrictive district shall prevail.

SECTION 3.30.260 Warning and Disclaimer of Liability

The degree of flood protection required by this article is considered reasonable for regulatory purposes. Larger floods can occur on rare occasions. The flood height may be increased by man-made or natural causes, such as log jams and bridge openings restricted by debris. This article does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This article shall not create liability on the part of Douglas County or any officer or employee thereof for any flood damages that may result from reliance on this or any administrative decision lawfully made thereunder.

SECTION 3.30.270 Required Permits

1. A permit shall be obtained before construction or development begins within any area of flood hazard established in §3.30.500. Application for such permit shall be filed with the appropriate agency of government having jurisdiction over such development. Applications required by the Director shall include the following information:
 - a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c. Where required, certification by a registered professional engineer or architect that criteria specified in §3.30.450, 3.30.460 and 3.30.520 have been met;
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - e. Plot plan drawn to scale showing the nature, location and dimensions and elevation referenced to mean sea level, of the area in question including existing and proposed structures, fill, storage of materials, and drainage facilities. Applicants shall submit certification by an Oregon registered professional engineer or land surveyor of the site's ground elevation and whether or not the development is located in a flood hazard district. If so, the certification shall include which flood hazard district applies, the location of the floodway at the site, and the 100 year flood elevation at the site. A reference mark shall be set at the elevation of the 100 year flood at the site. The location, description, and elevation of the reference mark shall be included in the certification; and
 - f. Any other information required by the Director.

2. When base flood elevation data has not been provided by "The Flood Insurance Study for Douglas County, Oregon," the Director shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer this article.
3. All building and mobile home placement permits shall also be reviewed to determine the flood hazard for the proposal. Where elevation data is not available, permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. Reasonableness shall be determined on the basis of the best available information on flood conditions affecting the land. The best available information may include but shall not be limited to the use of historical data, high water marks, etc.
4. No new construction, substantial improvements or other development (including fill) shall occur within the 100-year flood district where no floodway has been established unless an Oregon registered professional engineer certifies to the Director or other agency which requires a permit for the proposed development that the cumulative effect of the proposed development and anticipated development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot.

SECTION 3.30.280 Designation of Administrator

The Director shall administer and implement this article by granting or denying development permit applications in accordance with its provisions. The Director shall:

1. Review all development applications to determine that the permit requirements of this ordinance have been satisfied.
2. Review all development applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
3. Ensure that all provisions of this article are met.

Information to be Obtained and Maintained

4. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures (as built elevation), and whether or not the structure contains a basement.
5. For all new or substantially improved floodproofed structures:
 - a. verify and record the actual elevation (in relation to mean sea level); and

- b. maintain the floodproofing certifications required in §3.30.270.
6. Maintain for public inspection all records pertaining to the provisions of this ordinance.

Alteration of Watercourses

7. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
8. Require that a program of periodic inspection and maintenance be provided with the altered or relocated portion of said watercourse so that the flood carrying capacity of the watercourse is not diminished.

Interpretation of Flood Hazard Boundaries

9. Make interpretation where needed, as to exact location of the boundaries of areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §2.060.4. of this ordinance.
10. Alleged errors of any requirement, decision or determination made by the Director in the enforcement or administration of this article can be appealed pursuant to §2.400 of this ordinance.

SECTION 3.30.300 Variance Procedure

Requests for variances to any standard, procedure or requirement of this article can be filed pursuant to §2.060.1 of this ordinance.

In passing upon such applications, the Approving Authority shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding, debris, or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment and debris transported by the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Generally, variances may be issued for construction, development and substantial improvements to be erected on a parcel of land of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the 100 year flood level, providing the above items 1-11 have been fully considered. As the parcel size increases beyond one-half acre, the technical justification required for issuing the variance increases.

Upon consideration of the above factors and purposes of this article, the Approving Authority may attach such conditions to the granting of variances as he deems necessary to further the purposes of this article.

The Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

SECTION 3.30.310 Conditions for Variances

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice of the approval and any conditions of the variance. In cases where a variance is granted to allow construction with a lowest floor elevation below the 100 year flood elevation, applicant will also be notified, in writing, that the cost of flood insurance will be commensurable with the increased risk resulting from the reduced lowest floor elevation.

SECTION 3.30.400 Provisions for Flood Hazard Reduction

In areas of flood hazard, the provisions of §3.30.410 through 3.30.460 shall apply.

SECTION 3.30.410 Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All mobile homes shall be anchored in accordance with provisions set forth in §3.30.460.

SECTION 3.30.420 Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 3.30.430 Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
2. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding:
 - a. The Sanitation Authority shall be notified when development requiring an on-site waste disposal system is proposed in an area of flood hazard.
 - b. The Sanitation Authority shall be responsible for carrying out the purposes of enforcing this provision.

SECTION 3.30.440 Subdivision and Partitioning Proposals

1. All subdivision and partitioning proposals shall be consistent with the need to minimize flood damage.
2. All subdivision and partitioning proposals shall have public utilities and facilities such as sanitary and storm sewers, gas, electrical, and water systems located and constructed and maintained to minimize flood damage.
3. All subdivision proposals shall have adequate drainage to reduce exposure to flood damage, including returning water.
4. All partitions and subdivisions for nonresidential uses shall have the explanation "Not for residential use" printed on the face of the final survey map or plat.
5. No portion of any street or road surface in any subdivision shall be at an elevation less than one foot below the regional flood height. The road surface is that portion of a street or way available for vehicular traffic or where curbs are laid, the portion between curbs.
6. 100 year flood elevation data shall be provided and shown on final partition maps and subdivision plats. The boundaries of the 100 year floodplain and floodway must be shown on final subdivision plats and partition maps. Where no base flood elevation exists, base flood data must be provided by the applicant. Such base flood data shall be generated by a Registered Oregon Engineer and shall be consistent with the size and complexity of the development.

7. A permanent monument shall be established and maintained on land partitioned or subdivided, showing the elevation in feet above mean sea level. The location of such monument shall be shown on the final partition map or subdivision plat. (See Section 4.200 for exception.)

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

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. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this Subsection are satisfied. Such certifications shall be provided to the Official as set forth in §3.30.270.
4. 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.

SECTION 3.30.455 Residential Construction

1. New construction and substantial improvements of any residential structure shall have the lowest floor height, including basement, elevated to one foot above base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by a registered professional engineer or architect; or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

SECTION 3.30.460 Mobile Home Standards

1. All mobile homes and additions thereto shall be anchored to resist flotation, collapse or lateral movement with more specific requirements as follows:
 - a. Over-the-top and frame ties be provided at each corner of the mobile home. In addition, for mobile homes of fifty feet or less in length, there shall be one additional over-the-top tie and four additional frame ties equally spaced per side. For mobile homes greater than 50 feet long there shall be two additional over-the-top ties and five additional frame ties equally spaced per side.
 - b. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - c. Alternative methods of anchoring may be utilized provided certification is provided by a licensed professional engineer or architect that the system is designed to withstand a wind force of ninety (90) miles per hour or greater.
2. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, it shall be required that:
 - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one foot above the base flood elevation;
 - b. Adequate surface drainage and access for hauler are provided; and
 - c. In the instance of elevation on pilings, that;
 - (1) lots are large enough to permit steps;
 - (2) piling foundations are placed in stable soil no more than 10 feet apart; and
 - (3) reinforcement is provided for pilings more than six feet above the ground level.
 - d. Manufactured homes in existing manufactured home parks may be placed and elevated so that either;

- (1) The lowest floor of the manufactured home is one foot above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- e. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, the manufactured home shall meet the standards a. through c. of this subsection.
3. Recreational vehicles placed on sites within the floodplain shall also meet the placement requirements 2 a. through c. of this section unless they either:
 - a. Be on the site for fewer than 90 consecutive days, or
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
 4. All manufactured homes to be placed or substantially improved within the floodway shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and is securely anchored to an adequate foundation system. Manufactured homes placed in the floodway shall also comply with the provisions of §3.30.520.

SECTION 3.30.500 Establishment of Flood Districts

Flood hazard areas of Douglas County are hereby divided into the following districts:

1. 100 Year Flood District.
2. Floodway District.

Criteria for determining district boundaries are set forth in §3.30.220.

SECTION 3.30.510 100 Year Flood District

The following uses shall be permitted in the 100 Year District to the extent they are not prohibited by any other provision of this ordinance.

1. Structures and substantial improvements designed for human occupancy provided the lowest floor (including basement) elevation is one foot above the base flood elevation.
2. Other structures provided they are floodproofed or otherwise protected to an elevation at or above regional flood height.
3. Subdivision and partitioning of land provided that the development meets the standards set forth in §3.30.440 of this article.

SECTION 3.30.520 Floodway District

In the Floodway District, the following restrictions shall apply:

1. Encroachments, including, but not limited to, fill, new construction, substantial improvements, and other development are not permitted unless an Oregon registered professional civil engineer certifies that such encroachments (and cumulative like encroachments) shall not result in any increase in flood levels during the occurrence of a regional flood.

If such certification is obtained, all construction development and substantial improvements shall comply with all applicable provisions of §3.30.400.

2. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Floodway District.
3. Any mobile homes placed, or additions thereto shall conform to standards of §3.30.460, 3.30.270 and 3.30.520.

ARTICLE 31

Zero Lot Line Residential Development

SECTION 3.31.000 Purpose

The zero lot line residential development provisions of this ordinance are designed to provide a more affordable ownership housing opportunity for a wide range of income groups while assuring compatibility with, and maintaining the stability and quality of, existing neighborhoods; to provide the opportunity for lower development costs and lower per-unit land costs that subsequently lower the cost of housing for the consumer; to provide an economical and logical response to high-cost infill properties; to promote a more efficient utilization of land; and to promote energy conservation.

SECTION 3.31.020 Applicability

The provisions of this article are intended to serve as conditions required for approval of zero lot line residential developments, as they may be conditionally permitted within the RS, R-1, R-2 and R-3 zoning districts. It is not intended that this article apply to townhouse development involving no side yard setbacks on either side, or condominium development.

SECTION 3.31.100 Buildings and Activities Allowed

Within urban residential zones established by this ordinance, RS, R-1, R-2, and R-3, the following uses are conditionally permitted, subject to other applicable provisions of this ordinance.

1. A single-family detached dwelling, where the dwelling is situated on a side property line that is common to another parcel.
2. A duplex, where the duplex is constructed to the development standards provided in this article and intended to be divided, thereby creating two zero lot line dwellings.
3. Conversion of an existing duplex to zero lot line dwellings, provided that the other provisions of this article are met.

SECTION 3.31.150 Property Development Standards

1. **Area:**
 - a. Unless otherwise modified by other provisions of this article, the minimum property area for each unit of a newly created zero lot line residential development shall be:

- | | | |
|-----|----------|-----------------|
| (1) | RS zone | 15,000 sq. feet |
| (2) | R-1 zone | 5,000 sq. feet |
| (3) | R-2 zone | 4,000 sq. feet |
| (4) | R-3 zone | 4,000 sq. feet |

- b. In the case of a lot-of-record, as defined by this ordinance, 7,500 sq. feet or greater in size and in an R-2 or R-3 zone, a zero lot line duplex may be permitted, provided that other development standards of this article are met.
- c. In the case of a lot-of-record, as defined by this ordinance, 7,500 sq. feet or greater in size and in an R-1 zone, a zero lot line duplex may be permitted, provided that other development standards of this article are met and the following conditions exist:
- (1) The lot is located on a collector street or is a corner lot; and
 - (2) The duplex development conforms to the density standard for the area as specified in the Comprehensive Plan.
- d. In partitioning or subdividing of property, a maximum of 10% alteration in either lot size or street frontage may be permitted, if the overall development maintains the density required by these regulations and the total amount of street frontage required for the number of parcels created.
- e. In instances where development may occur on a lot of record, a minimum of 45% of the total lot area shall be attributable to each parcel upon partitioning.

2. **Setbacks:**

- a. Front yard - No structure shall be located closer than 15 feet from a front property line.
- b. Side yard - Except for the zero lot line setback on the common property line, no structure shall be located closer than ten feet from other side property lines. In no case shall a setback of 0 feet be permitted under this article for a side yard that is not common to development proposed under this provision.
- c. Rear yard - No structure shall be located closer than 5 feet from a rear property line.
- d. Vision clearance - Vision clearance shall be a minimum of 20 feet on corner lots only.

3. **Height:** Maximum heights for any structure shall be 35 feet.
4. **Coverage:** Not over 40% of the lot shall be covered by buildings located thereon.
5. **Parking:** Off-street parking shall be provided in accordance with Article 35, as if each unit were a single-family dwelling.
6. **Street frontage:** It is the legislative intent of this provision of the Ordinance to provide zero lot line residential development with clear, unencumbered public street frontage and vehicular access to each unit. The following minimum public street frontage requirements are established for each zero lot line parcel:
 - a. RS zone 60 feet
 - b. R-1 zone 50 feet
 - c. R-2 & R-3 zone 40 feet

In partitioning the property, a minimum of 40% of the total public street frontage may be attributable to each parcel. Diagrams have been provided in this article to specify alternative unit and parcel arrangements.

SECTION 3.31.180 Procedures for Review

Applications for development or conversion of zero lot line dwellings on contiguous parcels as set forth in this ordinance shall be processed or reviewed as follows:

1. Three or fewer units shall be processed as a land partition pursuant to §2.060.2.
2. Four or more units shall be processed as a subdivision pursuant to §2.060.1.

SECTION 3.31.200 Criteria for Approval of Development

In review of a proposed zero lot line residential development, the following criteria shall be met.

1. The proposed development complies with all other applicable provisions of this ordinance and the Douglas County Comprehensive Plan.
2. An **Owners Agreement**, as defined by this ordinance, shall be filed with application for approval, and shall include provisions as determined to be appropriate by the Approving Authority, for resolving the following items associated with the use, maintenance and repair of common areas and facilities:
 - a. Assurance that the building and surrounding property will be used for residential purposes only;

- b. Provisions for the repair and maintenance of all common areas and facilities as well as a method of fair payment for such repairs and maintenance;
- c. Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior;
- d. Provisions for equitably resolving liens filed against areas of common responsibility or interest;
- e. Provisions granting access or easement to each owner for the purpose of maintaining or repairing the structure and related facilities;
- f. Assurance that the owner(s) will obtain insurance coverage in an amount not less than the full replacement value of the structure;
- g. Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty; and
- h. Provision for emergency action by one party in the absence of the other where an immediate threat exists to the property of the former.

Such Owners Agreement shall be filed with the County Clerk upon approval of the proposed development and shall become perpetual deed restrictions to the property.

SECTION 3.31.250 Land Partitioning

In instances where partitioning or subdivision of land shall be required for zero lot line residential developments the appropriate provisions of Chapter 4 of this ordinance shall be followed. However, conditional use and partitioning or subdivision approval may be requested simultaneously.

ARTICLE 32

Supplementary Provisions for Natural Resource Areas

SECTION 3.32.000 Purpose

This article is designed to provide protection for a number of natural resource areas throughout Douglas County. The article consists of several overlay districts that provide additional development standards or special processes for development in protected areas. The overlay districts are designed to minimize uses which conflict with the resource values being protected and manage the resource areas so as to preserve their original character.

SECTION 3.32.100 Mineral Resources Overlay (MO)

1. Purpose

The Mineral Resources Overlay is designed to conserve prime mineral resource sites from conflicting uses and promote nonpreemptive uses of these needed sites. The overlay is designed to ensure that structural development on mineral sites does not preclude the future availability and use of the mineral resource. Sites are identified on the 3C Mineral Resource Sites Table under the Mineral and Energy Resources Section of the Natural Features Element of the Comprehensive Plan.

2. Permitted Uses

Within this overlay classification, dwellings, churches, schools and accessory structures to these uses shall not be permitted. Farm uses and forest uses shall be permitted outright. All other allowed uses in the underlying zone are permitted conditionally and shall be subject to the conditional use process and supplemental criteria of Subsection 3 of this section.

3. Supplemental Criteria for Approval

In the approval of a use or conditional use permitted in the underlying zone, the County shall find:

- a. That the use cannot be placed on an alternative site; and
- b. That there are extenuating circumstances that make the proposed use more valuable than the resource. If there is no alternative site for the proposed use, and the extenuating circumstances are valid, then the proposed use shall be allowed if it conforms to all other requirements of this ordinance.

SECTION 3.32.200 Riparian Vegetation Corridor Overlay (RVCO)

1. Purpose

The Riparian Vegetation Corridor Overlay shall apply to all properties and land use designations located within 50 feet of the bank-line of all perennial and intermittent water courses in Douglas County as identified on the Plan map.

2. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted in an area regulated by the Riparian Vegetation Corridor Overlay. However, structural development shall be subject to the provisions of Subsection 3 of this section.

3. Setback Requirements for Structural Development

A building setback of fifty (50) feet horizontally from the bank of all identified perennial and intermittent water courses shall be maintained unless the Director finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife. If agreement cannot be reached, a Variance, pursuant to Article 40, shall be required to reduce the setback, and reduction of the setback will not jeopardize streambank stability or water quality.

SECTION 3.32.300 Peripheral Big Game Habitat Overlay (BGHO)

1. Purpose and Density Provision

The Peripheral Big Game Habitat Overlay is designed to conserve identified peripheral habitat areas by providing supplementary development standards which promote an areawide dwelling density consistent with such habitat management. A density of 1 dwelling unit per 40 acres shall be maintained in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.

2. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted. New dwellings shall be subject to the areawide density standard contained in Subsection 1 of this Section, and as provided in the Natural Features Element of the Comprehensive Plan.

3. Review Provisions

Requests for dwellings or land divisions that will result in eventual placement of a dwelling, and which could result in an areawide density of greater than 1 dwelling per 40 acres, shall be referred to the Oregon Department of Fish and Wildlife (ODFW) for review and recommendation. If the ODFW cannot recommend approval or suggest acceptable mitigation measures, a Variance, pursuant to Article 40, shall be required.

[SECTION 3.32.400 reserved for future use]

SECTION 3.32.500 Special Bird Habitat (BH)

1. Purpose

The Special Bird Habitat Overlay is designed to provide protection for special bird habitats including eagle sites, heron rookeries, osprey sites, and pigeon mineral springs from conflicting uses which are not subject to the Forest Practices Act (FPA). Uses and activities subject to the FPA are those uses and activities, defined by the Department of Forestry, that are auxiliary to and used during the term of a particular forest operation. Conflicting uses not subject to the FPA are those uses and activities listed in the Special Bird Habitat Section of the Comprehensive Plan. The Special Bird Habitat Overlay will be applied to areas (quarter sections for eagles and herons, and site specific for osprey and pigeon spring sites) identified in the Comprehensive Plan as special bird habitats.

2. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted in an area regulated by the Special Bird Habitat Overlay. However, those permitted and conditionally permitted uses listed in the Comprehensive Plan as being potentially conflicting with special bird habitats shall be subject to the provisions of Subsection 3 of this section.

3. Requirements for Development

If the site proposed for a conflicting use is:

- a. within 1300 feet of an eagle site;
- b. within 600 feet of a heron rookery;
- c. in an acknowledged exception area and within 300 feet of an osprey site;

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- d. outside of an acknowledged exception area and within 600 feet of an osprey site; or
- e. within 150 feet of a pigeon mineral spring; then,

prior to issuance of a development permit, the owner or developer shall devise a management plan in cooperation with ODFW. If a proposed permitted or conditionally permitted use involves the discharging of explosives, the ODFW management plan may condition the proposed development to prohibit the discharging of explosives within 1300 feet of an eagle, heron, or osprey nest site during the nesting period (March 1 through July 31). The mutually agreed upon management plan shall be submitted to the County and implemented by the developer as a condition of permit approval. If the developer and ODFW cannot reach agreement on the management plan, a variance, pursuant to Article 40, shall be required to reduce any mitigation measures required by ODFW. Any reduction of mitigation measures shall not result in either a development denial or a failure to protect the habitat site to some extent.

SECTION 3.32.600 Natural Area Overlay (NAO)

1. Purpose

This overlay classification is intended to preempt conflicting uses in areas identified by the Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value.

2. Permitted Uses

Uses allowed in the underlying zone shall be subject to the conditional use review pursuant to §2.060.1 of this ordinance.

3. Approval Standard

In the evaluation of any use subject to the Natural Area Overlay, findings will be required demonstrating that the designated natural value will not be damaged by the use or activity. If a proposed use or activity would result in the permanent destruction of natural value, then the request shall be denied.

SECTION 3.32.700 Significant Wetlands Overlay (SWO)

1. Purpose

The Significant Wetlands Overlay shall apply to major swamps, bogs, marshes and transitional lands identified by the Oregon Department of Fish and Wildlife as having good to excellent wetland qualities and designated on

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the Significant Wetlands maps of the Comprehensive Plan. The SW Overlay shall require an additional development standard in designated resource areas. Development in the areas zoned for nonresource use shall not be subject to the provisions of this Overlay.

2. Permitted Uses

All uses in the underlying zone may be permitted or conditionally permitted in an area regulated by the SW Overlay. However, structural development shall be subject to the provisions of Subsection 3 of this section.

3. Setback Requirements

With the exception of wetland areas presently designated for nonresource use in the County's Comprehensive Plan, a building setback of fifty (50) feet horizontally from the bank of all significant wetlands shall be maintained unless the Director finds, after consultation with the Oregon Department of Fish and Wildlife, that such a setback is unnecessary as a mitigation measure for the protection of the wetland. If agreement cannot be reached, a Variance, pursuant to Article 40, shall be required to reduce the setback.

4. Notice Requirements

Notice shall be provided to Division of State Lands, the applicant and owner of record within 5 working days for any permit or approval required under this ordinance for the following developments within the SWO.

1. Subdivisions or planned unit developments
2. New Structures
3. Conditional Use Permits or variances that involve physical alterations to the land or construction of new structures.

ARTICLE 33

(BD) Beaches and Dunes Overlay

SECTION 3.33.000 Purpose

The Beaches and Dunes overlay classification is intended to preserve beach and dune areas containing significant natural resources and protect permitted developments in these areas from flooding, erosion and damage from moving sand. This classification provides for uses of beach and dune landforms which are consistent with these objectives.

The Beaches and Dunes designation has been applied to lands designated as Beaches and Dunes on the Comprehensive Plan, with features such as beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms and interdune forms. The major portion of the lands with these features lie inside the Dune National Recreation Area (NRA). The portions outside the NRA are the Wildwood Drive vicinity, Umpqua Lighthouse State Park, the area between the two south jetties (U.S. Army Corp of Engineers), Ziolkouski Beach (Douglas County Parks Department) and a small amount of private land contiguous to the Umpqua Beach Resort.

SECTION 3.33.050 Permitted Uses

In the Beaches and Dunes Overlay the following uses, activities and their accessory structures are permitted subject to the general provisions and exceptions set forth in this ordinance.

1. Low intensity recreation, as defined in the Comprehensive Plan, on all beach and dune landforms.
2. High intensity recreation not requiring structures on beach, active and interdune forms.
3. Activities in support of the construction, rehabilitation and maintenance of federally authorized jetties and navigation channels on beaches and foredunes.
4. Aids to navigation on all dune forms.

SECTION 3.33.100 Uses Permitted With Standards

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

1. Development activity which is of minimum value such as boardwalks, fences and temporary opensided shelters on recently stabilized and interdune forms.

Proposals to establish uses allowed by this section shall be processed as Administrative Actions pursuant to §2.060.1 and shall be subject to the provisions of §2.065.4.

SECTION 3.33.150 Uses Permitted Conditionally

Uses, activities and their accessory structures which are permitted conditionally in the underlying zone(s) may be permitted on older stabilized dune forms and interdune forms free from flood hazard subject to the standards and criteria set forth in §3.33.200. Requests for approval shall be processed as Administrative Actions pursuant to §2.060.1 and subject to the provisions of §2.065.4 of this ordinance.

SECTION 3.33.200 Standards and Criteria

In the Beaches and Dunes Overlay approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use:

1. Complies with the policies of Beaches and Dunes Element of the Comprehensive Plan specific to the type of landform upon which the proposed use is to be located; and
2. Complies with the general policies for land use contained in the Beaches and Dunes Element of the Comprehensive Plan.

ARTICLE 34

(SO) Shorelands Overlay

SECTION 3.34.000 Purpose

The Shorelands Overlay district shall apply in designated "Urban-Other", "Rural-Conservation" and "Rural-Other" shoreland areas in the Comprehensive Plan. Where the requirements of the SO overlay conflict with the requirements of the underlying zone(s), the more restrictive requirements shall apply.

SECTION 3.34.050 Permitted Uses

The following uses and activities and their accessory structures and uses are permitted in the SO overlay subject to the exceptions and provisions set forth in this ordinance.

1. Aids to navigation.
2. Aquaculture.
3. Low intensity water-dependent recreation.
4. Maintenance and rehabilitation of existing private facilities and structures.
5. Formation, construction, maintenance or rehabilitation of County, state or federal parks, historical monuments and other forms of public access.
6. Research and educational observation.

SECTION 3.34.100 Uses Permitted with Standards

In shoreland areas subject to the SO overlay, uses and activities and their accessory structures and uses which are permitted in the underlying zone(s) but not listed as permitted above may be permitted subject to the provisions of §2.060.1 and standards and criteria set forth in §3.34.200 and Article 36 SUPPLEMENTARY PROVISIONS of this chapter. In addition, the following uses and activities may be permitted subject to conformance with the above referenced procedures, and applicable standards and criteria of §3.34.200 (depicted in parenthesis behind each affected use).

1. Utility, communication and transportation facilities. (1)
2. Individual private docks. (2)
3. Disposal of dredged material.
4. Sanitary outfalls. (1)

5. Estuary restoration when identified in the Comprehensive Plan as a restoration site.

SECTION 3.34.150 Uses Permitted Conditionally

Uses and activities and their accessory structures and uses which are permitted conditionally in the underlying zone(s) and the following uses and activities may be permitted in the SO overlay subject to the provisions of §2.060.1 and applicable standards and criteria (depicted in parenthesis behind each affected use) specified in §3.34.200 and Article 36 SUPPLEMENTARY PROVISIONS of this chapter.

1. Flood and erosion control structures.
2. Single family dwelling in conjunction with or attached to a permitted use. (1,3)

SECTION 3.34.200 Standards and Criteria

In the SO overlay, approval of uses permitted with standards or permitted conditionally shall be based on findings which show that the proposed use complies with the following applicable standards and criteria.

1. Uses and activities may be permitted in shoreland areas subject to the SO overlay upon a demonstration of adequate safeguards from natural hazards and compatibility with the resources of the shoreland area.
2. Individual private docks may be allowed in shorelands subject to the SO overlay when the size of the dock is the minimum required and the dock will not interfere with navigation.
3. Single-family residences may be permitted on existing lots, parcels or units of land in the SO overlay if found to be compatible with the allowed uses.

SECTION 3.34.250 Development Standards

1. **Area:** As permitted by the underlying zone or other provisions of this ordinance.
2. **Land Division:** Requests for land division, including subdivision, land partition, shall be reviewed through the approval process provided in Chapter 2 of this ordinance and shall conform to the applicable requirements of Chapter 4.
 - a. Division of land in resource zones for resource use, committed areas or exception areas shall be allowed if provisions of the ordinance are met.

- b. In addition to conformance with other requirements of this ordinance, other land divisions subject to the Shorelands Overlay designation shall be allowed only when a finding is made that the use of such land cannot be accommodated on other upland locations or in an urban/urbanizable area.

ARTICLE 35

Supplementary Provisions

SECTION 3.35.000 Similar Uses

The Director may permit in any zone a use not listed in this ordinance if the requested use is of the same general type and is similar to the uses permitted within the zone. The decision of the Director may be reviewed by the Commission on its own motion or appealed to the Commission pursuant to §2.400 of this ordinance.

SECTION 3.35.010 Maintenance of Minimum Requirements

No lot area, yard, or other open space existing on or after the effective date of this ordinance, shall be reduced below the minimum required for it by this ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots.

Exceptions to property development standards may be permitted for public and semipublic buildings and uses provided that the minimum area is sufficient to accommodate the use proposed.

SECTION 3.35.020 Exception to Yard Requirements

The following exception to yard requirements is authorized for a lot in any zone:

1. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting yards.
2. When a Boundary Line Adjustment under other provisions of this ordinance is impractical or impossible, structures may be located within the required side or rear yard or across a property line provided:
 - a. The two lots or parcels are under the same ownership, and
 - b. The owner executes and records an agreement to convey both parcels as a single unit of land, thereby recognizing one lot of record. This agreement shall be prepared in a form which is acceptable to the Director.

SECTION 3.35.030 Exception to Height Requirements

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy or storage of materials or products are not subject to the building height limitations of this ordinance.

SECTION 3.35.040 Projections from Buildings

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 25 inches into a required yard unless otherwise provided for in this ordinance.

SECTION 3.35.045 Location of Temporary Real Estate Sales Office

A temporary real estate sales office may be established in any subdivision or planned development where more than 50 lots or dwelling units are for sale. Upon completion of the lot or unit sales, the office shall either be removed or converted to a use permitted in the applicable zone.

SECTION 3.35.050 Access onto County Roads

Standards of access for new lots and parcels onto County roads are regulated by the Douglas County Public Works Department and are initiated with an access permit application. These standards of access shall be maintained in accordance with the provisions of Chapter 4 of this ordinance; except standards of access for multi-family and condominium development, development which will generate more than 300 trips per day on County facilities; and, other identified development shall be as follows:

1. Multi-family and condominium developments containing no more than four dwelling units may be established on a site which has access to a publicly maintained street via a private street which is at least 25 feet in width and paved with a surface at least 18 feet in width and otherwise constructed to Douglas County Private Roadway Standards §4.425. Substitute paving material and subgrade material may be approved by the Director upon a written notice by the County Engineer that such substitute material will provide an equally suitable roadway.
2. Multi-family and condominium developments containing five to twelve dwelling units may be established on a site which has access to a publicly maintained street via a private street which is at least 60 feet in width, paved with a surface at least 22 feet in width and otherwise constructed to Douglas County Private Roadway Standards §4.425. Substitute paving material and subgrade material may be approved by the Director upon a written notice by the County Engineer that such substitute material will provide an equally suitable roadway.

3. Multi-family and condominium developments containing more than twelve dwelling units shall be established on sites which front on a publicly owned and maintained street.
4. For multi-family and condominium development, points of access (driveway, entrance way, etc.) shall have a minimum paved width of 18 feet and all off-street parking spaces shall be accessed directly via a paved width of 18 feet in width exclusive of all parking spaces.
5. For multi-family and condominium development, the Director may request review by affected government agencies to determine whether additional access points are necessary. After review, the Director may require the establishment of additional access points.
6. For development which will generate more than 300 trips per day as described in the Institute of Transportation Engineers (ITE) manual and for which access will be directly on to a County maintained road, the following access management standards shall apply unless alternative standards are approved by the Douglas County Public Works Department.

<i>Standard</i>	<u>Arterial</u> Rural/Urban	<u>Major Collector</u> Rural/Urban	<u>Minor Collector</u> Rural/Urban
<i>Access Spacing</i>	1320 ft./990 ft.	660 ft./660 ft.	660 ft./330 ft.
<i>Signal Spacing</i>	*½ mile	*½ mile	*¼ mile

* Signals will not be placed on most rural roads.

Douglas County may, upon the recommendation of the Public Works Department, require a Traffic Impact Study (TIS) prior to authorization of alternative standards. The TIS shall be prepared as described in Chapter 4.

7. For development with access directly on to a County maintained road, an approach permit shall be obtained from the Douglas County Public Works Department.
8. Access review on County maintained roads shall be consistent with the procedures established by the Douglas County Public Works Department and decisions related to access for land use(s) shall be consistent with the Comprehensive Plan.
9. Douglas County may apply conditions of approval to approach permits.

SECTION 3.35.060 Coordination of Development Review

To maintain a process for coordinated review of future land use decisions affecting transportation facilities, corridors and sites and to provide information to ODOT, URCOG, City of Roseburg, City of Myrtle Creek, Ports of Umpqua and Coos Bay and affected school districts in Douglas County of applications made under Sections 2.060 (3) & (4), land divisions, developments generating more than 300 trips per day and development within Airport Impact Zones, Douglas County will:

1. Provide written information to the affected jurisdiction describing the proposed action prior to making a final land use decision; and
2. Provide an opportunity to the affected jurisdiction to qualify as a party to the proceeding.

SECTION 3.35.065 Access onto State Roads

ODOT has responsibility and authority in managing access to State Highways. This section outlines the County coordination process with ODOT when an ODOT access permit, for direct access to a state highway, is required. Douglas County will:

1. Provide applicants with information related to the need for a State access permit;
2. Refer land use permits, including those which result from actions listed in Section 3.35.060, with direct access to State Highways to ODOT, and
3. Require applicant(s) to provide either authorization of an approved State access permit, or a State access permit, prior to a land use application or permit being considered complete.
 - a. If the applicant and ODOT cannot agree on an access permit, the permit or application will not be accepted as complete.
 - b. If the applicant agrees to specific conditions for the access permit, the agreement may be referenced in the County's land use decision.

SECTION 3.35.070 Bicycle and Pedestrian Circulation

Bicycle Circulation

1. Bicycle parking facilities shall be provided as part of new multi-family residential developments of four units or more and new retail, office and institutional development within Urban Unincorporated Areas (UUA's) and Urban Growth Boundaries (UGB's) where this ordinance is applicable. Bicycle parking facilities shall not be required for existing developments.

The installation of bicycle parking facilities shall occur as follows:

<u>USE</u>	<u>STANDARD</u>
Multi-Family Residential - 4+	1 space per dwelling unit
Retail	1 space per 3,000 sq. ft.
Office	1 space per 1,000 sq. ft.
Institutional	1 space per 1,000 sq. ft.

2. The installation of public bikeways as part of new subdivisions, multi-family developments, planned developments and for new commercial structures greater than 3,000 sq. ft. within commercial districts shall occur, as described below, within the UUA of Green and UGB's where this ordinance is applicable. If Urban Growth Management Agreement (UGMA) standards exist which address public bikeways, those standards shall apply.
 - a. As a condition of development approval, public bikeway improvements necessary to develop designated bikeways, in the Comprehensive Plan, shall be installed along the front of the subject parcel. Bikeway improvements shall meet those standards described in the Douglas County Comprehensive Plan and shall be installed under the guidance of the Public Works Department.

Pedestrian Circulation *

3. The installation of public sidewalks as part of new subdivisions, multi-family developments, planned developments and within commercial districts shall occur, as described below, within the UUA of Green and UGB's as implemented through the UGMA. If UGMA supplemental standards exist, which address public sidewalks, those standards shall apply. Public sidewalks shall not be required for existing developments.

The installation of public sidewalks shall occur as follows:

<u>USE</u>	<u>STANDARD</u>
New Subdivision	Along adjacent arterials, major collectors and minor collectors, and on local streets where specified in the Comprehensive Plan or in a Urban Growth Management Agreement, to County standards.
Multi-family unit(s)	Along adjacent arterials, major collectors and minor collectors to County standards.

<u>USE</u>	<u>STANDARD</u>
Planned Developments	Along adjacent arterials, major collectors and minor collectors to County Standards
Commercial district	Along adjacent arterials, major collectors and minor collectors to County Standards

SECTION 3.35.080 Internal Pedestrian Circulation

Prior to issuance of a building or placement permit for new office parks and commercial developments located within Urban Unincorporated Areas (UUA's) and Urban Growth Boundaries (UGB's) where this ordinance is applicable, the plot plan which accompanies the application for a building permit shall demonstrate internal circulation is being provided through clustering of buildings, construction of accessways, walkways and similar techniques, and as provided in Table 1 of Chapter 4 (Design Standards for Urban Roadways).

SECTION 3.35.100 Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

<u>USE</u>	<u>MINIMUM STANDARD</u>
1. Residential	
a. Single-family dwelling	1 space per dwelling unit.
b. Residential hotel, rooming or boarding house.	4 spaces per 5 guest accommodations.
c. 2 family or multi-family dwellings	3 spaces per 2 dwelling units.
2. Commercial residential	
a. Motel	1 space per guest or suite, plus 1 additional space for the owner or manager.

<u>USE</u>	<u>MINIMUM STANDARD</u>
b. Club, Lodge	1 space for each 5 seats, or 1 space for each 50 square feet of floor area used for assembly, whichever is greater.
3. Institutional	
a. Welfare or Correctional Institution	1 space per 5 beds for patients or inmates, plus 1 space per employee.
b. Convalescent hospital, nursing home, sanitarium, rest home for the aged	1 space per 5 beds for patients or residents, plus 1 space per employee.
c. Hospital	3 spaces per 2 beds.
4. Place of public assembly	
a. Church	1 space for 4 seats or every 8 feet of bench length in the main auditorium.
b. Library, reading room	1 space per 400 square feet of floor area plus 1 space per employee.
c. Preschool, nursery, kindergarten	2 spaces per teacher; plus off-street loading and unloading facility.
d. Elementary or junior high school	1 space per classroom; plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater.

USEMINIMUM STANDARD

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|----|--------------------------------|---|
| e. | High school | 1 space per classroom; plus 1 space per administrative employee or plus 1 space for each 6 students or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. |
| f. | Other auditorium, meeting room | 1 space per 4 seats or every 8 feet of bench length. |

5. Commercial amusement

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|----|--------------------------|---|
| a. | Stadium, arena, theater | 1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. |
| b. | Bowling alley | 5 spaces per alley plus 1 space per 2 employees. |
| c. | Dance hall, skating rink | 1 space per 100 square feet of floor area plus 1 space per 2 employees. |

6. Commercial

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|----|---|---|
| a. | Retail store except as provided in Subsection (b) | 1 space per 200 square feet of floor area plus 1 space per employee. |
| b. | Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture | 1 space per 600 square feet of floor area plus 1 space per employee. |
| c. | Bank, office (except medical and dental) | 1 space per 600 square feet of floor area plus 1 space per employee. |
| d. | Medical & dental clinic | 1 space per 300 square feet of floor area plus 1 space for every 4 seats. |

	<u>USE</u>	<u>MINIMUM STANDARD</u>
e.	Eating or drinking establishment	1 space per 200 square feet of floor area, plus 1 space for every 4 seats.
f.	Mortuaries	1 space per 4 seats or every 8 feet of bench length in chapels.

7. Industrial

a.	Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee.
b.	Wholesale establishment	1 space per employee plus 1 space per 700 square feet of patron serving area.

SECTION 3.35.150 Off-Street Loading

1. Schools - A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.
2. Merchandise, materials or supplies - buildings or structures to be built or substantially altered to receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

SECTION 3.35.200 General Provisions - Off Street Parking and Loading

1. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount

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of parking and loading space required by this ordinance. Use of property in violation hereof shall be a violation of this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director based upon the requirements of comparable uses listed herein.
3. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
4. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.
5. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.
6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
7. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.
8. Design requirements for parking lots:
 - a. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.
 - b. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 - c. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 - d. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
 - e. Lighting of the parking area shall be deflected from a residential zone.

9. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.
10. The provision for bonding or other assurance of improvements provided in Chapter 4 of this Ordinance may be used to fulfill the requirements of this chapter.

SECTION 3.35.250 Resource Zone Road Improvements

1. The following uses may be allowed within the TR, FG, FC, FF, and AW zoning districts to allow for maintenance and minor improvement of public roads.
 - a. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
 - b. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
 - c. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 - d. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
2. Road Improvement Conditionally Approved

The following uses may be conditionally approved within the resource zones:

- a. Construction of additional passing and travel lanes of public roads and highways requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
- c. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

SECTION 3.35.300 Design Review Overlay (AC)

The purpose of the Design Review Overlay is to ensure that architectural design, density, landscaping, yard width and depth, aesthetic qualities, method of ingress and egress, and other special site design features are of such standards as to achieve compatible land uses, attractive communities and safe thoroughfares.

1. Development plans, specifications, and uses shall be reviewed, pursuant to §2.060.2 of this ordinance to address specific Comprehensive Plan concerns, Urban Growth Management Agreement (UGMA) provisions, or conditions of approval, for properties within the Design Review Overlay. Design review concerns are generally site specific and may relate to one or more of the following issues: vehicular access; compliance with the North Umpqua Park or Public Recreation Area Overlay; design standards for the South Umpqua Valley Industrial Park; special commercial uses; aesthetic or visual impact; land use compatibility; and, density.
2. Reasonable conditions may be required by the Approving Authority in connection with review under this Section in order to meet the purpose of the Design Review Overlay. Such conditions may include, but are not limited to:
 - a. Architectural design;
 - b. Lot size; yards; buffers;
 - c. Fences and walls;
 - d. Control of points of vehicular ingress and egress;
 - e. Special provisions on signs;
 - f. Landscaping and grounds maintenance;
 - g. Control of noise, odors or other nuisances;
 - h. Limitation of time for certain activities; and
 - i. Compatibility with Comprehensive Plan or UGMA objectives for the subject area(s).

SECTION 3.35.400 Cultural, Historic and Archaeological Resources Overlay (CHA)

The purpose of this overlay district is to reasonably assure that resources classified as "significant" in Douglas County's Historic Resource Register are conserved and protected, while providing an expedient process for reviewing land use actions that may affect identified sites.

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Prior to approval of a building permit or other land use action, the following measures shall be utilized:

1. Administratively determine the following:
 - a. Whether the application for a building permit pertains to a registered significant cultural or historic resource;
 - b. Whether the application for a new or expanded land use is within or on a registered archaeological site; and
 - c. Whether to approve or deny an application to alter or demolish a historic resource as provided in §9.070 and §9.080 of this Ordinance.
2. Upon determination that an application pertains to a registered significant resource, as described in Subsection 1.a or 1.b above, the Director shall notify and forward the application to the chairman of the Historic Resource Review Committee.
3. Upon notification from the Director of an application referenced in Subsection 1.a, 1.b or 1.c above, the chairman of the Historic Resource Review Committee may call for a hearing pursuant to the provisions of §2.060.5 of this Ordinance.
4. The Historic Resource Review Committee shall conduct the public hearing, review the application, construct findings and render a decision in accordance with §9.070 for alterations and exterior remodeling, and §9.080 for demolitions.

SECTION 3.35.500 Geologic Hazards Overlay (GH)

The purpose of the Geologic Hazards overlay district is to protect the public health, safety and welfare by assuring that development in hazardous or potentially hazardous areas is appropriately planned to mitigate the threat to man's life and property.

The district is intended to be applied to areas identified as subject to geologic hazards by the Douglas County Comprehensive Plan, or portions of the Comprehensive Plan of an incorporated city where jurisdiction of land use regulations has been retained by Douglas County. Prior to development, the following measures shall be utilized:

1. Any proposed development on slopes greater than 25% shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a hazard area, shall rely on provisions of the Uniform Building Code, as adopted by Douglas County, for protection of the public health, safety and welfare.
2. Any proposed development in an identified hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies

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he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.

3. In approval of a development permit, the following standards shall be adhered to in order to ensure site and area stability:
 - a. Maintain vegetation and eliminate widespread destruction of vegetation.
 - b. Carefully design new roads and buildings with respect to:
 - (1) placement of roads and structures on the surface topography.
 - (2) surface drainage on and around the site.
 - (3) drainage from buildings and road surfaces.
 - (4) placement of septic tank disposal fields.
 - c. Careful construction of roads and buildings.
 - (1) avoid cutting toeslopes of slump blocks.
 - (2) careful grading around the site, especially avoiding over-steepened cut banks.
 - (3) revegetating disturbed areas as soon as possible.
4. Conditions shall be imposed if recommended by the engineering geologist or engineer to reasonably assure that the development is protected from damage by mass movement. If highly expansive soils are identified in the report, then a copy of that report shall be filed with the plans for construction, and a notice shall be recorded in the County Clerk Lien Record pursuant to 1989 Or. Laws Ch. 1026.

SECTION 3.35.600 Potential Water Impoundment Overlay (WO)

The Potential Water Impoundment Overlay classification is intended to protect resource areas identified as potential water impoundment sites in the Comprehensive Plan from significant conflicting uses. The overlay zone protects these sites from irreversible loss for water impoundment use while permitting nonpreemptive underlying uses.

1. Except as provided in Subsection 2 of this section, uses permitted in areas designated as potential water impoundment sites shall be as set forth in the underlying zoning district.
2. Where permitted by the underlying zoning district, schools, churches, and public utility facilities shall be allowed provided it is demonstrated that it is not feasible to locate the use outside the potential water impoundment site.
3. Uses and activities which are permitted conditionally in the underlying zone(s) are permitted conditionally in the (WO) overlay upon a finding that it does not interfere with the future use of the site for a water impoundment.
4. Property development standards of the underlying zone shall apply; however, lots, parcels or units of land subject to this overlay shall not be divided.

SECTION 3.35.700 Dredge Material Disposal and Mitigation Site Overlay (D/MO)

The Dredge Material Disposal and Mitigation Site Overlay classification is intended to protect sites identified in the Comprehensive Plan for their potential as dredged material disposal and mitigation sites and to prevent them from being used for significant conflicting and preemptory uses. The purpose of the district is to protect those sites from irreversible loss for their intended uses.

1. Property which is subject to this Overlay district may be used for uses specified as permitted outright in the underlying zoning district, provided, however, that no structures or public utility facilities shall be allowed.
2. Conditional uses of the underlying zoning district shall not be allowed.
3. Where the disposition of dredged material is designed to prepare a site for future accommodation of a more intense use, that use shall not be permitted until deposition in the area is complete and the overlay designation for that portion of the site is removed through the Zone Amendment Process. The overlay shall be removed if, in addition to conformance with the criteria contained in §3.38.200, findings are made that:
 - (1) filling of the site has been completed; and
 - (2) the site has been prepared to reasonably accommodate uses of the underlying zone.

SECTION 3.35.800 Airport Impact Overlay (AIO)

The purpose of the Airport Impact Overlay District is to protect the public health, safety and welfare by assuring that development within areas impacted by airport operations is appropriately planned to mitigate such operations. This overlay district is also intended to prevent the establishment of air space obstructions in air approaches through

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height restrictions and other land use controls, as deemed essential to protect the public health, safety and welfare.

The Overlay shall be applied to Airport Approach areas, as herein defined, and depicted in the County Zoning Atlas.

1. **Definitions:** For the purpose of this section only, the following definitions are established:
 - a. AIRPORT APPROACH AREA: A wedge-shaped area described by boundaries where the inner edge of the Airport Approach Area coincides with each end of the runway and is 250 feet wide at each terminus. The Airport Approach Area expands outward uniformly to a width of 750 feet at a horizontal distance of 2,500 feet from the terminus, with its centerline being the continuation of the centerline of the runway.
 - b. AIRPORT CLEAR AREA: The Airport Clear Area coincides with the Airport Approach Area for a horizontal distance of 1,250 feet from the runway termini.
 - c. PLACE OF PUBLIC ASSEMBLY: A structure which is designed to accommodate more than 25 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

2. **Permitted Uses:** Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited by Subsection 3 of this section.
3. **Limitations:**
 - a. No place of public assembly shall be permitted within an established Airport Approach Area.
 - b. No multi-family dwelling shall be permitted within the Airport Approach Area.
 - c. No structure or object, including chimneys, towers, antennae, utility poles, trees, etc., shall exceed 35 feet in height in the Airport Approach Area.
 - d. Within the Airport Approach Area, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project into the approach surface in such a manner as to result in confusion or distraction to pilots.
 - e. Within the established Airport Clear Area, the following uses and activities are permitted:
 - (1) Farm use, excluding any permanent structures or objects.
 - (2) Roadways or other uses consistent with the underlying zone which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the landing approach.
 - f. No use shall be allowed in the Airport Impact Overlay District if such use is likely to attract an unusual quantity of birds.

SECTION 3.35.900 North Umpqua Park or Public Recreation Area Overlay (PO)

The North Umpqua Park or Public Recreation Area Overlay classification is intended to protect and conserve areas identified as containing public value for: park or recreational use, aesthetic or visual value, camping, picnicking, and passive outdoor games and activities. This area, as identified in the Comprehensive Plan, will be protected from significant conflicting uses by this classification. This overlay classification will promote compatible underlying uses and allow other uses subject to administrative review.

1. Except as provided below, uses and property development standards in areas subject to the North Umpqua Park or Public Recreation Area (PO)

Overlay shall be set forth in the underlying zoning district. Except as provided in ORS 527.722, only those uses which are or may be made compatible with the park, recreational, and scenic values set forth in the Comprehensive Plan shall be permitted. Uses that cannot be made compatible or which interfere with park, recreational, and scenic values shall not be permitted.

2. In addition to notice otherwise required by this ordinance, notice for all land use or development requests shall be as provided in Section 2.065.11. except that the following uses do not require such notice and shall be processed as permitted uses with standards and the design standards of the State Scenic Waterways Program (OAR 736-040-0035(7)(a)(A through D) and (b)) shall be applied.
 - a. For existing grazing and farming operations: construction of fences; repair and maintenance of, or additions to farm buildings; and, construction of silos and grain storage facilities, and other structures or buildings as are needed in conjunction with the existing grazing and farming use.
 - b. For existing residential structures: maintenance of existing homes; modifications to existing single family dwellings; and, construction of garages or subsidiary and lesser accessory structures that are necessary to the use of existing homes.
3. Any application for which notice is required under §2.065.11. shall not be considered complete until the State Parks and Recreation Department provides written response that the request, as proposed, or with conditions, may or may not proceed through the land use process. The conditions in the State Parks and Recreation Department response shall apply to the permit. If agreement cannot be reached on the conditions, then a Variance, pursuant to Article 40, shall be required to modify the conditions. Any modification shall not jeopardize park, recreational and scenic values.

SECTION 3.35.940 Right-of-Way Protection Overlay (RW)

The Right-of-Way Protection Overlay (RW) classification is intended to protect future streets identified in the Circulation Plans and Land Use Element of the Comprehensive Plan from significant conflicting uses. Requiring development to be in accordance with the requirements of the overlay zone and preventing preemptory uses along identified routes ensures that sufficient and appropriate streets can be provided for future community development.

The RW Overlay shall be applied to designated principal highways, arterials, major and minor collectors, and necessary local streets shown on the Circulation Plans for Green, Glide, and Tri City which require future right-of-way.

1. **Definitions:** For the purpose of this section only, the following definitions are established.

FUTURE RIGHT-OF-WAY: The right-of-way required to develop streets not yet constructed or dedicated but shown on the Comprehensive Plan.

2. Except as provided in Subsection 5, uses and activities permitted in an RW Overlay shall be set forth in the underlying zone.
3. Uses and activities which are permitted conditionally in the underlying zone are permitted conditionally in the RW Overlay upon a finding that they do not interfere with future use and development of ultimate and future rights-of-way.
4. Property development standards of the underlying zone shall apply provided they do not conflict with the RW Overlay. If a conflict exists, then the standards of this section shall apply.
5. Except as provided in Subsection 6, property which is subject to the RW Overlay District may be used for uses specified as permitted outright in the underlying zone, except that no structures shall be located within the future right-of-way. In addition, no structures shall be located within the setback distances specified in the underlying zone. Setback distances shall be measured from the future right-of-way lines.
6. Structures not part of a subdivision or partition platted or recorded after the effective date (1/3/86) of this amendment may be located in the future right-of-way or setbacks from such right-of-way if:
 - a. The applicant, with assistance from the County Engineer, proposes an alternative alignment;
 - b. The alternate alignment is found to meet County design standards and objectives of the Circulation Plan by the County Engineer and Planning Director; and
 - c. The alternate alignment does not adversely impact street alignment on any adjacent properties.
7. An Administrative Variance from regulations in the RW Overlay District may be authorized pursuant to the Administrative Action process of §2.060.1, by the Director upon a finding that:
 - a. An alternative alignment meeting the requirements of §3.35.940 is not feasible.
 - b. The denial of the variance would preclude all economically feasible private uses.

- c. The Planning Director shall grant a variance if the Overlay would preclude the location or construction of a dwelling in residential zones or a commercial or industrial structure in other zones.

SECTION 3.35.950 Exceptions Process Limited Use Overlay (EP)

The Exceptions Process Limited Use Overlay classification is intended to designate the uses permissible in areas which have been excepted from certain Statewide Planning Goals through the "reasons" exception process of Goal 2, Part II(c). These uses will have been specifically identified during the exception process and may include uses from various zones or may not include all uses in any one particular zone.

This Overlay Classification is the method to identify and designate all uses permitted in the exception area as identified in the exception process.

1. Property subject to this overlay classification may be used for uses specified in the order adopted by the Board of Commissioners amending the Comprehensive Plan through the "reasons" exception process under Statewide Planning Goal 2 (OAR 660-04-022) for the property involved.
2. Permitted uses and conditional uses of the underlying zoning classification shall not be allowed, except if the underlying zoning classification was in effect for the property at the time the exception was initiated.
3. Accessory uses to the main use or uses listed in the Plan Amendment and Exceptions Order are permitted. Accessory uses may be developed simultaneously but not prior to the main use.
4. Development standards of the underlying zone shall apply to development of the uses specified in the order unless specifically excepted by the Plan Amendment and Exceptions Order or unless the order requires conflicting development standards.
5. All requirements and conditions for the development of the property imposed in the order shall be considered a requirement of this overlay classification. A violation of a requirement or condition imposed in the order shall be a violation of this ordinance.

SECTION 3.35.960 Tsunami Inundation Overlay (TIO)

The purpose of the Tsunami Inundation Overlay is to implement state legislation and agency rules adopted by the Governing Board of the Oregon Department of Geology and Mineral Industries (DOGAMI). The TIO Overlay is intended to reduce the risk of loss of life in the event of a Tsunami inundation. Inundation risks can be reduced by the provision of information and assistance from DOGAMI to developers, and by limiting where certain types of essential facilities or special occupancy structures may be located. This overlay also requires that, after land use approval, developers subject to overlay requirements

shall submit building plans or proposals to DOGAMI for their review and response prior to receiving a development permit.

The Overlay shall be applied to the Tsunami Inundation Zone, as defined in this Section, and as depicted in the Comprehensive Plan.

- 1. Definitions:** For the purpose of this section only, the following definitions are established:

ESSENTIAL FACILITY: Hospitals and other medical facilities having surgery and emergency treatment areas; fire and police stations; structures and equipment in emergency-preparedness centers; and structures and equipment in government communication centers and other facilities required for emergency response.

HAZARDOUS FACILITY: Structures housing, supporting or containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released.

MAJOR STRUCTURE: A building over six stories in height with an aggregate floor area of 60,000 square feet or more; every building over ten stories in height; and parking structures as determined by Department of Consumer and Business Services rule.

SPECIAL OCCUPANCY STRUCTURE: Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons; buildings with a capacity greater than 50 individuals for every public or private school through secondary level or day care centers; buildings for colleges or adult education schools with a capacity greater than 500 persons; medical facilities with 50 or more resident, incapacitated patients already included in this definition; jails and detention facilities; and all structures and occupancies with a capacity greater than 5,000 persons.

TSUNAMI INUNDATION ZONE: A Tsunami is a series of ocean waves caused by an undersea earthquake. The Tsunami Inundation Zone was scientifically modeled by DOGAMI and estimates how far upland the tsunami wave will run.

- 2. Permitted Uses:** Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited by Subsection 3 of this section. Water-dependent and water-related facilities and structures in the tsunami inundation zone are exempt from Tsunami Inundation Overlay restrictions.

- 3. Buildings Prohibited:** The construction of, conversion to, or replacement of the following essential facilities or special occupancy structures shall not be allowed in the tsunami inundation zone:
- a. Hospitals and other medical facilities having surgery and emergency treatment areas;
 - b. Fire and Police station unless there is a need for a strategic location;
 - c. Government communication centers and other emergency response centers.
 - d. Private or public elementary and/or secondary school, or day care center, with a capacity greater than 50 individuals unless there is a need for the school to be within the boundaries of a school district and no other sites are available;
 - e. Colleges or adult education schools with a capacity greater than 500 persons; and
 - f. Jails and detention facilities
- 4. DOGAMI Review:** After planning approval, or prior to issuance of a development permit for construction of, conversion to, or replacement of any development on the following list, the owner or developer shall consult with the local building official to determine whether ORS 455 applies (in this subsection, ORS 455 shall specifically refer to those sections of the statute dealing with tsunami inundation zones, specifically the “prohibition of construction for certain facilities and structures” and, the “regulation of certain vulnerable structures”, identified in the 2001 Edition of the statutes as ORS 455.446 and ORS 455.447):
- 1) Emergency preparedness center
 - 2) Hazardous Facilities
 - 3) Covered structures used primarily for public assembly with capacity over 300 people
 - 4) Medical facilities with over 50 patients
 - 5) Structures with capacity over 5,000 persons
- a. If the building official determines that ORS 455 is not applicable, then the owner or developer may proceed through the development permit process without further review under this Section.

- b. If the building official determines that ORS 455 is applicable, then the owner or developer shall consult with DOGAMI and submit a copy of building plans or proposals to that agency for their review. In cases where ORS 455 is applicable, a local development permit shall not be issued until a written response is received from DOGAMI.

ARTICLE 36

Supplementary Provisions for Estuarine and Shoreland Areas

SECTION 3.36.000 Consistency Review of Regulated Activities

All regulated activities in estuarine or shoreland areas shall be reviewed to determine conformance with the Comprehensive Plan and provisions of this ordinance. Regulated activities are those uses which require state and/or federal permits including but not limited to docks, erosion control structures, shoreline stabilization, dredging, filling, dikes, piling and dolphin installation.

The fact that a use or activity is permitted or that a use permit has been approved or denied shall be reported to the permit granting agency within ten working days of a public notice or other request for such information. The report shall contain a statement of whether or not the use or activity is consistent with the Plan and Ordinance; the reason the use or activity is not consistent; standards and conditions which should be applied if the permit is granted and the need, if any, for local permits for uses associated with the regulated activities.

If a proposed use which requires local approval has not been reviewed, notice will be given to the permit-granting agency and the applicant within ten working days of notification, stating what process is required to review the proposed use. Upon completion of the required review, the report mentioned above, including a decision on the request, shall be sent to the permit granting agency.

SECTION 3.36.010 Consistency Determination

If a use or activity is permitted outright in the zone classification, it shall be considered to be consistent with the Comprehensive Plan, the purpose of the applicable management unit within which it is located and the resource capabilities of the area, and will be considered to have no potential of creating unacceptable degradations of the estuarine or shoreland area.

If a use or activity is permitted with standards or permitted conditionally, local approval of a use permit shall be required. Approval of a request shall be based on findings which constitute a determination that the use or activity is consistent with the Comprehensive Plan, the purpose of the applicable resource management unit and provisions of this ordinance. For estuarine areas, a determination of conformance with the resource capabilities of the area and that other unacceptable degradations of the estuarine environment shall not occur.

SECTION 3.36.020 Application

1. No application is necessary for regulated activities which do not require local approval. Local input shall be provided to permit granting agencies in response to public notice provisions of their application procedures.
2. Application for a regulated activity which requires local approval, or other use permitted with standards or permitted conditionally in the zone classification, shall be processed as an Administrative Action pursuant to the provisions of Chapter 2 of this ordinance. The application shall be submitted to the Director on forms provided by him and should include the following information:
 - a. Identification of resources existing at the site;
 - b. Effects of the proposed use on physical characteristics of the estuary and the proposed site, such as: flushing, patterns of circulation and other hydraulic factors; erosion and accretion patterns; salinity, temperature and dissolved oxygen characteristics of the water;
 - c. Effects of the proposed use on biological characteristics of the estuary and the proposed site, such as: benthic habitats and communities; anadromous fish migration routes; fish and shellfish spawning and rearing areas; primary productivity, resting, feeding and nesting areas for migrating and resident shorebirds, wading birds and other waterfowl; riparian vegetation; wildlife habitat;
 - d. Effects of the proposed use on other established uses in the area;
 - e. Impacts of the proposed use on navigation and public access to shoreland or estuarine areas;
 - f. Assurance that structures have been properly engineered;
 - g. Alternative project designs and/or locations which have been considered in order to minimize preventable adverse impacts; and
 - h. Steps which have been taken to minimize or avoid adverse impacts.

If application has been made to the Corps of Engineers or Oregon Division of State Lands for permit approval, applications for local approval shall include the federal/state permit application and information submitted with that request.

3. Based on the type of use proposed, the Director shall determine at the required preapplication conference, pursuant to §2.050, which information is applicable to the request and shall be submitted with the application. Federal Environmental Impact Statements or Impact Assessments, or other

prepared material which addresses pertinent issues, may satisfy this requirement if available at the time of application. In any case, the Director may require additional information from the applicant prior to making a decision if it is determined that such information is necessary to assure consistency with applicable criteria.

4. In making a decision, the Director shall consider:
 - a. The proposed use and its location.
 - b. Conformity with the standards for such use in this ordinance.
 - c. Conformity with the Comprehensive Plan.
 - d. Consistency of the proposed use with resource capabilities of the area and the purpose of the applicable resource management unit for estuarine uses.
 - e. Comments from agencies or other persons noticed during the Administrative Action process.
5. No application shall be approved by the Director without verification that all necessary permits from other agencies have been obtained. Approval may be given if conditions are imposed to assure that all such permits be obtained prior to commencement of the activity.

SECTION 3.36.030 Resource Capabilities Test for Estuarine Natural and Conservation Management Units

1. Certain uses are permitted in estuarine areas as long as the uses are consistent with the resource capabilities, as defined in §1.090 of this ordinance, of the area and the purpose of the management unit. Technical review of a proposed use shall ensure that, if approved, the use will be consistent with resource values.
2. A determination of consistency with resource capability shall be based on:
 - a. Identification of resources existing at the site, including environmental (e.g., aquatic life and habitat present, benthic populations, migration routes) and social and economic factors (navigational channels, public access facilities, areas especially suited for water-dependent use).
 - b. Evaluation of impacts on those resources by the proposed use.
 - c. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.

3. In determining consistency of a proposed use with resource capabilities of the area, Douglas County shall rely on federal or state resource agencies for regulated activities in estuarine areas. Findings showing that the proposed use is consistent with resource capabilities must be made by those agencies before such permits are approved.

For other than regulated activities that may be permitted with standards or conditionally permitted by zoning regulations, the Director shall make a decision based on the information submitted by the applicant, information contained in the Comprehensive Plan and other published studies concerning the Umpqua estuary, and comments received from resource agencies which result from public notice provided pursuant to §2.065.4 of this ordinance. No response by an affected agency shall indicate to the Director that no resource issues have been identified within that agency's area of interest or expertise.

SECTION 3.36.040 Other Alterations

1. Other alterations in the estuary shall be allowed only:
 - a. if a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - b. if no feasible alternative upland locations exist; and
 - c. if adverse impacts are minimized.
2. In determining the impact of other alterations on the estuary, Douglas County shall rely on the expertise of affected State and Federal resource agencies. Through consultation with each agency, Douglas County will determine if the alteration is 1) needed, 2) that no feasible alternative upland location exists, and 3) that adverse impacts are minimized. The County shall notify the affected agency of the proposed alteration. Input from each agency shall be used to assist in the impact analysis. No response shall indicate to the Director that the proposed alteration is consistent with the above criteria in the view of the affected State or Federal agency. The affected agency responses will be utilized by the County in making findings on other alteration impacts.

SECTION 3.36.050 Standards and Criteria Applicable to Uses and Activities in Estuarine and Shoreland Areas

In addition to other provisions of this article, uses and activities permitted with standards or permitted conditionally in estuarine and shoreland zones shall comply with any of the following applicable standards and criteria. Applicants for a use permit shall provide information concerning applicable standards and criteria sufficient to allow an

evaluation of compliance with these standards and criteria, and shall be apprised of specific requirements at the required preapplication conference.

SECTION 3.36.060 Standards and Criteria for Estuarine Zones

1. General Application
 - a. The amount of estuarine area consumed by any one development shall be minimized in order to limit the commitment of estuarine surface area to the parts of developments that must locate in the estuary as opposed to shorelands and uplands.
 - b. Water quality, including newly created waterways, shall be maintained at levels which will support recognized beneficial uses.
 - c. Water surface area and volume shall be maintained wherever possible.
 - d. The proposed use or activity shall not result in total destruction of a type of natural habitat or biological function which currently exists in the estuary.
 - e. The proposed use or activity shall not diminish the productive capacity of spawning sites for fish species having significant value to humans.
 - f. The size and shape of a dock or pier shall be limited to that required for that use.
 - g. In order to encourage community facilities common to several uses, proposals for the establishment of individual, single-purpose docks and piers shall only be approved when alternatives, such as mooring buoys, dry land storage and launching ramps, have been investigated and considered.
2. Dredging and Filling
 - a. Dredging and/or filling, shall be allowed only if:
 - (1) the activity is required for navigation or other water-dependent uses that require estuarine location; or if specifically allowed by the applicable management unit requirements of the estuarine goal; and
 - (2) if a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - (3) no feasible alternative upland location exists for the portion requiring fill; and

- (4) adverse impacts are minimized; and
- (5) the activity is consistent with the objectives of the State's Estuarine Resources Goal and with the state and federal law in conformance with Douglas County's Comprehensive Plan.

- b. Fills or structures, when permitted, shall be of minimum size required for the operation of that use or business.
- c. Filling shall be authorized only to accommodate development which has been determined to be in accord with a design approved by the appropriate governing bodies and permit-granting agencies.
- d. Adverse impacts on estuarine resources resulting from dredge or fill activities permitted in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of an estuarine area. (See standards and criteria for mitigation/restoration, §3.36.070.3.)
- e. Dredging activity shall be consistent with the policies and procedures set forth in the "Channel Development and Dredged Material Management Program of the Umpqua River Estuary" included in the Comprehensive Plan.
- f. Dredged material disposal is prohibited in intertidal and marsh areas unless part of an approved fill project.

3. Log Storage

- a. New water storage for logs may be approved only if such storage is an integral part of the operation of an existing wood products facility or new water-dependent facility approved by the State's Environmental Quality Commission; if there are no feasible upland alternatives; if the area is within a Development or Conservation management unit; if storage is limited to deep water where logs will not go aground at the lowest tide, except as provided in b. below; if storage time for specific logs will not exceed one year; and if water storage will not interfere with navigation.
- b. In-water storage of logs shall not be permitted in areas where logs go aground at the lowest tide unless it is demonstrated that no other reasonable alternatives exist.
- c. Historical and current log storage sites that are not used for log storage for a five year period shall be removed from further use for log storage.

4. Temporary Alterations

- a. Temporary alterations shall be allowed only if:
- (1) the alteration is consistent with the purpose of the management unit.
 - (2) the alteration is in support of uses permitted by the specific management unit.
 - (3) the area affected by the alteration is restored to its original condition.

SECTION 3.36.070 Standards and Criteria for Shoreland Zones

1. General Application

- a. Uses and activities shall be compatible with the characteristics and resources of adjacent estuarine areas, lakes and ocean and any geologic or hydrologic hazards.
- b. Riparian vegetation shall be maintained to the maximum extent possible. Vegetation destroyed or damaged as a result of allowed uses or activities shall be restored and enhanced when appropriate and consistent with the use.
- c. In all shorelands except those classified for water-dependent uses, development other than flood and erosion control structures and private docks shall be set back 50 feet from the line of non-aquatic vegetation or mean high high water, unless the County finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife.
- d. Bridges, roads and railroads, airports and other means of transportation, shall be permitted if found to be consistent with the resources of the area, the objectives of this zoning classification and the Transportation Element of the Comprehensive Plan, and if essential to serve permitted or coordinated uses.
- e. Nonstructural solutions to problems of shoreline erosion and flooding shall be performed over structural methods. Fill activities on shorelands and in adjacent waters, and flood and erosion control structures such as jetties, bulkheads and seawalls shall be permitted only upon a demonstration of need and only if designed and sited to minimize erosion and man-induced sedimentation in adjacent areas and to minimize negative impacts on water currents, water quality, and fish and wildlife.

- f. Public access to shorelands and waters shall be provided as part of an allowed use when such access will not conflict with the type of use or development, create a significant hardship or exceed the resource capabilities of the shoreland area.
 - g. The size (length and height) of structures permitted shall be consistent with the need to protect scenic access to the water body.
- 2. Dredged Material Disposal
 - a. Disposal of dredged material shall not be permitted in subtidal or intertidal areas of the estuary unless it is part of an approved fill project and if disposal of the material in an approved upland or ocean water site is not feasible.
 - b. Disposal of dredged material shall be permitted if the eventual use of the disposal site is consistent with the uses permitted in the applicable district and if the method of disposal is consistent with the policies and procedures of the Dredged Material Disposal Program included in the Comprehensive Plan.
 - c. When disposal of dredged material will create opportunity for development and associated improvements, access and services shall be available or planned.
- 3. Restoration and Mitigation
 - a. Shoreland areas identified in the Comprehensive Plan as suitable for fulfilling mitigation requirements shall be protected from new uses and activities which would prevent their ultimate restoration or addition to the estuarine ecosystem.
 - b. Restoration and mitigation activities shall be consistent with the policies set forth in the "Restoration and Mitigation Program" of the Comprehensive Plan.

ARTICLE 37

Nonconforming Use

SECTION 3.37.000 Nonconforming Use

Except as is hereinafter provided in this ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this ordinance or at the time of a change in the official zoning maps may be continued although such use does not conform with the provisions of this ordinance.

SECTION 3.37.050 Change in Nonconforming Use

A nonconforming use may be changed only insofar as it applies to the zone in which it is located. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.

SECTION 3.37.100 Increase of Nonconforming Use

A nonconforming use shall not be increased, except that permission to extend the use to any portion of a building or lot which portion was arranged or designed for such nonconforming use at the time of the passage of this ordinance may be granted subject to the provisions of §2.060.1 of this ordinance.

SECTION 3.37.150 Vested Right

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time construction was commenced.

SECTION 3.37.250 Discontinuance of Nonconforming Use

When a nonconforming use of a structure or property is discontinued for a period in excess of one (1) year, the structure or property shall not thereafter be used except in conformance with the zone in which it is located.

SECTION 3.37.300 Unlawful Use not a Nonconforming Use

No unlawful use of property existing at the time of passage of this ordinance shall be deemed a nonconforming use, except as provided in ORS 215.130.

SECTION 3.37.350 Restoration of Nonconforming Building or Structure

1. A nonconforming building or structure which is damaged by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be

restored and the occupancy or use of such building or structure or part thereof, which existed at the time of such partial destruction may be resumed, provided that the restoration is commenced within a period of one (1) year and is diligently prosecuted to completion.

2. The restoration or reconstruction of a nonconforming building or structure may not increase the floor area or create a greater nonconformance than existed at the time of damage or destruction.
3. The restoration or replacement of a nonconforming use in a landslide hazard area, as provided in ORS 195, shall be subject to mitigation measures and site development standards to reduce the risk of future property damage and loss of life.

SECTION 3.37.400 Conveyance of Nonconforming Use

Nothing in this ordinance shall be construed to limit the sale, transfer, other conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this ordinance.

SECTION 3.37.450 Restoration of Conforming Use on Nonconforming Lot

Nothing in this ordinance shall be construed to prevent the reconstruction or replacement of a preexisting building or structure conforming as to use on a nonconforming lot, so long as such lot did not become nonconforming in violation of the provisions of this ordinance.

SECTION 3.37.500 Alterations or Repairs

Alterations or repairs of a nonconforming use may be permitted subject to the provisions of §3.37.560 and §2.060.1 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval under this section when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

SECTION 3.37.550 Process

Any proposal for the alteration, repair or restoration of a nonconforming use shall be considered subject to the provisions of §2.060.1 of this ordinance.

SECTION 3.37.560 Criteria for Decision

When evaluating a proposal under this article, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood;
2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and
3. Other provisions of this ordinance, such as property development standards, are met.

SECTION 3.37.570 Conditions of Approval

In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Landscaping and maintenance of grounds.
8. Control of noise, vibration, odors, or other similar nuisances.
9. Limitation of time for certain activities.
10. A time period in which a proposed use shall be developed.
11. A limit of total duration of use.

SECTION 3.37.600 General Exceptions to Minimum Property Size Requirements

If a lot of record or contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the property size requirements of the zone in which the property is located, such lots or units may be occupied by a use permitted in the zone.

1. Nothing in this ordinance shall be interpreted to limit the conveyance of such lots or contiguous units of land, provided that such holdings are sold as a single ownership.
2. Nothing in this ordinance shall be deemed to prohibit construction of conforming uses on such lots or units or the sale of such lots or units within subdivisions or land partitionings approved prior to the adoption of this ordinance, subject to other requirements of this ordinance.
3. For such lots or units designated as agricultural in the Comprehensive Plan, siting of farm related dwellings shall be appropriate for the continuation of existing commercial agricultural enterprise in the area.

SECTION 3.37.650 General Exception for Approved Subdivision

Nothing in this ordinance shall be deemed to prohibit construction of conforming uses on nonconforming lots or the sale of said lots within subdivisions or land partitionings approved prior to the adoption of this ordinance, subject to other requirements of this ordinance.

SECTION 3.37.660 Exemption for Certain Surface Mining Operations

A surface mining use that has continued pursuant to Section 3.37.000 shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

1. The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a state or local exemption from surface mining regulation; and
2. The surface mining use was not inactive for a period of 12 consecutive years or more. The word "inactive" means that no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

SECTION 3.37.700 Sale or Transfer of Land to an Adjacent Owner (See Also 4.140)

The purpose of this section is to allow the sale or transfer of a part of a parcel of land to an immediately adjacent property owner where the resulting transaction is consistent with the Comprehensive Plan.

1. Designated Development Areas

The sale or transfer of land to an adjacent owner which involves designated nonresource (development) areas shall be permitted provided the following provisions can be met:

- a. The transaction does not result in the creation of a new substandard lot.

- b. All parcels involved in the transaction are legally created lots unless the transaction is necessary to establish parcels consistent with the lot size requirements of the zone.
- c. The sale or transfer is made between adjacent owners of residentially zoned lands, or commercially zoned lands, or industrially zoned lands, except that land zoned for development may adjust with resource designated land subject to the following conditions:
 - (1) No subsequent land division shall be allowed along the zone line separating resource from non-resource land;
 - (2) No new parcels shall be created;
 - (3) Permits to establish new residential, commercial or industrial uses shall not be issued on the resource portion of the parcel enlarged to include both resource and non-resource land; and,
 - (4) The resource portion of the parcel enlarged to include both resource and non-resource land shall be less than 10 acres.
- d. The transfer in ownership of the affected property would promote the intent of the Comprehensive Plan for the area and would neither create conflicts with adjacent properties nor inhibit their appropriate use or development.

2. Designated Resource Areas

The sale or transfer of land to an adjacent owner in designated resource areas shall be permitted provided the following provisions can be met:

- a. For zoning designations except TR (Timberland Resource), the transaction does not result in the creation of a substandard lot except where in conformance with the provisions of Article 44 of this ordinance.
- b. In the TR (Timberland Resource) designation, divisions of land for the purpose of exchanges and transfers between forest owners for the purpose of consolidating existing private or public land holdings is exempt from partitioning review.
- c. No additional parcels or building sites are created.
- d. All parcels involved in the transaction are legally created lots unless the transaction is necessary to establish parcels consistent with the lot size requirements of the zone.

- e. The transfer in ownership of the affected property would promote the intent of the Comprehensive Plan for the area and would neither create conflicts with adjacent properties nor inhibit their appropriate use or development.

3. Nonconforming Lot of Record

Transfer of land to an adjacent landowner, resulting in a reduction in size of a nonconforming lot of record, as defined by these regulations, may only be allowed when a portion of such lot of record conforms to the following criteria:

- a. The subject property and the adjacent parcel proposed for enlargement are legally created lots of record.
- b. Provision is made to ensure adequate sanitation facilities can be provided to the remaining parcel.
- c. The transfer in ownership of the affected property would promote the intent of the Comprehensive Plan for the area and would neither create conflicts with adjacent properties nor inhibit their appropriate use or development.
- d. The transfer is consistent with the provisions of Subsection 1. or 2. of this section.

ARTICLE 38

Zone Change

SECTION 3.38.000 Purpose

This Article provides the criteria for amending the boundaries of any district delineated on the official Douglas County zoning maps. Zoning shall be consistent with the Comprehensive Plan and maintain the general purpose of this ordinance and specific purpose of the applicable zone classification.

SECTION 3.38.100 Criteria for Decision

The Approving Authority may grant a zone change only if the following circumstances are found to exist:

1. The original zoning was the product of a mistake; or
2. It is established that:
 - a. The rezoning will conform with the applicable sections of the Comprehensive Plan;
 - b. The site is suitable to the proposed zone; and
 - c. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

SECTION 3.38.200 Conditional Approval of a Zone Change

Reasonable conditions may be imposed on the development review process, and building permits, pursuant to §2.120.3, as are necessary to insure the compatibility of a zone change to surrounding uses, and as are necessary to fulfill the general and specific purposes of this ordinance and the Comprehensive Plan. Such conditions may include but are not limited to the following:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.

7. Lighting, landscaping and maintenance of grounds.
8. Control of noise, vibration, odors, or other similar nuisances.

SECTION 3.38.300 Grant of Authority for Zone Change

1. The Director shall have the authority to order a change in the official map to effectuate the rezoning of property as provided by the provisions of this ordinance.
2. Changes in the official map shall be made within ten (10) days of the date the decision becomes final.

ARTICLE 39

Conditional Use Review

SECTION 3.39.000 Purpose

A conditional use is an activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with those uses permitted outright. Therefore, a conditional use must be approved through the Administrative Action procedure to insure that the use is made compatible with the permitted uses in the zone or other adjacent permitted uses which may be adversely affected. Conditions of approval may be imposed to ensure that any use may be made compatible with adjacent permitted uses and that nonresource uses permitted in resource areas do not interfere with accepted resource management practices. Nothing herein shall be construed to require the granting of a conditional use permit.

SECTION 3.39.050 Criteria for Review

The Approving Authority may grant a request for conditional use approval if the following criteria are met:

1. The proposed use is or may be made compatible with existing adjacent permitted uses and other uses permitted in the underlying zone.
2. The proposed use complies with other development approval criteria within the applicable zone.

SECTION 3.39.100 Conditions

Reasonable conditions necessary to ensure the compatibility of a conditional use to adjacent permitted uses and as are necessary to fulfill the purpose stated in §3.39.000, pursuant to §2.120.3. Such conditions may include but are not limited to the following:

1. Special yards and spaces.
2. Fences and walls.
3. Special parking and/or loading provisions.
4. Street dedication and improvements or bonds in lieu of improvements.
5. Control of points of vehicular ingress and egress.
6. Special provisions for signs.
7. Landscaping and maintenance of grounds.

8. Control of noise, vibration, odors, or other similar nuisances.
9. Limitation on time of day for which certain activities may be conducted.
10. A time period in which a proposed use shall be developed.
11. A limit of total duration of use.

SECTION 3.39.150 Wireless Utility and Communication Facility Siting

In addition to the criteria of Section 3.39.050, those criteria of specific zoning classifications, and the conditions of Section 3.39.100, the approving authority may grant a Conditional Use Permit for a wireless utility or communication facility if, on the basis of the application, investigation, and evidence submitted, the facility complies with all specifications of its definition and the following provisions are addressed or provided:

1. A site plan of the facility and any accessory uses, including facility setback(s) from property lines adequate to protect any adjacent residence from damage in the event of a structural failure.
2. Scientific and/or engineering data which document the suitability or locational dependency of the proposed facility location and demonstrates the relationship of the proposed site to the applicants overall service coverage.
3. A visual impact mitigation plan for any proposed facility which exceeds 50' in height, including photo simulations demonstrating the location and design of the facility on the proposed site and camouflaging alternatives.
4. Any facility lighting including Federal Aeronautics Administration (FAA) and Oregon Department of Aviation (ODA) requirements.
5. Agreements for facility maintenance, access, abandonment and removal.
6. Evidence (for service providers) documenting good faith effort to co-locate on existing facilities and if co-location is not possible, the reasons why the applicant could not co-locate. For tower owners, evidence shall be submitted to demonstrate that, depending on tower height, the tower will be constructed to accommodate additional service providers and that co-location opportunities will be made available at reasonable rates.

SECTION 3.39.200 Invalidation of Conditional Use Permit

A conditional use permit will become invalid without special action if:

1. The permit is not exercised within two (2) years of the date of approval.
2. The use approved by the conditional use permit is discontinued for any reason for one (1) continuous year or more.

SECTION 3.39.250 Accessory Uses

Once a conditional use permit has been granted, accessory uses to the conditional use may be permitted outright provided original conditions and property development standards are met.

SECTION 3.39.300 Granting of Extensions

An applicant may request an extension of the validity of a conditional use permit approval. Such request shall be considered a Ministerial Action and shall be submitted to the Director, prior to the expiration of such approval, in writing, stating the reason why an extension should be granted.

The Director may grant an extension of up to one (1) year in the validity of the conditional use permit approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

ARTICLE 40

Variances

SECTION 3.40.000 Purpose

A variance may be granted whenever the strict application of a requirement of this chapter would impose unusual practical difficulty on the applicant. Practical difficulty may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population density, street location, or traffic conditions in the immediate vicinity. The authority to grant variances does not extend to use regulations.

SECTION 3.40.100 Criteria for Decision

A variance to the requirements of this chapter may be granted with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

1. Unique circumstances, such as lot size, shape or topography, apply to the property which do not apply generally to other properties in the same zone or vicinity.
2. The variance is necessary for the preservation of a property right of the applicant.
3. The variance would conform with the purposes of this ordinance and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict with the Comprehensive Plan.
4. The variance requested is the minimum variance necessary to make reasonable use of the property.
5. The variance is not the result of a self-created hardship.

SECTION 3.40.200 Administrative Variance from Building Setback Requirements

1. An Administrative Variance from regulations covering any building setback requirements may be authorized as a use permitted with standards up to a maximum of 50% of the requirement (but not resulting in a setback of less than five (5) feet) upon written consent from the affected adjacent property owner(s). A pre-application conference and fee shall be required. Affected property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The affected adjacent property owner(s) shall be identified by the Planning Department.

Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted.

2. If adjacent owner consent cannot be obtained, the request shall be processed pursuant to the Administrative Action process of §2.060.1 up to a maximum of 50% of the requirement, by the Director, upon findings that:
 - a. Approval of the variance will not negatively impact adjacent properties; and
 - b. The variance does not result in a setback of less than five (5) feet.
3. An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.

SECTION 3.40.300 Administrative Variance from Building Height Requirements

1. An Administrative Variance from the regulations covering any building height requirements may be authorized as a use permitted with standards up to a maximum of 30% of the requirement upon written consent from the affected adjacent property owner(s). A pre-application conference and fee shall be required. Affected property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. The affected adjacent property owner(s) shall be identified by the Planning Department. Adjacent owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted.
2. If adjacent owner consent cannot be obtained, the request shall be processed pursuant to the Administrative Action process of §2.060.1 up to a maximum of 30% of the requirement, by the Director, upon findings that:
 - a. Approval of the variance will not negatively impact adjacent properties; and
 - b. The variance does not result in a height in excess of three stories.
3. An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.

ARTICLE 41

Temporary Use Permit

SECTION 3.41.000 Purpose

A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

SECTION 3.41.050 Temporary Outdoor Gathering

Outdoor gatherings and events, 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 in any three month period, and will be located in a rural or resource area, 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:

1. It must be demonstrated that health standards are met, including, County food handling requirements, a method for waste disposal, and provision for portable sanitation.
2. Off street parking shall be provided for all vehicles associated with the gathering.
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.
4. It shall be demonstrated that fire protection and suppression will be provided by a public entity, or that on-site fire protection equipment will be adequate and has been approved by the appropriate fire district or association.
5. Event organizers shall sign an agreement holding themselves responsible for any incidents of trespass or vandalism on adjacent or nearby properties.
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, pursuant to §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, 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 3.41.200 Criteria for Decision

No temporary permits shall be issued except upon a finding that approval of the proposed structure, activity or use would not permit the permanent establishment within a zoning district of any use which is not permitted within the zoning district, or any use for which a conditional use permit is required.

SECTION 3.41.300 Conditional Approval of Temporary Use Permits

1. Reasonable conditions may be imposed pursuant to §2.120.3 by the Approving Authority in connection with approval of the temporary permit to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include but are not limited to:
 - a. Special yards and spaces.
 - b. Fences or walls.
 - c. Control of points of vehicular ingress and egress.
 - d. Special provisions on signs.
 - e. Landscaping and maintenance thereof.
 - f. Maintenance of the grounds.
 - g. Control of noise, odors or other nuisances.
 - h. Limitation of time for certain activities.
2. Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant, but may be renewable through the Administrative Action process.
3. All structures for which a temporary permit is issued:
 - a. shall meet all other requirements of the zoning district in which they are located;
 - b. shall meet all applicable County health and sanitation requirements;

- c. shall meet all applicable County building code requirements; and
- d. shall be removed upon expiration of the temporary permit unless renewed by the Director, or used in conjunction with a permitted use.

SECTION 3.41.400 Issuance of Permits

1. Temporary permits shall be issued for the time period specified by the Approving Authority but may be renewable upon expiration as an Administrative Action if all applicable conditions can again be met. In no case shall a temporary permit be issued for a period exceeding one (1) year, unless the temporary permit is renewed.
2. Renewal of a temporary permit shall follow the same procedure as the initial application.

SECTION 3.41.500 Exemptions

The temporary placement of a mobile home as provided for in Article 46 shall not be subject to the provisions of this article.

ARTICLE 42

Approval of Template Dwellings in the FF and AW Zone

SECTION 3.42.000 Purpose

The purpose of this article is to establish approval criteria for review and action on requests for Template Dwellings (so called because a 160 acre template is used, on a map, to test parcel eligibility). Requests for building permits under this Article shall be made to the Director pursuant to §2.060.2 of this ordinance.

SECTION 3.42.100 Building Permits

1. Building permits proposed under this Article, for lands zoned FF or AW, shall conform to the following criteria and shall be processed pursuant to §2.060.2.
2. A single family dwelling on a lot or parcel located within the FF or AW Zone may be allowed if the lot or parcel was predominantly in forest use on January 1, 1993 (ref OAR 660-006-0050(2)), and is predominantly composed of soils that are:
 - a. Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels;
 - b. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
 - (1) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels;
 - c. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

- (1) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - (2) At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
3. If the subject tract abuts a road that existed on January 1, 1993, the template measurement may be made by creating a 160 acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
4. If the subject tract is 60 acres or greater and abuts a road or perennial stream, the template measurement shall be made in accordance with §3.42.100.3 and aligned with the road or stream. However, one of the three required dwellings shall be on the same side of the road or stream as the subject tract and either:
 - a. Be located within a 160 acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or
 - b. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the subject tract.

If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

5. The proposed Template Dwelling must comply with other requirements of the Comprehensive Plan and Land Use and Development Ordinance.
6. The tract on which the dwelling will be sited does not include a dwelling ("tract" means one or more contiguous lots or parcels in the same ownership). If the subject tract consists of two or more legal lots of record, then the remaining lot or lots shall not be eligible for a single family dwelling building permit and deed restrictions pursuant to OAR 660-06-027(6) shall be met.
7. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements for a Template Dwelling.

ARTICLE 43

Approval of Nonresource Dwellings in FG, FC or FF Zones

SECTION 3.43.000 Purpose

An application for a building permit for a nonresource dwelling in a resource area shall be made to the Director pursuant to §2.060.1 of this Ordinance. This procedure applies to building or placement permits for dwellings not in conjunction with farm use.

SECTION 3.43.100 Building Permits

1. Building permits proposed under this article for lands zoned FG, FC, and FF shall conform to the following criteria and shall be processed pursuant to §2.060.1.
 - a. Any permitted non-farm dwelling shall not force a significant change in or significantly increase the cost of accepted farming practices on nearby land devoted to farm or forest uses.
 - b. The dwelling will be situated upon a lot or parcel, or portion of a lot or parcel, that is generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
 - (1) A lot or parcel, or portion of a lot or parcel, shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other adjacent land.
 - (2) A lot or parcel, or portion of a lot or parcel, is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel, or portion of a lot or parcel, can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch it is not generally unsuitable.
 - (3) A lot or parcel, or portion of a lot or parcel, is presumed to be suitable if it is composed of predominately Class I-IV soils.
 - (4) A lot or parcel, or portion of a lot or parcel, being unsuitable for one farm use does not mean it is unsuitable for all farm uses.

- (5) If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules.
 - (6) If under Forest Assessment, a lot or parcel, or portion of a lot or parcel, is not generally unsuitable for forest production because it is too small to be managed profitably by itself. If a lot or parcel, or portion of a lot or parcel, under forest assessment can be sold, leased, rented or otherwise managed as part of a forestry operation it is not generally unsuitable.
 - (7) A lot or parcel, or portion of a lot or parcel, under forest assessment is presumed to be suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year.
- c. The dwelling will not materially alter the stability of the overall land use pattern of the area. Generally, the intent of the “materially alter” standard is to consider the cumulative impact of possible new nonfarm dwellings and parcels on other lots or parcels in FG, FC and FF zoned areas; and, if the application involves the creation of a new parcel for the nonfarm dwelling, to also consider whether or not creation of the new parcel will lead to the creation of other non-farm parcels to the detriment of agricultural practices in FG, FC and FF zoned areas. To address this materially alter standard, the applicant shall provide a “cumulative impacts analysis”. The cumulative impacts analysis shall consist of the following:
- (1) **Study Area:** The applicant shall identify a study area which must include at least 2,000 acres, or a smaller area of not less than 1,000 acres if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other adjacent agricultural areas.
 - (a) If a 1,000 acre study area is selected, then findings shall describe the study area and explain why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the required analysis.
 - (b) A map shall depict the study area boundaries and show the location of the subject parcel within the study area.
 - (c) Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area.

- (2) **Analysis:** Within the study area described above, the applicant shall

Identify:

- (a) the broad types of farm uses (i.e. irrigated or nonirrigated crops, pasture or grazing land, etc.);
- (b) the number, location and type of existing dwellings (i.e. farm, non-farm, hardship, etc.);
- (c) predominant soil classifications;
- (d) parcels created prior to January 1, 1993; and
- (e) parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings; then,

Determine:

- (f) dwelling development trends since 1993;
- (g) the potential number of nonfarm and owner-of-record dwellings that could be approved; and,

Develop Findings:

- (h) findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings previously determined.

- (3) **Determination:** The County shall determine whether approval of the potential nonfarm and owner-of-record dwellings, together with existing nonfarm dwellings, will materially alter the stability of the land use pattern in the study area.

- (a) The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area:
 - i. to continue operation due to diminished opportunities to expand;

- ii. to purchase or lease farmland; or
 - iii. to acquire water rights.
- (b) The stability of the land use pattern will also be materially altered if the existing and potential number of nonfarm and owner-of-record dwellings will diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- d. The proposed site of non-farm dwelling has been disqualified in accordance with ORS 215.236 and final approval shall not be granted until the requirements of ORS 215.236 have been met.
 - e. The dwelling complies with other conditions as the approving authority considers necessary.

ARTICLE 44

Division of Nonresource Lands in Designated Resource Areas

SECTION 3.44.000 Purpose

The purpose of this article is to allow the division of nonresource lands in agricultural, or resource transitional areas to segregate existing single-family dwellings not involved in resource management or to create new dwelling sites not in conjunction with resource use, from parcels devoted to such management and to provide reasonable guidelines and criteria to be applied which will protect these resource lands from an unwarranted influx of incompatible residential development.

SECTION 3.44.100 Criteria for Decision

Land divisions proposed under this article for property zoned FG, FC or FF shall conform to the following criteria, and shall be processed pursuant to §2.060.1:

1. **Nonresource Partitions where the remaining parcel complies with the minimum parcel size:** The County may approve a division of land to create up to two new parcels smaller than the minimum parcel size, each parcel to contain a non-farm dwelling, so long as:
 - a. The non-farm dwelling(s) is being concurrently applied for under the provisions of Article 43;
 - b. The parcel(s) for the non-farm dwelling(s) is divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - c. The parcel(s) for the non-farm dwelling(s) is divided from a lot or parcel that is larger than the minimum parcel size in the zone;
 - d. The remainder of the original lot or parcel that does not contain the non-farm dwelling(s) complies with the minimum parcel size in the zone; and
 - e. The parcel(s) for the non-farm dwelling(s) is generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

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 are being concurrently applied for under the provisions of Article 43;
 - b. The parcels for the non-farm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 - c. The parcels for the non-farm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum parcel size in the zone but may not be less than 40 acres;
 - d. The parcels for the non-farm dwellings are:
 - i. Not capable of producing more than 50 cubic feet per acre per year of wood fiber; and
 - ii. Composed of at least 90 percent Class VI through VIII soils;
 - e. The parcels for the non-farm dwellings do not have established water rights for irrigation; and
 - f. The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
3. The proposed new parcel(s) has appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence.
4. The size of a new parcel created pursuant to §3.44.100.1 of this article shall be as small as practicable. "As small as practicable" means less than 10 acres.
5. For each nonresource parcel created, a nonexclusive resource management covenant shall be filed by the property owner with the County Clerk. Such covenant will specify that owners of adjacent land will be allowed to conduct normal resource management practices on their properties and the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

6. The application complies with other conditions as the approving authority considers necessary.
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 has also been approved under the provisions of Article 43.

ARTICLE 45

Application For a Farm Related Dwelling (Primary Structure) or Accessory Farm Dwelling in Exclusive Farm Use (FG or FC) and Farm Forest (FF) Zoned Areas, including Dwellings on Nonconforming Lots of Record.

SECTION 3.45.000 Purpose

The purpose of this article is to establish a mechanism for review and action on farm related dwelling requests including those located on units of land not meeting the minimum size required by the applicable zoning classification and otherwise qualifying as a lot of record under this ordinance.

SECTION 3.45.100 Farm Dwelling Building Permits

1. A permit for a dwelling customarily provided in conjunction with farm use in the FG, FC, and FF zones may be issued after a ten day notice is provided pursuant to §2.060.1 and administrative action is taken pursuant to §2.120 and §2.130.
2. An application for a dwelling on a lot of record, 10 acres or less in an FG, FC or FF zone, shall be assumed to be for a nonfarm dwelling in a resource zone and subject to the provisions of Article 43 unless the applicant qualifies for another allowable dwelling type. An applicant wishing to show that a dwelling on a parcel 10 acres or less in a resource zone is in conjunction with a farm use will be subject to quasi-judicial review by the Planning Commission and the applicable provisions of the Comprehensive Plan.
3. If the criteria for a farm related dwelling in an FC, FG or FF zone cannot be met, then the dwelling shall be reviewed as a request for a nonfarm, or other permitted, dwelling as allowed in this Ordinance. The application for a nonfarm dwelling will be subject to the provisions of Article 43 of this Ordinance.
4. Permits approved pursuant to §3.45.100 shall be consistent with commercial agricultural uses, the agricultural objectives of the Comprehensive Plan, and the agricultural and land use policies of the Comprehensive Plan.
5. A dwelling may be considered customarily provided in conjunction with farm use if all the standards are met in any one of the following four tests:

a. Size Test:

- (1) The land on which the dwelling will be located does not contain predominately high value soils (as identified in the list of "High-Value Farmland Soils for Douglas County" prepared by the Department of Land Conservation and Development);
- (2) The lot or parcel on which the dwelling will be located is at least 160 acres in size;
- (3) The subject tract is currently employed for farm use, as defined in ORS 215.203;
 - (a) As used in Article 45 of this Ordinance, "tract" means one or more contiguous lots or parcels in the same ownership.
- (4) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
- (5) Except for seasonal farm-worker housing as permitted in ORS 197.677-685, there is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could be reasonably used as the requested farm or ranch dwelling.

b. Capability Test:

- (1) The land on which the dwelling will be located does not contain predominately high value soils (as identified in the list of "High-Value Farmland Soils for Douglas County" prepared by the Department of Land Conservation and Development);
- (2) A study is conducted, pursuant to OAR 660-33-135(3), which demonstrates that the subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract;
- (3) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in b.(2) above;

- (4) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in b.(3) above;
- (5) With assistance and guidance from the State Department of Land Conservation and Development, the applicant shall provide the annual gross sales information required above, and as specified in OAR 660-033-0135.
- (6) The subject lot or parcel on which the dwelling is proposed is not less than 10 acres in size;
- (7) Except for seasonal farm-worker housing as permitted in ORS 197.677-685, there is no other dwelling on the subject tract that is vacant or currently occupied by persons not working on the subject farm or ranch and could be reasonably used as the requested farm or ranch dwelling;
- (8) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and
- (9) If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by b.(4) above.

c. Income Test:

- (1) The land on which the dwelling will be located does not contain predominately high value soils (as identified in the list of "High-Value Farmland Soils for Douglas County" prepared by the Department of Land Conservation and Development);
- (2) The subject tract is currently employed in a farm use, as defined in ORS 215.203, that produced a gross annual income, excluding the cost of purchased livestock, of at least \$22,500 in the last two years or in three of the last five years;
 - (a) Note: \$22,500 is the dollar amount calculated through a formula adopted by LCDLDC on February 18, 1994. The dollar amount represents the midpoint of the median income range of gross annual sales for farms in Douglas County with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture for Oregon.

- (b) Only gross income from land owned, not leased or rented, shall be counted.
 - (c) A dwelling in conjunction with a commercial dairy operation shall be excused from the requirements of this subsection, subject to LCDC rules for a dwelling in conjunction with a commercial dairy operation.
- (3) Except for seasonal farm-worker housing as permitted in ORS 197.677-685, there is no other dwelling on the subject tract that is vacant or currently occupied by persons not working on the subject farm or ranch and could be reasonably used as the requested farm or ranch dwelling; and
 - (4) Except as provided in (2)(c) above, the dwelling will be occupied by a person or persons who produced the commodities which grossed the required income.

d. High Value Test:

- (1) The land on which the dwelling will be located contains predominately high value soils (as identified in the list of "High-Value Farmland Soils for Douglas County" prepared by the Department of Land Conservation and Development);
- (2) The subject tract is currently employed in a farm use, as defined in ORS 215.203, that produced a gross annual income from the sale of farm products, excluding the cost of purchased livestock, of at least \$80,000 in the last two years or in three of the last five years;
 - (a) Only gross income from land owned, not leased or rented, shall be counted.
 - (b) A dwelling in conjunction with a commercial dairy operation shall be excused from the requirements of this subsection, subject to LCDC rules for a dwelling in conjunction with a commercial dairy operation.
- (3) Except for seasonal farm-worker housing as permitted in ORS 197.677-685, there is no other dwelling on the subject tract that is vacant or currently occupied by persons not working on the subject farm or ranch and could be reasonably used as the requested farm or ranch dwelling; and
- (4) Except as provided in (2)(b) above, the dwelling will be occupied by a person or persons who produced the commodities which grossed the required income.

SECTION 3.45.300 Permits for Accessory Farm Dwellings in EFU (FG or FC) and Farm Forest (FF) Zoned Areas.

1. Accessory Farm Dwellings, including farm worker housing subject to LCDC rules, may be considered customarily provided in conjunction with farm use if:
 - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator. Once approved, the accessory farm dwelling may not be occupied by a person or persons who are not principally engaged in the farm use of the land and whose assistance in the management of the farm use is not required by the farm operator; and
 - b. The accessory dwelling will be located:
 - (1) On the same lot or parcel as the principal farm dwelling; or
 - (2) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - (3) On a lot or parcel on which the principal farm dwelling is not located, when the accessory farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The dwelling may remain if it is reapproved as a farm dwelling under §3.45.100; and
 - c. There is no other dwelling on EFU lands owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
 - d. The principal farm dwelling, to which the proposed dwelling would be accessory, meets one of the following standards (except that, subject to LCDC rules, the income requirements shall not apply to applications for a dwelling in conjunction with a commercial dairy farm):
 - (1) On land which does not contain predominately high value soils (as identified in the list of "High-Value Farmland Soils for Douglas County" prepared by the Department of Land Conservation and Development), the principal farm dwelling is

located on a farm or ranch operation that is currently employed in a farm use, as defined in ORS 215.203, that produced a gross annual income, excluding the cost of purchased livestock, of at least \$22,500 in the last two years or in three of the last five years; or

- (2) On land containing predominately high value soils (as identified in the list of "High-Value Farmland Soils for Douglas County" prepared by the Department of Land Conservation and Development), the principal farm dwelling is located on a farm or ranch operation that is currently employed in a farm use, as defined in ORS 215.203, that produced a gross annual income from the sale of farm products, excluding the cost of purchased livestock, of at least \$80,000 in the last two years or in three of the last five years.
2. Douglas County shall not approve any division of a lot or parcel based on the existence of an accessory farm dwelling approved under §3.45.300. However, if it is determined that an accessory farm dwelling satisfies the requirements of §3.45.100.5, a parcel may be created consistent with the applicable minimum parcel size requirement.
3. An accessory farm dwelling approved under §3.45.300 cannot later be used to satisfy the requirements for a Single-family residential dwelling not provided in conjunction with farm use.

ARTICLE 46

Administrative Variance

SECTION 3.46.000 Temporary Use of a Manufactured Structure or Existing Building (Family Hardship)

1. During a family hardship condition where the condition relates to the aged, infirm or to persons otherwise incapable of maintaining a separate residence, the Director may authorize, as a permitted use in all zones (subject to ORS provisions in resource zones), the placement of a manufactured structure or the temporary residential use of an existing building on a lot or parcel if the following criteria are met:
 - a. The request for the additional dwelling is submitted in writing. Such request shall state the nature of the hardship; the names of the persons who will occupy such dwelling; the relationship of the occupants of such dwelling to the residents; and, the estimated period of time the dwelling will remain on the property.
 - b. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling and that said sewage disposal system is adequate to accommodate the additional dwelling. If the additional dwelling is to utilize a public sanitary sewer system, such condition will not be required.
 - c. The additional dwelling may be either a manufactured structure as defined in Chapter 1, or the temporary residential use of an existing building.
 - d. The location and use of the additional dwelling otherwise conforms to the provisions established for the zone district.
2. Temporary use of an additional dwelling shall be granted for the time period specified by the Director but may be renewable upon expiration if all applicable conditions can be met. In no case shall a temporary use be authorized for a period exceeding two (2) years, unless the temporary use is renewed.
3. The Director shall determine whether or not the conditions described in this article warrant approval of the request to place or convert an additional dwelling on the property. He may require the applicant to provide other such evidence as he deems necessary to make that determination.
4. Upon expiration of the time period for which the temporary use was authorized, the property owner shall have ninety (90) days in which to remove or demolish the additional dwelling or convert it to an allowed non-residential use, unless an extension is granted as prescribed above.

ARTICLE 47

Administrative Variances

SECTION 3.47.000 Administrative Variance from Minimum Parcel Size

Variance from the minimum parcel size of a land use zone may be approved by the Director, subject to the provisions of §2.060.1 of this ordinance, and a finding that the criteria listed below have been met.

1. Preexisting Dwelling Provision

a. Rural Residential Lands

Administrative variances from regulations governing minimum parcel size may be authorized by the Director in areas zoned for Rural Residential use and allowing a division of land when:

- (1) The existing parcel contains two or more permanent habitable dwellings and each parcel for which a variance to size is requested will have at least one of the permanent habitable dwellings on it.
 - (a) "Habitable dwelling" means that it qualifies as a replacement dwelling;
- (2) The subject dwellings were placed or constructed prior to October 4, 2000;
- (3) The dwelling was constructed or placed in accordance with all applicable regulations in effect at that time;
- (4) The division will not result in the creation of a parcel smaller than one acre in size;
- (5) The substandard lot of record shall have sufficient area and otherwise be capable of being served by a domestic water supply and sewage disposal system approved by the appropriate sanitary authority; and
- (6) The division will not create any vacant parcels on which a new dwelling could be established.

b. Low Density Urban Residential Lands.

Administrative variances from regulations governing minimum parcel size in low density residential area may be authorized by the Director

in Urban Unincorporated areas zoned for suburban and rural residential use when property development standards for the zone cannot be met and the following criteria are satisfied:

- (1) The existing parcel contains more than one dwelling and the resulting parcels will each contain one or more of the existing dwellings;
- (2) The dwelling on each proposed parcel was placed or constructed on its present location prior to April 1, 1981;
- (3) The dwelling on each proposed parcel was constructed or placed in accordance with all applicable regulations in effect at that time;
- (4) The division will not result in the creation of a parcel smaller than 6,500 square feet for a single-family dwelling and 10,000 square feet for a duplex; and
- (5) The dwelling on each proposed parcel shall be served by a public sewer and water system.

2. Dividing Feature Provision

Administrative variances from regulations covering minimum parcel size may be authorized by the Director if:

- a. The use of the proposed parcel is precluded as a practical matter by virtue of one or more of the following controlling factors:

Physical separation of the proposed parcel from the rest of the overall ownership by a significant water course; by a topographic or similar natural feature; or, by a public highway, street or by a railroad, or similar controlling man-made feature, the location over which the owner had no control.

For the purpose of this section a controlling factor is a condition which effectively prevents the use of a portion of the land as a practical matter. Controlling factors do not include seasonal drainage channels or minor creek beds, or topographic features with slopes of under 60 percent.

- b. The proposed parcel shall have a sufficient area and otherwise be capable of being served by a domestic water supply and sewage disposal system approved by the appropriate sanitary authority. Written notification of such approval shall be filed with the Director as part of the application.

- c. The division is consistent with the criteria of §3.43.100 when the subject property is designated Agriculture or Farm/Forest Transitional on the Douglas County Comprehensive Plan.
- d. The Director shall determine whether or not the controlling factor described above warrants approval of the application.

3. Homestead Provision

An administrative variance from regulations concerning minimum parcel size may be authorized by the Director if:

- a. The existing parcel has been in the same ownership for at least seven years prior to the date of the proposed partition;
- b. The division will not result in the creation of a new parcel smaller than one acre in size or larger than five acres in size;
- c. The division is consistent with the criteria of §3.43.100 when the subject property is designated Agriculture or Farm/Forest Transitional on the Douglas County Comprehensive Plan; and
- d. The remainder of the parcel shall not be further divided under the provisions of this section for a period of seven years.

ARTICLE 48

Approval of Limited Maintenance and Repair Facility in TR, FF and AW Zones

SECTION 3.48.000

1. An administrative variance for a Limited Maintenance and Repair facility in resource zones may be authorized by the Director, when such facility complies with all specifications of the definition, §1.090 and the provisions of §2.060.1.
2. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:
 - a. Special yards and spaces.
 - b. Fences and walls.
 - c. Special parking and/or loading provisions.
 - d. Street dedication and improvements or bonds in lieu of improvements.
 - e. Control of points of vehicular ingress and egress.
 - f. Special provisions for signs.
 - g. Landscaping and the maintenance of grounds.
 - h. Control of noise, vibration, odors, or other similar nuisances.
 - i. Limitation of time for certain activities.
 - j. A time period in which a proposed use shall be developed.
 - k. A limit of total duration of use.

ARTICLE 49

Approval of Restricted Maintenance and Repair Facility in Rural Residential Zones

SECTION 3.49.000

1. An administrative variance for a Restricted Maintenance and Repair facility in rural residential zones may be authorized by the Director, when such facility complies with all specifications of the definition, §1.090 and the provisions of §2.060.1.
2. In order to assure compatibility of the proposed development with the surrounding area, any of the following conditions may be imposed as conditions of approval:
 - a. Special yards and spaces.
 - b. Fences and walls.
 - c. Special parking and/or loading provisions.
 - d. Street dedication and improvements or bonds in lieu of improvements.
 - e. Control of points of vehicular ingress and egress.
 - f. Special provisions for signs.
 - g. Landscaping and the maintenance of grounds.
 - h. Control of noise, vibration, odors, or other similar nuisances.
 - i. Limitation of time for certain activities.
 - j. A time period in which a proposed use shall be developed.
 - k. A limit of total duration of use.

ARTICLE 50

Destination Resort

SECTION 3.50.000 Purpose

The purpose of this Article is to provide a mechanism for implementing statutory provisions for destination resorts. A Destination Resort (DR) is intended to allow properly designed and sited facilities that will attract tourists for longer visits from greater distances. The procedures in this Article are intended to ensure that both large and small scale destination resorts will be primarily visitor oriented developments that are designed and developed in harmony with the surrounding uses and features.

SECTION 3.50.010 Definitions

Words and phrases used in this Article which are defined in ORS 197.435 through 197.467 shall have the same definition.

SECTION 3.50.020 Permitted Uses

As part of a Destination Resort, the following uses may be permitted, in order to serve the resort visitors:

1. Housing facilities including but not restricted to the following: Lodges, hotels, motels, single-family dwellings, multi-family dwellings, camping sites for tent camping and self contained units. However, camping sites do not qualify as overnight lodgings.
2. Convention Facilities.
3. Shops and stores distributing goods and services intended only for the visitors of the resort and the support personnel.
4. Restaurants, lounges and similar establishments.
5. All manner of outdoor and indoor recreational facilities, including but not limited to the following: tennis, racquetball, volleyball, and handball courts; hiking, horseback riding, running, skiing, snowmobiling, and bicycle trails; boating and swimming facilities; and golf courses.
6. Public utility facilities.
7. Other uses as permitted in the underlying zone.

SECTION 3.50.050 Standards and Criteria for Large Scale Destination Resorts

1. **Siting Exclusions:** Destination Resorts, including those being sited in accordance with Section 3.50.075, shall not be located on a site identified as an area excluded from Destination Resort Siting process by the Comprehensive Plan. A map delineating areas eligible for DR siting is in the Comprehensive Plan Park and Recreation Element.
2. **Commercial Uses:** All commercial development shall be located on-site and designed and constructed in a style, scale, and location appropriate to serve only the perceived needs of the resort visitors. No industrial uses for the site will be permitted.
3. **Open Space:** At least fifty percent of the site shall be dedicated permanent open space excluding streets and parking areas.
4. **Size:** The resort shall be located on a site within a tract of at least one hundred and sixty acres or forty acres if located within two miles of the ocean. The tract on which the Destination Resort is proposed may include ineligible land pursuant to ORS 197.462 provided that the ineligible land is not part of the minimum Destination Resort acreage.
5. **Self Contained:** The resort shall be a self contained unit. All support facilities shall be constructed on-site. Proof of water rights shall be provided by the developer. Septic or limited sewer systems shall meet DEQ guidelines. Sewer and water services may be provided by an existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development.
6. **Minimum Investment:** At least seven million dollars shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads except that any application submitted prior to the November 1995 amendments to this subsection shall be subject to the previous minimum investment standard. Not less than one-third of this amount shall be spent on developed recreational facilities. Recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through performance bonding mechanisms specified in Section 3.50.200 of this Article.
7. **Visitor-Oriented Accommodations:** The resort will minimally provide as its visitor-oriented accommodations: Meeting rooms, restaurant(s) with seating for one hundred (100) persons, and one hundred and fifty (150) separate rentable units for overnight lodging. The rentable units may be phased in pursuant to ORS 197.445(4) provided that all overnight lodging units are built within five years of final approval. Accommodations available for residential use shall not exceed two such units for each unit of overnight lodging. Individually owned units may be considered overnight lodgings if they are

available for overnight rental use by the general public for at least forty-five (45) weeks per calendar year through a central reservation and check in/out service. Such availability shall be a condition of ownership for individually owned units if same units are to be considered part of the rentable lodging.

A guarantee to physically provide visitor oriented accommodations will be made through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units.

8. Resources Protection: Compatibility with the site and adjacent land uses shall be insured through the following measures:
 - a. Important natural features, including habitat of threatened or endangered species, streams, rivers, and significant wetlands shall be maintained. Riparian vegetation within one hundred (100) feet of streams, rivers, and significant wetlands shall be maintained. Alterations to important natural features, including placement of structures which maintain the overall values of the feature may be allowed.
 - b. Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:
 - (1) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas, and other similar types of buffers.
 - (2) Setbacks of structures and other improvements from adjacent land uses.
 - (3) Resource Management Covenant.
 - c. If the DR site contains a goal 5 resource that is identified for protection in the Comprehensive Plan, a conservation easement as set forth in ORS 271.715 through 271.795 sufficient to protect the resource values of the goal 5 resource shall be recorded as a deed restriction on the subject tract.

SECTION 3.50.075 Standards and Criteria for Small Scale Destination Resorts

1. In accordance with ORS 197.445(6) an alternate set of standards for small scale Destination Resorts may be applied on:
 - a. land that is not defined as agricultural or forest land under any statewide planning goal;

- b. land where there has been an exception to any state-wide planning goal on agricultural lands, forest land, public facilities and services and urbanization; or
 - c. such secondary lands as LCDC deems appropriate.
 2. If a parcel meets the conditions of Section 3.50.075.1, then the following standards apply:
 - a. The resort shall be located on a site of 20 acres or more.
 - b. At least two million dollars shall be spent on improvements for onsite developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities.
 - c. At least 25 units, but not more than 75 units, of overnight lodging shall be provided.
 - d. Restaurant and meeting room with at least one seat for each unit of overnight lodging shall be provided.
 - e. Residential uses shall be limited to those necessary for the staff and management of the resort.
 - f. The county must review the resort proposed under these conditions and shall determine that the primary purpose of the resort is to provide lodging and other services oriented to a recreational resource which can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.
 - g. The resort shall be designed and located so that it is not oriented to transient highway traffic. Resorts shall not use any manner of outdoor advertising signing except:
 - (1) Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and
 - (2) Onsite identification and directional signs.
 - h. Commercial uses shall be limited to types and levels necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted.
3. Resources Protection: Compatibility with the site and adjacent land uses shall be insured through the following measures:

- a. Important natural features, including habitat of threatened or endangered species, streams, rivers, and significant wetlands shall be maintained. Riparian vegetation within one hundred (100) feet of streams, rivers, and significant wetlands shall be maintained. Alterations to important natural features, including placement of structures which maintain the overall values of the feature may be allowed.
- b. Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:
 - (1) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas, and other similar types of buffers.
 - (2) Setbacks of structures and other improvements from adjacent land uses.
 - (3) Resource Management Covenant.
- c. If the DR site contains a goal 5 resource that is identified for protection in the Comprehensive Plan, a conservation easement as set forth in ORS 271.715 through 271.795 sufficient to protect the resource values of the goal 5 resource shall be recorded as a deed restriction on the subject tract.

SECTION 3.50.100 Process for Approval of Destination Resort Site Plan

1. The Destination Resort Overlay is applied by the Comprehensive Plan to all areas not excluded by Destination Resort siting exclusions. A Destination Resort may be approved in any underlying zone except industrial so long as the site is not excluded from application of the DR Overlay by the Comprehensive Plan.
2. In the case of a conflict between a provision of the underlying zone and that of this Article, the provisions here shall apply.
3. The applicant shall make application as provided in 2.060.1 and submit to the Planning Director a Preliminary Site Plan designed to implement the requirements of this Article.
4. The Planning Director may approve, subject to the provisions of §2.060.1, the Destination Resort Preliminary Site Plan. The Director may approve, subject to the provisions of §2.060.2 and the requirements of this Article, the Destination Resort Final Site Plan.

5. Destination Resort development within the DR Overlay requires approval of a Destination Resort Preliminary Site Plan and Final Site Plan as provided in this Article.

SECTION 3.50.150 Destination Resort Preliminary Site Plan Approval

Approval of a Destination Resort preliminary site plan is an Administrative Action subject to the provisions of §2.060.1 of this Ordinance.

1. An application for Destination Resort preliminary site plan approval shall be initiated as provided in Chapter 2 of this Ordinance. If the site is to be divided, then the application shall also address either §4.150 or §4.250 of this Ordinance. In the case of a conflict between a provision of Chapter 4 and that of this Article, the provision in this Article shall apply.
2. The Destination Resort preliminary site plan shall consist of the following:
 - a. A written report containing:
 - (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership. If the development is to be constructed in phases, a construction schedule with proposed facilities and costs will be included.
 - (2) A discussion concerning the compatibility of the designed resort with the natural features of the site and adjacent land uses, in accordance with Sections 3.50.050.8 or 3.50.075.3, Resource Protection. Included will be a discussion of the measures which will be employed to mitigate anticipated problems, conflicts, and/or hazards. If the resort will be located on a tract in a farm zone, then findings shall describe how the use would not:
 - i. force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - ii. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
 - (3) A report describing the water supply system, sewage management system, and storm drain management system.
 - (4) Quantitative data for the following: total acreage; acreage of open space; the location and number of acres to be developed; the number and type of lodging accommodations; and the number and type of developed recreational facilities and opportunities.

- (5) A description of the residential unit types and commercial buildings proposed, including typical lot and building configuration and typical architectural character.
 - (6) A description of the proposed central reservation and check in/out service.
 - (7) A business plan describing the marketing, management, and financial aspects of the project. The plan should address the economic viability of the project, the fiscal impacts on Douglas County and surrounding communities, the necessity of other goods and services required from the surrounding region, and the changes on employment.
 - (8) Other information as may be required by the Planning Director.
- b. Site Plan and Supporting Maps: A detailed site plan and any maps necessary to show the major components of the proposed Destination Resort shall be prepared by a licensed engineer or architect, and shall contain the following minimum information:
- (1) The existing site conditions, including natural features, hazards, buildings, water courses, and vegetation.
 - (2) Proposed lot lines and layout design including a preliminary subdivision or partition plan addressing §4.150 or §4.250 (as appropriate) if the land is to be divided.
 - (3) The location and size of all areas to be conveyed, dedicated, or reserved as open space or recreational areas.
 - (4) The existing and proposed pedestrian and vehicular circulation system, including access points, parking, loading, and service areas.
 - (5) The existing and proposed systems for providing sewage disposal, water, electricity, gas, fire protection, and telephone services.
 - (6) A landscape plan of all developed land.
 - (7) Proposed recreational facilities and opportunities.
 - (8) Any maps as may be required by the Planning Director.
3. The Approving Authority shall decide on the Destination Resort preliminary site plan application as provided in Chapter 2 of this Ordinance and shall approve the preliminary site plan if it meets the development standards of Sections 3.50.050 or 3.50.075 as appropriate.

4. The approving authority may impose conditions or modifications on the preliminary site plan approval necessary to meet the requirements or purposes of Section 3.50.000.

SECTION 3.50.175 Development Phasing, Duration of Approval, and Extensions

1. If the preliminary site plan provides for phased development, such phasing shall meet the standards in §5.300 of this Ordinance.
2. Duration of Destination Resort preliminary site plan approval shall be the same as that specified in §5.350 of this Ordinance.
3. Extensions of Destination Resort preliminary site plan approval shall be the same as that specified in §5.400 of this Ordinance.

SECTION 3.50.200 Destination Resort Final Site Plan Approval

Approval of a Destination Resort final site plan by the Director shall be a ministerial act under §2.060.2.

1. Within twenty-four (24) months of the date of approval of the Destination Resort preliminary site plan, unless otherwise specified pursuant to Section 3.50.175 of this Section, the applicant shall submit a final site plan, prepared by an Oregon registered engineer, and supporting documents to the Director.
2. The final site plan shall include:
 - a. The site plan and maps submitted pursuant to Section 3.50.150.2.b in their final, detailed form, and including proof that an adequate, potable, year-round water supply is available for the development.
 - b. The documents submitted pursuant to Section 3.50.150.2.a amended to incorporate any conditions imposed on the preliminary site plan approval.
 - c. Final subdivision plat or partition map, if the land is to be divided. Such maps shall conform to §4.200 or §4.250 as applicable, except to accommodate special design standards under this chapter.
3. The Director shall require the applicant to enter into an agreement with the County (pursuant to Section 3.50.200.4) to complete all improvements (including recreational facilities, key facilities, and visitor oriented accommodations) required by the final development plan according to a schedule set forth in the agreement.

4. Agreement for Improvements

- a. Before approval of the final site plan, the applicant shall either install the improvements required by the preliminary site plan approval and repair existing streets and other public facilities damaged in the development of the Destination Resort, or shall execute and file with the County an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
- b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for Ministerial Action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).
- c. The agreement for improvements may be nullified, as a major amendment pursuant to §4.300.3, upon a demonstration by the applicant that a major change in circumstances, beyond the control of the applicant, has made it impossible to continue the project to completion. The County may rescind the agreement for improvements after approval of the major amendment.

5. Performance Bond

- a. To assure full performance of the improvement agreement, an applicant shall file one of the following:
 - (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the County Counsel; or
 - (2) Cash deposit with the County Treasurer; or
 - (3) Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Director of Public Works. The bank certification or letter of assurance shall be approved by the County Counsel; or
 - (4) Cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions

that require the escrow agent to release the money only upon the direction of the Director of Public Works. Escrow instructions shall be approved by the County Counsel.

- b. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final site plan, including related engineering, and may include an additional percentage as determined by the Public Works Director to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.
- c. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

6. Action by the Director

The Director shall act on the application for final site plan approval within thirty (30) days of submittal, and shall approve the final site plan if he finds:

- a. The applicant has submitted all information and documents required pursuant to subsections 2, 3, 4, and 5 of this Section; and
- b. The final site plan is in substantial compliance with the approved preliminary site plan and any conditions imposed by the Approving Authority. Substantial compliance means that any differences between the final and preliminary site plans are "minor amendments," as defined in §3.50.250.

7. Recording of Final Development Plans

The approved final site plan shall be recorded in the County Clerk's office.

SECTION 3.50.225 Expiration of Final Site Plan Approval

Expiration of final site plan approval shall be the same as that in §5.500.

SECTION 3.50.250 Amendments

Amendments to approved preliminary and final site plans shall be the same as that in §5.550.

ARTICLE 51

Mobile Home Parks

SECTION 3.51.000 Administrative Review

In addition to the general provisions of this ordinance, special provisions for the establishment of a new mobile home park or the expansion of an existing mobile home park are required. No mobile home park shall be established or expanded without first receiving approval of the Approving Authority and review pursuant to §2.060.1. The Approving Authority may grant such approval only after reviewing preliminary site plans for the proposed mobile home park.

SECTION 3.51.050 Information Required for Preliminary Site Plan Review

The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department in the form prescribed by the Director and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall show the following information:

1. Name of the property owner, applicant, and person who prepared the plan.
2. Name of the mobile home park and address.
3. Scale and north point of the plan.
4. Vicinity map showing relationship of mobile home park to adjacent properties.
5. Boundaries and dimensions of the mobile home park.
6. Location and dimensions of each mobile home site; each site designated by number, letter or name.
7. Location and dimensions of each existing or proposed structure.
8. Location and width of park streets.
9. Location and width of walkways.
10. Location of each lighting fixture for lighting the mobile home park.
11. Location of recreational areas and buildings, and area of recreational space.
12. Location and type of landscaping plantings, fence, wall or combination of any of these, or other screening materials.

13. Location of point where mobile home park water system connects with public system.
14. Location of available fire and irrigation hydrants.
15. Location of public telephone service for the park.
16. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections and landscaping.

SECTION 3.51.100 Final Site Plan and Submission Requirements

After tentative approval of a new mobile home park, or expansion of an existing mobile home park, the applicant shall submit a Final Site Plan and all documentation, as necessary, to the Director for the purpose of demonstrating that conditions of approval have been met, or will be met in construction of the mobile home park. When all Planning requirements are met, a ministerial planning clearance shall be issued by the Director.

Once the planning clearance has been issued, final review and approval of construction plans shall be conducted by the Building Official. The Building Official shall conduct a compliance review of detailed plans for:

1. New structures
2. Water supply and sewage disposal systems
3. Electrical systems
4. Road, sidewalk and patio construction
5. Drainage system
6. Recreational area improvements

SECTION 3.51.150 General Standards for Mobile Home Park Development

1. Access: A mobile home park shall not be established on any site that does not have frontage on or an access to a publicly owned and maintained street which has a minimum right-of-way width of sixty feet.
2. Park Street: A park street shall connect each mobile home site to a public street or road. The park street shall be a minimum of thirty feet in width, with a surface width of at least twenty feet if no parking is allowed, and thirty feet if parking is allowed on one side only.
3. Walkways: Walkways of not less than three feet in width shall be provided from each mobile home site to any service building or recreation area.

4. Paving: Park streets and walkways shall be paved with a crushed rock base and asphalt or concrete surfacing, according to the structural specifications established in §4.410.2.c.
5. Off-Street Parking:
 - a. Two parking spaces shall be provided for each mobile home site, either on the site or within two hundred feet thereof in the mobile home park, which shall be not less than nine by eighteen feet in size and paved with asphalt macadam or concrete surfacing.
 - b. Guest parking shall also be provided in every mobile home park, based on a ratio of one parking space for each four mobile home sites. Such parking shall be paved with asphalt macadam or concrete surfacing, and shall be clearly defined and identified.
6. Signs: Signs may be installed as follows:
 - a. One sign not to exceed eighteen square feet in area to designate the name of the mobile home park. The sign may be indirectly lighted, but shall have no flashing lights or moving parts.
 - b. Incidental signs for the information and convenience of tenants and the public, relative to parking, traffic movement, office, lavatories, etc., are allowed, provided such signs do not exceed three square feet in size.
 - c. No advertising signs shall be permitted.
7. Fencing and Landscaping:
 - a. Every mobile home park shall provide a sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the mobile home park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.
 - b. Walls or fences shall be six feet in height. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy, living condition for the life of the mobile home park.
 - c. Suitable landscaping shall be provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.

8. Area:
- a. **Size of Mobile Home Park Site:** No mobile home park shall be created on a lot or parcel of land of less than the minimum required to accommodate the density of the underlying zoning regulations.
 - b. **Mobile Home Sites:** The average area of all mobile home sites within a mobile home park shall not be less than three thousand square feet per site, and in no case shall any one mobile home site be less than twenty-five hundred square feet. Individual spaces shall not be less than 30 feet in width or less than 40 feet in length. In the following zones mobile home sites shall be at the density of the underlying zone: RS and R-1.
 - c. **Setbacks:** No mobile home or access thereto shall be located any closer than twenty-five feet from a park property line abutting on a public street or road, five feet from all other park property lines and five feet from any such areas as a park street, a common parking area, or a common walkway. The space between manufactured dwellings shall be at least 10 feet unless a smaller space is authorized by the Building Official.
 - d. **Overnight spaces:** Not more than five percent of the total mobile home park area may be used to accommodate persons wishing to park their mobile homes or camping vehicles overnight.
9. Other Site Requirements:
- a. Recreational area: An average of two hundred square feet of recreational area shall be provided for each mobile home site. This area may be in one or more locations in the park, and shall be suitably improved and maintained for recreational purposes.
 - b. Pad improvements: Mobile home pads or stands shall be paved with asphaltic or concrete surfacing, or with crushed rock.
 - c. Accessories: Accessory structures located on a mobile home site shall be limited to the normal accessories, such as an awning, cabana, ramada, patio, carport, garage or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
 - d. State requirements: Rules and regulations governing mobile home facilities as contained in Oregon Revised Statutes, Chapter 446, shall be applicable in the development and operation of a mobile home park, provided that the provision of this ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

- e. Dwelling type: Mobile Home Park spaces shall be limited to the placement of manufactured dwellings. “Stick-built”, or site constructed, dwellings shall not be allowed.

SECTION 3.51.200 Subdivision of an Existing Mobile Home Park or Manufactured Dwelling Park

Any mobile home park or manufactured dwelling park (hereafter referred to as a “park”) may be subdivided as an Administrative Action according to the provisions of this section provided that the park was lawfully established prior to July 2, 2001. In order to achieve the statutory objectives for a park subdivision, the property development standards of the underlying zone in which the park is located shall be waived for the existing park. A Park Subdivision shall be given tentative approval within 60 days after a complete application form and tentative plan are submitted. A final plat shall be submitted as part of the final approval.

1. Application for Tentative Plan Approval

- a. An application for approval of the Tentative Park Subdivision Plan shall be submitted by the applicant as provided in Chapter 2 of this Ordinance.
- b. To initiate the land use action process, the applicant shall file with the Director a Tentative Park Subdivision Plan together with the “Mobile Home Park Subdivision” application form, the appropriate fees, and other information required in Section 3.51.200.2.
- c. Notice of the proposed park subdivision shall be mailed to those entitled to notice as provided in Section 2.065 of this Ordinance and to the Oregon Real Estate Commission. Notice shall also be mailed by the County to tenants who currently reside within the boundary of the proposed park subdivision.
- d. The declarant shall be responsible for meeting the notification and lot sale provisions specified in ORS 92.840.
- e. The tentative park subdivision plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. The scale of the tentative plan should be either one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

2. Information Required for the Tentative Park Subdivision Plan

- a. The proposed name of the park subdivision.
- b. North arrow, scale and date of the drawing.

- c. Names and addresses of the landowners, subdivider and the engineer, surveyor, land planner or landscape architect responsible for designing the subdivision.
- d. The property description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number(s), Assessor's Tax Account Number(s)).
- e. The boundary line (accurate in scale) of the existing Park to be subdivided and approximate acreage of the property.
- f. The names of adjacent subdivisions and the names of record of those who own adjoining parcels of unsubdivided land.
- g. The location, widths, and names of existing Park streets or other public ways (including easements) within or adjacent to the Park including, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.
- h. The location of existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the Park or immediately adjacent thereto, together with pipe sizes and grades.
- i. Location, acreage and dimensions of land to be reserved by deed for the common use of property owners in the park subdivision, together with the purpose and conditions or limitations of such reservations, if any.
- j. A description of how surface water is drained from the existing Park and a description of any effects Park drainage has on adjacent properties.
- k. A description of any restrictions or reservations relating to Park streets.
- l. Location of existing easements, together with their dimensions, purpose and restrictions on use.
- m. Proposed blocks, numbered in consecutive order.
- n. Proposed lots with dimensions, size and boundaries. The lots shall be numbered consecutively. Lots that are to be used for other than residential purposes, shall be identified with letter designations.
- o. The location of existing parks, playgrounds, recreation areas, parkways, and open space for public use.

- p. The Zoning classification and Comprehensive Plan map designation of the subject property.
- q. A draft of proposed Covenants, Conditions and Restrictions.
- r. A draft of the proposed documents creating the Homeowners Association and describing its scope and purpose.
- s. Predominant natural features such as water courses and areas subject to flooding, sliding or other natural hazards.
- t. Names and addresses of tenants currently residing within the boundary of the proposed park subdivision.

3. Criteria for Approval of Tentative Park Subdivision Plan

- a. A decision on the tentative park subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.
- b. The tentative park subdivision plan shall be approved after the required information has been provided and upon verification of evidence that:
 - (1) The park is in compliance with the governing body's standards for a manufactured dwelling park or a mobile home park, or
 - (2) the park is an approved nonconforming use; and
 - (3) The tentative park subdivision plan does not increase the number of spaces (proposed for conversion to "lots") originally approved for the park, except that the number of lots may be reduced (to accommodate larger than single-wide homes) if the reduction involves only spaces that have never been used for placement of a manufactured dwelling, and
 - (4) The tentative park subdivision plan does not change the boundary lines or set-back requirements originally approved for the park, nor does it make any development changes from that originally approved for the park.
- c. In granting tentative approval, the Approving Authority may impose reasonable conditions necessary to carry out the Comprehensive Plan and the provisions of this ordinance.
- d. Approved lots in the park subdivision shall be restricted to the placement of manufactured dwellings. Stick-built dwellings shall not be allowed.

- e. The property owner/applicant shall sign and record a waiver of remonstrance (to run with all lots created) to County formation of a local improvement district for the construction of sanitary, storm sewer, or water facilities.

4. Duration of Tentative Park Subdivision Plan Approval

- a. Approval of a tentative park subdivision plan shall be valid for twenty-four (24) months from the date of approval of the tentative plan.
- b. If the time limitation is exceeded, approval of the tentative park subdivision plan shall be void. Any subsequent proposal by the applicant for division of the property shall require a new Administrative Action.

5. Granting of Extensions

- a. An applicant may request an extension of the validity of a tentative park subdivision plan approval. Such request shall be considered a Ministerial Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.
- b. The Director may grant an extension of up to twelve (12) months in the validity of a tentative park subdivision plan approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.
- c. Additional one year extensions, subject to the preceding paragraphs, may be authorized where applicable criteria for the decision have not changed.

6. Final Subdivision Plat Approval

To achieve final approval, a plat shall be submitted that complies with the criteria in this subsection. Approval of a final subdivision plat by the Director is a ministerial action and must be undertaken within thirty (30) days of receipt of the final plat.

- a. Application for Final Subdivision Plat Approval
 - (1) Before expiration of the validity of the tentative park subdivision plan approval, the applicant shall cause an Oregon registered professional land surveyor to survey the park subdivision and to prepare a final plat, in conformance with the approved tentative park plan.

- (2) The applicant shall initiate a request for final plat approval by filing with the Director a final plat, and other supporting documents as described in the following, and the appropriate fees as established by the Board.

b. Final Subdivision Plat Requirements

- (1) The final plat shall be prepared in conformance with the provisions in this subsection.
- (2) Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the registered professional land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be in archival quality black ink.

c. Information Required in the Final Subdivision Plat

The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250.

- (1) Name of Park Subdivision.
- (2) North arrow, scale and date the plat was prepared.
- (3) Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Township and Range.
- (4) Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.
- (5) Subdivision block and lot boundary lines and park street center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings.
- (6) Names and width of existing park streets, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

- (7) Easements denoted by fine dotted lines, clearly identified and, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown.
- (8) Locations and widths of drainage channels and railroad rights-of-way.
- (9) Numbering of blocks and lots, as follows:
 - i. Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.
 - ii. Block numbers continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers.
 - iii. Lot numbers beginning with the number "1" and numbered consecutively or consecutively within each block.
- (10) Zoning classification of the property within the subdivision.
- (11) The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner, donation land claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a condominium, or a parcel corner of a recorded partition.
- (12) Space for date and signature of the County officials specified in §4.200.9.
- (13) Any conditions specified by the Approving Authority upon granting approval of the tentative park subdivision plan.
- (14) Proof that adequate water and sanitation facilities are provided for each lot in the park subdivision.
- (15) Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a

professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning. In any case, it must be shown that an existing septic system(s) is either located entirely on the subdivision property, or that proper easements are provided to allow the continued use and maintenance of the system(s).

- (16) A copy of the recorded covenants, conditions and restrictions that will affect private uses within the park subdivision, including the volume and page(s) of recording with Douglas County.
- (17) A copy of recorded documents relating to establishment of the Home Owners Association and how it will maintain private facilities, common areas and easements, including the volume and page(s) of recording with Douglas County. The Homeowners Association shall be responsible for the maintenance and improvement of park streets, walkways, public lighting fixtures, open space and recreation areas, perimeter and interior landscaping, and all utility lines and fixtures including drainage facilities.
- (18) A copy of the recorded instrument that runs with each individual lot specifying that park streets existing at the time of subdivision approval are under the sole maintenance and improvement responsibility of the Home Owners Association.
- (19) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
- (20) A certificate signed and acknowledged by all parties having any record title interest in the land which conveys to the Home Owners Association all land intended for public use and common improvements, including but not limited to park streets, recreation areas, sewage disposal and water supply systems, landscaping and/or other items which were made a condition of the approval of the tentative plan.
- (21) A narrative per ORS 209.250(2).
- (22) Planning Department file number.
- (23) If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the subdivision is either entirely

excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision to the fees and other charges of the district or company.

- d. Survey Requirements for the Final Plat: The final plat shall comply with the requirements of Section 4.200.4 of this Ordinance.
- e. Standards for Final Subdivision Plat Approval
 - (1) The Director shall grant final subdivision plat approval if he determines that the final plat and supporting documents are in substantial conformance with the approved tentative plan. Substantial conformance means that any differences between the tentative and final plans are "minor amendments," as defined in §4.300.1.a of this ordinance.
 - (2) The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.
 - (3) Approval of the final plat shall not be construed as an acceptance by Douglas County for the maintenance of any land, facility or fixture for public purposes.
- f. Filing and Recording of the Final Plat: The final plat shall be filed and recorded as provided in Section 4.200.9 of this Ordinance.

ARTICLE 52

Administration and Enforcement

SECTION 3.52.000 Administration

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within Douglas County, Oregon, under the jurisdiction of this ordinance.

SECTION 3.52.025 Building Permits

No permit shall be issued by the Building Official or any government agency for the construction, erection, location, maintenance, repair, alteration or enlargement, or the change of use of a structure or property that does not conform to the requirements of this ordinance.

The Director or Building Official may deny a request for development if a geotechnical report discloses that the entire parcel is subject to a rapidly moving landslide or that the subject lot or parcel does not contain sufficient buildable area that is not subject to a rapidly moving landslide.

SECTION 3.52.050 Authority

Whenever necessary to enforce the provisions of this ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue warning notices and citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

SECTION 3.52.075 Limitations on Refiling

No application for an Administrative Action which has been denied wholly or in part shall be resubmitted for a period of twelve (12) months from the effective date of such denial.

SECTION 3.52.100 Violation of Ordinance

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property, or shall allow such, or shall transfer any property, in violation of this ordinance. A violation of a condition imposed as a consequence of an approval of a conditional use, or other condition imposed by the Approving Authority, shall be a violation of this ordinance.

SECTION 3.52.110 Violation of Ordinance as a Nuisance

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this ordinance or those conditions and limitations approved pursuant to the provisions of this ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

SECTION 3.52.125 Jurisdiction

The Circuit Court for the State of Oregon for the County of Douglas has jurisdiction over any and all violations of this ordinance.

SECTION 3.52.150 Issuance of Warnings

The Director, or the Director's designee, may issue a warning notice of a violation of this ordinance. Warning notices shall give a brief description of the violation, the name of the Planning Department and employee to contact regarding the violation, the name of the person issuing the warning notice, the date the warning was issued, and a statement that failure to correct the alleged violation or to contact the Planning Department may result in issuance of a citation to the Circuit Court or District Court of the State of Oregon for the County of Douglas, Oregon. The warning notice shall be served upon the person accused of the violation.

SECTION 3.52.425 Violation Proceedings

1. The Director is delegated the authority to designate, from time to time, specific employees of the Planning Department that are authorized to issue citations for the commission of violations of this ordinance. The employees so designated shall be deemed to be "enforcement officers," within the meaning of ORS 153.005 to 153.145.
2. Violations of this ordinance shall be deemed to be "violations," within the meaning of ORS 153.008. Violations of this ordinance are punishable by fines as established by the State Court Administrator for unclassified violations.
3. The sentence to pay a fine for a violation committed by a corporation shall be in an amount twice the fine established for a violation by an individual.
4. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.145.

SECTION 3.52.426 Remedies Not Exclusive

None of the remedies available to the County as set forth in this ordinance are exclusive. Nothing in this ordinance shall preclude any remedy otherwise available to the County, either in law or equity.

SECTION 3.52.450 Revocation of Development Approval

1. Development approval granted by Douglas County pursuant to applicable provisions of this ordinance may be revoked by the Director if:
 - a. It is determined that the approval was granted on account of false statements contained in the application form or false representations made at a public hearing; or
 - b. The applicant or grantee fails to comply with those conditions or limitations placed upon the granting of the approval; or
 - c. The Approving Authority erred in granting the approval; or
 - d. The grantee has been convicted of, or otherwise determined by a court to have engaged in, a violation of any provision of this ordinance.
2. Revocation of a development approval shall be accompanied by notice to the violator that the approval is being revoked, stating the reason for the revocation. A written appeal may be filed with the Director and fee paid not later than ten days following the date the notice of revocation was sent.
3. Revocation of a development approval is an enforcement decision of the Director and may be appealed to the Planning Commission, pursuant to §2.060.4 of this Ordinance. The Planning Commission hearing, on appeal, shall be de novo limited to the issues raised in the Director's Revocation and the appellants Notice of Review. When revocation is in response to a failure to comply with conditions of approval, other individuals or agencies who were qualified as parties in the approval being revoked shall also receive notice of the revocation but are not entitled to appeal the revocation. The appeal hearing shall be conducted under the general guidance of §2.300 of this Ordinance. Subsequent hearing for review by the Board shall be held under the provisions of §2.700.
4. In its decision, the approving authority may either affirm or reverse the Director's revocation.

ARTICLE 53

Zoning Text Amendments

SECTION 3.53.000 Purpose

It may be necessary from time to time to amend the text of this ordinance in order to conform with the Comprehensive Plan that may be adopted or amended, or to meet other changes in circumstances and conditions. An amendment to the text of this ordinance is, as is original zoning, a legislative act solely within the authority of the Board.

SECTION 3.53.050 Who May Seek Amendment

An amendment to the text of this ordinance may be initiated by the Board, by the Commission, or by application of a property owner or his authorized agent. The Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after it is submitted, and within thirty days after the hearing, recommend to the Board approval, disapproval, or modification of the proposed amendment.

SECTION 3.53.100 Application and Fee

An application for amendment by a property owner or his authorized agent shall be filed with the Director thirty days prior to the Commission meeting at which the proposal is to be first considered. The application shall be accompanied by the required fee.

SECTION 3.53.150 Public Hearing on an Amendment

Before taking final action on a proposed amendment, the Commission shall hold a public hearing thereon. After receipt of the report on the amendment from the Commission, the Board shall hold a public hearing on the amendment.

1. Notice of hearing: Notice of time and place of the public hearing before the Commission and a brief description of the proposed amendment shall be given notice in a newspaper of general circulation in the County not less than ten days prior to the date of hearing.
2. Notice and hearing before the Board: After the hearing and recommendations have been made by the Commission, the Board shall hold a public hearing on the proposed amendment. Notice of hearing shall be the same as required in §3.53.150.1 above.

SECTION 3.53.200 Limitation

No application of a property owner for an amendment to the text of this ordinance shall be considered by the Commission within the twelve month (12) period immediately following a previous denial of such request, except the Commission may permit a new

application if, in the opinion of the Commission, new evidence or a change of circumstances warrant it.

SECTION 3.53.250 Record of Amendments

The signed copy of each amendment to the text of this ordinance shall be maintained on file in the office of the County Clerk. A record of such amendments shall be maintained in a form convenient for the use of the public.

CHAPTER 4

LAND DIVISIONS

As authorized by law, including ORS Chapters 92, 197 and 215, subdivisions, land partitions and streets created for the purpose of partitioning land shall be approved in accordance with this chapter. This chapter applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this chapter and state statutes.

SECTION 4.000 Purpose

Pursuant to Oregon Revised Statutes, Chapters 92, 197 and 215, any person desiring to divide land within any part of Douglas County outside of incorporated cities shall submit preliminary plans and final plats for such subdivisions and partitions to the Director for review. Such review of proposed subdivisions and partitions is necessary in order that Douglas County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the Comprehensive Plan regarding patterns for the development and improvement of Douglas County; provide for public utilities and the open space or areas necessary for recreation, safety and health; provide for the orderly development of centers of population; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215.

SECTION 4.050 Definitions

The definitions set forth in §1.090 of this ordinance shall be utilized for the purpose of this chapter.

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

The following are the requirements and standards to which the preliminary plan of a subdivision or partition must conform.

1. Conformity with the Comprehensive Plan

All divisions of land shall conform with the Comprehensive Plan of Douglas County with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by Comprehensive Plan goals, policies or maps.

2. Conformity with Zoning Chapter

All divisions of land, regardless of the number of lots or parcels, shall conform in all respects with the applicable regulations and specifications of Chapter 3, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth.

3. Relation to Adjoining Street System

A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where the Approving Authority determines that topographic conditions make such continuation or conformity impractical, exceptions may be made as provided in §4.450 of this chapter.

4. Redevelopment Plan

- a. In subdividing or partitioning land into large lots or parcels which at some future time could be further divided, the Director may require that blocks, lots, and parcels shall be of such size and shape, be so divided into lots and parcels, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel or lot into a smaller size which shall have the minimum lot frontage on a street.
- b. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.
- c. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.
- d. Any person dividing land into large lots or parcels which at some future time could be further divided and still meet the minimum lot or parcel size requirement of the zone in which the land is located shall provide suitable road access to each created lot or parcel so that the future development of each lot or parcel will provide access for redevelopment of the parcels or lots.
- e. Redevelopment Plans shall be noted in the property records of the Planning Department. In order to assure that access, utility placement and building locations are sited in a manner appropriate for

urban densities, future development in urban areas where a redevelopment plan applies shall be consistent with that plan. Applications or development inconsistent with the redevelopment plan shall require an amended redevelopment plan to be reviewed as a minor amendment to the subject subdivision or partition.

5. Access for New Development

- a. A unit of land shall be considered to have access by way of a street, either private or public, if the following criteria are satisfied:
 - (1) The unit of land abuts on the street.
 - (2) There is a legal right appurtenant to the unit of land to use the street for ingress and egress. A legal right to use a private street may be evidenced by:
 - (a) an express grant or reservation of an easement in a document recorded with the County Clerk;
 - (b) a decree or judgment issued by a Court of competent jurisdiction;
 - (c) an order of the County Court or Board establishing a statutory way of necessity or gateway road; or
 - (d) an express easement set forth in a duly recorded subdivision or partition.
 - (3) The street provides actual physical access for the unit of land.
- b. Each unit of land proposed to be created shall have access by way of a County road except as provided below:
 - (1) Local Access Road: A unit of land created by subdivision or partitioning may have access by way of an existing local access road provided:
 - (a) The local access road was open to public use on January 1, 1982.
 - (b) Use of the local access road is not restricted by adopted policies of the Comprehensive Plan.
 - (c) The local access road is constructed to the private road standard contained in §4.420. However, if the road will,

or could in the future, provide service to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the finished top surface width shall be a minimum of 18 feet and turnouts shall not be required.

- (d) If the Approving Authority determines that the existing development pattern, topography, physical characteristics of the land, applicable land use regulations, or other circumstances affecting the area served by the local access road prevent the road from being used to provide access to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the Approving Authority may allow the local access road to be constructed to the same standards that are required for private roads, pursuant to §4.420.
 - (e) Additional right-of-way is provided along the frontage of the subject property when such is required to meet the minimum right-of-way requirements for a County road.
 - (f) The applicant agrees to participate in a private maintenance program for the local access road and executes any documents required by the Approving Authority to insure such participation.
 - (g) The applicant agrees to participate in any local improvement district which may be formed under ORS 371.605 to 371.660 or the Douglas County Local Assessment Ordinance to improve the local access road to County Road standards. The applicant shall execute any documents required by the Approving Authority, including a waiver of remonstrance, to insure such participation.
- (2) In addition to the requirements of (1) above, approval of a subdivision served by a local access road shall require:
- (a) All interior streets in the subdivision that require dedication shall be built to the County standard such that they may be incorporated into the County road maintenance system.
 - (b) The subdivision shall be subject to adequate restrictive covenants or other similar device which require interior

streets to be maintained by lot owners in accordance with County standards. Such restrictive covenants shall be enforceable by the County.

- (c) If more than one local access road serves as access to the subdivision, the Approving Authority shall determine which local access roads shall be included in the deed restrictions referred to in (1)(f) and (g) of this section.
 - (d) Off-site improvements may be required by the Approving Authority, such that access to the subdivision site meets the greater construction standards of: 5.b. (1)(c) of this section or the current condition of the local access road at the time of approval.
- (3) A unit of land may have access by way of a private road when the following conditions exist:
- (a) In "Urban Unincorporated" areas designated on the Comprehensive Plan, a unit of land may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than three (3) units of land and service to adjacent areas or additional units of land is prevented by conditions specified in paragraph (1)(d) of §4.100.5.b.
 - (b) In "Rural Residential" areas designated on the Comprehensive Plan, a unit of land may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than fifty units of land and service to adjacent areas or additional units of land is prevented by existing development pattern, topography, physical characteristics, land use regulations or other circumstances affecting the area to be served. Improvement standards for such private roads shall be those specified in §4.415, 4.420 and 4.425 depending on the number of lots or parcels for which the road will provide access.
 - (c) For areas designated for resource use on the Douglas County Comprehensive Plan, a unit of land may have access by way of a private road upon findings of the Approving Authority that:

- (i) such private road provides access for not more than ten (10) units of land and service to more than ten (10) units of land is prevented by conditions specified in paragraph (1)(d) of §4.100.5.b;
 - (ii) no more than three (3) of the ten (10) are less than ten (10) acres in size or have more than one dwelling on them;
 - (iii) private road approval is obtained pursuant to §2.060.1.d and the private road is constructed to the standards of §4.420 when more than three (3) units of land use the roadway.
- (4) In evaluating proposals to serve from four to ten parcels in resource areas, the Approving Authority shall consider the following items:
 - (a) The primary use of such roads is to provide access for resource activities. Conflicting uses shall be minimized.
 - (b) The roadway is constructed to standards adequate to serve the proposed use, and shall in no case be less than the minimum standards established in §4.420.
 - (c) Proposed activities that may unusually burden the private road may require special maintenance agreements as conditions of approval.
 - (d) Private roads that penetrate Rural Residential or Urban Unincorporated areas and serve adjacent resource areas shall not exceed the provisions of §4.100.5.b.(3) unless a variance, pursuant to §4.450, is obtained.
 - (e) Conditions deemed necessary to ensure adequate access to resource areas may be imposed as conditions of approval.
- (5) When service to more than ten units of land in "resource" designated areas and fifty units of land in "rural residential" designated areas is possible, provision shall be made to serve the area by County Road, including but not limited to:
 - (a) Dedication of right-of-way.

- (b) An irrevocable offer to sell right-of-way.
 - (c) Extension and improvement of the roadway to County Standards such that no more than ten units of land may be served in "resource" designated areas and fifty units of land in "rural residential" designated areas may be served.
- (6) Access requirements, roadway ownership and improvement, as well as other street or road specifications, may be authorized as part of the review and approval of a PUD (Planned Unit Development) for either rural or urban areas. Maintenance shall be governed by an approved Homeowners' Association, as provided in Chapter 5 of this ordinance.
 - (7) Douglas County may, upon the recommendation of the Director of the Public Works Department, require a Traffic Impact Study (TIS) for subdivisions or partitionings when the new development will exceed 15 lots or parcels with access to a state highway or County road, or for any new subdivision creating 15 or more lots either initially or through phased development with access onto a state highway or county road. The Traffic Impact Study shall be prepared by a licensed traffic engineer and shall address the impacts of traffic, generated directly or indirectly by the proposed development, on the surrounding transportation system. The TIS shall also address traffic projections and transportation plans adopted by city, county, or state agencies if applicable to the proposed development.

6. Street Right-of-Way Widths

- a. The right-of-way widths of streets shall conform to the widths and standards designated in the Douglas County Comprehensive Plan, or as otherwise provided in this Ordinance or by the improvement standards published by the Director of Public Works.
 - (1) In the land division process, the "offer-to-sell" is an appropriate method for reserving future right-of-way for eventual purchase by the County. Where appropriate, an applicant may choose to agree to additional setbacks in lieu of the offer to sell.
- b. The minimum easement width for private roads pursuant to §4.100.5 b.(3)(c) shall be thirty-five (35) feet.
- c. The minimum easement width for private roads which serve three or less units of land shall be twenty-five (25) feet.

7. Dead-End Streets

In general, dead-end (cul-de-sac) streets in subdivisions containing average lot size under one (1) acre, shall not exceed four hundred (400) feet in length and shall terminate in a turnaround with a minimum property line radius of fifty (50) feet.

8. Streets Adjacent to Railroads, Freeways and Parkways

When the proposed subdivision contains or is adjacent to a railroad, freeway or parkway, a street parallel to the railroad, freeway or parkway shall be provided. In the case of a railroad, a land strip of not less than twenty-five (25) feet in width shall be provided along such railroad right-of-way for screen planting between the railroad and residential lots. When such parallel streets are less than eighty (80) feet from a freeway or parkway, the intervening property between the freeway or parkway and the parallel streets shall be held for and developed only for park or thoroughfare purposes. Where such parallel streets intersect streets that cross a railroad, the intersections shall be located at sufficient distance from the railroad to make full provision for any possible grade separations on the cross streets.

9. Alleys

If alleys are created in commercial and industrial districts, alley rights-of-way shall be not less than thirty (30) feet in width. The corners of all alley intersections with other alleys or streets shall be curved with a radius of not less than ten (10) feet.

10. Utility Easements

Where alleys are not provided, utility easements of not less than six (6) feet in width shall be provided for necessary utility lines including poles, wires, conduits, sanitary sewers, gas, water, and heat lines, and not less than ten (10) feet for storm drains. Easements of the same or greater widths may be required along lot lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.

11. Blocks

In subdivisions with an average lot size of less than one (1) acre no block shall be longer than eight hundred (800) feet between street lines. In other subdivisions, block lengths will be individually evaluated. The width of blocks shall be adequate to allow two tiers of lots, unless exceptional conditions render this requirement undesirable, as determined by the Approving Authority.

In evaluating block length and width requirements, the Approving Authority should consider the following factors:

- a. The distance and alignment of existing blocks and streets adjacent to and in the vicinity of the subject property.
- b. Topography.
- c. Lot size.
- d. Local and through traffic needs to serve the area.

12. Units of Land

- a. Size, width, shape and orientation of each unit of land created shall be appropriate for the location of the subdivision and for the types of use permitted. Dimensions shall not include part of existing or proposed streets. Each unit of land shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.
- b. Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.
- c. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.
- d. Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.

- e. "Bowling Alley" shapes shall not be permitted except where unusual circumstances exist. "Bowling Alley" shape is defined as a unit of land where the length is substantially greater than the width. Unusual circumstances may include such site characteristics as topography and orientation which preclude a more acceptable design.

13. Duplication of Names

The name of a proposed subdivision shall not duplicate or be so similar as to be confused with the name of any other subdivision within the County. A street name shall not duplicate the name of any other street within the County.

— Boundary Line Adjustment —

SECTION 4.140 Adjustment of Common Boundary Lines

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.

1. **Application for Line Adjustment Approval:** An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:
 - a. Reason for the line adjustment.
 - b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways.
 - c. A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten feet of the proposed adjusted line.

2. **No Additional Units of Land; Minimum Size and Setbacks Required, Exceptions:**
 - a. A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:
 - 1) no parcel is reduced in size contrary to a condition under which it was formed; and,
 - 2) the resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming; two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).

- b. A line adjustment is permitted only where existing or planned structures will not encroach within required setbacks as measured from the adjusted line.
 - c. A line adjustment for a lot or parcel that is less than the minimum lot size before the adjustment and further reduced as a result of the adjustment is permissible provided the applicant submits either:
 - 1) Proof that, for the lot or parcel reduced in size, sewage disposal is provided by either a publicly owned sewage disposal system, or a privately owned sewage disposal system regulated by the Public Utility Commission of Oregon; or
 - 2) Written evidence, for the lot or parcel reduced in size, that an on-site septic system that is intended to remain in use after final approval was authorized by an approving authority, or if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system to be properly functioning, and that the existing septic system is either located entirely on the same lot or parcel containing an existing dwelling, or that a proper easement is provided to allow the continued use and maintenance of the system; or
 - 3) Documentation, for a vacant lot or parcel reduced to less than 10 acres, that the Department of Environmental Quality has approved the method of sewage disposal. Unless circumstances warrant otherwise, parcels of 10 acres and greater shall not be subject to a septic system evaluation in the line adjustment process.
- 3. Units of Land Subject to Prior Line Adjustment:** Ownership obtained by separate deed or metes and bounds description which has been recorded with the County Clerk, and is in an area zoned for urban or rural development, may retain its status as an independent unit of land regardless of a prior boundary line adjustment if the following criteria are met:
- a. The unit of land conforms with the minimum parcel size standards of the current zoning;
 - b. The unit of land was lawfully created and was a separate unit for purposes of a development permit at the time of acquisition;
 - c. The unit of land was not created for financing purposes or for the purpose of resolving a structural encroachment;

- d. The unit of land has legal access adequate for issuance of a development permit under provisions of this Ordinance;
 - e. No new or additional lots, parcels or units of land are created;
 - f. No reconfiguration of the original units of land results; and,
 - g. Proof is provided that the unit of land has, or can be provided with, sewer and water service as required by provisions in this Ordinance.
- 4. Same Designation:** Except where exempted in §3.37.700.1, the line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, and resource lands, unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.
- 5. Easements Unaffected:** A line adjustment shall have no affect on existing easements.
- 6. Map and Monuments Required:**
- a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared.
 - b. The survey map shall show all structures within ten feet of the adjusted line.
 - c. The survey shall establish monuments to mark the adjusted line.
- 7. Approval and Filing Requirements:**
- a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved.
 - b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 4.140.6. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted.

- c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map.
- d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk.

— Subdivision —

SECTION 4.150 Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

1. Application for Preliminary Subdivision Plan Approval

- a. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this ordinance.
- b. The applicant shall file with the Director either 1) the original and five (5) additional copies of the preliminary subdivision plan and one 8½" X 11" exhibit of the subdivision plan suitable for reproduction or, 2) one reproducible 11" X 17" copy of the subdivision plan, together with improvement plans and other supplementary information required by Subsection 2 of this section to demonstrate the design and objectives of the subdivision.
- c. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

2. Information Required for Preliminary Subdivision Plan

- a. The proposed name of the subdivision.
- b. North arrow, scale and date of the drawing.
- c. Appropriate identification clearly stating the map is a preliminary plat.
- d. Names and addresses of the landowners, subdivider and the engineer, surveyor, land planner or landscape architect responsible for designing the subdivision.
- e. The tract designation or other description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number(s), Assessor's Tax Account Number(s)).
- f. The boundary line (accurate in scale) of the tract to be subdivided and approximate acreage of the property.

- g. Contours with intervals of five (5) feet or less referred to United States Geological Survey (or mean sea level) datum for subdivisions with lot sizes of one (1) acre or less.
- h. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
- i. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.
- j. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
- k. Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
- l. Proposed plan for draining surface water from the development and a description of any effects on adjacent properties.
- m. The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
- n. Private streets and all restrictions or reservations relating to such private streets.
- o. Easements, together with their dimensions, purpose and restrictions on use.
- p. Proposed means and location of sewage disposal and water supply systems.
- q. Proposed blocks, numbered in consecutive order.
- r. Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes, shall be identified with letter designations.
- s. Sites, if any, for residences other than single family dwellings.

- t. Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
- u. Zoning classification of the land and Comprehensive Plan map designation.
- v. Draft of proposed restrictions and covenants affecting the plat.
- w. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards.
- x. The location of existing or proposed bicycle and/or pedestrian facilities if required under §3.35.070 of this Ordinance.

3. Development Phasing

- a. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
- b. Time limitations for the various phases must meet the following requirements:
 - (1) Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
 - (2) Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
 - (3) Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.

4. Criteria for Approval of Preliminary Subdivision Plan

- a. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this ordinance.
- b. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
 - (1) The information required by this chapter has been provided;
 - (2) The design and development standards of §4.100 of this chapter have been met; and

- (3) If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.
- c. In granting preliminary approval, the Approving Authority may impose conditions of approval deemed necessary to carry out the Comprehensive Plan and the provisions of this ordinance. Such conditions may include the construction of offsite public improvements, or money equivalent, deemed necessary, either immediately or in the future, as a result of the proposed development and shall be reasonably conceived to fulfill public needs emanating from the proposed development in the following respects:
 - (1) Protection of the public from the potentially deleterious effects of the proposed development; or
 - (2) Fulfillment of the need for public service demands created by the proposed development.

5. Duration of Preliminary Subdivision Plan Approval

- a. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of §4.150.3.b of this ordinance.
- b. If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new Administrative Action.

6. Granting of Extensions

- a. An applicant may request an extension of the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered a Ministerial Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.

- b. The Director may grant an extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, an extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.
- c. Additional one year extensions, subject to §4.150.6.b, may be authorized where applicable criteria for the decision have not changed.

SECTION 4.200 Final Subdivision Plat Approval

Action upon a final subdivision plat by the Director is a ministerial action and must be undertaken within thirty (30) days of receipt of the final plat.

1. Application for Final Subdivision Plat Approval

- a. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to §4.150 of this ordinance, the applicant shall cause an Oregon registered professional land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
- b. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, and other supporting documents as described in Subsections 2 to 6 of this section, and the appropriate fees as established by the Board.

2. Final Subdivision Plat Requirements

- a. The final plat shall be prepared in conformance with all provisions of §4.200.
- b. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the registered professional land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be in archival quality black ink.

3. Information Required in the Final Subdivision Plat

The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250.

- a. Name of Subdivision.
- b. North arrow, scale and date the plat was prepared.
- c. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Township and Range.
- d. Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.
- e. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings.
- f. Names and width of the portion of streets subject to an offer to sell, dedication or offer to dedicate, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
- g. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
- i. Numbering of blocks and lots, as follows:
 - (1) Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued

phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

- (2) Block numbers continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.
 - (3) Lot numbers beginning with the number "1" and numbered consecutively or consecutively within each block.
- j. Zoning classification of the property within the subdivision.
 - k. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner, donation land claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a condominium, or a parcel corner of a recorded partition.
 - l. Space for date and signature of the County officials specified in §4.200.9.
 - m. Any conditions specified by the Approving Authority upon granting preliminary approval.
 - n. Proof that adequate sanitation facilities are available or, for urban development, proof that sewer service is available to each lot in the subdivision and installed according to the specifications of the sewer service provider.
 - o. Proof that a year-round source of potable water capable of supplying at least 250 gallons of water per day is available to each lot in the subdivision.
 - p. Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning. In any case, it must be shown that the existing septic system(s) is either located entirely on the same lot containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s).

- q. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Douglas County.
- r. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Douglas County.
- s. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.
- t. A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
- u. A certificate signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.
- v. A narrative per ORS 209.250(2).
- w. Planning Department file number.
- x. If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the subdivision is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision to the fees and other charges of the district or company.

4. Survey Requirements for Final Plat

a. Format

All plats shall be drawn using archival quality black ink, approved by the County Surveyor, on archival quality drafting material, 18 inches by 24 inches in size with a 3 inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one inch and no nearer the left or binding edge than four inches.

b. Scale

The plat shall be drawn to a scale of 1"=100'. Any deviation from this scale shall be allowed only with the approval of the County Surveyor.

c. Survey Accuracy

- (1) The survey for the plat shall be done in a manner to achieve such accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
- (2) The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.
- (3) The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.

d. Measurements — The plat shall contain the following measurements:

- (1) The boundary lines with distances and bearing the exact location and width of existing or recorded streets intersecting the boundary.
- (2) The lengths of arcs, radii, internal angles, lengths and bearings of tangents and lengths and bearings of chords, and central angle.
- (3) Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.
- (4) The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.
- (5) All bearings or measured angles and distances separately indicated from those of record.
- (6) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

e. Monuments

- (1) The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments on the exterior boundaries of a subdivision shall be set where changes in the direction of the boundary occur and referenced on the plat before the plat is offered for approval. The remaining monuments need not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where the remaining monuments will be set.
- (2) Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.
- (3) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the subdivision plat, whichever is greater.
- (4) If the remaining monuments are not set prior to the approval of the plat:
 - (a) The person performing the survey work shall, by affidavit, on the plat, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.
 - (b) The subdivider shall furnish to the Douglas County Surveyor's Office a bond, cash deposit, or other security at the option of the Douglas County Surveyor's Office in the amount equal to not more than 120 percent of the cost to perform the work for the remaining monumentation.
 - (c) Upon completion of the remaining monumentation, the person performing the survey shall notify the County Surveyor within 5 days.

- (d) The County Surveyor shall check the remaining monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office.
 - (e) Upon approval of the work by the County Surveyor, the person performing the work shall reference the monuments on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office.
 - (f) The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.
- (5) Flood Plain Monumentation for Subdivision and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
- (a) A standard Bench Mark shall be a minimum of 36" in depth and 8" in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least 30" in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.
 - (b) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.
 - (c) The level notes or a copy thereof shall be filed with the final map.

Any exceptions shall be allowed only with the approval of the County Surveyor.

f. Field notes and closure copies to County Surveyor

- (1) Copies of all lot closures, block closures, and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

- (2) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.

g. County Surveyor Fees

The subdivider shall pay a fee to the County Surveyor as provided in ORS 92.100(2). If the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to 50% of that fee provided in ORS 92.100(2), to cover the second field check as provided in post monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

5. Agreement for Improvements

- a. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
- b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for ministerial action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

6. Performance Bond

- a. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
- (1) a surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the County Counsel; or

- (2) cash deposit with the County Treasurer; or
 - (3) certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Director of Public Works. The bank certification or letter of assurance shall be approved by the County Counsel; or
 - (4) cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Director of Public Works. Escrow instructions shall be approved by the County Counsel.
- b. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, and may include an additional percentage as determined by the Public Works Director to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.
- c. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond, cash deposit, certification or letter of assurance or escrow deposit for reimbursement. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

7. Development Phasing

If the preliminary subdivision plan approval pursuant to §4.150 of this ordinance provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in Subsections 1 through 6 of this section, for that phase only.

8. Standards for Final Subdivision Plat Approval

- a. The Director shall grant final subdivision plat approval if he determines that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in §4.300.1.a of this ordinance.
- b. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.
- c. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the Board for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.

9. Filing and Recording of Final Plat

- a. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
 - (1) Director, on behalf of the Planning Department and Board of Commissioners;
 - (2) Surveyor, in accordance with the provisions of ORS 92.100;
 - (3) Assessor; and
 - (4) Tax Collector, in accordance with the provisions of ORS 92.095.
- b. The final plat shall be recorded within thirty (30) days of the date that the signatures and approvals required by Subsections 8 and 9 of this section were obtained.
- c. The original plat may not be corrected or changed after it is recorded with the County Clerk.

— Partition —

SECTION 4.250 Land Partitioning Approval

1. Approval of Preliminary Partition Plans

Approval of a preliminary partition plan is an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

- a. An application for preliminary partition plan approval shall be initiated as provided in Chapter 2 of this ordinance. Applicants shall file with the Director either 1) the original and five (5) additional copies of the preliminary plan and one 8½" X 11" exhibit of the partition plan suitable for reproduction, or 2) one reproducible 11" X 17" copy of the partition plan.
- b. A preliminary partition plan and supporting documents shall include the following:
 - (1) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, and other land parcels.
 - (2) North arrow, scale and date.
 - (3) A plan of the proposed partitioning, showing parcel dimensions, bearings of all lines, area of each parcel, and the names of existing and proposed roads.
 - (4) Private streets and all restrictions or reservations relating to private streets.
 - (5) Name and address of the landowners, the applicant and the surveyor, employed to make necessary surveys and prepare the description of each parcel involved.
 - (6) Proposed means and location of water supply and sewage disposal for each parcel.
 - (7) Zoning classification of the land and Comprehensive Plan map designation.
 - (8) Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards.

- (9) Draft of proposed restrictions and covenants affecting the partitioned land.
 - (10) The location of existing or proposed bicycle and/or pedestrian facilities if required under §3.35.070 of this Ordinance.
- c. Standards for approval of a preliminary partition plan:
- (1) A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this ordinance.
 - (2) The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this Subsection has been provided and if the design and development standards of §4.100 of this chapter have been met.
- d. The Approving Authority may require dedication or reservation of land and utility or drainage easements, and may impose conditions promoting redevelopment of the parcels if, in view of zoning and Comprehensive Plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.
- e. Duration of approval for preliminary partition plan: Approval of a preliminary partition plan shall be valid for twenty-four (24) months from the date of tentative approval. During such time, all conditions of approval shall be met and required documentation shall be filed with the Director as an application for final approval, and shall otherwise comply with the provisions of Subsections 2 and 3 of this section.
- f. Granting of extensions:
- (1) An applicant may request an extension of the validity of a preliminary partition plan approval. Such request shall be considered a Ministerial Action and shall be submitted to the Director in writing prior to expiration of such approval, stating the reason why an extension should be granted.
 - (2) The Director may grant an extension of up to twelve (12) months in the validity of a preliminary partition plan approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plan approval within the original time limitation.

- (3) Additional one year extensions, subject to §4.250.1.f.(2), may be authorized where applicable criteria for the decision have not changed.

2. Approval of Final Partition Plat

- a. Within twenty-four (24) months from the date of preliminary partition plan approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final partition plat prepared in accordance to those standards specified in §4.250.3 of this chapter.
- b. The approval of a final partition plat by the Director is a ministerial action. The Director shall grant final approval if he determines that:
 - (1) the final partition plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;
 - (2) any conditions imposed by the Approving Authority have been met; and
 - (3) proof is submitted that a year-round source of potable water capable of supplying at least 250 gallons of water per day is available to each parcel in the partition.
 - (4) proof is submitted that adequate sanitation facilities are available.
 - (5) Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning. In any case, it must be shown that the existing septic system(s) is either located entirely on the same parcel containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s).
 - (6) If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the partition is either entirely excluded from the district or company or is included within the

district or company for purposes of receiving services and subjecting the partition to the fees and other charges of the district or company.

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in §4.300.1.a of this ordinance.

- c. All access easements created as part of land partitioning shall clearly specify which parcel or parcels it serves and shall be shown on the face of the map along with bearings, distances and dimensions or a written legal description of the easement. If the access easement is preexisting or if the access easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
- d. The granting of final partition plat approval shall not be affected by a change in the zone or comprehensive plan map designation of the subject property made after approval of the preliminary partition plan.
- e. After approval of the final partition plat, the Director, the County Surveyor and the County Tax Collector shall endorse their approval on the plat in archival quality black ink. The plat shall be filed with the County Clerk and a mylar copy filed with the County Surveyor's office. The original plat may not be corrected or changed after it is recorded with the County Clerk.
- f. Any parcel in a partition that exceeds ten acres in size need not be surveyed or monumented but a final partition plat prepared by an Oregon registered professional land surveyor is required. All parcels ten acres or less in size shall be surveyed.

3. Land Partition Plat Requirements

a. Conformance to tentative plan

The partition plat shall substantially conform to the tentative plan as approved.

b. Preparation

All partition plats shall be prepared by a professional land surveyor registered with the State of Oregon and shall otherwise comply with ORS 209.250.

c. Format

All plats shall be drawn using archival quality black ink, approved by the County Surveyor, on archival quality drafting material, 18 inches by 24 inches in size with a 3 inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one inch and no nearer the left or binding edge than four inches.

d. Scale

The partition plat shall be drawn to a scale of 1"=100' or to such other scale, approved by the County Surveyor.

e. Survey accuracy

- (1) The survey for the plat shall be done in a manner to achieve such accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
- (2) The survey for the partition plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.
- (3) The dimensions shown on the partition plat shall be of such accuracy that the error of closure on any portion shall not exceed 1 foot in 10,000 feet.

f. Measurements

The partition plat shall contain the following measurements.

- (1) The boundary lines with distance and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the parcel.
- (2) The lengths of arcs, radii, internal angles, lengths and bearings of the tangents, the length and bearings of chords, and central angle.

- (3) The area of each parcel in either acres to the nearest 1/100th, or square feet except that unsurveyed parcels may have an approximate acreage.
- (4) All bearings or measured angles and distances separately indicated from those of record.
- (5) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

g. Monuments

- (1) The partition plat shall contain the location, material and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments shall be set and referenced on the map before the map is offered for approval.
- (2) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the partition plat, whichever is greater.
- (3) Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.
- (4) For partitions involving land in a floodplain, the provisions of §4.200.4.e.(4) shall apply.
- (5) No monuments are required as set forth in section 4.250.2.f.

h. General Information

The partition plat shall comply with ORS 209.250 and contain the following information:

- (1) Location of the parcel by one-fourth section, Township and Range.

- (2) Names and addresses of the partitioner, owner, mortgagee, if any, and the registered professional land surveyor preparing the map.
- (3) North arrow, scale, and date submitted.
- (4) The names of any streets intersecting or within the parcels.
- (5) All easements provided for public services, utilities, or access must be shown on the face of the partition plat using bearings, distances and dimensions or a legal description and any limitations of the easements. If it is a preexisting easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the partition plat.
- (6) Zoning classification and Comprehensive Plan designation.
- (7) The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner or Donation Land Claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a condominium, or a parcel corner of a recorded partition.
- (8) A surveyor's affidavit and written legal description of the boundary of all land contained in the land partition. Each parcel shall be identified with a parcel designation.
- (9) Space for date and signatures of the following officials for the final partition plat:
 - (a) Director;
 - (b) County Surveyor; and
 - (c) County Tax Collector in accordance with ORS 92.095.
- (10) Narrative per ORS 209.250.
- (11) Any additional information made a condition of approval of the tentative plan.
- (12) When parcels are not required to be monumented or surveyed, a schematic diagram shall be included on the face of the final partition plat showing the exterior boundaries of all parcels and

their relationship with the parcel(s) requiring monumentation and surveying.

(13) Unsurveyed parcels shall have the term "unsurveyed" in bold letters adjacent to the parcel number.

(14) Planning Department file number.

i. County Surveyor's Fees

The partitioner shall pay a fee to the County Surveyor for checking partition plats and such fee shall be established by the County Surveyor.

j. Declaration

(1) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.

(2) A certificate signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.

k. Bonding

The provision for bonding or other assurance of improvements provided in Section 4.200 of this chapter may be used to fulfill the requirements of this section.

— Clustered Development —

SECTION 4.275 Clustered Land Development

1. Purpose

The purpose of Clustered Land Development is to provide flexibility in the administration of rules, regulations, and standards governing approval of plats. Clustered land development facilitates the efficient use of land, buildings, circulation systems, open space, and utilities by allowing more compact development than would normally be allowed through the subdivision or land partitioning process. It is intended that Clustered Land Development implement the Comprehensive Plan density provisions in a flexible manner yet without exceeding the total number of dwelling units permitted.

2. Administration

- a. Clustered Land Development shall be allowed on all rural residential zoned lands.
- b. A re-development plan, pursuant to §4.100.4, shall be required if the application does not fully accommodate the residential density allowed by the Comprehensive Plan.
- c. In addition to the subdivision or land partitioning requirements of this chapter, special provisions for the establishment of a Clustered Development are required by this section. A Clustered Land Development may not be established or expanded without approval from the approving authority.

3. Shared Open Space

- a. Open space, resulting from the reduction of lot sizes, shall be designated in the Preliminary Subdivision or Partition Plan and retained for common use by owners of the clustered development. Such open space shall be called "shared open space".
- b. Shared open space shall be accessible, either by direct frontage or by access easement, to all lots or parcels within the development.
- c. Restrictive Covenant: The location, size, use, and provisions for control of the shared open space shall be described in a restrictive covenant. The restrictive covenant shall run with the land, be permanent, and become part of the deed to each lot or parcel within

the clustered development. The County, in its discretion, shall have authority to enforce the provisions of the restrictive covenant. The restrictive covenant shall describe:

- (1) the method of assessing property owners for payment of taxes, insurance, and maintenance of the shared open space;
 - (2) the responsibility for maintenance; and,
 - (3) compulsory membership and assessment provisions.
- d. Common Ownership: Owners of lots or parcels within the clustered land development shall jointly own and be responsible for the perpetuation and maintenance of the shared open space and any open space facilities. To achieve this common ownership, the shared open space shall be conveyed by leasing or conveying title (including beneficial ownership) to a corporation, homeowners association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions that guarantee:
- (1) the continuation of such land in open space use;
 - (2) the continuity of property maintenance including the necessary financial arrangements for such maintenance; and
 - (3) that the legal entity formed for the joint ownership and maintenance of the shared open space will not be dissolved nor will it dispose of any common open space, by sale or otherwise, except to another legal entity which has been conceived and organized for the purpose of maintaining the shared open space in common.
- e. Shared open space may be improved for open space uses beneficial to the development.
- f. A non-revocable deed shall be recorded that prohibits use of the shared open space for residential development for as long as the open space remains outside of an urban growth boundary.

4. Approval Standards

- a. In addition to the findings made by the Director that the Clustered Land Development complies with all applicable subdivision or land partitioning provisions, the following criteria must be met, except that items 1-3 and 7-8 do not apply in an approved rural unincorporated community:

- (1) The number of new dwelling units to be clustered does not exceed 10;
- (2) The number of new lots or parcels to be created does not exceed 10;
- (3) None of the new lots or parcels will be less than two acres;
- (4) The number of building sites meets the density standards of the applicable zone;
- (5) Streets, buildings, and other site elements shall be designed and located to preserve existing trees, topography, and natural drainage to the greatest degree possible;
- (6) Building sites shall not be located in areas subject to ground slumping and sliding;
- (7) The development shall not be served by a new community sewer system, nor shall it be served by a new extension of a sewer system from within either an urban growth boundary or an unincorporated community; and
- (8) The development will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on those lands.

— Minor and Major Amendments —

SECTION 4.300 Amendments to Preliminary Plans and Final Plats

1. Definitions

- a. "Minor Amendment" means a change which:
 - (1) Does not increase the number of lots or parcels created by the subdivision or partition;
 - (2) Does not enlarge the boundaries of subdivided or partitioned area;
 - (3) Does not change the general location or amount of land devoted to a specific land use; or
 - (4) Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.
- b. "Major Amendment" means any change which is not a minor amendment.

2. Approval of Minor Amendments

A minor amendment to an approved preliminary subdivision or partition plan or to an approved final subdivision plat or final partition plat may be approved by the Director.

3. Approval of Major Amendments

Approval of a major amendment to an approved preliminary subdivision or partition preliminary plan or to an approved final subdivision plat or final partition plat shall be an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

— Street and Road Standards —

SECTION 4.350 Street Dedications, Private Road Approval and Approval of Units of Land Abutting Only Private Streets for Issuance of Building Permits

1. Applicability

- a. Approval of a street dedication, approval of a private road for access, or the approval of a unit of land abutting only a private street for the issuance of a building permit are Administrative Actions subject to the provision of §2.060.1 of this ordinance.
- b. For the purpose of issuing a building permit, a unit of land that is a "nonconforming lot of record", as defined by this ordinance, shall not be regulated by a. above, provided that:
 - (1) an easement providing practical and legal ingress and egress from the subject property to a public street, and that has been recorded with the County Clerk, is submitted at the time of building permit application;
 - (2) the easement is deemed to be of sufficient width to serve as access to the subject property; and
 - (3) in no case shall the easement provide access to more than the maximum number of lots, parcels or units of land established in §4.100.5 without review and approval pursuant to the Administrative Approval process, §2.060.1.

2. Purpose

The purpose of this section of the Ordinance is to assure that legal and practical access is provided to properties in Douglas County that is commensurate with existing or proposed future uses of the area. The basis for required standards and improvements includes:

- a. The necessity for being able to travel to and from a permanent residential site is a basic requirement for development except in very rare circumstances.
- b. It is in the public interest to require adequate, safe and legally assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.

- c. The costs of providing right-of-way and improvements for streets needed to directly serve new or existing developments should be substantially borne by the benefitted persons, usually the subdivider or developer, rather than by the people of the County at large.
- d. A street serves, in most situations, as the means of access for the following public or semipublic services:
 - (1) Fire service;
 - (2) Ambulance service;
 - (3) Police service;
 - (4) Delivery service; and
 - (5) Means of addressing to allow others to find the dwelling.
- e. Besides serving as the means for vehicular access, a street also provides, in most situations, the land needed for the following possible activities:
 - (1) Drainageways;
 - (2) Electrical power lines;
 - (3) Telephone lines; and
 - (4) Water lines.
- f. Streets which are dedicated to and maintained by the public are generally the most satisfactory form of access.
- g. Streets which are dedicated to but not maintained by the public, while not as desirable as maintained streets, are generally preferable to any type of private street or any form of easement arrangement for most development. However, access development utilizing such public streets create the same problems as private streets in terms of liability, safety and maintenance, and, therefore, warrant similar standards.
- h. Any private street works best if it serves a predetermined limited amount of development.
- i. Other things being equal, paved streets are safer to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance (dust, noise, etc.) level.
- j. It is important that privately maintained streets which in any way could be mistaken for publicly maintained streets be clearly posted as not subject to County maintenance.

- k. The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.
- l. Although similar in impact, access approval to legally created, nonconforming lots of record should be less restrictive than to new properties created by partitioning, subdivision, or in rectifying illegally created lots, parcels or units of land.

3. Application

- a. Other than dedications to widen existing streets, any applicant desiring to dedicate to the public a street not part of a subdivision or to dedicate to the public a private street in a subdivision, to establish a private road as primary access to proposed lots, parcels or units of land, or to obtain approval of an existing unit of land abutting only a private street for issuance of a building permit shall submit to the Director a written application and three (3) copies of a tentative plan prepared in accordance with Subsection 4 of this section.
- b. The Director shall distribute a copy of the tentative plan to the Director of Public Works and obtain his recommendation on the proposed action.

4. Information Required on Tentative Plan

Tentative plans shall include the following information, presented in the following form:

- a. The scale of the tentative plan shall be one (1) inch equals one hundred (100) feet or multiples thereof.
- b. A vicinity map shall accompany or be drawn in the tentative plan at a scale of one (1) inch equals four hundred (400) feet, showing the proposed dedication or private street to be approved.
- c. Date, north arrow and scale of drawing.
- d. Names and addresses of the applicant and of the person preparing the tentative plan.
- e. Appropriate identification of the drawing as a tentative plan.
- f. Location of the proposed dedication or of the private street abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and if available, a centerline description or right-of-way boundary description.

- g. Zoning classification and Comprehensive Plan map designation.
- h. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private street abutting the lot proposed to be approved.
- i. Existing streets intersecting or meeting the proposed dedication or the private street abutting the lot proposed to be approved.
- j. A drawing illustrating the layout of the street proposed to be dedicated or the private street abutting the lot proposed to be approved for issuance of a building permit.

5. Approval of Street Dedications

- a. After considering the recommendation of the Director of Public Works, the Approving Authority shall approve the tentative plan of a private street or recommend to the Board the dedication of a public street if it determines that:
 - (1) The information required by this section has been provided;
 - (2) The street is or will be improved to meet all applicable standards of these regulations; and
 - (3) Dedication of the street to the public is consistent with the goals, policies and map of the Comprehensive Plan.
- b. If the tentative plan to dedicate a street is recommended to the Board, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the street to the improvement standards published by the Director of Public Works. Where the street to be dedicated is an improved street, conditions imposed by the Approving Authority requiring engineering or construction on the street shall not exceed the requirements of those published by the Director of Public Works.

6. Acceptance of Dedicated Street by the Board

- a. Before the Board may accept the dedication, the applicant must have completed any improvements required as a condition of approval of the dedication or have complied with §4.200.6 of this chapter.
- b. Prior to acceptance by the Board, the owner of the land to be dedicated shall submit a preliminary title report issued by a title

insurance company in the name of the owner of the interest in the land. The report shall reveal that the owner has marketable title in the land and the land to be dedicated is free and clear of encumbrances that would inhibit County maintenance of the dedicated area. The County may waive the requirement for such title search.

- c. Upon acceptance of the dedication by the Board, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public, and shall, if requested by the Board, furnish a purchaser's title insurance policy, acceptable to the Board, for the full value of the property being dedicated.
- d. The Board shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
- e. Any street meeting the standards of Subsection 4 and 5 of this section and Subsection 4.100.6.b(5) may be accepted for maintenance as part of the County Road System by order of the Board pursuant to law.

7. Approval of a Private Street for Issuance of a Building Permit

- a. The County Engineer shall determine if the private street meets the improvement standards for the private streets established by this ordinance and any supplementary provisions published by him and shall submit his findings as a written recommendation to the Approving Authority.
- b. The Approving Authority shall approve a private street for issuance of a building permit if it finds that the private street meets the improvement standards of §4.100.4, .5 and .6 of this ordinance, and also the published improvement standards of the Director of Public Works for such private streets.
- c. Upon approval of such private street, the applicant shall submit a boundary line or centerline survey of the street if the street serves as access to four or more units of land of twenty (20) acres or more each, unless the location of the street is already established by existing property line surveys recorded in the Douglas County Surveyor's Office. The boundary line survey shall be submitted to the Director and the Douglas County Surveyor.
- d. If the private street does not meet the improvement standards of the County Engineer and §4.100, 4.420, 4.415 and 4.425 of this ordinance, the Approving Authority may approve the abutting unit of

land only if a variance pursuant to §4.450 of this ordinance is justified or if one of the following conditions applies:

- (1) If the private street is an already existing road designed primarily for resource use and under the jurisdiction of the Bureau of Land Management (BLM), U.S. Forest Service or Oregon State Forestry Department, no road improvement standards shall be required for the issuance of a building permit on an already existing lot of record excepting those provided for in specific siting standards with the zoning classification.
- (2) If the private street is an already existing road which provides access for not more than three units of land, no road improvement standards shall be required for the issuance of a building permit on an already existing lot of record.
- (3) If the private street is an already existing road which provides access for four or more units of land, only the road improvement standards set forth in § 4.420.2.a. to c. of the ordinance shall be required for the issuance of a building permit on an already existing lot of record.

However, subsections (1), (2) and (3) do not remove the requirements that there is a legal right appurtenant to the lot of record to use the street for ingress and egress and that the street provide actual physical access for the lot of record.

SECTION 4.400 Improvements

The improvement standards contained in §4.400, 4.410 and 4.420 shall apply to all subdivisions in Douglas County, except as provided in §4.430.

1. Improvement Requirements

The following improvements shall be installed at the expense of the subdivider or partitioner:

- a. Streets and roadways in all cases shall conform with the improvement standards set forth herein.
- b. Sidewalks shall be constructed in dedicated pedestrian ways and along streets where determined necessary by the Approving Authority for pedestrian safety.

- c. In developments where the average lot size is under ten thousand (10,000) square feet, and where public water and sewer service are available, telephone and electric service shall be underground.
- d. The applicant shall undertake on-site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision or partition.
- e. The applicant shall make improvements to existing County maintained roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots are created which front on County maintained roads.
- f. Street signs shall be required as an improvement in a subdivision.
 - (1) Douglas County shall install and maintain such street signs, provided the subdivider pays the expense of the initial improvement and where placement of such signs are within public maintained right of way.
 - (2) The subdivider shall pay for the expense of the initial sign and be responsible for the placement of street signs outside of publicly maintained right of ways. Maintenance for such signing shall be included in any maintenance agreement applicable to the roadway.

2. Improvement Policies and Standards

The improvement policies and standards contained herein shall apply to development conducted under provisions of this ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Douglas County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.

It shall be the duty of the Director of Public Works, or his authorized representative, to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

SECTION 4.410 Public Streets and Roads

1. General Design Policies

The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following

publications by the American Association of State Highway and Transportation Officials (AASHTO):

- a. "A Policy on Design of Urban Highways and Arterial Streets".
- b. "A Policy on Geometric Design of Rural Highways".

2. Design Criteria

- a. Except as provided in §4.410.2.b:
 - (1) Improvement of public streets and roads shall conform to the design standards designated for the particular road classifications indicated in Tables 1 and 2 of this chapter.
 - (2) Roadway sections shall conform to the sections designated for the particular road classifications indicated in Figures 1 and 2 of this chapter.
- b. For public streets and roads within the Urban Service Boundary as depicted in the Comprehensive Plan map for the Glide Land Use Plan, the Design Standards for Rural Roadways in Table 2 and the Rural Roadway Sections in Figure 2 shall apply to all subdivisions and partitions where the density does not exceed three dwelling units per acre. Provided, however, that the minimum right of way width for local streets shall be 56 feet instead of 60 feet or 28 feet from the existing centerline of an existing road, whichever distance is greater. For densities exceeding three dwelling units per acre the urban roadway standards and sections in Table 1 and Figure 1 shall apply.
- c. The design of structural sections of all roadways required by this ordinance, including minor and major collectors, arterials, and principal highways, shall be based upon the following:

<u>Pavement Type</u>	<u>Design Method</u>	<u>Minimum Thickness</u>
Asphalt Concrete	Hveem Stabilometer Method of structural evaluation as modified by the Oregon Department of Transportation, Highway Division	2½ inches
Portland Cement Concrete	Design of concrete pavements, subgrades and subbases as published by the Portland Cement Association	6 inches

- d. Vertical curvature shall be consistent with horizontal curvature.
- e. Horizontal curves should utilize as large a radius as possible, consistent with good design procedures as related to design speed and terrain; in no case will curves with less than 100 feet in centerline radius be allowed, except on residential loop-streets.
- f. All intersections shall be planned for through traffic for the street with the greatest projected average daily traffic. Intersecting streets shall enter with an angle of intersection as near 90 degrees as possible. In no case will an angle of intersection of less than 60 degrees be allowed.
- g. Corner curbs at intersections shall have a minimum radius of 20 feet. This minimum radius shall be increased to 30 feet where frequent truck or bus turning movement is expected.
- h. Centerline angle points will not be allowed.
- i. All cut and fill slopes shall be 1 1/2:1 or flatter. Cut slopes steeper than 1 1/2:1 may be approved by the Director of Public Works provided an engineering analysis based upon adequate soils or geotechnical information is submitted which supports the steeper slope. A fallout area may be required for any slope steeper than 1 1/2:1.
- j. Storm drains shall be designed to convey runoff produced by a 10-year frequency rainfall intensity except that a 50-year frequency rainfall intensity shall be used for the entire length of outfalls or mainline trunks carrying water from low lying areas and where a curbed street section cannot carry the difference between the 10-year and 50-year runoff. Road cross culverts shall be designed to convey runoff produced by a 50-year frequency rainfall intensity. Where off-site drainage must be collected and conveyed through a subdivision, land use conditions for estimating the peak discharge shall be those of 20 years hence or ultimate development, as appropriate.

Storm drains shall not alter the existing drainage patterns without the written permission of the affected property owners.

- k. Road culverts may be either concrete or metal with a minimum design life of 50 years. All cross culverts shall be eighteen (18) inches in diameter or larger. Driveway culverts shall be twelve (12) inches in diameter or larger. Culverts shall be placed in natural drainage areas where possible. When natural drainages are quite flat (under 1%), there shall be provided a drainage easement along the natural drainage course to insure continuity of drainage.

- I. Storm drains within curbed streets shall have a minimum design life of 100 years and shall be twelve (12) inches in diameter or larger.

3. Standard Drawings

- a. The Director of Public Works shall have the authority to publish "Standard Drawings" for the design of public streets and roads.
- b. The applicant's design shall conform to the "Standard Drawings".

4. General Considerations

- a. The Director of Public Works may impose additional design requirements as are reasonably necessary to provide safe and adequate access.
- b. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.
- c. Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the County.

5. Special Considerations

In those cases where the construction of one-half of a street width is being proposed, the following item should be considered:

The probability of the remaining construction occurring. Usually, this cannot be determined, even in a general sense; therefore, it is recommended that developments involving this condition be strongly discouraged. Usually, by a rearrangement of the partitioning geometry, it can be eliminated. Even though it may result in a reduced number of parcels, its elimination is usually desirable from a long-range planning standpoint.

- a. For those instances where this is not possible, two standard lanes of traffic shall be provided for, to accommodate emergency vehicles as well as normal traffic. Full County standard improvement will be required on the developing side.
- b. Standard cul-de-sac geometry shall also be required if a cul-de-sac is being proposed. This will require an offset into the developing property.

- c. An adequate right-of-way width to provide for present and future underground utilities shall also be required, and the engineering necessary to insure that utilities to the abutting property owners on both sides are provided.
- d. Normally, one-half street construction will require additional right-of-way from that normally required. This will include the standard half-street right-of-way (30 foot minimum), plus ten feet for the second lane construction. It is recommended that access to these half-street improvements be restricted to the undeveloped property to insure completion of the road before parcelization or before permits for driveways are issued.
- e. Variances may be approved by the Approving Authority upon recommendation of the Director of Public Works.

6. Development Requirements

a. Engineering

(1) Plans

Construction plans shall be required for improvements governed by these standards. Such construction plans shall be prepared under the direction of a consultant engineer registered in the State of Oregon, and shall be submitted for ordinance compliance to the County Engineer and shall include the following information:

- (a) Widths of all proposed road right-of-way dedication.
- (b) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.
- (c) Original ground line and grade line profile on the centerline of the proposed road.
- (d) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
- (e) Proposed drainage structures, showing both size and type of structure.
- (f) Toe of fill and top of cut lines.

- (g) Typical structural section of roads to be constructed.
- (h) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.
- (i) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
- (j) Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.
- (k) The plans shall contain a standard symbol sheet approved by the Director of Public Works.
- (l) The stamp and signature of a consultant engineer preparing the plans.

(2) Cost Estimates

The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related roadwork and affected utility installation and/or relocation.

(3) Monumentation

All horizontal curve points shall be referenced with a 5/8"x30" steel rod set perpendicular to the tangents at the right-of-way line and witnessed by a white 4"x4"x4' cedar post or a 4' section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

b. Construction

(1) Standard Specifications

The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by provisions contained herein):

- (a) "Standard Specification for Highway Construction", current edition, published by the Oregon Department of Transportation, Highway Division, except for Part 100, General Requirements.
- (b) Current edition of the "Standard Specification and Drawings", published by the Oregon Chapter of the American Public Works Association (APWA).

References to "State" and "Highway Commission", shall be construed to mean Douglas County and the Douglas County Board of Commissioners, respectively. "Engineer" and "Director" shall be construed to mean the Director of Public Works, or his properly authorized agent(s) acting within the scope of his (their) particular duties.

(2) Permits

A permit to occupy and perform operations shall be obtained from the Department of Public Works prior to commencing construction within the right-of-way of any County maintained road.

(3) Bond Requirements

Before the dedication or deed to the public for street or road right-of-way is accepted by the Board of Commissioners, the applicant shall provide a performance bond or other security, as set forth in §4.200.6 of the Douglas County Land Use and Development Ordinance.

(4) Construction Stakes, Lines and Grades

The consultant engineer will set construction stakes establishing lines, slopes and continuous profile grade for roadwork; and center line, bench marks and other controls deemed necessary for completion of the project.

(5) Inspection Schedule

After financial assurance is received by the County, the applicant shall arrange for periodic inspection by the County Engineer or his designee. The developer shall pay a cash deposit to the County Engineer for inspecting the improvements and such fee shall be established by the County Engineer. At a minimum, such inspection shall occur at the following stages of construction:

- (a) After clearing and grubbing is completed.
 - (b) After grading and drainage is completed.
 - (c) After rock surface is completed.
 - (d) After paving is completed.
- (6) Acceptance and Warranty Requirements
- (a) Upon recommendation for acceptance of the project by the County Engineer the County may accept the project for normal and routine maintenance, provided the applicant submits assurance through one of the mechanisms listed in 4.200.6.a (such assurance shall be equal to twenty percent (20%) of the performance bond required in §6.b.(3) of this section) for the correction of any deficiencies that may arise within a period of 18 months.
 - (b) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the Douglas County Engineer that the provisions of the improvement agreement are complete, the performance bond required by §6.b.(3) of this section shall be released to the applicant.
 - (c) The Douglas County Engineer shall inspect the project at the end of 18 months and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.
 - (d) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.
 - (e) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the

County shall release the remainder, and if the amount of the warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.

(7) As-Constructed Plans

The consultant engineer shall furnish to the County Engineer, at the completion of the project, permanent reproducible plans of the work or an "as-constructed" modification of the original permanent reproducible plans previously submitted, as required under §6.a.(1) of this section.

- (a) The title sheet shall contain the consultant engineer's signed Professional Engineer's (P.E.) stamp and a certification signed by the engineer "that the road has been constructed in accordance with the typical section shown hereon and to the grades and alignment shown".
- (b) The title sheet shall contain in the title block the name of the street or road, the name of the subdivision, the names of the applicant and consultant engineer preparing the plan, the location of the street or road according to Section, Township and Range, a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes, and a vicinity map of approximately 1"=1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.
- (c) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right-of-way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.
- (d) The plans shall show the original ground line and the finish grade on the centerline, all P.I. elevations and stations, elevations of vertical curves and tangent grades.
- (e) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the

subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.

- (f) The consultant engineer will provide accurate "as-constructed plans" to all affected utility companies.

(7) Signing

Permanent traffic control and street or road identification signs will be required for all subdivisions.

- (a) The applicant shall deposit (in cash) with the Director of Public Works, an amount determined by the Director adequate for the construction and installation of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

- (b) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

SECTION 4.415 Special Improvement Standards for Subdivisions or Partitions Located in Rural Residential Areas

1. The following standards are in addition to, or an exception from, the improvement standards contained in §4.100, 4.410, 4.420 and 4.425. If a conflict exists, then the following provisions shall control. These standards apply to those roads in, or providing access to, subdivisions or partitions located in areas identified as "Rural Residential" in the Comprehensive Plan.
 - a. A lot or parcel may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than 15 units of land, and service to adjacent areas or additional units of land is prevented by existing development pattern, topography, physical characteristics, land use regulations or other circumstances affecting the area to be served. Improvement standards for such private roads shall be those specified in §4.420 except that the finished top surface width shall be a minimum of 18

feet, and a 60 foot road easement shall be provided. Private roads shall be identified as such on the face of the plat or partition map. No structure other than a fence or sign shall be located closer than 10 feet from the right-of-way of the private road easement.

- b. A lot or parcel may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than 50 units of land, and service to adjacent areas or additional units of land is prevented by existing development pattern, topography, physical characteristics, land use regulations or other circumstances affecting the area to be served. Improvement standards for such private roads shall be those specified in §4.425 and Table 3. The minimum road easement shall be 60 feet unless the County Engineer pursuant to the standards specified in §4.350 and 4.100.6 determines a greater width is necessary. Private roads shall be identified as such on the face of the plat or partition map. No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of the private road easement.
- c. All interior streets whether private roads or public access roads not publicly maintained shall be maintained by the property owners in the subdivision or partition. All lots or parcels shall be subject to adequate covenants running with the land meeting County standards which require streets to be maintained by owners. All streets not publicly maintained shall be maintained to the standards specified in §4.420 or §4.425 depending on the number of lots or parcels to which the road provides access, except as modified by this section.

All private roads shall be vested in a homeowner's association. The developer shall be responsible for the formation of the homeowner's association of which the developer (or if the developer is not the owner of the development, then such owner) shall be a member until all the lots are sold.

Provided that private roads in partitions need not be vested in a homeowner's association if adequate perpetual maintenance is assured through covenants, maintenance agreements or agreements to participate in future special districts and such covenants or agreements are approved by the Planning Director.

- d. Subdivision covenants required in §4.415.1.c shall at a minimum:
 - (1) Assure adequate provision for perpetual maintenance of private roads.

- (2) Obligate purchasers to participate in a homeowner's association and support maintenance of roads by paying to the association assessments sufficient for such maintenance and attorney fees necessary to enforce the covenants and subjecting their properties to a lien for enforcement of the respective assessment.
- (3) Obligate the association to maintain the private roads.
- (4) Empower purchasers in the development, as well as the County at its own discretion, to enforce the covenants in the event of failure of compliance.
- (5) Provide for agreement that, if the County performs any maintenance work pursuant to §4.415.1.d.iv, members of the homeowner's association would pay the cost thereof and that the same shall be a lien upon their properties until the cost has been paid.
- (6) Be recorded with the plat and in the deed records and such recording shall be referenced on the face of the plat. A notice that such covenants or similar devices exist shall be included in the deed or other conveyance instrument and shall be binding on all purchasers.
- (7) Provide for removal of temporary cul-de-sac improvements and termination of easements providing for temporary cul-de-sac upon road extension (see §4.425.3.b).

Provided, however, that no covenant shall require maintenance of any public road subject to a Special Road District or any public road accepted for maintenance by the Douglas County Board of Commissioners.

2. Notwithstanding §4.415.1, if the Planning Director or County Engineer identifies any road within, or providing access to the development, as a collector or subcollector for the surrounding area's traffic circulation pattern, such road shall meet the requirements of §4.410.2. (a,b,d,e,f,g,h,i,k). In addition such road shall meet the base and surface requirements of either §4.420 or §4.425 depending on the number of lots or parcels to which the road will provide access. In any case, the ditch and culvert requirements shall be constructed to accommodate a 28 foot wide public road. Such road need not be dedicated to the public but shall be subject to an irrevocable offer of dedication to the public which offer shall be recorded in the Deed Records.

The determination of the County Engineer or Planning Director shall be based on traffic volume, density of development, traffic circulation to destinations outside the residential area, safety and the purposes of the Comprehensive Plan and Ordinances. In addition, where the Planning Director or County Engineer determines any road should serve as access to adjacent areas which do not otherwise have convenient access to a public road or should logically be served by extension of a private road within the subdivision, such road shall be extended to the adjacent property line. Provided, however, no extension shall be necessary if the developer and adjacent affected property owners submit an agreement providing access to the adjacent property and delineating participation in maintenance of such access roads. Provided, further, no such agreement shall be necessary if the developer grants to the adjacent affected property owners a 60 foot nonexclusive easement providing feasible access subject to the adjacent owners sharing pro rata the maintenance costs of any road providing access.

This requirement does not require the developer to construct a road upon the easement unless such construction is necessary to provide access to the developer's lots or parcels. In any case, the easement shall be subject to an irrevocable offer of dedication to the public which offer shall be recorded in the Deed Records.

SECTION 4.420 Private Roads

1. General Design Policies

Private roads shall conform to the requirements outlined in Table 3 of this chapter.

2. Design Criteria

- a. Finished top surface width of roads shall be a minimum of twelve (12) feet.
- b. The roadbed shall have an all-weather surface of suitable material, in good repair and of sufficient depth to ensure a solid roadbed, but in no case less than four (4) inches of crushed rock.
- c. Turnouts shall be provided no further than six hundred (600) feet apart and not less than fifty (50) feet in length and eight (8) feet in width excluding taper.
- d. Road profile grades exceeding 15% shall be paved, and in no case shall a grade exceed 20%.

- e. Cross culverts of adequate size (minimum 18 inches in diameter) shall be provided to carry storm runoff under the roadway.
- f. All cut and fill slopes shall be 1½:1 or flatter, unless steeper slopes are determined feasible by a consultant engineer. A fallout area may be necessary for any slope steeper than 1½:1.
- g. Adequate roadside ditches shall be provided to carry storm runoff. Roadside ditches in excess of seven percent (7%) grade and in erodible soils shall be lined with suitable material to prevent erosion.

3. General Considerations

- a. The Approving Authority, upon recommendation of the Director of Public Works, may impose additional requirements as are reasonably necessary to provide safe and adequate access.
- b. Private roads shall be maintained by the benefitted property owners and shall not be accepted by the County for maintenance.

4. Certification and Special Considerations

- a. The applicant shall retain a consultant engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance to the County's current improvement standards.
- b. In the event an existing road is to be used for access to a land division, it shall be inspected by a consultant engineer retained by the applicant and, if found adequate for the intent and purposes of the private road requirements, shall be approved.

5. Signing

Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads.

- a. The applicant shall deposit (in cash) with the Director of Public Works, an amount determined by the Director adequate to cover the costs of construction and installation of required permanent signing. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

- b. Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

TABLE 1

DESIGN STANDARDS FOR URBAN ROADWAYS¹

<i>DESIGN FEATURES</i>	<u>Functional Classification</u>			
	<i>PRINCIPAL HIGHWAY</i>	<i>ARTERIAL</i>	<i>COLLECTOR</i>	<i>LOCAL STREET</i>
Minimum right-of-way Width ²	102'	102'	60' - 84'	56'
Travel Lane Width	12'	12'	12'	12'
Shoulder Width	10'	10'	8'	6'
Left Turn Lane Width ³	14'	14'	14'	--
Recommended Number of Travel Lanes	4	4	2 - 4	2
Sidewalk Width	6'	6'	6'	5'
Median Width	14'	2' - 14'	--	--
Parking On-Street:	The provision for on-street parking will depend on traffic volumes, lane widths, design speeds, access control and land use.			

Recommended Standards

Design Speed - MPH (KPH)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	25 - 35 (40 - 56)
Stopping Sight Distance	Varies according to actual design speeds			
Horizontal Curve (Degree)	Varies according to actual design speeds			
Grade, Gutter (Maximum)	4%	4 - 8%	8 - 10%	15-20% ⁴
Grade, Gutter (Minimum)	0.4%	0.4%	0.4%	0.4%

¹ Standards will vary according to terrain and usage.

² Minimum right-of-way may be increased by the Public Works Director in all instances where necessary to obtain one half the required right-of-way from the centerline of an existing road.

³ Where turn lanes are required, right-of-way and roadbed width must be increased.

⁴ Grades that exceed 15% shall not exceed 200 feet in length.

TABLE 2

DESIGN STANDARDS FOR RURAL ROADWAYS⁵

<i>DESIGN FEATURES</i>	<u>Functional Classification</u>			
	<i>PRINCIPAL HIGHWAY</i>	<i>ARTERIAL</i>	<i>COLLECTOR</i>	<i>LOCAL STREET</i>
Minimum right-of-way Width ⁶	90'	90'	60' - 70'	60'
Travel Lane Width	12'	12'	12'	12'
Shoulder Width	5' - 11'	5' - 11'	3' - 9'	2'
Left Turn Lane Width ⁷	14'	14'	12' - 14'	--
Recommended Number of Travel Lanes	2 - 4	2 - 4	2	2
Median Width	2' - 14'	2' - 14'	--	--
Parking On-Street:	The provision for on-street parking will depend on traffic volumes, lane widths, design speeds, access control and land use.			

Recommended Standards

Design Speed - MPH (KPH)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	25 - 35 (40 - 56) ⁸
Stopping Sight Distance	Varies according to actual design speeds			
Passing Sight Distance	Varies according to actual design speeds			
Horizontal Curve (Degree)	Varies according to actual design speeds			
Grade, Gutter (Maximum)	5%	5%	8 - 10%	15-20% ⁸

⁵ Standards will vary according to terrain and usage.

⁶ Minimum right-of-way may be increased by the Public Works Director in all instances where necessary to obtain one half the required right-of-way from the centerline of an existing road.

⁷ Where turn lanes are required, right-of-way and roadbed width must be increased.

⁸ Grades that exceed 15% shall not exceed 200 feet in length.

SECTION 4.425 Private Road: Construction Standards for Roads Serving 15-50 Parcels

Construction standards for private roads serving as access for at least 15 lots or parcels but not more than 50 lots or parcels shall be as follows:

1. Geometrics

- a. Maximum grades shall not exceed 15%, except that short grades of 200 feet or less shall not exceed 20%.
- b. Vertical curvature shall be consistent with horizontal curvature. In any case, provisions for stopping sight distance for speeds greater than 55 miles per hour will not be required.
- c. Horizontal curves shall be as flat as possible, consistent with good design procedures as related to terrain. In no case will curves sharper than 100 feet in radius be allowed.
- d. All intersections shall be planned for through traffic for the street with the greatest projected Average Daily Traffic. Intersecting streets shall enter with an angle of intersection as near 90 degrees as possible. In no case will an angle of intersection of less than 60 degrees be allowed.
- e. Angle points greater than 2% will not be allowed unless approved by the County Engineer.

2. Design Criteria

- a. Typical sections shall conform to Figure 3 of this chapter.
- b. The structural design of the subgrade shall consist of:
 - (1) A bottom course of base rock being 1 1/2"-0 crushed material compacted to a nominal thickness of 6" to 9" unless otherwise approved by the County Engineer. The specific required thickness will be determined by the County Engineer based on the underlying soil conditions. Over the base material shall be placed 3" of 3/4"-0 crushed leveling course; or
 - (2) Unless otherwise approved by the County Engineer, the base may be comprised of 9"-12" of 1"-0 crushed aggregate base as per Douglas County specifications published by the County Engineer. The specific required thickness will be determined by the County Engineer based on the underlying soil conditions.

- c. Finish surfacing shall consist of one of the following and the technical specifications for application of finished surfacing shall be as per Douglas County specifications published by the County Engineer.
- (1) 2" of asphaltic concrete, or
 - (2) An emulsified asphalt wearing surface placed in two courses:

The first course shall be comprised of 1/2" - 1/4" aggregate placed uncompacted on the aggregate base by a spreader box or equivalent to a uniform depth of one inch. CRS-2 the rate of 1.1 gallon per square yard and covered with 1/2" - 1/4" aggregate at the rate of 21 pounds per square yard.

The second course shall consist of 0.45 gallons per square yard of CRS-2 asphalt emulsion applied directly to the first course covered by 1/2" - 1/4" aggregate applied at the rate of 23 lbs. per square yard; or
 - (3) A double shot oil mat with prime consisting of:

A prime coat of MC-250 applied directly to the base at a rate of .4 to .5 gallons per square yard, and choked with 1/2" - 1/4" macadam aggregate at a rate of 20 lbs. per square yard. This should be cured for 30 days. (This provision may be waived for existing roads upon approval of the County Engineer.)

The first shot shall be comprised of CRS-2 asphalt emulsion applied at a rate of .3 to .35 gallons per square yard directly on the prime and covered by 1/2" to 1/4" asphalt macadam aggregate at the rate of 30 lbs. per square yard.

The second shot shall be comprised of CRS-2 asphalt emulsion applied at a rate of .3 to .35 gallons per square yard and covered by 1/4" - No. 10 asphalt macadam aggregate at a rate of 30 lbs. per square yard.
- d. Culverts may be either concrete, corrugated steel or aluminum. PVC culverts may also be used if approved by the County Engineer. In areas where cove clay ("Black Mud") is encountered, corrugated steel culverts shall be asphalt dipped. All cross drainage pipes shall be eighteen inches in diameter or larger. Driveway pipes shall be twelve inches in diameter or larger. Drainage pipes shall be placed in natural drainage areas where possible. When natural drainages are quite flat (under 1%) there shall be provided a drainage easement along the natural drainage course to insure continuity of drainage.

- e. Rock surfacing side slopes shall be 3:1 or flatter. Ditch for slopes shall be 2:1. Cut slopes in earth material shall be no steeper than 1:1. Cut slopes in solid rock may be 1/4:1 or flatter. Fill slopes shall be 1 1/2:1 or flatter.

3. General Considerations

- a. The width of all road easements or right of way on minor streets shall be a minimum of sixty feet except as provided for in §4.415 or as noted in the tables and figures in this Chapter 4.
- b. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended. Any easement required to provide a temporary cul-de-sac shall be terminated upon extension of the road.
- c. The Approving Authority, upon recommendation of the Director of Public Works, may impose additional requirements as are reasonably necessary to provide safe and adequate access.

4. Certification and Special Considerations

- a. The applicant shall retain a consultant engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance to the County's current improvement standards.
- b. In the event an existing road is to be used for access to a land division, it shall be inspected by a consultant engineer retained by the applicant and, if found adequate for the intent and purposes of the private road requirements, shall be approved.

5. Signing

Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads.

- a. The applicant shall deposit (in cash) with the Director of Public Works, an amount determined by the Director adequate to cover the costs of construction and installation of required permanent signing. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

- b. Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

SECTION 4.430 Alternate Standards for Subdivisions and Partitions Accessing Designated Collector Streets in Tri City

Based upon policy provisions for Tri City in the Comprehensive Plan, alternate road standards may be applied to identified streets in Tri City. Furthermore, a street improvement reimbursement shall be required as a condition of approval for any subdivision or partition accessing identified streets in Tri City.

1. Alternate Street Standards: The following standards are in addition to or, where applicable, an exception from the improvement standards contained in §4.100, 4.410, 4.420 and 4.425. If a conflict exists, then the following provisions shall control. These alternate street standards may apply to new subdivisions or partitions that either access a County maintained collector street in Tri City, or that accesses one or more of the following Tri City streets: Klimback Street, Gael Lane, Woodcrest Drive, Meadow Lane, Aker Drive, and Celestial Way.
 - a. New local streets with direct access onto one of the streets identified in this Section (whether or not the street is constructed to its ultimate standard), or with direct access onto any County maintained collector street in Tri City, may be constructed using alternate street standards specified in the following chart. If built conforming to the alternate standards, the new local street shall be privately maintained in perpetuity by a homeowners association or similar entity.
 - b. If the property divider prefers the benefits of having the new local street be accepted into the County Maintenance System, then the street shall be built in conformance with the design standards specified in the Land Use & Development Ordinance for urban local streets.
 - c. Road improvement designs under this Section shall be approved by the County Engineer.
 - d. Local streets that exceed 1500 ADT do not qualify for the alternate street standards in this Section and shall be developed using the design standards for urban local streets in Section 4.410 of this Ordinance.

Alternate Street Standards for Certain Local Roads in Tri City

<u>TYPE OF STREET</u>	<u>RIGHT OF WAY</u>	<u>ROADBED</u>	<u>TRAVELED WAY</u>	<u>SHLDER</u>	<u>SIDEWALK IN R-O-W</u>	<u>PARKWAY STRIP</u>
<u>LOCAL STREET UP TO 800 ADT</u>	50'	28'	12'	2'	N/A	N/A
<u>LOCAL STREET 800-1500 ADT</u>	50'	28'	12'	2'	one side	N/A

2. Street Improvement Reimbursement Plan: Douglas County is initiating a Street Improvement Test Project, whereby the County will construct six streets in Tri City. The public cost for street improvements would be paid back through the development review process as property developers create new lots or parcels accessing one of the six identified streets. The purpose of the *Street Improvement Test Project* is to enhance mobility and improve the urban setting in Tri City, and to facilitate and stimulate new urban development.

- a. Under provisions of the Comprehensive Plan, the County will construct the following six streets in order of priority, with each street construction project to begin at Old Pacific Highway and end at the planned minor collector street which runs parallel to, and east of, Old Pacific Highway.

Highest priority for development: Klimback Street
Gael Lane

Medium development priority: Woodcrest Drive
Meadow Lane
Aker Drive
Celestial Way

- b. A street improvement reimbursement shall be required as a condition of approval for subdivisions or partitions accessing the listed streets. The reimbursement paid by the property developer shall be in proportion to the number of lots or parcels being created.

(1) The developer of a subdivision, partition, or planned development that will gain access to one of the streets listed in this Section, shall reimburse the County for the cost of improving twelve (12) feet of roadway for each lot or parcel created. The reimbursement shall be paid at 80% of the public cost.

(2) The public cost for each constructed street shall be calculated by the County Engineer, and shall include all costs including design work, right-of-way acquisition, and construction.

— Supplemental Provisions —

SECTION 4.450 Variances

1. Where unusual practical difficulty would result from strict compliance with this chapter, variances from the requirements of the Chapter may be granted so that substantial justice may be done, provided that the public interest is protected. The approval of a variance is an Administrative Action subject to the provisions of Chapter 2 of this ordinance.
2. A variance to the requirements of this chapter may be approved where all of the following criteria are found to exist:
 - a. Unique circumstances, such as lot size, shape or topography, apply to the property which do not apply generally to other properties in the same zone or vicinity.
 - b. The variance is necessary for the preservation of a property right of the applicant.
 - c. The variance would conform with the purposes of this ordinance and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict with the Comprehensive Plan.
 - d. The variance requested is the minimum variance necessary to make reasonable use of the property.
 - e. The variance is not the result of a self-created hardship.
3. When reviewing access or road standard requirements, criteria a, c, d and e of Subsection 2 of this section only shall apply.
4. The Approving Authority may grant a variance to the requirements of this ordinance with respect to access, street widths, dead-end streets, easements, area and lot dimensions, and other quantitative requirements, in conjunction with approval of a planned unit development preliminary plan pursuant to Chapter 5 of this ordinance.

SECTION 4.475 Administrative Variances for Rural Road Standards.

1. An Administrative Variance from regulations covering the Rural Road Standard requirements of §4.100.5.b.(3)(b) & (c) may be authorized as a use permitted with standards up to a maximum of 30% of the requirement upon written consent from all property owner(s) who own property fronting the

subject road. A pre-application conference and fee shall be required. Property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. Properties that front on the subject road shall be identified by the Planning Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted.

2. If property owner consent cannot be obtained, the request shall be processed pursuant to the Administrative Action process of §2.060.1 up to a maximum of 30% of the requirement, by the Director, upon findings that:
 - a. Approval of the variance will not negatively impact adjacent or abutting properties.
 - b. An affirmative recommendation is received from the County Engineer.
3. An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.

SECTION 4.500 Remedies, Penalty and Enforcement on Violation

1. Where application is made for approval of the creation of lots or parcels which were improperly formed without the approval of the governing body, the application may be considered and approved for the creation of lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval.
2. Violation of any provision of this ordinance is punishable upon conviction under the provisions of ORS 92.990(1).
3. In addition to the criminal penalties provided for by Subsection 2 of this section, Douglas County may seek equitable relief for violations of this chapter.

SECTION 4.550 Repeal and Transferal Provisions

1. The Douglas County Subdivision Regulations adopted February 9, 1972, are repealed upon the effective date of this ordinance.
2. Actions approved under the provisions or regulations repealed by Subsection 1 of this section shall continue to be governed by the terms and conditions of such approval.
3. Violations of the provisions of regulations repealed by Subsection 1 of this section shall be deemed violations of this chapter.

CHAPTER 5

(PD) PLANNED DEVELOPMENT

SECTION 5.000 Purpose

The purposes of a Planned Development (PD) are to provide a means of creating harmonious planned environments through the application of flexible and diversified land development standards; to encourage the application of new development techniques and technology which will result in superior living or development arrangements; to promote the efficient use of land to facilitate more economic provision of housing, circulation systems, utilities and their maintenance; to promote energy conservation and use of renewable energy resources; to preserve to the greatest extent possible significant landscape features and to utilize such features in a harmonious fashion; and to provide for more usable and suitably located open space and recreation facilities than would otherwise be provided under conventional land development procedures.

SECTION 5.050 Definitions

The following definitions apply only to this chapter.

HOMEOWNERS' ASSOCIATION: A nonprofit corporation, membership in which is mandatory for owners of PD residences and owners of other related PD properties (i.e. commercial uses), and which is responsible for maintaining common open space and private streets.

LANDSCAPE FEATURES: Natural features of the PD site, including waterways, wetlands, rock outcroppings, forest areas and significant wildlife habitat areas.

OPEN SPACE: Land not covered by buildings or structures, except minor recreational structures. Open space does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure time activities, freely accessible to residents, may be counted as open space at a value of 50% of actual roof area devoted to these uses.

Common Open Space: Open space designed primarily for the leisure and recreational use of all PD residents, and owned and maintained in common through a homeowners' association.

Private Open Space: Open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owner of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.

SECTION 5.100 Process for Approval of a Planned Development

1. A Planned Development may be allowed in the following urban zones: RS, R-1, R-2, R-3.

2. Minimum Site Size: The PD site must be of such a size that at least four (4) dwelling units would be permitted by the underlying zone.
3. In the case of a conflict between a provision of the underlying zone and that of this chapter, the provision of this chapter shall apply.
4. The applicant shall make application as provided in §2.060.1 and submit to the Planning Director a Preliminary Site Plan designed to implement the requirements of this chapter.
5. The Planning Director may approve, subject to the provisions of §2.060.1, the PD Preliminary Site Plan. The Director may approve, subject to the provisions of §2.060.2 and the requirements of this chapter, the PD Final Site Plan.
6. All development subject to this chapter requires approval of a PD Preliminary Site Plan and Final Site Plan.

SECTION 5.150 Permitted Uses Within a Planned Development

The following uses are permitted subject to the general standards of this chapter.

1. Residential Uses

- a. Single-family dwellings or duplexes, and accessory buildings used as garages, storerooms, woodsheds, hobby shops, laundries, playhouses, or similar and related uses; provided, that there shall not be more than two buildings allowed as accessory to any single-family dwelling or duplex and unattached structures shall be located on the rear half of the lot.
- b. Multi-family dwellings, including townhouses, row houses, apartments and condominiums.

2. Commercial Uses

Retail commercial uses shall be permitted if the Approving Authority determines that they are designed to serve primarily the residents of the PD and their guests. The Approving Authority may require that the applicant submit a market analysis demonstrating that the amount of land proposed for commercial use is needed for, and can be supported by, the residents of the PD and their guests.

3. Other Uses

If designed to serve primarily the residents of a PD and their guests, the following uses are permitted. If designed to serve residents of adjacent areas

as well, the following uses may be permitted by the Approving Authority if it finds that such use is consistent with the purposes of §5.000 of this chapter and with the underlying zone.

- a. Public and semipublic buildings, including schools, churches, libraries, community centers, fire stations, pump stations and substations.
- b. Park, playground or golf course.
- c. Privately operated kindergartens or day nurseries.
- d. Home occupations.

SECTION 5.200 PD Preliminary Site Plan Approval

Approval of a PD preliminary site plan is an Administrative Action subject to the provisions of §2.060.1 of this Ordinance.

1. An application for PD preliminary site plan approval shall be initiated as provided in Chapter 2 of this Ordinance. If the site is to be divided, then the application shall also address either §4.150 or §4.250 of this Ordinance. In the case of a conflict between a provision of Chapter 4 and that of Chapter 5, the provision in Chapter 5 of this Ordinance shall apply.
2. As part of the application process, the applicant shall demonstrate that two or more of the following apply:
 - a. The subject property contains significant landscape features or open space whose preservation requires planned development rather than conventional lot-by-lot development;
 - b. Planned development of the subject property will promote increased energy conservation or use of renewable energy resources;
 - c. The subject property contains natural hazards, the avoidance of which requires planned development of the property; or
 - d. Planned development of the subject property will produce more efficient use of the land and provision of services than conventional lot-by-lot development.
3. The PD preliminary site plan shall consist of the following:
 - a. Written Documents
 - (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

- (2) A development schedule indicating the approximate date when construction of the PD or phases of the PD can be expected to begin and be completed.
- (3) A declaration of covenants and restrictions, pursuant to Section 5.250.4, that will govern the Homeowners' Association if the property is to be divided and held under multiple ownerships.
- (4) Quantitative data for the following: total number and type of dwelling units to be constructed; residential acreage; parcel sizes; proposed lot coverage of buildings and structures; description of open space; amounts of private and common open space; total area and types of nonresidential construction; types of recreational facilities and structures to be developed; and, economic feasibility studies or a market analysis if needed to support the PD proposal.

b. Site Plan and Supporting Maps

A detailed site plan, prepared by a licensed engineer, architect or landscape architect, and any maps necessary to show the major components of the proposed PD, shall contain the following minimum information:

- (1) The existing site conditions (shown at 5-foot contour intervals) including water courses, floodplain and other areas subject to natural hazards, significant landscape features, and forest cover.
- (2) Proposed lot lines and layout design.
- (3) The location of all existing and proposed buildings, structures, and other improvements (specifying types of dwelling units, nonresidential structures, and commercial facilities).
- (4) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces or recreational areas, school sites, and similar public and semipublic uses.
- (5) The location of recreational structures and facilities.
- (6) The proposed internal traffic circulation system including off-street parking areas, service areas, loading areas, and points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.

- (7) The proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.
 - (8) The existing and proposed systems for providing sewage disposal, water, electricity, gas, fire protection and telephone services.
 - (9) A general schematic landscape plan indicating the technique and materials to be used for private and common open spaces.
 - (10) A preliminary subdivision or partition plan addressing §4.150 or §4.250 (as appropriate) if the land is to be divided.
 - (11) The proposed treatment of the perimeter of the PD, including materials and techniques to be used, such as vegetative screens, fences, and walls.
4. The Approving Authority shall decide on the PD preliminary site plan application as provided in Chapter 2 of this ordinance; and shall approve the preliminary site plan if it finds:
- a. The preliminary site plan meets the development standards of §5.250 of this chapter.
 - b. If the preliminary site plan provides for phased development, pursuant to §5.300 of this chapter, that each phase meets the standard of §5.300.3 and that the applicant has the capability to obtain final development plan approval in the time limits imposed.
 - c. The Approving Authority may impose conditions or modifications on the preliminary site plan approval necessary to meet the requirements of §5.250 or to further the purposes of §5.000.

SECTION 5.250 Development Standards for the PD Preliminary Site Plan

A PD preliminary site plan must meet the development standards in this Section.

1. Residential Density

a. Basic Allowable Density

Unless an increase in density is allowed by the Approving Authority as provided in subsection b. of this section, the number of dwelling units shall not exceed the number that would be allowed on the total acreage of the PD (excluding streets) if dwelling units of the same type were built at the minimum lot sizes specified by the underlying zone.

b. Density Increases

The Approving Authority may permit an increase of up to 25 percent in the allowable density if the proposed PD is to be served by community water supply and sanitary sewer systems, and the Approving Authority finds that such increase in density contributes to the purposes of §5.000, by providing one or more of the following:

- (1) Additional common open space, over that required by §5.250.4 --- (up to 5% increase).
- (2) Recreational facilities and structures beyond that required by §5.250.3 --- (up to 5% increase).
- (3) Preservation of significant landscape features of the site, or avoidance of areas with natural hazard site limitations, beyond what is required by §5.250.5 --- (up to 5% increase).
- (4) Energy conservation or use of renewable energy resources --- (up to 5% increase).
- (5) Location of housing convenient to transportation facilities, commercial services, employment opportunities, and public facilities and services --- (up to 5% increase).

2. Building Spacing

- a. The preliminary site plan shall provide for reasonable light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers and landscaping shall be used, as appropriate for the protection and aesthetic enhancement of the property and the privacy of its occupants, the screening of objectionable views, and the reduction of noise.
- b. If the Approving Authority determines that the preliminary site plan meets the standards of subsection a. of this section, it may waive the lot area, lot width, lot coverage, setback and height requirements of the underlying zone.
- c. If the Approving Authority finds it necessary to meet the perimeter design standards of §5.250.7, it may require a special setback from all or a portion of the perimeter of the PD.

3. Recreational Facilities

- a. The preliminary site plan shall provide for recreational facilities and structures in an amount appropriate to serve PD residents and their

guests. In areas subject to the PD Overlay, at least one recreational facility or structure shall be provided for each 10 dwelling units, or portion thereof, until a total of five (5) such facilities or structures are provided, at which point the density bonus shall apply. Such facilities and structures may include pedestrian and bicycle trails; picnic facilities; covered pavilion; outdoor sports facilities such as tennis courts; swimming pool; improved access to ponds, lakes or rivers; indoor recreation facility for games, exercise and group gatherings; and other similar facilities and structures.

4. Open Space

- a. At least 50 percent of the acreage of the PD (excluding streets) must be open space retained for common use by owners and residents of the development. At least 25 percent of the total open space provided shall be private and at least 50 percent of the total open space provided shall be common. Not more than $\frac{1}{2}$ of the common open space may be areas covered with water. Recreational facilities not part of a residential structure shall be considered open space.
- b. Unless the Approving Authority requires otherwise to meet the Environmental Design Standards of §5.250.5, common open space shall be distributed equitably throughout the PD in relation to the dwelling units of the residents they are intended to serve.
- c. Open spaces shall be suitably improved to enhance their use by PD residents and their guests. Open spaces containing significant landscape features may be left unimproved or may be improved to assure protection of the features, subject to requirements imposed by the Approving Authority pursuant to §5.250.5.
- d. The development schedule required by §5.200.3.a.(2) shall provide for coordination of the improvement of open spaces with the construction of other proposed site improvements.
- e. The Approving Authority shall require that the applicant assure the permanence of the common open space required in this section by conveying the open space to a Homeowners' Association or other legal entity, subject to covenants running with the land which restrict the common open space to the uses specified in the final site plan, and which provide for the maintenance and enhancement of the common open space in a manner which assures its continuing use. The conveyance instrument must include provisions that guarantee:
 - (1) the continuation of such land in open space use;
 - (2) the continuity of property maintenance including the necessary financial arrangements for such maintenance; and

- (3) that the legal entity formed for the joint ownership and maintenance of the open space will not be dissolved nor will it dispose of any common open space, by sale or otherwise, except to another legal entity which has been conceived and organized for the purpose of maintaining the open space in common.
- f. The declaration of covenants and restrictions required by §5.200.3.a.(3) shall include the following:
- (1) The Homeowners' Association must be set up before the homes are sold. Prior to such sale, the property owner assumes the responsibility of that share attributable to each unsold home defined in the Homeowners' Association.
 - (2) Membership must be mandatory for each home buyer and any successive buyer.
 - (3) The open space restrictions must be permanent, not just for a period of years.
 - (4) The method of assessing property owners for liability insurance and local taxes, and the responsibility for maintenance of recreational facilities and structures.
 - (5) Residence owners must pay their pro rated share of the cost. The assessment levied by the Association can become a lien on their property.
 - (6) The association must be able to adjust the assessment to meet changed needs.
- g. The Approving Authority shall require that the applicant include, in the conveyance of the common open space, a condition that in the event a common open space is permitted to deteriorate or is not used and maintained consistent with the final site plan, the County may, at its option, cause such maintenance to be done and assess the costs to members of the association.

5. Environmental Design

- a. The preliminary development plan shall provide, to the greatest extent possible, for the preservation of significant landscape features, historic sites and landmarks and for the integration of the proposed development with the environmental characteristics of the site and adjacent areas. The Approving Authority may require that significant landscape features and historical sites be preserved as part of the common open space of the project.

- b. The Approving Authority may require the applicant to submit a grading plan detailing proposed excavation, earth moving procedures, and other changes to the landscape, in order to ensure preservation of the character of the area to be retained in open space.
- c. The Approving Authority may require that all floodplain be preserved as permanent common open space, and may require that other natural hazard areas (such as areas subject to landslides, areas with average slopes greater than 25 percent and areas with unstable soil formations) be included in the common open space of the proposed development and be left unimproved or improved to assure minimization of the hazard.
- d. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm runoff erosion, and shall be of a character to cause the slope to blend with the surrounding terrain and development. The applicant shall provide for maintenance of the planting until growth is established.
- e. The preliminary development plan should promote the conservation of energy and use of solar or other renewable energy resources through such factors as the location and extent of site improvements, the orientation and exposure of buildings and usable open spaces, the types of buildings, and the selection of building materials.

6. Traffic Circulation

- a. The location and number of points of access to the site, the interior circulation pattern of streets and pedestrian ways, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings and uses.
- b. The Approving Authority may allow reduced street widths and standards for internal traffic circulation.

7. Perimeter Design

- a. If topographical or other barriers do not provide reasonable privacy for existing uses adjacent to the development, the Approving Authority may require one or more of the following:
 - (1) A special setback or setbacks of residential and nonresidential structures located on the perimeter.

- (2) Residential and nonresidential structures located on the perimeter of the development be screened by fencing, landscaping or other natural or man-made materials.

SECTION 5.300 Development Phasing

1. The applicant may provide in the preliminary site plan for development of the project in up to three (3) phases.
2. In acting to approve the preliminary site plan, the Approving Authority may require that development be completed in up to three specific phases, if it finds that public facilities would not otherwise be adequate to serve the entire development.
3. If the preliminary site plan provides for phased development, each phase shall provide for the same ratio of open space and/or recreational facilities to dwelling units as the overall project. Development of accessory commercial uses shall be limited to the final phase.
4. The following time limitations shall be observed in phased development proposals:
 - a. Phase 1 --- final site plan must be approved within twenty-four (24) months of the date of preliminary site plan approval.
 - b. Phase 2 --- final site plan must be approved within thirty-six (36) months of the date of preliminary site plan approval.
 - c. Phase 3 --- final site plan must be approved within forty-eight (48) months of the date of preliminary site plan approval.

SECTION 5.350 Duration of PD Preliminary Site Plan Approval

1. Approval of the preliminary site plan shall be valid for twenty-four (24) months from the date of approval, provided that if an approved preliminary site plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the time limitations of §5.300.4 of this chapter.
2. If any time limit for obtaining final site plan approval is exceeded, the approved preliminary site plan, or phase of the preliminary site plan and any subsequent phase, shall be void. Any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new Administrative Action.

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SECTION 5.400 Extensions of PD Preliminary Site Plan Approval

1. An applicant may request an extension of the validity of the preliminary site plan approval or, if the preliminary site plan provides for phased development, an extension of the validity of preliminary site plan approval with respect to the phase the applicant is then developing.
2. Such request shall be submitted to the Director in writing, stating the reasons why an extension should be granted.
3. The Director may grant an extension of up to twelve (12) months in the validity of a preliminary site plan approval or, if the preliminary site plan provides for phased development, an extension of up to twelve (12) months in the validity of a preliminary site plan approval with respect to the phase then being developed, if the Director determines that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final site plan approval within the original time limitation.

SECTION 5.450 PD Final Site Plan Approval

Approval of a PD final site plan by the Director shall be a ministerial act under §2.060.2.

1. Within twenty-four (24) months of the date of approval of the PD preliminary site plan, unless otherwise specified pursuant to §5.300 and 5.400 of this chapter, the applicant shall submit a final site plan, prepared by an Oregon registered engineer, and supporting documents to the Director.
2. The final site plan shall include:
 - a. The site plan and maps submitted pursuant to §5.200.3.b in their final, detailed form, and including proof that an adequate, potable, year-round water supply is available for the development.
 - b. The documents submitted pursuant to §5.200.3.a amended to incorporate any conditions imposed on the preliminary site plan approval.
 - c. Final subdivision plat or partition map, if the land is to be divided. Such maps shall conform to §4.200 or §4.250 as applicable, except to accommodate special design standards under this chapter.
 - d. Except as permitted by the Approving Authority as provided in Chapter 5, documents conveying common open space to a Homeowners' Association, including the restrictive covenants and conditions required by §5.250.4.e to g.

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- e. Articles of Incorporation of the Homeowners' Association formed to maintain common open space and other common improvements.
- 3. The Director shall require the applicant to enter into an agreement with the County to complete all improvements required by the final development plan according to a schedule set forth in the agreement.
- 4. Agreement for Improvements
 - a. Before approval of the final site plan, the applicant shall either install the improvements required by the preliminary site plan approval and repair existing streets and other public facilities damaged in the development of the PD, or shall execute and file with the County an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
 - b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for Ministerial Action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).
 - c. The agreement for improvements may be nullified, as a major amendment pursuant to §4.300.3, upon a demonstration by the applicant that a major change in circumstances, beyond the control of the applicant, has made it impossible to continue the project to completion. The County may rescind the agreement for improvements after approval of the major amendment.
- 5. Performance Bond
 - a. To assure full performance of the improvement agreement, an applicant shall file one of the following:
 - (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the County Counsel; or
 - (2) Cash deposit with the County Treasurer; or
 - (3) Certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of

improvements and incidental expenses, and that said money will be released only upon the direction of the Director of Public Works. The bank certification or letter of assurance shall be approved by the County Counsel; or

(4) Cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Director of Public Works. Escrow instructions shall be approved by the County Counsel.

b. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final site plan, including related engineering, and may include an additional percentage as determined by the Public Works Director to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.

c. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

6. Action by the Director

The Director shall act on the application for final site plan approval within thirty (30) days of submittal, and shall approve the final site plan if he finds:

a. The applicant has submitted all information and documents required pursuant to Subsections 2, 3, 4, and 5 of this section; and

b. The final site plan is in substantial compliance with the approved preliminary site plan and any conditions imposed by the Approving Authority. Substantial compliance means that any differences between the final and preliminary site plans are "minor amendments," as defined in §5.550.1 of this chapter.

7. Recording of Final Development Plans

The approved final site plan shall be recorded in the County Clerk's office.

SECTION 5.500 Expiration of Final Site Plan Approval

1. If the Director determines that no substantial construction or development has occurred within 2 years of the date of approval of the final site plan for a PD, or for a phase thereof, the Director may initiate an Administrative Action to consider invalidating the final site plan approval.
2. If an action is initiated, the Approving Authority shall invalidate such final site plan approval unless it finds that the applicant was not responsible for the failure to complete substantial construction, and that the applicant will be able to complete the development within 2 years.
3. If final site plan approval is invalidated, any subsequent proposal by the applicant for planned development of the subject property shall be deemed a new application for preliminary site plan approval.

SECTION 5.550 Amendments to Approved Preliminary and Final Site Plans

1. Definitions:
 - a. "Minor amendment" means a change which:
 - (1) Does not increase residential densities;
 - (2) Does not enlarge the boundaries of the approved plan;
 - (3) Does not change any use;
 - (4) Does not change the general location or amount of land devoted to a specific land use, including open space;
 - (5) Does not eliminate the preservation of a significant landscape feature; and
 - (6) Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.
 - b. "Major amendment" is any change which does not meet the definition of a "minor amendment".
2. A minor amendment to an approved preliminary or final site plan may be approved ministerially by the Director.
3. A major amendment to an approved preliminary or final site plan shall be considered an Administrative Action subject to the provisions of Chapter 2 of this ordinance.

CHAPTER 6

QUASI-JUDICIAL PLAN AMENDMENT

SECTION 6.100 Purpose

This Chapter provides the substantive requirements for quasi-judicial amendments of the Douglas County Comprehensive Plan. Procedural provisions for such plan amendments, unless otherwise provided by this chapter are set forth in Chapter 2 of this ordinance. A quasi-judicial amendment is a change in the Comprehensive Plan Map for a particular parcel or limited number of parcels of land.

SECTION 6.200 Initiation of Amendment

A Quasi-Judicial Plan Amendment may be initiated by an application as provided in §2.040 of this ordinance.

SECTION 6.300 Application Dates

Applications for a Quasi-Judicial Plan Amendment may be submitted at any time, and shall include a completed application on forms provided by the Planning Department and the appropriate fee. Quasi-Judicial Plan Amendment hearings shall normally be scheduled and conducted on regularly scheduled meeting dates of January, April, July and October of each year. Exceptions to the dates may be allowed for hearings at other times of the year to accommodate:

1. Amendments initiated by the Board of Commissioners to provide for public projects; and
2. Amendments initiated by an applicant for development which would promote new industries which create new employment opportunities or economic diversification for the County and for which the Board directs the Planning Director to establish an alternate hearing date in the interest of reducing processing time.

In any case, all applications shall be filed with the Director at least 73 days prior to a hearing date.

SECTION 6.400 Fee

An application for a Quasi-Judicial Plan Amendment shall be accompanied by the required fee established by the Board.

SECTION 6.500 Application Form and Content, and Amendment Standards

1. The Director shall prescribe forms for applications for Quasi-Judicial Plan Amendments. Applications may include generalized site maps and plans supporting the application. The completed application shall be sufficient to describe the nature and effect of the proposed Amendment.
2. The application shall address the following requirements which shall be the standard for Amendment:
 - a. That the Amendment complies with the Statewide Planning Goals and applicable Administrative Rules (which include OAR 660-12, the Transportation Planning Rule) adopted by the Land Conservation and Development Commission pursuant to ORS 197.240 or as revised pursuant to ORS 197.245.
 - (1) The applicant shall certify the proposed land use designations, densities or design standards are consistent with the function, capacity and performance standards for roads identified in the County Transportation System Plan.
 - (a) The applicant shall cite the identified Comprehensive Plan function, capacity and performance standard of the road used for direct access and provide findings that the proposed amendment will be consistent with the County Transportation System Plan.
 - (b) The jurisdiction providing direct access (County or ODOT) may require the applicant to submit a Traffic Impact Study certified by a Traffic Engineer that supports the findings used to address §6.500.2.a(1)(a).
 - b. That the amendment provides a reasonable opportunity to satisfy a local need for a different land use. A demonstration of need for the change may be based upon special studies or other factual information.
 - c. That the particular property in question is suited to the proposed land use, and if an exception is involved, that the property in question is best suited for the use as compared to other available properties.
3. If it appears that it is not possible to apply an appropriate Goal to specific properties or situations, then the application shall set forth the proposed exception to such Goal when:

- a. The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;
- b. The land subject to the exception is irrevocably committed as described by the Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- c. The following standards are met.
 - (1) Reasons justifying why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. (Compatible as used in this paragraph, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses).
4. Applications for Quasi-Judicial Plan Amendments may be combined with an application on the same property for an Administrative Action. If a combined application is made, the time periods in this chapter shall apply even if such periods conflict with time periods set forth in other parts of this ordinance.

SECTION 6.600 Notice

1. At least 45 days prior to the hearing by the Commission or Hearings Officer, notice shall be given as provided in §2.065 of this ordinance. Any special notice shall be given as provided in Chapter 2 of this ordinance.
2. If the application proposes an Exception to a Goal as described in §6.500.2.a, such Exception shall specifically be noted in the notice.

SECTION 6.700 Hearing

The Commission or Hearings Officer shall conduct a public hearing on the proposed Plan Amendment and, if the proposed Amendment is combined with an application for Administrative Action, the Commission or Hearings Officer may conduct any other required hearing simultaneously with the Plan Amendment. The hearing shall be conducted pursuant to the provisions of Chapter 2 of this ordinance.

SECTION 6.800 Decision

1. Ten (10) days from the date of the Commission or Hearings Officer decision, the decision shall become final unless a Notice of Review is filed pursuant to §2.500 of this ordinance. An appeal shall be heard by the Board pursuant to §2.700. However, the Commission or Board may review the lower decision on its own motion by adopting an order or resolution within 10 days from the date of the Commission or Hearings Officer decision.
2. If the Commission elects to review the decision of the Hearings Officer on its own motion, notice shall be given pursuant to §2.500.3 of this ordinance. A hearing shall be held and decision rendered pursuant to §2.600 and the hearing procedure provided in Chapter 2 of this ordinance.
3. If the Board elects to review the decision on its own motion, notice of hearing shall be given pursuant to §2.500.3 and review shall be conducted pursuant to §2.700 and the hearing procedure provided in Chapter 2 of this ordinance.

SECTION 6.900 Board Action

1. Within 30 days of a signed Plan amendment decision, except for any Plan Amendment for which an exception is required under ORS 197.732 or for any lands designated under a statewide planning goal addressing agricultural lands or forestlands, the Board shall adopt an order affirming the Findings, Conclusions and Decision of the Commission or Hearings Officer at a regular public meeting unless the Board elects to review the decision on their own motion or Notice of Review has been filed.
2. Within 30 days of a signed Plan Amendment decision for which an exception is required under ORS 197.732 or which involves lands designated under a statewide planning goal addressing agricultural lands or forestlands, the Board shall hold a hearing, limited to the record established by the lower authority, at a public meeting unless the Board elects to review the decision on their own motion or Notice of Review has been filed. At the hearing, or at a subsequent hearing, the Board shall take final action on the decision of the Commission or the Hearings Officer.

- a. Notice of the hearing shall be provided only to those parties qualified by the Commission or Hearings Officer. Such notice shall be mailed at least 7 days in advance of the Board hearing.
 - b. Parties shall be given an opportunity to speak at the hearing.
 - c. A copy of the Board decision shall be mailed to the qualified parties.
3. If a Notice of Review is filed with the Director, the Board shall review the decision pursuant to §2.500 and 2.700 and the hearing procedure provided in Chapter 2 of the Ordinance.
4. If the Commission elects to review the Hearings Officer decision on its own motion, the decision of the Commission shall be considered to overrule the decision of the Hearings Officer. All other provisions of this section shall apply to Board actions taken in relation to lower decisions.

CHAPTER 7

ADDRESSING PROGRAM

SECTION 7.010 Title

This chapter shall be known as the Douglas County Addressing Program.

SECTION 7.020 Purpose

The purpose of this chapter is to establish an address system for buildings in Douglas County to designate their precise location so that the response time of fire, life saving and safety vehicles will be minimized in emergency situations; mail delivery will be easier and therefore expedited; and greater public convenience will be provided.

SECTION 7.030 Exceptions

This Chapter shall not apply inside an incorporated city.

SECTION 7.040 Definitions

The following definitions shall apply to the provisions of this chapter.

BASELINE: Lines running north and south, and east and west from the centroid, specifically identified as follows:

1. The north-south baseline shall be Old Highway 99 and where that highway no longer exists because of replacement by Interstate 5, then in such portions replaced, the north-south baseline shall be Interstate 5.
2. The east-west baseline shall be Diamond Lake Boulevard / North Umpqua Highway, which is County Road Number 4 and State Highway Number 138, and its westerly prolongation to the South Umpqua River; thence westerly along the river to a point of intersection with the Conn-Ford County Road Number 167, thence westerly along County Road Number 167 to its intersection with County Road Number 13, thence westerly along County Road Number 13 to its intersection with County Road Number 51; thence westerly along County Road Number 51 to its intersection with Doerner County Road Number 90 to the terminus; thence west to the Douglas County boundary line.

BUILDING: A structure designed for human occupancy, such as a residence or place of business, or other structures as determined by the Director, except accessory and agricultural structures.

CENTROID: The point at which the north-south and east-west baselines intersect.

DRIVE: A public way used for vehicular traffic.

DRIVEWAY: A private way that provides vehicular access from a street or lane to less than 4 buildings.

LANE: A private way that provides vehicular access to 4 or more permanent buildings.

ROADWAY: A general reference to public or private ways that provide vehicular access to properties.

STREET: A public way used for vehicular traffic.

STREET, COURT, DEAD END OR CUL-DE-SAC: A street with only one outlet.

STREET, MAJOR: A street of considerable continuity which is primarily a traffic artery for transportation along large areas or which carries a heavy volume of traffic.

WAY: A private way that provides vehicular access to 4 or more permanent buildings.

SECTION 7.050 Duplication of Names

The name of any street or lane shall not duplicate or be so similar as to be confused with the name of any other within the County. An exception may be made for duplications if those like named roadways have a significant community background establishing themselves as a landmark which are not located in the same addressing regions. The following designated areas shall be the addressing regions of Douglas County:

Region ① North County: Reedsport, Ash Valley, Scottsburg, Elkton, Drain, Yoncalla.

Region ② Central County: Oakland/Sutherlin, Roseburg/Winston, Glide, North Umpqua, Camas Valley, Diamond Lake, Prospect.

Region ③ South County: Myrtle Creek, Days Creek, Canyonville, Riddle, Glendale, Azalea.

The creation of a name for any street or lane, shall be approved by and recorded with the Director.

SECTION 7.060 Existing Names

The Director may rename streets or lanes if the existing name duplicates or is similar to any other within the County. Affected property owners may also request a renaming of streets or lanes as provided in procedures established by the Director. Property owner requests shall be accompanied by the required fee.

SECTION 7.070 Designation of Streets

For the purpose of indicating the general direction of streets and indicating other physical factors, the designation following the name of such streets shall be as follows:

1. Streets running generally north and south shall be designated as streets.
2. Streets running generally east and west shall be designated as avenues.
3. Lanes shall be designated as lanes.
4. Driveways will not be named or designated.
5. All winding public roadways shall be designated as drives and all winding private roadways shall be designated as ways.
6. All dead end or cul-de-sac streets of less than 400 feet in length shall be designated as courts.
7. All dead end or cul-de-sac streets greater than 400 feet in length shall be designated as streets or avenues.
8. All major roadways shall be designated either as boulevards, roads, highways, throughways or expressways.
9. All roadways, short in length, that leave and loop back to the same roadway shall be designated as a loop.

SECTION 7.080 Numbering System

1. All buildings shall be numbered in accordance with the following system of numbering which is hereby designated as the Douglas County Addressing System.
2. All numbering shall start from the baselines described in §7.040 with the lowest number of any one street or lane being those immediately adjacent to said baselines and with higher numbers being assigned in progression with even numbers on the left and odd numbers on the right as the distance from the respective baselines increases.

3. The numbering system shall be based on lineal footage of twenty numbers for every 100 feet of distance along a street or lane. From an intersection with the baseline, numbers shall start at 100. For streets or lanes not intersecting a baseline, numbering shall begin at the end closest to the baseline, unless the Planning Director determines extension of the street or lane towards a baseline may occur in the future or he determines such numbering would be confusing, in which case he may assign numbers most appropriate to the situation.
4. A series of detailed addressing maps and vicinity maps of addressed areas will be prepared according to the Douglas County Addressing System by the Planning Department and updated when changes occur.
5. An exception to paragraph 3. is applied to U.S. Highway 101. The numbering system in use along this highway is based on the State Plane Northerly Coordinates. Address numbers will be between 73020 at the south County boundary and 82150 at the north boundary. As numbers progress, address numbers will be even on the left and odd on the right.

SECTION 7.090 Private Streets or Roadways

Lanes without approved names shall be assigned a name by the Director upon consultation with residents on such lane.

SECTION 7.100 Mobile Home Parks

Mobile home parks shall have a numbering system and street identification system approved by the Director. All numbering within such parks shall be conspicuously posted and in plain view from the roadway as near to the mobile home space as practicable.

SECTION 7.110 Establishing the System

1. The Director is hereby authorized to and given the duty of naming and renaming streets and lanes and establishing the numbering or renumbering of each building within the County in accordance with this ordinance. He likewise shall give notice to the occupants of all buildings receiving new numbers or addresses.
2. No street or lane name or address shall be issued when a street, lane, building, or lot, parcel, or area or tract of land upon which the building is located or will be located, fails to comply with the Douglas County Land Use and Development Ordinance or the Douglas County Building Ordinance. This Section shall not apply to streets, lanes or buildings in existence on July 12, 1978, the date addressing regulations were first adopted in Douglas County.

SECTION 7.120 Display of Numbers

1. Except as provided in 2 below, all owners and occupants of all buildings are required within thirty (30) days after numbers have been assigned, to affix numbers assigned to such buildings in a conspicuous place on the portions thereof facing the street or private way on which the same are located. Such numbers shall be in plain view and conspicuous from the street or lane.
2. If the building is so situated that numbers cannot be placed in a conspicuous place in plain view from the street or private way, numbers shall be placed in a conspicuous place on the building and in view from the driveway servicing the building. In addition, numbers so assigned shall be displayed in a conspicuous place in plain view from the street or lane at its intersection with the driveway.
3. All address digits displayed shall have a minimum size of three inches high and shall be of a style easily legible.

SECTION 7.130 Street Signing

The Douglas County Department of Public Works shall prepare, place and maintain street signs for public streets and at intersections of private ways and public streets.

SECTION 7.140 Review of Decision of the Director

1. Any action taken by the Director in the interpretation or administration of this chapter shall be subject to review by the Planning Commission.
2. The Commission may amend, reverse, affirm, or take under advisement, the action of the Director.
3. The Commission may review the action of the Director upon its own motion or upon written request of any person adversely affected. For the purpose of this section a written request shall be filed with the Planning Department at least 30 days prior to the date of the Planning Commission meeting at which the review is sought.
4. Review of a decision of the Director is an administrative function of the Commission and shall be accomplished pursuant to provisions of §2.060.4 of this ordinance.

SECTION 7.150 Enforcement

The governing body of Douglas County, or its designee, shall be empowered to enforce the provisions of this chapter pursuant to ORS 203.065.

CHAPTER 8

CITIZEN INVOLVEMENT PROGRAM

SECTION 8.010 Purpose

The provisions of this chapter are intended to provide a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. This Chapter is intended to define clearly the procedures by which the public will be involved in the ongoing land use process and to provide for a continuity of citizen participation and transmittal of information by:

1. Establishing a process to involve a cross section of affected citizens, insure effective communication between citizens and elected officials, and assure that citizens will receive a response from policy makers.
2. Assuring compliance with all state requirements for open meetings and open records, as well as defining the process for standing for advisory committees in Douglas County land use actions.
3. Providing two bodies for assisting in citizen involvement in Douglas County:
 - a. The Committee for Citizen Involvement (CCI) shall be an advisory body to the Board to assure that the intent and purposes of this chapter are met.
 - b. Planning Advisory Committees (PACs) shall insure that plan amendments are developed in accordance with an overall County plan and also advise the Board on individual land use matters.

SECTION 8.020 Committee for Citizen Involvement (CCI)

1. Creation and Composition

There is hereby created a Committee for Citizen Involvement to act as a liaison between the Board and the various Planning Advisory Committees and citizens of Douglas County. The Committee shall be composed of a member from each PAC area and one representative of the Douglas County Planning Commission. The Planning Commission shall designate one of their members to serve as the Planning Commission Representative on the Committee for Citizen Involvement. The Planning Commission Representative shall serve on the Committee for a term of one year. With the exception of the Planning Commission representative, members shall also be appointed to serve on a Planning Advisory Committee. Members shall represent a cross section of affected citizens, as well as all geographic

areas and interests related to land use and land use decisions, and chosen by the Board after a publicized and open selection process.

Members of the Committee for Citizen Involvement will receive no compensation, but shall be entitled to mileage at the rate given to members of the County Planning Commission.

2. Tenure and Removal

- a. Members shall serve for terms of three years; provided, however, that the initial membership of the Committee shall be on staggered terms so that each year no less than two, nor more than three, members may be appointed.
- b. A member of the Committee may be reappointed by the Board to serve additional terms.
- c. Members of the Committee may be removed by the Board for cause, which include, but is not limited to, neglect or inattention to duty, failure to attend meetings and failure to implement the policy and purpose of this program.
- d. A member of the Committee may resign at any time by submitting such resignation to the Board.

3. Responsibilities

- a. The Committee for Citizen Involvement shall be responsible to the Board for implementing and revising the Douglas County Citizen Involvement Program, to promote and enhance citizen involvement in land use planning, further assisting in implementation of that Citizen Involvement Program and evaluation of the process used for citizen involvement.
- b. The Committee for Citizen Involvement shall be the designated agency for receipt and evaluation of communications from citizens regarding the citizen involvement process in Douglas County and shall report periodically to the Board on the state of such program.
- c. The CCI shall be authorized to designate alternate members of their respective PACs to attend CCI meetings in their absence.

SECTION 8.030 Creation of Planning Advisory Committees (PACs)

1. The Board shall have the authority to establish and dissolve Planning Advisory Committees, subject to the provisions of this chapter.

2. The Board shall have the authority to establish, modify and abolish the boundaries in which Planning Advisory Committees shall exercise their functions.
3. The Board may undertake the activities listed in Subsections 1 and 2 of this section by Board order only after consultation with the Committee for Citizen Involvement. Until such time, however, the Planning Advisory Committees as composed on the effective date of this ordinance, and the boundaries of each Planning Advisory Committee are hereby ratified and affirmed.

SECTION 8.040 Membership Requirements

1. Each Planning Advisory Committee shall have five, seven or nine positions as designated by the Board upon an order creating or modifying such committee. A PAC may exceed the designated positions temporarily, as a result of PAC boundary change pursuant to §8.030.
2. Members of each Planning Advisory Committee shall be residents of the area served by such committee.
3. Membership of each Planning Advisory Committee shall be representative of a broad cross section of the citizens living in the area served by the Planning Advisory Committee.

SECTION 8.050 Applications and Appointments

1. All persons residing in each Planning Advisory Committee Area are eligible to apply for membership on the committee of that district.
2. Applications for appointments to Planning Advisory Committees shall be submitted to the Board, Committee for Citizen Involvement or the Director on forms provided by the Director.
3. Applications received for committee membership shall be treated as follows:
 - a. If no vacancy exists on a Planning Advisory Committee, such application shall be held by the Director for at least one year for consideration by the Committee for Citizen Involvement and the Board when vacancies occur. The applicant shall be notified of the fact that no vacancy exists and that the application will be held for one year.
 - b. Where a vacancy on a Planning Advisory Committee does exist, the application shall be referred to the Committee for Citizen Involvement for review. The Committee shall advise the Board as to their recommendations on disposition of outstanding applications according to the following criteria:

- (1) Whether there be sufficient number of applications to provide a reasonable choice among applicants, consistent with the overall goal of providing for an effective cross section of citizen involvement in the Advisory Committee area. If the Committee does not feel that there is a sufficient number of applications, it may recommend to the Board that action be deferred until the Committee has undertaken to seek out an additional number of applicants. The Board may, on its own motion, also undertake such recruitment.
 - (2) If the Committee be satisfied that appointment of one or more applicants would provide for a balance of representation on a Planning Advisory Committee, based upon interests, occupation and geographic location, it shall recommend to the Board that one or more of the applicants be appointed.
- c. Applications for Planning Advisory Committee membership shall be forwarded to the Board, together with recommendations from the Committee, not less than 30 days after the Committee is notified of an existing vacancy, unless the Committee or the Board undertakes additional active recruiting pursuant to Subsection 3.b.(1) of this section.
 - d. From the list of applicants submitted to the Committee for its recommendations, the Board shall consider the recommendations of the Committee and fill the vacancy or vacancies from a list supplied by the Committee. If the Board finds all names submitted by the Committee unacceptable, it shall return the list to the Committee with their reason for rejection and request additional lists of selections. The Committee shall, within a reasonable time of return of the list, submit to the Board a new list for action by the Board.

SECTION 8.060 Term of Appointment

1. The term of membership on a Planning Advisory Committee shall be three years from the date of appointment, except as otherwise provided for in this chapter.
2. A member may be reappointed by the Board for additional terms.
3. When a vacancy occurs prior to the end of the three year term, the Board shall appoint a member to serve the portions of a Planning Advisory Committee member's term, utilizing the process set forth in §8.050 of this chapter.

SECTION 8.070 Removal and Resignation

1. The Board may remove a member of a Planning Advisory Committee only after receiving a recommendation from the Committee for Citizen Involvement, if the Board finds that the policies of this chapter or the Comprehensive Plan are not met, or for the particular reasons set forth in Subsection 2 of this section. The Board will also request that the Committee for Citizen Involvement undertake an investigation with respect to the grounds for removal or to respond to any complaints brought against any member of any Planning Advisory Committee, or any Committee as a whole. The investigation shall include a Fact Finding Meeting to which all involved parties will receive a written invitation at least ten (10) days prior to the meeting. Statements will be taken, findings prepared and a recommendation for action made to the Board.
2. The Board may remove a member of a Planning Advisory Committee for failure to participate actively or failure to perform adequately the duties and responsibilities of such membership. A PAC member's failure to attend three or more consecutive meetings, without explanation, shall be considered justification for removal. In all cases, the Board shall request the recommendation of the Committee for Citizen Involvement prior to taking action.
3. A member of a Planning Advisory Committee may resign at any time by submitting such resignation to the County.

SECTION 8.080 Liability

1. Planning Advisory Committee members shall be considered agents of the County within the coverage of ORS 30.260 to 30.330 in any actions taken by a Planning Advisory Committee in performance of the duties, responsibilities and functions set forth in §8.090 of this chapter.
2. Douglas County shall not indemnify PAC members for legal fees, judgments or other costs associated with legal suits or actions filed against any planning advisory committee or members thereof for any action taken outside of the scope of the duties, responsibilities, and functions of the planning advisory committee.
3. Upon recommendation from the Committee for Citizen Involvement, the Board may waive the provisions of Subsection 2 of this section if the Board finds it is necessary to undertake such action to protect citizen involvement in Douglas County and the action is consistent with ORS 30.287(1).
4. No provision of this section shall be construed to diminish or deny any rights of PAC members under ORS 30.260 to 30.330, when such PAC members are acting as agents of the County.

SECTION 8.090 Duties, Responsibilities and Functions of Planning Advisory Committee Members

1. Each Planning Advisory Committee shall elect a chairperson, vice chairperson and secretary at the first regular meeting of the calendar year.
 - a. The chairperson shall call meetings of the Planning Advisory Committee as necessary and appropriate to discuss and respond to planning program issues.
 - b. The vice chairperson shall act as chairperson pro-tem in the absence of the chairperson.
 - c. The secretary shall take minutes of such Committee meetings.
2. Each Committee shall comply with all provisions of the Oregon Public Meeting Law (ORS 192.610 to 192.990).
 - a. All meetings of the advisory committees shall be open to the public and all persons shall be permitted to attend any such meeting. A committee shall have no authority to conduct executive sessions under ORS 192.660.
 - b. Each Planning Advisory Committee shall provide notice of the time, place and subject matter of its meetings either to the Director or to the Citizen Involvement Coordinator during business hours at the Planning Department. The Citizen Involvement Coordinator shall be responsible for providing notice to the media in time for them to publish the notice at least 24 hours prior to the meeting.
 - c. The PAC secretary shall take minutes which shall include:
 1. the names of all PAC members present;
 2. all motions and their disposition;
 3. the results of all votes and the vote of each member, by name;
 4. the substance of any document discussed;
 5. reference to any document discussed.

PAC minutes should also contain the date, time, and location of the meeting, the names of any guests present, and land use application references such as the applicant's name and the Planning Department file number.

The PAC minutes shall be submitted to the Director no more than ten days after the meeting.

3. The Planning Advisory Committees shall participate in the development of the countywide Comprehensive Plan, and amendments and revisions thereto, and shall advise the Board with regard to any concerns or comments the advisory committee may have with respect to such Plan, amendments or revisions.
 - a. The Director shall submit proposals for Comprehensive Plans, or amendments or revisions thereto, at least 15 days in advance of the expected date of Planning Advisory Committee comments; provided, however, that this paragraph shall not apply to amendments or revisions to Comprehensive Plans changed at public hearings before the Commission or the Board, if the subject matter of such plans, amendments or revisions were submitted previously to the Planning Advisory Committees.
 - b. Each Planning Advisory Committee shall have the authority to conduct meetings to review and evaluate such Plans, or amendments or revisions thereto, and may comment in writing by submitting their responses to the Director, Commission or Board, or comment orally at hearings held on such Plans, revisions or amendments.
 - c. Each Planning Advisory Committee shall allow interested persons to participate in the review and evaluation of such Plans, revisions or amendments thereto, by means of oral or written testimony.
 - d. Planning Advisory Committee members are encouraged to participate in the central workshops and regional meetings held on Comprehensive Plans or revisions thereto.
 - e. Upon completion of Comprehensive Plan Elements, or revisions thereto, each Planning Advisory Committee shall participate in the review of land use maps for its area or region of the County.
 - f. Planning Advisory Committee members shall be entitled to participate in regional workshop meetings dealing with selection of preferred map alternatives to be submitted to the Commission and Board in conjunction with the adoption or revision of a Comprehensive Plan.
4. Each Planning Advisory Committee may participate in advising the Hearings Officer, Commission, or Board with respect to quasi-judicial land use applications which lie within, or immediately affect land within, territory of the Planning Advisory Committee.

- a. As provided in Chapter 2 of this ordinance, each Planning Advisory Committee is entitled to become a party at hearings involving quasi-judicial land use applications.
 - b. The Director shall provide notice of hearings to the appropriate Planning Advisory Committee, within the time limitations provided in Chapter 2 of this ordinance. The PAC may respond to the notice as it deems appropriate.
 - c. No response to such notices shall be transmitted to the Director, Hearings Officer, Commission or Board except after a properly conducted meeting and affirmative vote of a quorum of such committee.
 - d. All such responses shall be in written form and shall contain the following information:
 - (1) Name of the Planning Advisory Committee;
 - (2) A statement as to whether such committee desires standing as a party;
 - (3) A statement as to the reason for supporting or opposing the proposal; and
 - (4) A statement indicating whether the Planning Advisory Committee wishes to be heard further, i.e., other than such written notice.
 - e. Any Planning Advisory Committee granted standing in a quasi-judicial matter, upon an adverse ruling, may appeal to the Board.
5. Planning Advisory Committees may also advise the County on areas of community interests or concerns which the advisory committee feels are of importance to their area, the County, or planning activities.

SECTION 8.100 Implementation Measures

Planning Advisory Committees shall be entitled to participate in the formulation, amendment, revision or repeal of all measures implementing Comprehensive Plans for Douglas County in the same manner as that provided for in the adoption, amendment or revision of Comprehensive Plans for the County.

SECTION 8.110 Planning Director Responsibilities for Citizen Participation and Coordination

1. The Director shall be responsible for assuring that the citizen involvement provisions of this chapter are implemented. To that end, the Director shall consult periodically with the Committee for Citizen Involvement and may make such recommendations as are necessary to implement the purposes of this chapter and LCDC Goal 1. The Director may delegate his duties to a Citizen Involvement Coordinator; however, he shall reserve the authority to overrule such coordinator to assure compliance with the provisions of this chapter.
2. The Director shall assure coordination between federal, state and regional agencies and special purpose districts to coordinate their planning efforts with Douglas County and shall make use of local citizen involvement programs established by other entities, where such programs affect Douglas County.
3. The Director shall provide such information to the Planning Advisory Committees as is necessary for those Committees, and the general public, to identify and comprehend planning and plan implementation issues. All information supplied by any department or agency of Douglas County in planning or plan implementation matters shall be in simplified, understandable form and shall be coordinated through the Director.
4. The Director shall act as liaison between the citizens of Douglas County and the Board and shall respond to citizen comments on planning or plan implementation issues directly, or by referring the same to the appropriate agency for response. All departments and agencies of Douglas County shall cooperate with the Director in assuring effective two-way communication between citizens and their government.
5. The Director shall make available to all Planning Advisory Committees a copy of all proposed elements of any Douglas County Comprehensive Plan, or amendments or revisions thereto, all implementing ordinances, or amendments or revisions thereto, and any studies, reports or background information, if any, necessary to understand such proposal, at least ten days prior to action by the Board. Such proposals and background information shall be provided to the Douglas County Public Library in Roseburg and at such other library facilities the Director may deem necessary to provide for an informed citizenry.
6. The Director shall provide, in each annual budget request to the Board, for sufficient financial support to insure adequate funding of a citizen involvement program to meet the purposes of this chapter.

7. The responsibilities of the Director, under this section, shall continue, even after acknowledgement of the Douglas County Comprehensive Plan and Implementing Ordinances by the Land Conservation and Development Commission.

CHAPTER 9

CULTURAL AND HISTORIC RESOURCES CONSERVATION

SECTION 9.000 Title

This Chapter of the Ordinance shall be known as the Douglas County Cultural and Historical Resources Conservation Program.

SECTION 9.010 Purpose

This Chapter is designed to implement the cultural and historical conservation policies of the Douglas County Comprehensive Plan. These policies in general:

1. Require identification and conservation of cultural and historical resources;
2. Promote Douglas County's history and heritage; and
3. Lend in enhancing the value of historically significant properties.

SECTION 9.020 Historic Resource Review Committee

Douglas County's Historic Resource Review Committee, hereinafter referred to as the Committee, is hereby created to advise the Board of Commissioners and participating cities about the County's historic resources.

1. Composition, Members, Terms

The Committee shall consist of seven (7) voting members and two (2) nonvoting ex officio members. Each participating city may be represented by one additional voting member appointed by the City Council. The County's seven (7) voting members shall be appointed by the Board and shall serve without compensation, but shall be entitled to mileage at the rate given the members of the Planning Commission. Appointments shall be as follows:

- a. The County's appointed members shall serve for four (4) years except the first term, of which two (2) members shall serve for two (2) years; two (2) members shall serve for three (3) years; and three (3) members shall serve for four (4) years. Vacancies on the committee, excepting the regular expiration of a term, shall be filled by a temporary appointment by the Board for the remainder of the term. All initial members may be reappointed.

- b. The County's voting members shall include: One professional historian or history instructor; a representative of an organized and active Indian tribe; two (2) representatives of historically oriented organizations; and three citizens at large possessing a broad knowledge of architecture, archaeology, law, finance or local history and who have an interest in conserving the County's cultural and historical resources. In order to balance the Committee's representation, applicants' age, sex, and geographic distribution of residence shall be considered in the selection process.
- c. Nonvoting, ex officio members shall include the directors of the Douglas County Museum and Planning Department or their respective designees. Other ex officio members representing federal or state agencies may be included in the Committee upon the voting member's request and appointment by the Board.
- d. Each Committee member appointed by a participating city shall possess one or more of the attributes listed in Subsection 1.b of this section.

2. Resignation and Removal

- a. A member of the Historical Resource Review Committee may resign at any time by submitting such resignation to the Board.
- b. Members of the Committee may be removed by the Board for cause, which includes, but is not limited to, neglect or inattention to duty, failure to attend meetings and failure to implement the policy and purpose of this ordinance.
- c. Procedures for resignation and removal of city appointed members shall be the responsibility of each participating city.

SECTION 9.030 Officers, Meetings, Rules and Procedures

- 1. The County's appointed voting members, by majority vote, shall elect a chairman and vice chairman for a two year term. The chairman shall preside over Committee meetings and retain the right of vote. The vice chairman shall officiate during the chairman's absence.
- 2. Regular meetings shall be held monthly or at the call of the chairman until all nominations from the Cultural and Historical Resource Survey are heard and decided. Thereafter, the Committee shall meet semiannually during the months of May and November or at the chairman's call. Meetings at the chairman's call shall be held on the first or third Tuesday of the month.

3. Four (4) voting members of the Committee shall constitute a quorum for conducting any business.
4. The Committee shall abide by Oregon's Public Meeting Law, ORS 192.610 - 192.990.
5. Committee hearings shall be conducted pursuant to §2.300 of this ordinance.
6. Committee members representing participating cities may attend and participate in all Committee workshops and hearings, but shall only have voting status for the following matters:
 - a. Any action of the Committee affecting historic resources within the city representative's respective jurisdiction (UGB);
 - b. A change to this chapter; or
 - c. A change of criteria for determining historic significance pursuant to §9.040.1.
7. In those matters for which a city representative is granted a vote, the chairman shall not vote except in the event of a tie vote.

SECTION 9.040 Functions, Powers and Duties

1. The Committee shall develop and adopt concise criteria for evaluating structures, sites, objects and districts. This criteria shall be the standard for deciding whether a potential resource possesses qualities of cultural or historic significance and should therefore be listed in the Douglas County Historic Resource Register, and afforded protection through the provisions of §9.070 through 9.090 of this chapter; possesses qualities of special historic interest and would therefore be eligible for signing or monumenting and is listed as such in the Register; or is of general historical interest and listed as such in the register.
2. The Committee shall receive nominations of potential cultural and historic resources from Douglas County agencies, public and nonprofit organizations, private citizens or may on its own motion nominate a potential resource to be examined for its historic significance. The Committee shall also receive requests to determine if a resource no longer possesses historic significance or interest to the general public and, therefore, should be removed from the County's register.
3. Upon identification, the Committee will promote District formation by encouraging informational programs and providing educational materials to assist property owners in establishing and maintaining districts. The

Committee shall identify by listing in the Register those candidate areas where historic district formation would be appropriate. Designated historic Districts will be subject to the provisions of State and Federal programs for which they qualify. Only resources subject to the Historic Resource Overlay will be regulated by the County to the extent that the individual resource is governed by the Ordinance.

4. The Committee shall possess the power and authority to seek advice or testimony relating to its purpose from any appropriate agency or person.
5. When a land use action threatens a registered historic resource the Committee shall advise appropriate agencies and recommend mitigation measures. The Historic Resource Review Committee shall be sent notice for hearings and administrative actions on parcels subject to the Historic Resources Overlay.
6. The Committee shall develop and adopt concise criteria for review of proposed alterations and new construction of and about historically significant sites, areas and objects.
7. All demolition and alteration permit requests received by the Building and Planning Departments for "significant" resources listed in Douglas County's Historic Resource Register shall be reviewed.
8. Upon request and subject to budget appropriations, the Committee possesses the authority to advise cities and other public agencies in the County on matters involving cultural and historic resources.
9. The Committee possesses the authority to recommend, through Oregon's State Historic Preservation Organization, significant historic resources to the National Register of Historic Places.
10. The Committee shall not make expenditures of money for the County, nor shall it possess the authority to obligate the County for payment of money or for the provision of services without authorization of the Board.
11. The Committee may develop and support programs that conserve historic resources and increase awareness of the County's history and heritage.
12. Should financial assistance through the County become available to property owners for purposes of repair, maintenance or renovation of significant historic resources, the Committee shall receive the assistance request and recommend to the Board which resources should be funded.
13. All decisions of the Committee shall be accompanied by findings of fact for each historic resource.

14. The Committee shall submit an annual report to the Board in January of each year. The chairman may delegate the preparation of the report to the vice chairman or other voting member.
15. The Committee shall have the authority to suggest changes to this chapter.
16. In accordance with the Board's request, the Committee may have other functions, authority and duties relating to Douglas County's history and heritage.

SECTION 9.050 Historic Resource Register

Douglas County's Historic Resource Register (Register) is hereby created for the purpose of being the official depository of information about Douglas County's significant historic resources, a reference for educational and recreational pursuits and to recognize resources for tax assistance, pursuant to ORS 308.740 to 308.790. The Register shall also contain information about all of the historic resources in the County's jurisdiction which are listed in the National Register of Historical Places.

SECTION 9.060 Changes to the Historic Resource Register

1. All additions, deletions or other changes to the contents of the Register shall be made only at the direction of, and based upon the findings of, the Committee, or, after a review of a specific Committee decision and pursuant to §2.500, 2.600 and 2.700 of this ordinance, the Commission or Board. Standards for additions or deletions of resources shall be those developed and adopted by the Committee pursuant to §9.040.1.
2. Upon the Director's receipt of an application to designate a particular area, site or object as a significant historic resource or to remove a resource from the Register, or at the motion of the Committee to examine the historic qualities of a resource, the Director shall give notice pursuant to §2.065.7 and 2.110 of this ordinance for the next semiannual Committee meeting.
3. At the hearing the Committee shall determine party status according to §2.200 of this ordinance. If the subject property is within a Historic District, the tenants and other titleholders in the district may also be parties to the hearing pursuant to §2.200. The Committee may decide to give nonparties audience.
4. If the Committee finds that the subject area, site or object is a significant historic resource, then the Committee shall enter the subject property into the Register.
5. Parties may appeal the Committee's decision or conditions of approval to the Board pursuant to §2.500 of this ordinance for resources situated outside

participating cities' UGBs. Appeals pertaining to historical resources situated inside UGBs of participating cities shall be made pursuant to the land use appeals process of each respective city.

SECTION 9.065 Division of Nonresource Lands Containing Historic Dwelling

To assist owners of properties containing dwellings identified in the Douglas County Historic Resource Register to maintain land uses that will encourage retention and rehabilitation of these dwellings. The purpose of this section is to allow the division of nonresource lands containing the historic dwellings in agricultural or resource transitional areas, to segregate the historic dwellings no longer involved in resource management from parcels devoted to such management and to allow the parcel containing the dwelling to be reduced to rural residential size which would encourage rehabilitation while an additional dwelling, accessory and necessary to the resource use, may be located on the resource parcel.

Land divisions proposed under this Article for property zoned FG, FC or FF shall conform to the following criteria, and shall be processed pursuant to §2.060.1:

1. The residential use is compatible with farm use described in ORS 215.203 and will not seriously interfere with the usual and normal farm practices, as defined in ORS 215.203; including hazardous pesticide or herbicide applications, noise, dust, smoke or offensive odors which may occur on adjacent agricultural lands.
2. That the residential use will not materially alter the stability of the land pattern in the area.
3. That the land is not generally suitable for the production of timber, farm crops or livestock, as conducted in that particular area considering the soil, slope, vegetation, size, shape or other physical characteristics.
4. That the site has appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence.
5. The size of a new parcel created pursuant to this article shall be as small as practicable, while ensuring that the criteria listed in this article are met.
6. A nonexclusive resource management easement shall be filed by the property owner with the County Clerk. Such easement will specify that owners of adjacent land will be allowed to conduct normal resource management practices on their properties and the owner (and subsequent owners) of the subject property waive all rights to object to legal resource management activities.

7. Land division under this provision may be proposed for any historic dwelling listed in the Douglas County Historic Resource Register. However, the dwelling subject to the application must be a "historic property" as defined in ORS 358.480. Additional action by the applicant may be required to fulfill this requirement. If division is approved, the property owner must record an agreement binding on the owner and future property owners that the dwelling will henceforth be subject to the review process of §9.070 Alterations or Exterior Remodeling and §9.080 Demolition, of this article.
8. A statement from the County Assessor stating the property has been disqualified for valuation at true cash value for farm use under ORS 308.370 shall be submitted if the parcel is zoned as Exclusive Farm Use.

SECTION 9.070 Alterations or Exterior Remodeling

1. Upon receipt of a building permit application to change the exterior of a significant historic structure, the Director shall review the request, make a tentative decision to approve, approve with conditions, deny the request, or schedule a hearing and notify the applicant, the HRRC and affected PAC members of the tentative decision or hearing date within ten days of receipt.

Exterior remodeling as governed by this chapter includes any change or alteration of a facade, texture, design, material, fixtures or other treatment. Ordinary maintenance including painting, resurfacing the roof and foundation repair would not be subject to review.

All applications shall be accompanied by plans and specifications of the proposed remodeling. The applicant may be requested to provide additional sketches and other information deemed necessary to allow an informed decision.

2. The alteration or remodeling shall be approved if the treatment proposed is found to be harmonious and compatible with the character of the resource with respect to style, scale, texture and construction materials and/or is found to enhance the historical value of the resource. Conditions may be attached to the approval if they are deemed necessary. The request shall be disapproved if the proposal will prove to be unsightly, grotesque or otherwise reduce the resource's value or historic significance.

No recommendations or requirements shall be made except for the purpose of preventing developments obviously out of character with the historic aspects of the historic resource's immediate surroundings.

3. The applicant or any member of the HRRC may request a hearing by the committee to review the request if they disagree with the tentative decision or consider a hearing necessary.

4. The tentative decision shall become final ten days from notification if hearing is not requested.
5. The Committee shall render a decision on requests requiring hearing within 45 days of the Director's receipt of the application unless the applicant waives the 45 day limit in writing at the time of application.
6. This process will not be required for structures on the National Register of Historic Structures and in conformance with Federal standards.
7. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, the construction, reconstruction, or alteration of such feature which the County Building Inspector shall certify is required by the public safety because of an unsafe condition.

SECTION 9.080 Demolition

1. Upon the receipt of a demolition permit application, the Director shall review the application and construct findings addressing the structure's state of repair, the reasonableness of repair, restoration costs, the uniqueness of the resource and the economic, social, environmental and energy consequences of approving or denying the application and recommend that the request be approved or denied.
2. Within ten days of receipt, the Director shall notify the applicant, the HRRC and the affected PAC members of the tentative decision or schedule a hearing. Any member of the HRRC may request a hearing by the Committee to review the request if they disagree with the tentative decision or consider a hearing necessary.
3. The tentative decision shall become final within ten days of notification if hearing is not requested.
4. The Committee shall render a decision on requests requiring hearing within 45 days of the Director's receipt of the request unless the applicant waives the 45 day limit in writing at the time of application.
5. If the demolition of a "significant" resource is approved, the Directors of Planning and Museum shall, in cooperation, pictorially, graphically and in writing record the historic resource. To the extent that funds are available, Douglas County shall obtain artifacts from the resource or site which are worthy of preservation. These artifacts may, as an example, include carvings, cast iron work, or other materials of historical significance.

6. The review process shall in no case be exercised so as to impose upon any property owner any peculiar or undue hardship, nor as to prevent the removal or demolition of any structure which cannot be economically maintained or restored, giving due consideration to all potential uses to which the same might reasonably be put upon restoration by a private property owner.

SECTION 9.085 Historic Sites and Monuments

1. Significant historic sites and sites possessing qualities of special historic interest should be identified by sign or monument.
 - a. Those historic sites now monumented should be maintained by the State or other monumenting agency and the responsible agency should be encouraged to retain signing.
 - b. The HRRC should promote programs for identification plaques for those significant historic sites and sites of special historic interest not now signed or monumented.
2. New structures on or adjacent to significant historic sites or near significant monument locations.
 - a. When a sign or monument designates a historic site, a 50' setback from the sign or monument shall be maintained unless the agency which placed the sign or monument indicates that the proposed structure will not obscure the sign or monument.
 - b. Specifically identified historic sites shall be protected by a 50' setback from structural development unless it can be shown that the structure will not obscure the significant site.
3. General Historic Sites. No special provisions apply when the historic site has no defined area.

SECTION 9.090 Signs and Plaques

1. Signs and monuments identifying historic resources for the public outside Urban Growth Boundaries shall be placed, subject to approval of the Director of Public Works, on County highway right-of-way adjacent to the resource. Property owners of a resource who do not desire to have their property identified by a sign or monument may request that the sign or monument not be placed, or, if in place at the time of purchase, that it be removed. The Committee, at a regular semiannual meeting, shall hear the request to remove the sign or monument and render a decision.

2. The design of signs and monuments on private lands shall be decided by the Board after consultation with the Committee, Museum, Planning, Parks and Public Works Departments. Historical marker signs in the right-of-way shall be placed in accordance with The Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.
3. Purchase, placement and maintenance costs of signs and monuments to locate resources outside UGBs shall be borne by the County.

SECTION 9.100 Director's Responsibilities to the Committee and for the Douglas County Historic Resource Register

1. The Director shall provide planning and clerical staff and such information that he possesses which is necessary to the Committee to perform the functions and duties of this chapter.
2. The Director shall provide, in each annual budget request to the Board, sufficient financial support to insure adequate funding of the Committee to accomplish the purposes of this chapter.
3. The Director shall be responsible for keeping the Historic Resource Register, making changes pursuant to §9.060.1 of this chapter.
4. Upon written request, the Director shall allow a property owner to remove a property from the "significant" historic resource designation (under §3.35.400) as provided in ORS 197.772(3). The Director shall notify the Committee of all such actions.

CHAPTER 10

REAL PROPERTY COMPENSATION

SECTION 10.010 Purpose

This chapter shall be referred to as the “Real Property Compensation Ordinance” and is intended to implement the provisions added to chapter 197 of Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions establish a prompt, open, thorough and consistent process that enables property owners an adequate and fair opportunity to present their claims to the County; preserves and protects limited public funds; and establishes a record of the County’s decision capable of circuit court review.

SECTION 10.020 Definitions

As used in this ordinance, the following words and phrases have the following meaning:

CLAIM: means a claim filed under Ballot Measure 37. A decision by the County made under Ballot Measure 37 shall not be considered a “land use decision” as that term is defined in ORS 197.015(10).

CLAIMANT: means an owner who submits a claim to the County.

COUNTY: means Douglas County.

EXEMPT LAND USE REGULATION: means a land use regulation that:

- a. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
- b. Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
- c. Is required in order to comply with federal law;
- d. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
- e. Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

FAMILY MEMBER: includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

LAND USE REGULATION: includes:

- a. Any statute regulating the use of land or any interest therein;
- b. Administrative rules and goals of the Land Conservation and Development Commission;
- c. Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
- d. Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
- e. Statutes and administrative rules regulating farming and forest practices.

OWNER: means the present owner of the property or any interest therein.

PLANNING DIRECTOR: means the Douglas County Planning Director or his or her designee.

VALID CLAIM: means a claim submitted by the owner of real property that is subject to a land use regulation(s) adopted or enforced by the County that restricts the use of the private real property in a manner that reduces the fair market value of the real property that was enacted after the date of acquisition of the property.

SECTION 10.030 Claim Filing Procedures

1. A person seeking to file a claim under this ordinance must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the Planning Director.
2. A claim shall include:
 - a. The name, address and telephone number of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;
 - b. The address, tax lot, and legal description of the real property that is the subject of the claim and the date the property was acquired;

- c. The current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;
 - d. The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon. However, the Planning Director may waive the requirement of an appraisal if alternative information is provided by the claimant that is trustworthy and documents the reduction in value of the real property; and
 - e. Copies of any leases or covenants, conditions and restrictions applicable to the real property, if any, that impose restrictions on the use of the property.
3. The following criteria apply to claims:
 - a. The land use regulation(s) for which a claim is submitted must have been enacted or enforced by the County after the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first;
 - b. The claimant must document that there has been a reduction in the value of the property;
 - c. The claimant must request compensation from the County; and
 - d. The claimant must show that the regulation(s) for which a claim is submitted was enacted or enforced by the County after the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first, and restricts the use of the property with the resulting effect of reducing the value of the property.
4. If the County elects to compensate the property owner for a valid claim, then the current land use regulation(s) for which compensation has been paid will fully apply to the owner's property.
5. Notwithstanding a claimant's failure to provide all of the information required by subsections 2 and 3 of this section, the County may review and act on a claim.

SECTION 10.040 County Planning Director Investigation and Action

1. Following an investigation of a claim, the Planning Director shall act on the claim. The Director may:
 - a. Deny the claim;
 - b. Investigate further;
 - c. Declare the claim valid and waive or modify the land use regulation(s) at issue; or
 - d. Declare the claim valid and recommend to the Board of Commissioners that the claimant be compensated.
2. If the Planning Director's action is that a claim be denied or the land use regulation(s) be waived or modified and no Commissioner informs the Planning Director within 10 days of notice as provided in 10.060.1.a that the Commissioner disagrees, then the Planning Director's action shall become final.

[SECTION 10.050 reserved for future use]

SECTION 10.060 Board Review

1. Prior to the expiration of 180 days from the date the claim was filed, the Board:
 - a. Shall be provided notice of the Planning Director's decision to deny the claim or waive or modify the land use regulation(s) within five days of the decision; and
 - b. May on its own motion passed within ten days of the notice given pursuant to subsection a., above, review the decision of the Planning Director. If the Board does not do so, then the Board shall be deemed to have ratified the Planning Director's decision.
2. Claims reviewed by the Board shall be reviewed in a public hearing.
3. For claims reviewed by the Board, the Board shall adopt a resolution with findings that support a determination that the claim is valid or invalid and shall direct that the claimant be compensated in an amount set forth in the resolution for the reduction in value of the property; or that the challenged land use regulation(s) be modified or not be applied to the property; or deny an application as invalid.

SECTION 10.070 Fees

1. The Board will, by resolution, adopt a fee schedule which may be amended from time to time by further resolution.
2. Any claimant may conduct his or her own research and provide all necessary information on all relevant land use laws applicable to the property when the ownership was acquired. If a claimant would like to hire the County to research and review the land use regulation archive related to claims submitted to the County, the claimant may do so and, in that event, the claimant will need to pay the County the established research fee.

[SECTION 10.080 reserved for future use]

SECTION 10.090 State Claims

Claims for compensation based solely upon laws administered by the state should be filed with the State of Oregon. Douglas County may forward such claims to the State of Oregon and advise the claimant of the need to file a claim with the State of Oregon.

SECTION 10.100 Interpretation

This ordinance shall be interpreted and applied consistently with the provisions of Measure 37. If there should be any conflict between the provisions of this Ordinance and Measure 37, the provisions of Measure 37 shall control.

AMENDMENTS

This Ordinance, which consolidates Douglas County's Subdivision, Zoning, Plan Amendment, Planned Unit Development, Addressing and Citizen Involvement Ordinances into a single document was adopted by the Douglas County Board of Commissioners on December 31, 1980 (Ordinance No. 80-12-1). This Ordinance supplements, amends and/or replaces the Ordinances originally adopted on February 15, 1972; May 25, 1960; October 19, 1977; July 12, 1978; and December 31, 1980, respectively. The December 31, 1980 adoption of this ordinance is recorded in County Court Journal Volume 83, Page 535. Where the term "this ordinance" is used, it shall be interpreted to mean the Ordinance as adopted and all amendments thereto.

Following is a list of amendments to this ordinance which have been incorporated into the document since its original adoption.

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Mar 25, 1981	Miscellaneous	Final changes pursuant to Planning Commission recommendation, Legal Counsel review and Final Amendments to the Comprehensive Plan.	Vol. 91 Page 179
Jun 24, 1981	8.070	Clarify removal and resignation process, Chapter 8, Citizen Involvement Program.	Vol. 95 Page 800
Jul 8, 1981	4.400	Revision to Chapter 4, Land Divisions, Improvement policies & Standards.	Vol 96 Page 206
Sep 2, 1981	1.090.2	Expanded definition of Commercial Activities in Conjunction with Farm Use.	Vol. 97 Page 33
Oct 21, 1981	Miscellaneous	Revisions pursuant to Planning Commission recommendation, Legal Counsel review and use and application of the Ordinance in its first six months of use.	Vol. 99 Page 479
Jan 20, 1982	Miscellaneous	Revisions to Chapters 1, 2, 3, 4 and 6, revising definitions and procedures; adding provisions to zoning districts; adding Water Impoundment Overlay district; revising access requirements and development standards; and, amending Quasi-Judicial Plan Amendment process.	Vol. 102 Page 974
Jun 30, 1982	Miscellaneous	Revisions to Chapters 2, 3 and 4 adopting Airport Impact Overlay; clarifying uses and processes in resource zones; conditional use approval standards; Beaches and Dunes Overlay provisions; and, allowing rural residential partitions ministerially.	Vol. 110 Page 16
Oct 6, 1982	Miscellaneous	Revisions to Chapters 1, 2, 3, 4 and 9, revising definitions, procedures; adding overlay districts as supplementary provisions for natural resource zones and Potential Park and Recreation Overlay for the North Umpqua River area; extending validity of land division approvals; allows exceptions to Plan Amendment applications; and, clarifies provisions for Historic Resource Review Committee.	Vol. 107 Page 231

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Dec 10, 1982	3.32.500	Repeal of Special Bird Habitat Overlay	Vol. 111 Page 307
Jun 29, 1983	Miscellaneous	Revisions to Chapters 1, 2, 3 and 8, adding definitions; revising zoning designations, overlay districts and supplementary provisions. Changes primarily affect Coastal designations. Amends Citizen Involvement Program to consolidate existing PAC areas.	Vol. 116 Page 78
Dec 14, 1983	Miscellaneous	Revisions to Chapters 1, 2, 3, 4 and 6, adding definitions; amending notice provisions and appeal periods; revising zoning designations; requiring marketable title; and, changing plan amendment criteria. Most amendments were necessitated by changes in state law.	Vol 121 Page 340
May 2, 1984	Miscellaneous	Revisions to Chapters 1, 2, 3 and 4, adding a new definition of condominium; modifying technical requirements for partitions; establishing new access standards in rural residential areas; and, miscellaneous revisions and reorganization to provide additional clarification.	Vol. 124 Page 563
Aug 22, 1984	Chapter 4	Revisions to Chapter 4 establishing special improvement standards for subdivisions or partitions located in Rural Residential Areas, and providing for private road standards serving less than 50 units of land.	Vol. 127 Page 697
Sep 12, 1984	Miscellaneous	Revisions to Chapters 2, 3, 5 and 7, which were necessary to correct inaccurate references resulting from previous amendments.	Vol 128 Page 361
Nov 21, 1984	Miscellaneous	Revisions to Chapters 1, 2, 3 and 9 clarifying definitions; amending procedural requirements for Administrative and Ministerial actions; and, streamlining review process for actions involving significant historic sites.	Vol. 130 Page 502
May 15, 1985	Miscellaneous	Revisions to Chapters 1, 2, 3 and 4, which clarify Conditional Use criteria; modify public road standards for the Glide Urban Area; and, update the C-3 and C-2 zones. A retail provision is incorporated into the definition of Home Occupation, and specific language permitting the Planning Commission to act by a majority of its quorum is included. Other technical provisions which clarify existing language and provide internal consistency to the LU&DO are included.	Vol. 134 Page 492

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Dec 4, 1985	Miscellaneous	Revisions to Chapters 1, 2 and 3 clarifying definitions and amending some procedural requirements. The amendment created a Right-of-Way Overlay classification and modified certain permitted uses in existing zones. Article 42 amended to comply with LCDC's conditional acknowledgement of May 8, 1985.	Vol. 140 Page 43
Apr 30, 1986	Miscellaneous	Revisions to Chapters 2, 3, 4 and 6. The major revisions were to the shoreland provisions of LUDO to make them consistent with amendments to Statewide Planning Goal 17 - Coastal Shorelands. The other amendments clarified procedures and corrected technical provisions.	Vol. 142 Page 552
Nov 12, 1986	Miscellaneous	Revisions to Chapters 2 and 3, creating a Limited Use Exceptions Overlay Zone and a Destination Resort Overlay Zone. Other amendments included modification of the Floodplain Overlay, Minor Land Partition approval procedures and miscellaneous amendments.	Vol. 147 Page 873
Sep 9, 1987	Floodplain/ Resource Zones	Revisions to the floodplain regulations to be consistent with FEMA standards. Revise public-semipublic uses such as churches and schools to be conditional uses in the FG, FC and FF zones.	Vol. 157 Page 8
Nov 25, 1987	Miscellaneous	Revisions to the sign content requirements, adopting provisions of Oregon Laws 1987 and modifying certain procedural provisions.	Vol. 159 Page 276
Nov 23, 1988	Miscellaneous	Revisions to the road inspection duties; floodplain requirements; addressing program; Article 45; and, modifying certain provisions to clarify intent and procedures.	Vol. 169 Page 587
Nov 30, 1988	Miscellaneous	Revisions to LUDO based on the Local Periodic Review Order. The amendments revise definition of farm use, delete certain provisions of the North Umpqua Park and Recreation Area Overlay, and provides notice to airport owners.	Vol. 169 Page 841
Nov 30, 1988	Bird Habitat Overlay	Inclusion of a program for the protection of Special Bird Habitats.	Vol. 169 Page 790
Jan 3, 1990	Miscellaneous	The amendments revise LUDO to comply with 1989 Oregon Laws. The changes are related to notice; decisions; surveying requirements; EFU zone uses; residential care facilities; and other miscellaneous provisions.	Vol. 181 Page 114

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Jun 5, 1991	Miscellaneous	The amendments revise floodplain regulations to be consistent with federal regulations; amend addressing numbering system; amend mobile home park standards; change enforcement procedures; amend definition of "lot" and "parcel"; and, include two new zones to implement the Winchester Bay Plan.	Vol. 195 Page 141
Aug 26, 1992	Miscellaneous	Amendments include changes in the TR, FF and AW zones to carry out new Goal 4 requirements.	Vol. 214 Page 483
Dec 9, 1992	Miscellaneous	Changes include provisions affecting the size of accessory buildings; pre-existing dwellings in low density urban residential lands; boundary line adjustments; and, frequency of Plan amendment hearings.	Vol. 219 Page 360
Jul 21, 1993	Miscellaneous	Revisions addressing the recently amended Goals 3 and 4; amendments revising certain conditional uses to be permitted uses in residential and commercial zones; changes to private road standards for issuance of building permits; revisions to the North Umpqua Park or Public Recreation Area Overlay Zone; and, other miscellaneous clarifications and interpretations.	Vol. 228 Page 90
Feb 16, 1994	Miscellaneous	Amendments addressing HB 3661 and other statutory changes including: partitioning and survey requirements; various changes to the FG, FC (including a new 35 acre minimum parcel size), FF, TR and AW zones; allows for "Owner of Record" dwellings; Article 42 deleted; Article 45 revised; building height variances; reduction of osprey habitat protection.	Vol. 235 Page 982
Feb 23, 1994	FG Zone	Adoption of an 80 acre minimum parcel size in the FG Zone.	Vol. 235 Page 1216
Mar 30, 1994	Miscellaneous	Clarification of final land division approval process. Other amendments, per DLCD concerns with the 2/16/94 and 2/23/94 amendments, affecting the TR, FF, FG and FC zones, Article 43, and Article 44.	Vol. 236 Page 1093
Apr 13, 1994	Chapter 1	Definition of Winery Accessory Uses.	Vol. 237 Page 441

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Oct 19, 1994	Miscellaneous	Amendments to Chapters 1, 2, 3 and 4 including: amended definitions; inclusion of "Uses Permitted with Standards" in the TR, FG, FC, FF, AW, RS, R1, R2 and R3 zones; new FC minimum parcel sizes in FC-1 (20 ac) and FC-2 (40 ac) areas; allow for "Template" Dwellings in the AW zone; comply with state mandated farm dwelling approval standards; allow for Clustered Land Development; and other miscellaneous clarifications and improvements.	Vol. 243 Page 791
Dec 21, 1994	Resource Zones	Amendments to the TR, FG, FC, FF, and AW zones addressing items remanded by LUBA in DLCD vs. Douglas County, LUBA No. 94-045. Items amended include Owner of Record dwelling criteria, approval criteria for AW non-commercial farm or forest dwelling, and deletion of five acre homestead provision in the TR zone.	Vol. 245 Page 635
May 31, 1995	Miscellaneous	Amendments to Chapters 2, 3, 4, 5 and 8 including: provisions to allow minimum parcel size changes within the FC zone; revisions to the Destination Resort approval process; clarification for Boundary Line Adjustments in resource areas; amended provisions for shared open space in Clustered Land Developments; revisions to the Planned Development process; and revisions to the Citizen Involvement Program.	Vol. 251 Page 181
Nov 29, 1995	Miscellaneous	Amendments to Chapters 1, 2, 3, 4, and 7 to incorporate changes authorized by the 1995 State Legislature, and to amend the process for approval of Destination Resorts. The amendments include: several new or revised definitions; process for approving Owner-of-Record dwellings on high value farmland; exemptions from the minimum parcel size in forest zones; new or amended uses allowed in resource zones; Destination Resort provisions revised per 1993 Legislature and moved to Article 50; clarification of right-of-way acquisition process; minor revisions to land division standards; and, revisions to the Addressing Program.	Vol. 256 Page 731
May 29, 1996	Miscellaneous	Amendments to Chapters 1, 3, 4, and 9 including: revised definition of "Mobile Home"; adoption of a Tsunami Inundation Overlay (TIO); minor revision to platting requirements; a clarification of the legal status of certain units of land having metes and bounds descriptions; and, the implementation of a 1995 State statute allowing property owners to initiate removal of their property from the significant historic resource designation.	Vol. 262 Page 1320

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Dec 4, 1996	Miscellaneous	Correction of various citations; amendments affecting application of the Resource Management Covenant in the TR, FF and AW zones; inclusion of the 1993 State Legislature's "Smith fix" language into Article 43; clarification of when and how a septic system evaluation is necessary in the land division process; deletion of the Planned Development Overlay and simplification of the PD approval process; revision of the Board approval process for Plan Amendments involving resource land or an exception to the statewide planning goals; and clarification of use lists and terminology related to special households.	Vol. 269 Page 232
Mar 12, 1997	Chap. 1 and 4	Items held for further consideration from the amendments proposed for adoption on 12/4/97. These held over items included: Chapter One, definitions related to manufactured homes; and, Chapter Four, refinement to road construction standards as related to pavement thickness requirements.	Vol. 272 Page 963
Aug 13, 1997	Miscellaneous	Transportation --- Various amendments were made to Chapters 2, 3 and 6 for the purpose of implementing the Statewide Transportation Planning Rule (OAR 660-12). The amendments addressed: access; when a traffic impact study is required; notice requirements; and, bicycle and pedestrian facilities. NOTE: THESE AMENDMENTS WERE APPEALED BY ODOT AND WILL NOT GO INTO EFFECT UNTIL LITIGATION IS RESOLVED.	Vol. 277 Page 757
Nov 12, 1997	Miscellaneous	Various changes made throughout the ordinance for the purpose of: 1) implementing new laws enacted by the 1997 State Legislature; 2) updating the floodplain standards; 3) correcting citations; and 4) deregulating the land use process where possible. Deregulation items include: expansion of "uses permitted with standards" section in various articles (including a new "adjacent owner consent" process); reducing the review process for various uses; decreasing the review criteria for variances; broadening the BLA process; new definitions; and, other minor clarifications and corrections.	Vol. 280 Page 255

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Oct 28, 1998	Miscellaneous	Revisions to resource zones resulting from new regulations adopted by LCDC. The new regulations have a significant regulatory affect on 1) non-farm dwellings (“materially alter” test), 2) owner-of-record dwellings, and 3) private campgrounds. Other changes resulting from the LCDC regulations affect miscellaneous minor provisions throughout the various resource zones. Other locally generated changes affect: the Chapter Two review process; specialty animals in rural residential zones; a clarification of duplex developments; setbacks in urban residential zones; and, other minor clarifications and corrections.	Vol. 291 Page 695
Dec 22, 1999	Miscellaneous	Amendments resulting from laws passed by the 1999 Oregon State Legislature, including new provisions for: outdoor gatherings; expansion of notice area and increased appeal period for administrative decisions; and, review of utility facilities. The amendments also included some of the Transportation (TSP) provisions that were appealed by ODOT. Other amendments include: a clarification of Chapter 2 notice provisions (2.065); an increase of the local decision time frame from 45 to 60 days; deregulation of some conditional uses; deregulation of local standards for a non-resource division; clarification of “need” criteria for a plan amendment; and, a reduction in the required setback from a rural residential easement.	Vol. 305 Page 580
Nov 22, 2000	Miscellaneous	More amendments resulting from laws passed by the 1999 Oregon State Legislature, including the 12 day notice period for Owner Consent process, and application of SB12 provisions for replacement of a non-conforming use in land slide areas. Also, the Implementation of new LCDC rules dealing with “youth camps” and “utility facilities”. Other locally generated revisions deal with redevelopment plans, definition revisions, clarification of farm dwelling provisions, clarification of CUP criteria, and new Addressing Program definitions. Five revisions were designed to deregulate local ordinance provisions in areas dealing with partition violations, building height variances, setbacks in rural zones, non-farm dwelling requirements, and partition plats. The Violation enforcement process is substantially revised as it deals with citations. And, informational criteria for reviewing communication facility proposals are added to Article 39. Ord #2000-11-2.	Vol. 316 Page 735

DATE AMENDED	SECTION AMENDED	SUBJECT	RECORDED
Nov 22, 2000	Rural Zones	Adoption of new "Rural Commercial" (CRE) and "Rural Industrial" (ME) zones, satisfying Goal 14 Periodic Review issues. Ord #2000-11-3	Vol. 316 Page 756
Dec 5, 2001	Miscellaneous	Amendments to the Transportation System Plan regarding sidewalks and review standards for Plan Amendments (effective date, April 1, 2002). Also, various amendments resulting from new laws passed by the 2001 Oregon State Legislature, including: dairy dwellings, the "Dorvinan" non-farm division fix, subdivision of existing manufactured home parks, and preexisting dwelling divisions in forest areas. Other local amendments included provisions for: reapplication, Board appeals, Cluster Subdivisions, revocation proceedings, and minor text corrections.	Vol. 329 Page 093 and Vol. 329 Page 111
Dec 4, 2002	Miscellaneous	Various amendments to improve the use and effectiveness of the LU&DO including: a new definition allowing Guest Houses in non-resource zones; revisions to the Tsunami Overlay; deletion of the series partition prohibition from Article 44 (Non-Farm Divisions); changes to the requirements for a preliminary map in subdivisions and land partitions; and several minor text corrections.	Volume & Page ref. discontinued by the Clerks Office. New ref. No. CJ2002-139
Dec 17, 2003	Miscellaneous	Various amendments to improve the use and effectiveness of the LU&DO, and amendments resulting from new laws passed by the 2003 Oregon State Legislature, including but not limited to: new definition of LUCS; deletion of Columbian White Tailed Deer Overlay; addition of FF Zone Template Dwelling; revisions to AC Overlay; deregulation for new industrial development outside of UGBs.	Ord 03-12-03 Clerks Ref. # CJ2003-1783
Dec 17, 2003	Big Game Habitat	Revisions to the Peripheral Big Game Habitat Overlay in conjunction with concurrent Comp Plan amendments related to the areawide dwelling density standard.	Ord 03-12-04 Clerks Ref. # CJ2003-1782
Dec 17, 2003	Tri City Road Standards	Alternate standards for new streets in Tri City accessing County maintained collector streets. The revisions also include a "Street Improvement Reimbursement Plan" in conjunction with concurrent Comp Plan amendments initiating a Street Improvement Test Project in Tri City.	Ord 03-12-06 Clerks Ref. # CJ2003-1779
Dec 1, 2004	Real Property Compensation	Provisions to implement Ballot Measure 37, concerning real property compensation claims, as approved by Oregon voters on Nov 2, 2004.	Ord 04-12-01 Clerks Ref. # CJ2004-1798
Dec 8, 2004	Miscellaneous	Minor revisions to clarify and improve the review process for various land use actions, including mobile home parks.	Ord 04-12-02 Clerks Ref. # CJ2004-1830

