



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/31/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: Jefferson County Plan Amendment
DLCD File Number 001-14

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, April 18, 2014

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

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

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

Cc: Bill Adams, Jefferson County
Jon Jinings, DLCD Community Services Specialist

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

FOR DLCD USE
File No.: 001-14 (20174)
[17822]
Received: 3/28/2014



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

Jurisdiction: JEFFERSON COUNTY

Local file no.: **14-PA-01**

Date of adoption: 3/26/14

Date sent: 3/28/2014

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 1/9/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

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

Local contact (name and title): BILL ADAMS, PLANNING DIRECTOR

Phone: 541-475-4462

E-mail: BSBA2@BENDBROADBAND.COM

Street address: 85 SE D STREET

City: MADRAS

Zip: 97741-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

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

SECTION 319 -THREE RIVERS RECREATION AREA ZONE

For a change to a zoning map:

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

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: THREE RIVERS RURAL FIRE DISTRICT

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

AMENDED LANGUAGE TO ALLOW A NEW FIRE STATION AS A PERMITTED USE TO BE SITED ON LAND OWNED BY THE LAKE CHINOOK FIRE & RESCUE DISTRICT. TH IS IS A CHANGE FROM PREVIOUS LANGUAGE THAT ONLY ALLOWED FIRE STATIONS TO BE SITED ON LAND OWNED BY THE THREE RIVERS RECREATION AREA HOMEOWNERS ASSOCIATION AND DEEMED COMMON GROUND.

**BEFORE THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON FOR
THE COUNTY OF JEFFERSON**

IN THE MATTER OF AN AMENDMENT)
TO THE JEFFERSON COUNTY)
ZONING ORDINANCE SECTION 319) **Ordinance No. 0-048-14**
THREE RIVERS RECREATION AREA)
ZONE)

WHEREAS, Jefferson County has submitted a legislative amendment to the Jefferson County Zoning Ordinance; and

WHEREAS, the proposed legislative amendment allows for the Lake Chinook Fire & Rescue District to site a new Fire Station as a permitted use in the Three Rivers Recreation Area Zone on land it owns; and

WHEREAS, at a public hearing on February 13, 2014, the Jefferson County Planning Commission, having conducted a public hearing, reviewed the staff reports and application, accepted testimony and deliberated on the evidence presented therein, recommended approval of the subject legislative Amendment to the County Board of Commissioners; and

WHEREAS, the Jefferson County Board of Commissioners conducted a public hearing on March 12, 2014 and accepted testimony on the application. At the conclusion of the hearing, the Board closed the record and deliberated on the application. After considering the testimony and the entire record before them, the Board voted to APPROVE the application;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby **ORDAINS** as follows:

1. Adoption of Zoning Ordinance Amendment

The legislative amendment of Section 319 of the Jefferson County Zoning Ordinance is hereby adopted as found in attached Exhibit A of the Staff Report.

2. Adoption of Findings

The legislative amendment of the Zoning Ordinance is sufficiently compliant with applicable statewide planning goals, administrative rules, Comprehensive Plan and Zoning Ordinance, as set forth in the findings of fact and conclusions set forth in the Staff Reports attached hereto as Exhibits B.

3. Severability

The provisions of this ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or any exhibit thereto is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

4. Effective Date

These amendments being necessary for immediate implementation, an emergency is declared to exist, and the specified amendments shall therefore take place and be effective on March 26, 2014.

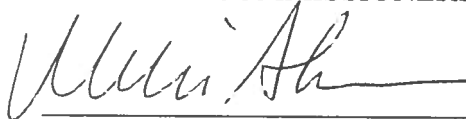
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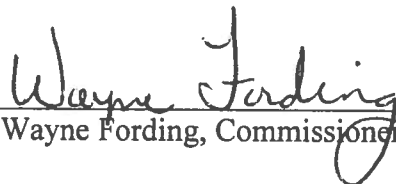
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Dated this 26th day of March, 2014.

BOARD OF COMMISSIONERS



Mike Ahern, Commission Chair



Wayne Fording, Commissioner



John Hatfield, Commissioner

Attest:



Barbara Andresen, Recording Secretary

Appeal Information

Planning Casefile #14-PA-01

This decision may be appealed to the Land Use Board of Appeals within 21 days of the Jefferson County Board of Commissioners Decision. Oregon Revised Statute (ORS) 197.830 sets forth the review procedures. Copies of the Board of Commissioners decision and the state statute are available from the Community Development Department located at 85 SE "D" Street, Madras, Oregon 97741.

Board of Commissioners adoption date: March 26, 2014

The complete file is available for review at the Jefferson County Community Development Department. For further information, contact the Community Development Department. Phone (541) 475-4462.

EXHIBIT A**Section 319 - Three Rivers Recreation Area Zone (TRRA)**

In a TRRA Zone, the following regulations shall apply:

A. Uses Permitted:

The following uses and their accessory uses are permitted on any parcel in the TRRA zone:

1. One single-family dwelling or a manufactured home subject to Section 408.
2. Seasonal RV and/or tent camping, subject to installation of a septic system or vault toilet and gray water sump constructed to Department of Environmental Quality standards. However, one month after receiving a Certificate of Occupancy for a permanent residence, the property owner must decommission the connection from the Recreational Vehicle to the septic tank and remove all permanent electrical and other utility hookups from the seasonal RV.

[O-074-10]

3. Storage facilities for the personal use of the owner(s) of the subject property.
4. Day care home.
5. Limited Home Occupation, pursuant to Section 410.1.
6. Non-residential accessory buildings such as pole barns, garages, shops, riding arenas, animal barns, hay storage, etc. that will be accessory and subordinate to an existing residence on the same parcel. No semi-trailers, shipping containers or converted manufactured dwellings shall be permitted or used for onsite storage purposes.
7. Raising of livestock, subject to compliance with the standards in Section 407 and the fencing standards in Section 321.4.
8. Personal exempt wind energy system.

[O-037-10, O-074-10]

B. Uses Permitted in Common Area.

The following uses and their accessory uses are permitted in common areas owned by the Three Rivers Recreation Area Homeowners Association:

1. RV dumping/waste disposal facility.

2. Park, playground, golf course and similar community recreational facilities, including accessory uses such as a concession stand.
 3. Community fire station
 4. Gate house.
 5. Laundromat.
- C. Uses permitted on land owned by a Special District Related to Fire Protection
1. Fire Station
- D. Administrative Uses.
The following uses and their accessory uses may be approved by the Planning Director under the Administrative Review procedures in Section 903.4 if found to comply with the listed criteria:
1. Home Occupation, subject to compliance with the standards and criteria in Section 410.
 2. Temporary medical hardship dwelling, subject to compliance with the standards and criteria in Section 422.3.
 2. Utility and communication facilities, subject to Site Plan Review in accordance with Section 414. Approval of a wireless communication tower is also subject to the requirements of Section 427.
 3. Small Wind Energy System subject to the requirements of section 431.

[O-037-10]

- E. Conditional Uses.
The following uses and their accessory uses may be approved by the Planning Commission following a public hearing in accordance with the procedures in Section 903.5 if found to comply with the criteria in Section 602:
1. Public buildings, structures and uses.
 2. Church, grange, cemetery, community center, school and similar uses.
 3. Airport.
 3. Multiple RV storage facility on Community owned property.

[O-074-10]

- F. Minimum Lot Size: The minimum lot size for new lots shall be five (5) acres.
- G. Setback Requirements (minimum): Front - 30 feet, Side - 15 feet, Rear - 15 feet. Rim setback distance shall be in accordance with the standards in Section 412.
- H. Riparian Protection Standards: All structures and uses shall comply with the riparian protection standards of Section 419, if applicable.
- I. Fire Protection Standards: All new construction shall comply with the fire safety standards in Section 426.
- J. Outdoor Lighting: Outdoor lighting shall comply with the standards in Section 405.
- K. Exterior Building Materials: Exterior walls, trim and roof on any building within ½ mile of Lake Billy Chinook shall be finished in a non-reflective, flat tone in earth colors to blend with the surrounding landscape.

JEFFERSON COUNTY
Community Development Department

85 S.E. "D" St. • Madras, Oregon 97741 • Ph: (541) 475-4462 • FAX: (541) 475-4270

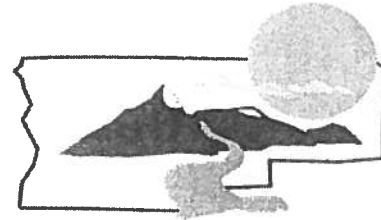


EXHIBIT B
REVISED STAFF REPORT TO PLANNING COMMISSION

DATE: February 12, 2014 **HEARING DATE:** February 13, 2014

APPLICATION NO.: 14-PA-01

APPLICANT: Jefferson County

NOTICE TO DLCD: January 9, 2014

OTHER NOTICES: January 13, 2014 (to Fire District, TRRA Board,
Property Owners near District Land)

NEWSPAPER NOTICE: January 22, 2014

PROPOSAL: Jefferson County is proposing to legislatively amend the County Zoning Ordinance Section 319 Three Rivers Recreation Area Zone (TRRA) with respect to review of Fire Stations.

BACKGROUND and PURPOSE

The Lake Chinook Fire and Rescue District (LCFRD) has requested that the Zoning Ordinance be amended to allow a Fire Station in the Three Rivers Recreation Area. Currently, the Ordinance only allows such a Station if it is located in the Common Areas owned by the Three Rivers Recreation Area Homeowners Association. This creates a hardship for land owned by the District but not located on such Common Areas. The LCFRD requested and the County Board agreed to initiate an amendment of the Ordinance to allow a Fire Station to be sited on land the District owns or leases. Since the initial proposal was submitted in early January, there have been two revisions. This report reflects the latest revision, dated February 4, 2014.

PROPOSAL in AMENDMENT FORM:

The proposed amendment language is attached as Exhibit A (as revised February 4, 2014)

AGENCY COMMENTS:

At the time of preparation of this Staff Report, there is no comments from Public Agencies.

PUBLIC COMMENTS:

The Planning Department received a letter from the Three Rivers Land Owners Association (TRLOA) on February 11, 2014 (refer to Exhibit B). The letter raises issues the Planning Commission should address. The TRLOA is expected to be at the hearing to elaborate on their letter, and at that time the Commission and staff can address their concerns.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:**Section 801 - Authorization to Initiate Amendments**

- A. *An amendment to the text of this Ordinance may be initiated by the Board of Commissioners, the County Planning Commission, or by the Planning Director.*

FINDING:

On December 18, 2013, the County Board of Commissioners voted to initiate the change on behalf of the Fire District. The Planning Director was asked to start the process of adopting the proposed amendment. This complies with the criterion above.

Section 803.1 Text Amendments

- A. *An amendment complies with applicable Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules.*

FINDING:

Since the Three Rivers Recreation Area is an "Exception" area and designated rural, there is no specific Goals, Statutes, or Administrative Rules that apply. The proposal complies.

- B. *The amendment will be consistent with all applicable Comprehensive Plan goals and policies.*

FINDING:

The proposal complies with the following Comprehensive Plan Goal 1 Citizen Involvement policies: policy 2.1 in that the County notified property owners in the area in compliance with the policy; and, policy 2.2 in that the County published a notice in the Madras Pioneer newspaper; and, policy 2.3 in that the County notified the Community Planning Advisory Committee (through the Three Rivers Recreation Area Board and Homeowners Association).

The proposal complies with Goal 11 Public Facilities and Services in that the Comprehensive Plan recognizes the Lake Chinook Fire and Rescue District as the agency authorized to provide fire protection to the Three Rivers Recreation Area. The District is a "Rural" Fire Protection district which is consistent with Policy 3.1 which states that ". . . areas outside urban growth boundaries should be provided at levels appropriate for rural rather than urban uses."

CONCLUSION

Based on the proposal and the findings stated above, the proposal meets all the relevant criteria for an amendment to the County Zoning Ordinance.

RECOMMENDATION

Planning Staff recommends that the Planning Commission recommend approval of the proposed amendment file 14-PA-01 to the County Board of Commissioners. The Board of Commissioners will then hear the proposed request and make a decision. The tentative Board of Commissioner hearing date is March 12, 2014.

Respectfully submitted,

Bill Adams
Planning Director
Jefferson County

Exhibit A – Legislative Amendment to the Jefferson County Zoning Ordinance - Section 319.

Exhibit B – Letter from Three Rivers Landowners Association, dated February 11, 2014.