

Routine Program Change

Seeking to Incorporate Certain Provisions of the Douglas County Comprehensive Plan, including the Coastal Resources Plan, and Land Use and Development Ordinance into the Oregon Coastal Management Program

August 14, 2015

I. Introduction

The Oregon Department of Land Conservation and Development (DLCD) seeks approval by the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management's (OCM) to incorporate the current version of the **Douglas County Comprehensive Plan (DCCP) including the Coastal Resources Plan (CRP), and Land Use and Development Ordinance (LUDO)**, into the Oregon Coastal Management Program (OCMP). DLCD requests OCM's concurrence that the incorporation is a Routine Program Change (RPC) to the OCMP. The DLCD has identified and described the enforceable policies that DLCD will apply to federal consistency reviews and explains why their incorporation constitutes a routine program changes to the OCMP.

The Land Conservation and Development Commission (LCDC) acknowledged the DCCP and development ordinance as being in compliance with the Statewide Planning Goals in several steps: the non-coastal plan was approved on December 21, 1982; most coastal provisions were approved March 16, 1984; Umpqua River Cove was approved March 7, 1985; and Goal 3 Coastal provisions were approved May 23, 1985. OCM approved the plan and ordinances as components of the OCMP on June 18, 1986. The County revised and updated the entire Coastal Resources Plan in 2013.

These changes were approved by the State of Oregon (through the Land Conservation and Development Commission) as meeting the statewide planning goals. DLCD is now submitting to OCM the current version of the plan and code reflecting all changes subsequent to NOAA's 1993 approval, for incorporation into the OCMP.

Section II of this analysis describes the legal and policy framework of Oregon's Coastal Management Program, summarizes the key elements of Oregon's land use planning system and the relationship between state requirements and local land use plans and regulations, lists the statewide planning goals, and describes the relationship between the statewide program and the OCMP. Section III lists and briefly describes the enforceable policies of the DCRCP and LUDO that DLCD seeks to incorporate into the OCMP. Section IV analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Finally, Section V contains a table of all Douglas County enforceable policies that Oregon seeks to incorporate into the OCMP.

II. Framework for Oregon's Approved Coastal Management Program

A. Oregon's land use planning program: state-local relationship

As noted in NOAA's review and approval of the OCMP in 1977, the Statewide Planning Program (ORS Chapter 197, Comprehensive Land Use Planning Coordination), is the principal mechanism by which the state ensures that state goals for land use planning, conserving and developing coastal and other resources in Oregon are implemented by local governments with state oversight. Local governments, such as Douglas County, are required to adopt comprehensive land use plans that meet the statewide requirements and to make the day-to-day land use decisions in conformance with those state-approved goal-based plans. Since the mid-1980s, the plans and ordinances of all cities and counties in Oregon have been found to be in compliance with the goals. The state, through the LCDC and DLCD, also review amendments to local plans and ordinances for compliance with state requirements.

B. Statewide Planning Goals

The nineteen statewide planning goals (<http://www.oregon.gov/LCD/goals.shtml>), which are adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015), express the state's policies on land use and (along with additional administrative rules) provide standards for local land use planning and decision-making. Some goals set standards for how certain types of land are to be planned and zoned; for example, Goal 18 sets specific standards for development on various types of dunes. NOAA/OCM has approved these statewide planning goals and related administrative rules as core components of the OCMP.

The central purpose and requirements of the statewide planning goals are:

Goal 1 CITIZEN INVOLVEMENT: requires local governments to provide "the opportunity for citizens to be involved in all phases of the planning process;" requires each city and county to have a citizen involvement program and a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Goal 2 LAND USE PLANNING: outlines procedures for planning; specifies elements of comprehensive planning, requires local jurisdictions to adopt enforceable "implementation ordinances" to carry out the plan's "enforceable" policies; requires local land use decisions to conform to adopted comprehensive plan and ordinances.

Goal 3 AGRICULTURAL LANDS: defines "agricultural lands;" requires counties to inventory soil types and designate such lands as agricultural lands based on soil type and actual use and to "preserve and maintain" those lands through zoning.

Goal 4 FOREST LANDS: defines "forest lands;" requires counties to inventory forest capability, identify forest land, and adopt policies and ordinances to "conserve forest lands for forest uses."

Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES: requires local plans to address more than a dozen natural and cultural resources (e.g. wildlife habitats, wetlands, historic sites); establishes a process for each resource is to be inventoried and evaluated by local governments; creates options for local governments to protect identified significant resources.

Goal 6 AIR, WATER AND LAND RESOURCES QUALITY: requires local comprehensive plans and ordinances to be consistent with state and federal regulations on solid waste, groundwater pollution, municipal sewerage discharge, air emissions, etc.

Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS: seeks to protect development from natural hazards (e.g. floods, landslides, and erosion); requires jurisdictions to use hazard inventories supplied by state agencies and apply "appropriate safeguards" (i.e. floodplain zoning) to those areas.

Goal 8 RECREATION NEEDS: requires jurisdictions to plan for recreational opportunities based on an inventory of recreational resources, evaluation of areas and facilities for recreation, and projected demand for recreation.

Goal 9 ECONOMY OF THE STATE: calls for diversification and improvement of the economy; requires inventory of existing and potential commercial and industrial lands, determine future needs for such lands, and plan and zone lands sufficient to meet those needs.

Goal 10 HOUSING: specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Goal 11 PUBLIC FACILITIES AND SERVICES: calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection; links provision of new services to urbanization policies in Goal 14.

Goal 12 TRANSPORTATION: aims to provide "a safe, convenient and economic transportation system;" requires consideration of multiple transportation modes; links funding for transportation facilities to transportation plans.

Goal 13 ENERGY: seeks to use land use plans to control development to "maximize the conservation of all forms of energy, based upon sound economic principles."

Goal 14 URBANIZATION: requires cities to work with counties to estimate future population growth and related needs for land in unincorporated areas and to jointly designate sufficient land to meet those needs; requires each city jointly with its county, to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

Goal 15 WILLAMETTE GREENWAY: pertains only to those jurisdictions that touch on or include the Willamette River Greenway; not applicable in the Coastal Zone.

Goal 16 ESTUARINE RESOURCES: establishes state-level estuary classification system and designates each of 22 estuaries into one of four categories: Natural, Conservation, Shallow-draft Development, and Deep-draft Development; establishes planning and management requirements for each category; specifies land uses and activities permissible in those areas; emphasizes habitat protection; links closely to Goal 18.

Goal 16 COASTAL SHORELANDS: defines a shoreland planning area along the ocean shore, estuaries, and other water bodies and requires local governments to map the shoreland boundary; specifies how certain types of land and resources within the shoreland area are to be managed; emphasizes unique coastal land uses (e.g. port facilities) and requires protection of sites for "water-dependent" or "water related" uses.

Goal 18 BEACHES AND DUNES: specifies planning standards for protecting or developing various types of dunes; prohibits most development on beaches and active foredunes; prohibits ocean shorefront protective structures for most development built after 1977; establishes standards for dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19 OCEAN RESOURCES: seeks to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf;” creates basis for planning and management of state ocean waters through the state Territorial Sea Plan; establishes requirements for state agencies rather than cities and counties.

C. The Oregon Coastal Management Program

NOAA’s 1977 approval of the OCMP pre-dated development and state approval of coastal local government plans and ordinances (most of which occurred between 1978 and 1985), but was predicated on “the central authority by which Oregon will implement the program is SB 100” (subsequently codified as ORS 197). NOAA approval also included the enforceable policies of the statewide planning goals, including the coastal goals, and the statutory authorities of several state agencies (e.g. Department of Environmental Quality). In the years following this 1977 approval all coastal local governments created and adopted comprehensive plans and ordinances, which LCDC reviewed, approved, and submitted to OCM for approval as Routine Program Changes (RPC).

Local land use plans and ordinances were expected to be reviewed and amended in response to individual situations or pursuant to ORS 197 which requires local plans to be periodically reviewed and amended to reflect changes in laws, requirements for meeting the statewide planning goals, community needs, development, and other factors. For “Periodic Review” updates, the DLCD works closely with local governments to identify needed changes and a work schedule for addressing them. Many amendments are minor in nature and do not involve substantive policy changes. The analysis below discusses the current plan policies that DLCD seeks to incorporate as enforceable policies and how the provisions implement the applicable statewide planning goals.

III. Douglas County Comprehensive Plan and Ordinance Provisions Incorporated as Enforceable Policies

While DLCD seeks to incorporate the DCCP, CRP, and LUDO into the OCMP in their entirety, DLCD has identified specific sections that could be used as enforceable policies for federal consistency purposes.

As required by 16 USC 1453(6a) and OCM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and public uses. These policies, contained in discrete sections of the plan and ordinance, are listed in subsections A and B, below, and listed in table form in Section V. Any plan and ordinance provisions not part of this submittal that were approved by NOAA in 1986 remain unchanged.

A. DOUGLAS COUNTY COMPREHENSIVE PLAN

The Douglas County Comprehensive Plan (DCCP) covers land uses in the entire unincorporated county, including the Coastal Zone. Policies specific to coastal resources are included in a second document, the Coastal Resources Plan, discussed in a following subsection.

DLCD seeks to include the following as enforceable policies:

Forest Resource Policies

Land Use Policy Implementation 2 (p. 16): requires two Farm/Forest zones within the Land Use Development Ordinance and specifies minimum parcel size in each zone.

Timberlands Policy Implementation 3 (p. 18): requires certain standards for dwellings in designated Timberland areas.

Natural Features Policies

Habitats of Special Concern Special Bird Habitats Policy 9 (p. 226): specifies impact area dimensions for eagle nests, blue heron rookeries, and pigeon mineral springs.

Habitats of Special Concern Special Bird Habitats Policy 10 (p. 226): specifies impact area dimensions for osprey nests

Mineral and Energy Resources Policy 1 (p. 231): requires aggregate and mineral extraction to be conditionally permitted within certain zoning areas.

Mineral and Energy Resources Policy 2 (p. 231): requires aggregate and mineral extraction to be permitted outright within certain forest zoning areas.

Significant Wetlands Policy 2 (p. 233): prohibits development in wetlands surrounded by or designated as resource lands.

Significant Wetlands Policy 3 (p. 233): allows development in wetlands designated for residential or industrial expansion under certain conditions.

Rural Land Use Policies

Rural Resource Designations (pp 392-395): criteria for inventorying and designating rural resource lands into land use categories:

- Timberlands
- Farm/Forest Transitional
- Agriculture

Rural Nonresource Designations (pp 404-425): Criteria for inventorying and designation rural non-resource lands into non-resource land use categories:

- Industrial
- Rural Service Center
- Tourist Commercial
- Commercial
- General Commercial-Industrial
- Committed Residential
- Rural Residential

- Rural/Committed Residential (RR5/RC5)
- Public/Semipublic

Overlay Zones Table 15-13 (p. 427): specifies overlay zone designations and relationship to plan policies for twenty overlay zones.

B. COASTAL RESOURCES PLAN

This plan is a part of the overall Douglas County Comprehensive Plan. It is organized into five elements:

- Estuarine Resources;
- Coastal Shorelands;
- Dredged Material Disposal;
- Restoration and Mitigation;
- Beaches and Dunes.

This plan, revised in 2013, replaces the previous Land and Water Use Plan for the Umpqua River estuary as the county’s statement of policies concerning its estuarine and shoreland areas.

Element 1: Estuarine Resources

Estuarine Classification System (pp 13-14): Specifies three estuarine management classes and criteria for determining application to estuarine areas:

- Natural
- Conservation
- Development.

Estuarine Management Unit Designations (pp 15-59): Describes the location and characteristics and specifies the Management Unit Designation for twenty (20) estuarine management units.

1. The Mouth of the Umpqua: Development
 - 1a. Cove at Mouth of the Umpqua: Conservation
 - 1b. Cove Fronting Social Security Beach: Conservation
2. Half-Moon Bay: Conservation
3. Navigation Channel: Development
4. Jerden Cove to Steamboat Island: Natural
5. Gardiner: Development
6. Steamboat Island: Natural
7. Bolon Island – Reedsport: Conservation, Development
8. Goose Island – Black Island: Natural
9. Estuary between US Highway 101 and Smith River Highway: Conservation
10. Estuary between US Highway 101 and Southern Pacific Railroad: Natural, Conservation
11. Smith River: Conservation, Development
 - 11a. Franz Creek: Natural
 - 11b. Hudson Slough: Natural
 - 11c. Joyce Creek: Natural
 - 11d. Otter Slough: Natural
12. Butler Creek: Natural

13. Umpqua River: Natural, Conservation
14. Middle to Upper Scholfield Creek: Natural
15. Winchester Creek: Conservation
16. Tahkenitch Creek: Natural

Element 2: Coastal Shorelands

Shorelands Planning Area Boundary (p. 76): specifies seven criteria for determining the location of the Coastal Shoreland Planning Area.

Shoreland Classification System (pp78 – 79): lists and describes requirements for three major shoreland classifications and eight subclasses:

- Resource Conservation Shorelands
- Urban Shorelands
 - a. Water-Dependent Industrial
 - b. Water-Related Commercial
 - c. Water-Oriented
 - d. Urban-Conservation
 - e. Urban-Other
- Rural Shorelands
 - a. Rural-Water-Dependent
 - b. Rural-Conservation
 - c. Rural-Other

Shoreland Management Unit Designations (pp 80-146):

1. Dunes NRA: Rural Conservation
2. Coastal Lakes East of Highway 101: Rural Other & Rural Water-Dependent
3. Lake Marie: Rural Other
4. Salmon Harbor: (in Winchester Bay Comprehensive Plan)
5. Winchester Creek (north): Urban Conservation & Urban Tourist Commercial
- 5a. Winchester Creek (south): Urban Exception Area
6. Cornwall Point to Leeds Island: Resource Conservation
7. North Shore across from the Point: Rural Conservation
8. Gardiner Waterfront: Water Dependent Industrial
9. Bolon Island: Urban Other
10. East Gardiner: Rural Other
11. Scholfield Creek: Resource Conservation
12. Upper Scholfield Creek: Rural Other
13. Umpqua River – South Shore: Rural Conservation
- 13a. Echo Island (River Mile 18.5): Rural Other
- 13b. Brandy Bar (River Mile 20): Rural Other
- 13c. Hail’s Harbor (River Mile 22): Rural Water-Dependent; Rural-Other
- 13d. River Mile 24.5: Rural Water-Dependent
- 13e. Mill Creek: Rural Water-Dependent
14. Umpqua River Northern Shore: Rural Conservation
- 15a. Scottsburg: Rural Other

- 15.b Scottsburg: Rural Other
- 15c. Scottsburg: Rural Conservation
- 15d. Scottsburg: Rural Conservation
- 16. Smith River: Rural Conservation
- 16a. Frantz Creek: Rural Other
- 16b. Otter Slough: Resource Conservation
- 16c. Smith River Marina: Rural Water-Dependent
- 16d. Former International Paper Log Dump: Rural Water-Dependent; Rural Conservation
- 16e. Noel Creek: Rural Conservation
- 16f. Smith River Public Boat Ramp: Rural Water-Dependent
- 17a. Steamboat Island (West): Rural Conservation
- 17b. Steamboat Island (South): Resource Conservation

Shoreland Management Policies

- General Policies (pp 148-149): 5, 6, 8, 9, 12, 13, 15, 19, 20, 22, 23
- Policies for Resource Conservation Shorelands (p. 149): 1
- Policies for Urban Shorelands (p. 150): 1, 2, 3
- Policies for Rural Shorelands (p. 150): 1, 2, 3

Significant Coastal Wetlands

- (p. 152) Protection policy and Table list of sixteen (16) significant coastal wetlands
- (pp 153 – 158) Maps showing locations of significant coastal wetlands

Element 3: Channel Development and Dredged Material Disposal for the Umpqua River Estuary

Policies and Procedures

- Dredging (pp 173-174): Policies 1 – 5
- Dredged Materials Management (pp 174-175): Policies 1 – 12

Dredged Material Disposal Sites

- Site 1 (p. 186): Former International Paper Mill Site
- Site 2 (p. 187): Former International Paper Mill Site
- Site 3 (p. 188): Leeds Island
- Site 4 (p. 189): Bolon Island
- Site 5 (p. 190): Otter Slough
- Site 6 (p. 191): Brainard Creek
- Site 7 (p. 192): North Fork
- Site 8 (p. 193): in Bay
- Site 9 (p. 194): in Bay
- Site 10 (p. 195): in Bay
- Site 11 (p. 196): Pacific Ocean

Element 4: Restoration and Mitigation

Mitigation Site Inventory

- (p. 207): Providence Creek

- (pp 207-208): W. Mouth of Scholfield Creek
- (p. 208): Purdy Island
- (p. 208): Scotts Swamp
- (p. 208): Steamboat Island

Restoration Site Inventory

Degraded Estuarine Habitat

- (p. 211): Winchester Bay Salmon Harbor
- (pp 211-212): Estuary immediately North and West of Bolon Island
- (p. 212): Scott's Swamp
- (p. 212): Winchester Creek

Fill Sites and Diked Marshes

- (p. 213): Middleground Flat
- (p. 213): Providence Creek
- (p. 213): Smith River

Policies to Guide Restoration and Mitigation

(pp 215-216): Mitigation Policies 1, 2

Element 5: Beaches and Dunes

Findings/Inventory

(pp 227 – 231): lists and describes beach and dune landform classifications for application in beaches and dunes policies.

Beach and Dune Classification System Conversion Table

(pp 239-240): provides comparisons and linkages among various beach and dune classification systems for use in applying beaches and dunes policies.

Beaches and Dunes Management Policies

- General Policies (pp 240-241): Policies 1-5
- Policies for Beaches (p. 241): Policies 1-3
- Policies for Foredunes (p. 241): Policies 1, 2
- Policies for Active Dune Forms (p. 241): Policy 1
- Policies for Recently Stabilized Dune Forms (p. 242): Policies 1-3
- Policies for Older Stabilized Dune Forms (pp 242-243): 5, 6
- Policies for Interdune Forms (p. 243): 1-3.

Appendix C: Definitions

(pp 251-257): definition of technical and planning terms essential to implementation of enforceable policies for Coastal Resources.

C. LAND USE AND DEVELOPMENT ORDINANCE

Chapter 1 Introductory and General Provisions

Sections 1.010 – 1.090: Purpose, scope and compliance, definitions.

Chapter 3 Zoning

Article 3.1 – Introductory Provisions

Sections 3.010 – 1.090: Zone classifications, zoning map, interpretation of zone boundaries, overlay districts.

Article 3.2 – Timberland Resources (TR)

Sections 3.2.000 – 3.2.200: Permitted uses, uses permitted with standards, review standards, siting standards, development standards, and other regulations.

Article 3.3 - Exclusive Farm Use-Grazing (FG)

Sections 3.3.000 – 3.3.200: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, conditional use approval standards, property development standards

Article 3.4 – Exclusive Farm Use-Cropland (FC)

Sections 3.4.000 – 3.4.200: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, conditional use approval standards, property development standards, and other regulations.

Article 3.5 – Farm Forest (FF)

Sections 3.5.000 – 3.5.200: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, conditional use approval standards, property development standards, and other regulations.

Article 3.6 – Agriculture and Woodlot (AW)

Sections 3.6.000 – 3.6.200: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, conditional use approval standards, property development standards, and other regulations.

Article 3.7 – Public Reserve (PR)

Sections 3.7.000 – 3.7.150: Permitted uses, buildings and uses permitted conditionally, other regulations.

Article 3.8 – Rural Residential-5 (5R)

Sections 3.8.000 – 3.8.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.9 – Rural Residential-2 (RR)

Sections 3.9.000 – 3.9.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.10 – Rural Residential-1 (1R)

Sections 3.10.000 – 3.10.100: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.11 – Suburban Residential (RS)

Sections 3.11.000 – 3.11.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.12 – Single-Family Residential (R-1)

Sections 3.12.000 – 3.12.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.13 – Multiple-Family Residential (R-2)

Sections 3.13.000 – 3.13.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.14 – Residential-High Density and Professional Office (R-3)

Sections 3.14.000 – 3.14.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.15 – Limited Commercial (C-1)

Sections 3.15.000 – 3.15.150: Permitted uses, buildings and uses permitted conditionally, property development standards.

Article 3.16 – Tourist Commercial (CT)

Sections 3.16.000 – 3.16.150: Permitted uses, buildings and uses permitted conditionally, property development standards.

Article 3.17 – Community Commercial (C-2)

Sections 3.17.000 – 3.17.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.18 – General Commercial (C-3)

Sections 3.18.000 – 3.18.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.19A – Rural Service Center Commercial (CRS)

Sections 3.19A.000 – 3.19A.150: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, property development standards.

Article 3.19B – Rural Community Commercial (CRC)

Sections 3.19B.000 – 3.19B.200: Permitted uses, small scale low impact, permitted uses generally, uses permitted with standards, property development standards.

Article 3.19C – Rural Commercial (CRE)

Sections 3.19C.000 – 3.19C.200: Permitted uses, small scale low impact, permitted uses generally, uses permitted with standards, property development standards.

Article 3.19D – Water-Oriented Tourist Commercial (WOTC)

Sections 3.19D.000 – 3.19D.250: Permitted uses, buildings and uses permitted conditionally, standards and criteria, property development standards.

Article 3.19E – Water-Oriented Commercial Recreation (WOCR)

Sections 3.19E.000 – 3.19E.250: Permitted uses, buildings and uses permitted conditionally, standards and criteria, property development standards.

Article 3.19F – Marine Commercial (MC)

Sections 3.19F.000 – 3.19F.250: Permitted uses, buildings and uses permitted conditionally, standards and criteria, property development standards.

Article 3.20 – Light Industrial (M-1)

Sections 3.20.000 – 3.20.150: Permitted uses, buildings and uses permitted conditionally, property development standards.

Article 3.21 – Medium Commercial (M-2)

Sections 3.21.000 – 3.21.150: Permitted uses, buildings and uses permitted conditionally, property development standards.

Article 3.22 – Heavy Industrial (M-3)

Sections 3.22.000 – 3.22.150: Permitted uses, buildings and uses permitted conditionally, property development standards.

Article 3.23A – Rural Community Industrial (MRC)

Sections 3.23A.000 – 3.23A.150: Permitted uses, small scale low impact, buildings and uses permitted conditionally, property development standards.

Article 3.23B – Rural Industrial (ME)

Sections 3.23B.000 – 3.23B.200: Permitted uses, small scale low impact, permitted uses generally, industrial development standards authorized by state legislature, buildings and uses permitted conditionally, property development standards.

Article 3.23C – Marine Industrial (MRI)

Sections 3.23C.000 – 3.23C.250: Permitted uses, uses permitted with standards, buildings and uses permitted conditionally, standards and criteria, property development standards.

Article 3.24 – Estuarine Natural (EN)

Sections 3.24.000 – 3.24.150: Permitted uses, uses permitted with standards, approval standards and criteria.

Article 3.25 – Estuarine Conservation (EC)

Sections 3.24.000 – 3.24.200: Permitted uses, uses permitted with standards, buildings and uses approved conditionally, standards and criteria.

Article 3.26 – Estuarine Development (ED)

Sections 3.26.000 – 3.26.200: Permitted uses, uses permitted with standards, uses permitted conditionally, approval standards and criteria.

Article 3.27 – Conservation Shorelands

Sections 3.27.000 – 3.27.250: Permitted uses, uses permitted with standards, uses permitted conditionally, standards and criteria, property development standards.

Article 3.28 – Marine Rural (MR)

Sections 3.28.000 – 3.28.250: Permitted uses, uses permitted with standards, uses permitted conditionally, standards and criteria, property development standards.

Article 3.29 – Water Impoundment (WI)

Sections 3.29.000 – 3.29.200: Permitted uses, uses permitted conditionally, property development standards.

Article 3.30 – Floodplain Overlay (FP)

Sections 3.30.000 – 3.30.520: Methods for reducing flood losses, definitions, basis for establishing areas of flood hazard, required permits, designation of administrator, variance procedure, conditions for variances, utilities, establishment of flood districts, other regulations.

Article 3.32 – Supplementary Provisions for Natural Resource Areas

Section 3.32.100: Mineral Resources Overlay (MO)

Section 3.32.200: Riparian Vegetation Corridor Overlay (RVCO)

Section 3.32.300: Peripheral Big Game Habitat Overlay (BGHO)

Section 3.32.400: Special Bird Habitat Overlay (BH)

Section 3.32.500: Natural Area Overlay (NAO)

Section 3.32.600: Significant Wetlands Overlay (SWO)

Article 3.33 – Beaches and Dunes Overlay (BD)

Sections 3.33.000 – 3.33.200: permitted uses, uses permitted with standards, uses permitted conditionally, standards and criteria.

Article 3.34 – Shorelands Overlay (SO)

Sections 3.34.000 – 3.34.250: permitted uses, uses permitted with standards, uses permitted conditionally, development standards.

Article 3.35 – Supplementary Provisions

Section 3.35.400: Cultural, Historic and Archaeological Resources Overlay (CHA)

Section 3.35.500: Geologic Hazards Overlay (GH)

Section 3.35.600: Potential Water Impoundment Overlay (WO)

Section 3.35.700: Dredged Material Disposal and Mitigation Site Overlay (D/MO)

Section 3.35.950: Exceptions Process Limited Use Overlay (EP)

Section 3.35.960: Tsunami Inundation Overlay (TIO)

Article 3.36 – Supplementary Provisions – Estuarine and Shoreland Areas

Section 3.36.020: application

Section 3.36.030: resource capabilities test for estuarine natural and conservation management units

Section 3.36.040: other alterations

Section 3.36.050: standards and criteria applicable to uses and activities in estuarine and shoreland areas

Section 3.36.060: standards and criteria for estuarine zones

Section 3.36.070: standards and criteria for shoreland zones

Article 3.37 – Nonconforming Use

Sections 3.37.000 – 3.37.700: process, standards and criteria for approving a nonconforming use, exceptions.

Article 3.38 – Zone Change

Sections 3.38.000 – 3.37.300: criteria and other regulations.

Article 3.39 – Conditional Use Review

Sections 3.39.000 – 3.39.000: criteria, conditions, other requirements.

Article 3.40 – Variances

Sections 3.39.000 – 3.39.400: criteria and other requirements.

IV. This Action is a Routine Program Change

The incorporation of the enforceable policies listed above of the current Douglas County Comprehensive Plan and Code into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

1. Uses subject to management (Subpart B)

This action does not substantially change the uses subject to management specified in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those originally included in the Douglas County Comprehensive Plan and Municipal Code approved by OCM in 1993. The State of Oregon requires the plan and ordinance to implement Oregon's statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because the city has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

2. Special management areas (Subpart C)

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 16), and beaches and dunes (Goal 18). The Douglas County Comprehensive Plan and Code merely set policies and standards for designating and managing these areas within city jurisdiction.

3. Boundaries (Subpart D)

This action applies only to lands under the jurisdiction of the Douglas County. It does not change Oregon's inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

4. Authorities and organization (Subpart E)

This action does not change Oregon's authority or organization, nor does it alter Oregon's administration of the OCMP. Oregon's land use system and statewide planning goals establish criteria and standards for local planning; the city plan and ordinance simply implement those standards.

5. Coordination, public involvement and national interest (Subpart F)

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

V. Enforceable Policies Table

Changes to the OREGON COASTAL MANAGEMENT PROGRAM				
<p>The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate certain provisions of the Douglas County Rural Comprehensive Plan (DCRCP), Coastal Resources Plan (CRP) and Land Use and Development Ordinance (LUDO) into its federally-approved coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies and that DLCD anticipates using for Federal Consistency review purposes.</p>				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
ADDED			mm/dd/year	mm/dd/year
Douglas County Plan (including Coastal Resources Plan) and Land Use and Development Ordinance	*DLCD seeks to incorporate the Douglas County Rural Comprehensive Plan (DCRCP), Coastal Resources Plan (CRP), and Land Use and Development Ordinance (LUDO) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	ORS 197/DCRCP; LUDO Section 3.52.100 ¹ via county planning and permit processes, (hereinafter: county planning/permit processes)	5/23/1985	1985 – 2015
DOUGLAS COUNTY COMPREHENSIVE PLAN				
Forest Resource Policies				
Policy 2 Land Use Policy Implementation	Requires certain Farm/Forest zones	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policy 3 Timberlands Policy Implementation	Standards for dwellings in Timberland areas	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Natural Features Policies				
Habitats of Special Concern/Special Bird Habitats				
Policy 9	Specifies impact areas around certain habitats	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015

¹ “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.”

Policy 10	Specifies impact area around Osprey nests	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Mineral and Energy Resources				
Policy 1	Mineral and aggregate extraction in certain zones	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policy 2	Mineral and aggregate extraction in forest zones	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Significant Wetlands				
Policy 2	Prohibits development in certain wetlands	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policy 3	Allows development in certain wetlands; prescribes conditions	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Rural Land Use Policies				
Rural Resource Designations	Criteria for designating rural resource lands as Timberlands, Farm/Forest Transitional, Agriculture	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Rural Non-resource Designations	Criteria for inventorying and designating rural non-resource lands in nine land use categories	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Overlay Zones	Table specifies overlay zone designations and relationship to plan policies for twenty overlay zones	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
COASTAL RESOURCES PLAN				
Element 1: Estuarine Resources				
Estuarine Classification System	Specifies three (3) estuarine management classes and criteria for designations	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Estuarine Management Unit Designations	Identifies and specifies twenty (20) individual estuarine management units	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Element 2: Coastal Shorelands				
Shorelands Planning Area Boundary	Specifies even (7) criteria for determining boundary of Coastal Shorelands Planning Area	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Shorelands Classification System	Specifies eleven (11) shoreland classification use categories	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Shoreland Management Unit Designations	Identifies and specifies thirty-three (33) shoreland management units.	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Shoreland Management Policies	Management policies for Coastal Shorelands: General Policies 5, 6, 8, 9, 12, 13, 15, 19, 20, 22, 23;	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015

	Resource Conservation Shorelands Policy 1; Urban Shoreland Policies 1, 2, 3; Rural Shorelands Policies 1, 2, 3			
Significant Coastal Wetlands	Table identifies sixteen (16) significant coastal wetlands with maps	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Element 3: Channel Development and Dredged Material Disposal for the Umpqua River Estuary				
Policies and Procedures				
Dredging Policies 1 - 5	Policies affecting dredging activities	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Dredged Materials Management Policies 1 - 12	Policies affecting disposal and management of dredged materials	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Dredged Material Disposal Sites				
Sites 1 - 11	Identification, site description, capacity, engineering considerations, environmental considerations, and map for each of eleven sites.	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Element 4: Restoration and Mitigation				
Mitigation Site Inventory	Description of mitigation site at: - Providence Creek - W. Mouth of Scholfield Cr - Purdy Island - Scotts Swamp - Winchester Creek	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Restoration Site Inventory Degraded Estuarine Habitat	Descriptions of restoration sites at: - Winchester Bay/Salmon Harbor - North and West of Bolon Island - Scott's Swamp - Winchester Creek	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Restoration Site Inventory Fill Sites and Diked Marshes	Description of restoration sites at: - Middleground Flat - Providence Creek - Smith River	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Policies 1, 2	Policies to guide restoration and mitigation	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015
Element 5: Beaches and Dunes				
Findings/Inventory	Description/definition of beach and dune landforms used in beaches and dunes policies	ORS 197, county planning and permit processes	5/23/1985	1985 - 2015

Beach and Dune Classification System Conversion Table	Normalizes beach and dune terminology for use in beaches and dunes policies and regulations	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Beaches and Dunes Management Policies				
General Policies	Policies 1-5	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policies for Beaches	Policies 1-3	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policies for Foredunes	Policies 1, 2	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policies for Active Dune Forms	Policy 1	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policies of Recently Stabilized Dune Forms	Policies 1-3	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policies for Older Stabilized Dune Forms	Policies 5, 6	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Policies for Interdune Forms	Policies 1-3	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Appendix C: Definitions				
Definitions	Definitions of technical and planning terms used in enforceable policies for coastal resources	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
DOUGLAS COUNTY LAND USE AND DEVELOPMENT ORDINANCE				
Chapter 1 Introduction and General Provisions				
Sections 1.010 – 1.090	Purpose, scope, compliance, definitions	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Chapter 3 Zoning				
Article 3.1	Introductory Provisions	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.2	Timberland Resources (TR)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.3	Exclusive Farm Use-Grazing (FG)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.4	Exclusive Farm Use-Cropland (FC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.5	Farm Forest (FF)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015

Article 3.6	Agriculture and Woodlot (AW)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.7	Public Reserve (PR)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.8	Rural Residential-5 (5R)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.9	Rural residential-2 (RR)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.10	Rural Residential-1 (1R)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.11	Suburban Residential (RS)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.12	Single-Family Residential (R-1)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.13	Multiple-Family Residential (R-2)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.14	Residential-High Density and Professional Office (R-3)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.15	Limited Commercial (C-1)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.16	Tourist Commercial (CT)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.17	Community Commercial (C-3)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.18	General Commercial (C-3)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.19A	Rural Service Center Commercial (CRS)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.19B	Rural Community Commercial (CRC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.19C	Rural Commercial (CRE)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.19D	Water-Oriented Tourist Commercial (WOTC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.19E	Water-Oriented Commercial Recreation (WORC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.19F	Marine Commercial (MC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.20	Light Industrial (M-1)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.21	Medium Commercial (M-2)	ORS 197, county planning	5/23/1985	1985 – 2015

		and permit processes		
Article 3.22	Heavy Industrial (M-3)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.23A	Rural Community Industrial (MRC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.23B	Rural Industrial (ME)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.23C	Marine Industrial (MRI)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.24	Estuarine Natural (EN)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.25	Estuarine Conservation (EC)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.26	Estuarine Development (ED)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.27	Conservation Shorelands	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.28	Marine Rural (MR)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.29	Water Impoundment (WI)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.30	Floodplain Overlay (FP)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.32	Supplementary Provisions for Natural Resource Areas	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.33	Beaches and Dunes Overlay (BD)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.34	Shorelands Overlay (SO)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.35	Supplementary Provisions	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.35.400	Cultural, Historic and Archaeological Resources Overlay (CHA)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.35.500	Geologic Hazards Overlay (GH)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.35.600	Potential Water Impoundment Overlay (WO)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.35.700	Dredged Material Disposal and Mitigation Site Overlay (D/MO)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.35.950	Exceptions Process Limited Use Overlay (EP)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015

Section 3.35.960	Tsunami Inundation Overlay (TIO)	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.36	Supplementary Provisions – Estuarine and Shoreland Areas	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.36.020	Application	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.36.030	Resource capabilities test for estuarine natural and conservation management units	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.36.040	Other alterations	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.36.050	Standards and criteria applicable to use and activities in estuarine and shoreland areas	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.36.060	Standards and criteria for estuarine zones	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Section 3.36.070	Standards and criteria for shoreland zones	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.37	Non-conforming Use	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.38	Zone Change	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.39	Conditional Use Review	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
Article 3.40	Variances	ORS 197, county planning and permit processes	5/23/1985	1985 – 2015
REMOVED				
Douglas County Comprehensive Plan				
Douglas County Land Use and Development Code				