



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

Web Address: <http://www.oregon.gov/LCD>

LCDC Youth Camp RAC Meeting

October 9, 2014

12:00 PM-5:00 PM



Bend Regional Solutions Center

1011 SW Emkay Drive, Ste 108

Bend, Oregon

Call In Number 877-848-7030 Participant Code 5726407

12:00 PM

Grab Lunch (Provided)	15 mins
Comments from Conveners	
• Agenda Review & Meeting Expectations	15 mins
Discussion of Context Items	15 mins
• Review of HB 3098	
• Debrief from 9/26/14 LCDC Meeting	
Discussion of Rule Content	90 mins
• Intro & Definitions	
• Location	
• Overnight Participants	
Break	15 mins
Discussion of Rule Content	120 mins
• Deed Restriction/Conservation Easement	
• Additional Overnights	
• Facilities	
• Campgrounds, Etc...	
• Conditions of Approval	
• Sewer Exception	
Closing Thoughts and Comments	15 mins

Meeting Concludes No Later than 5 PM



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

Bend RSC, Millpoint Building
650 SW Columbia St, Ste 7100
Bend, OR 97702
Phone: (541) 322-2032
www.oregon.gov/LCD



October 2, 2014

To: Youth Camp Rules Advisory Committee
From: Jon Jinings, Community Services Specialist
RE: Young Life Proposed Changes

The attached materials attempt to identify proposed changes to the draft rule submitted to LCDC by Young Life on November 26, 2014. The proposed changes have been assigned a number based on the following categories developed by department staff:

Category 1

The department believes these proposed changes to be consistent with the intent and purpose of the draft rule. However, input from the Rules Advisory Committee would be appreciated.

Category 2

The department believes that the concepts represented by these proposed changes could be consistent with the intent and purpose of the draft rule. However, additional refinement is felt to be necessary and input from the Rules Advisory Committee would be appreciated. Category two items include possible alternative language as footnotes.

Category 3

The department believes these proposed changes represent an important shift in effect or policy direction and the proposed changes require further consideration by the Rules Advisory Committee.

Please understand that this is a work in progress. Language alternatives offered by the department are provided to facilitate discussion on points that seem reasonably simple. The attached deed restriction language has been adapted from existing language included with Division 33. Both a clean copy and a copy showing track changes have been provided.

Draft Youth Camp Rule - Introduction & Definitions	Category
<p>(40) A youth camp may be established on agricultural land under the requirements of this section. The purpose of this section is to allow for the establishment of youth camps that are generally self-contained and located on a lawfully established unit of land of suitable size and location sufficient to limit potential impacts on nearby land and to ensure compatibility with surrounding farm uses.</p>	<p>1</p>
<p>(a) Definitions: In addition to the definitions provided for this division in OAR 660-033-0020 and ORS 92.010, for purposes of this section the following definitions apply:</p> <p>(A) "Low impact recreational facilities" means activities <u>facilities</u> that have a limited amount of permanent disturbance on the landscape and are not likely to create <u>significant</u>¹ off-site impacts. Low impact recreational facilities include, but are not limited to, open areas, ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding areas, swimming pools, and zip lines <u>and go-cart tracks (provided they are constructed within a total area not to exceed 1.5 acres, the facility envelope is not to exceed 350 feet in length in any direction and the track does not extend beyond the development envelope of the youth camp).</u> Low impact recreational facilities are designed and developed in a manner consistent with the site's natural environment.</p>	<p>1 2 3</p>

¹Possible Alternative

(A) "Low impact recreational facilities" means [~~activities~~] facilities that have a limited amount of permanent disturbance on the landscape and are [~~not~~] likely to create no, or only minimal off-site impacts.....

Draft Youth Camp Rule - Location	Category
<p>(b) Location: A youth camp may be located only on a <u>site on a</u> lawfully established unit of land suitable to ensure an outdoor experience in a private setting without dependence on the characteristics of adjacent and nearby public and private land. <u>A site is suitable if it is:</u> In determining the suitability of a site for a youth camp the county shall consider its size, topography, geographic features and other characteristics, the proposed number of overnight participants and the type and number of proposed facilities. A youth camp may be located only on property that is:</p> <p>(A) At least 1,000 acres;</p> <p>B) In eastern Oregon;</p> <p>(C) Composed predominantly of class VI, VII or VIII soils;</p> <p>(D) Not within an irrigation district;</p> <p>(E) Not within three miles of an urban growth boundary;</p> <p>(F) Not in conjunction with an existing golf course;</p> <p>(G) <u>A site that Suitable for the provision of can provide</u> protective buffers to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands and uses. Such buffers shall consist of natural vegetation, topographic or other natural features and shall include setbacks from adjacent public and private lands, roads, and riparian areas. Setbacks from roads and adjacent public and private property shall be of at least 250 feet <u>shall be deemed sufficient to provide a protective buffer</u> unless the county establishes <u>on a case-by-case basis</u> a different setback distance based upon the <u>following</u> criteria: in this paragraph. Setbacks must be sufficient to:²</p>	<p>1</p> <p>3</p> <p>2</p>
<p>(i) Prevent <u>significant</u> conflicts with commercial resource management practices;</p>	<p>1</p>

² Possible Alternative

(G) Suitable for the provision of protective buffers to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands and uses. Such buffers shall consist of natural vegetation, topographic or other natural features and shall ~~include~~ be implemented through the requirement of setbacks from adjacent public and private lands, roads, and riparian areas. Setbacks from riparian areas shall be consistent with OAR 660-023-0090. Setbacks from roads and adjacent public and private property shall be [at least] 250 feet unless the county establishes on a case-by-case basis a different setback distance [~~based upon the criteria in this paragraph. Setbacks must be~~] sufficient to:

Draft Youth Camp Rule – Location, continued....	
<p>(ii) Prevent a significant increase in safety hazards associated with vehicular traffic on adjacent roads; and</p> <p>(iii) Minimize conflicts with resource uses on nearby resource lands;</p> <p>(H) At least 1320 feet from any other lawfully established unit of land containing a youth camp approved pursuant to this section; and</p> <p>PLEASE IDENTIFY WHERE AND WHY IF YOU THINK THIS IS PROHIBITED BY THE STATUTE.]³</p>	<p>3</p> <p>1</p>
<p>(I) A site that<u>Suitable to</u> allows for youth camp development that will not interfere with the exercise of legally established water rights on nearby properties.</p>	

³ The Department believes that the legislation provides for a single development on one legally established unit of land because HB 3098 says “a youth camp”, does not say “youth camps”

SECTION 1. ORS 215.457 is amended to read:
215.457. A person may establish **a youth camp**: *Emphasis added*

(1) On land zoned for forest use or mixed farm and forest use, consistent with rules adopted by the Land Conservation and Development Commission [*under section 3, chapter 586, Oregon Laws 1999*].

(2) On land in eastern Oregon, as defined in ORS 321.805, that is zoned for exclusive farm use and is composed predominantly of class VI, VII or VIII soils, consistent with rules adopted by the Land Conservation and Development Commission. However, a person may not establish **a youth camp** authorized under this subsection within an irrigation district or within three miles of an urban growth boundary as defined in ORS 197.295. A youth camp may be authorized under this subsection only on a lawfully established unit of land as defined in ORS 92.010 of at least 1,000 acres. *Emphasis added*

Draft Youth Camp Rule – Overnight Participants	Category
<p>(c) Overnight Youth Camp Participants: The county shall establish the maximum number of overnight youth camp participants, not to exceed 350 participants, based on consideration of the size, topography, geographic features and other characteristics of the proposed youth camp site. A county may approve a youth camp for more than 350 overnight youth camp participants if other resource lands that are located in the same county or adjacent counties that are in addition to the lawfully established unit of land approved for the youth camp are permanently protected from future development by a deed restriction or conservation easement and subject to the following provisions:⁴</p> <p>THIS SEEMS TO GIVE THE COUNTY TOTAL DISCRETION IN THE MAXIMUM NUMBER IT CHOOSES. WE THINK IT IS APPROPRIATE AND REASONABLE TO REDUCE THIS DISCRETION. WE WOULD LIKE YOUR IDEAS ON THIS.]</p> <p>THE DEED RESTRICTIONS SHOULD NOT BE TIED TO LAWFULLY ESTABLISHED UNITS OF LAND “IN ADDITION TO” THE UNIT OF LAND APPROVED FOR THE YOUTH CAMP, BUT RATHER TO AN AREA NOT USED FOR THE YOUTH CAMP (WHICH COULD BE ON THE SAME UNIT OF LAND THE YOUTH CAMP IS ON FOR LARGE UNITS OF LAND, OR ON ANOTHER UNIT OF LAND</p> <p>(A) For each 160 acres of agricultural lands predominantly composed of class I-V soils that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed; or</p> <p>(B) For each 160 acres of wildlife habitat, regardless of soil types and resource land designation that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed; or</p> <p>DOES “WILDLIFE HABITAT” NEED TO BE DEFINED IN SOME WAY?</p>	<p>2</p> <p>2</p> <p>3</p>

⁴Possible Alternative

(c) Overnight Youth Camp Participants: ~~[The county shall establish]~~ The maximum number of overnight youth camp participants is ~~[, not to exceed]~~ 350 participants, **unless the county finds that a lower number of youth camp participants is necessary to avoid conflicts with surrounding uses** based on consideration of the size, topography, geographic features and other characteristics of the proposed youth camp site. A county may approve a youth camp for more than 350 overnight youth camp participants **consistent with this paragraph** if other resource lands that are located in the same county or adjacent counties that are in addition to, **or part of,** the lawfully established unit of land approved for the youth camp are permanently protected from future development by a deed restriction or conservation easement and subject to the following provisions:

<p style="text-align: center;">Draft Youth Camp Rule – Overnight Participants, Continued..</p> <p>(C) For each 160 acres of agricultural lands predominantly composed of class VI-VIII soils that are permanently protected from development, an additional 25 overnight youth camp participants may be allowed; or</p> <p>(D) A youth camp sited on a tract of at least 1,920 acres may have up to 600 overnight youth camp participants when <u>920 acres of the tract</u> that portion of the tract not needed to satisfy paragraph (b)(A) of this section is permanently protected from development; and ⁵</p> <p>(E) Under no circumstances shall more than 600 overnight youth camp participants be allowed without an exception to statewide planning goal 3 and any other applicable statewide planning goals.</p>	<p>2</p>
---	-----------------

⁵ Possible Alternative

(D) A youth camp sited on a tract of at least 1,920 acres may have up to 600 overnight youth camp participants when either 920 acres of the tract or a different number of acres determined by the county to be necessary to avoid conflicts with surrounding uses, which ever is greater, ~~[that portion of the tract not needed to satisfy paragraph (b)(A) of this section]~~ is permanently protected from development; and

Draft Youth Camp Rule – Additional Overnights	Category
<p>(e) In addition, the county may shall allow [USING “MAY” OPENS THE DOOR FOR ALL SORTS OF QUESTIONS ABOUT WHAT STANDARDS SHOULD APPLY TO THE COUNTY’S DECISION. FOR SOMETHING THIS MINOR ISN’T IT OK TO JUST SAY “SHALL”?]:</p> <p>(A) Up to eight nights during the calendar year during which the number of overnight youth camp participants may exceed the total number of overnight <u>youth camp</u> participants allowed under subsection (c) of this section.</p> <p>(B) Overnight stays at a youth camp for participants of adult programs that are intended primarily for individuals over 21 years of age, not including staff, for up to 30 days in any one calendar year.</p>	<p>3</p> <p>1</p>

Draft Youth Camp Rule – Facilities	Category
<p>(f) Facilities: A youth camp may provide only the facilities described in paragraphs (A) through (I) of this subsection:</p> <p>(A) Low impact recreational facilities. Intensive developed facilities such as water parks and golf courses are not allowed;</p> <p>(B) Cooking and eating facilities, provided they are within a building that accommodates youth camp activities but not in a building that includes sleeping quarters. Food services shall be limited to those provided in conjunction with the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;</p> <p>(C) Bathing and laundry facilities;</p> <p>(D) Up to three camp activity buildings, not including a building for primary cooking and eating facilities.</p> <p>(E) Sleeping quarters, including cabins, tents or other structures, for youth camp participants only, consistent with subsection (c) of this section. Sleeping quarters intended as overnight accommodations for persons not participating in youth camp activities <u>allowed under this section</u> or as individual rentals are not allowed. Sleeping quarters may include restroom facilities and, except for the caretaker's dwelling, may provide only one shower for every five beds. Sleeping quarters may not include kitchen facilities.</p> <p>(F) Covered areas that are not fully enclosed for uses allowed in this section;</p> <p>(G) Administrative, maintenance and storage buildings including permanent structures for administrative services, first aid, equipment and supply storage and a gift shop available to youth camp participants but not open to the general public;</p> <p>(H) An infirmary, which may provide sleeping quarters for medical care providers (<i>e.g.</i>, a doctor, registered nurse, or emergency medical technician);</p> <p>(I) A caretaker's residence, provided no other dwelling is on the youth camp property.</p> <p><u>(J) Water and sewer treatment systems and other infrastructure to support the allowed facilities.</u></p>	<p>1</p> <p>3</p>

Draft Youth Camp Rule – Campgrounds, Etc...	Category
<p><u>(g) With regard to the siting of youth camps.</u></p> <p><u>(A) A campground as described in ORS 215.283(2)(c), OAR 660-033-0120, and section (19) of this rule may not be established in conjunction with a youth camp</u></p> <p><u>(B) More than one youth camp may be sited on a lawfully established unit of land as long as all other provisions of this section are met.⁹</u></p> <p><u>(C) The siting of a youth camp on a lawfully established unit of land does not preclude the use of that lawfully established unit of land for other allowed uses except as specifically stated in the approval of the youth camp.</u></p> <p><u>(D) A youth camp parcel cannot be partitioned below the minimum site size of 1,000 acres or in a manner that results in any land needed to comply with this section (except as explicitly allowed by this section) to be located on a separate parcel.¹⁰</u></p>	<p>3</p> <p>3</p> <p>3</p> <p>2</p>

⁹ The department is concerned that this is not consistent with the plain text of HB 3098.

¹⁰ The department would prefer to make this adjustment to the conditions of approval provisions.

Draft Youth Camp Rule – Conditions of Approval	Category
<p>(E) The county shall require, as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, the operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting:</p> <p>(i) a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937, or</p> <p>(ii) future land divisions, and development on the subject property that is not related to the youth camp unless the county's original approval of the camp is rescinded and the youth camp development is removed.¹¹</p>	2
<p>(F) Nothing in this rule relieves a county from complying with other requirements contained in the comprehensive plan or implementing land use regulations, such as the requirements addressing other resource values (e.g. resources identified in compliance with statewide planning Goal 5) that exist on agricultural lands.</p> <p>(i) If a youth camp is proposed to be developed on lands that contains a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between youth camp development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively <u>in identifying whether there are any conflicts related to the proposed youth camp, and if there are,</u> developing a specific resource management plan to mitigate potential such development conflicts consistent with OAR chapter 660, division 23. If there is no program to protect the listed Goal 5 resource(s) included in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency, [WHICH AGENCY?] cannot successfully agree on a cooperative resource management plan, the county shall be responsible for determining appropriate mitigation measures in compliance with OAR chapter 660, division 23; and</p>	3
<p>(ii) If a proposed youth camp is proposed located on lands where <u>the [redacted] reasonably determines,</u> after site specific consultation with a district state biologist, <u>that the proposed youth camp may have the potential exists for material</u> adverse effects on to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat, or to big game winter range or migration corridors,</p>	3

¹¹ Possible Alternative

future land divisions resulting in a lawfully created unit of land containing the youth camp that is smaller in size than required by the county for the original youth camp approval, and development on the subject property that is not related to the youth camp and would require a land use decision as defined at ORS 197.015(10) unless the county's original approval of the camp is rescinded and the youth camp development is removed

Draft Youth Camp Rule – Conditions of Approval, Continued...

golden eagle or prairie falcon nest sites, or pigeon springs), the applicant shall engage a professional biologist to conduct a site-specific assessment of the land affected by the youth camp proposal subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. The assessment shall be conducted ~~A professional biologist shall conduct the site-specific assessment~~ by using methodologies accepted by the appropriate wildlife management agency **[WHICH AGENCY?]** and shall determine whether adverse effects to special status species or ~~the~~ wildlife habitats listed are likely to occur anticipated. Based on the results of the ~~biologist's report assessment~~, the site shall be designed to avoid to the extent reasonably possible, adverse effects to state or federal special status species or to wildlife habitats ~~listed above as described above~~. If the ~~applicant's site-specific~~ assessment shows that adverse effects cannot reasonably be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the youth camp facility. Where the applicant and the ~~resource-wildlife~~ management agency cannot agree on what mitigation ~~Should-will~~ be carried out, the county ~~is shall~~ responsible for determineing appropriate mitigation, if any, required for the youth camp facility; **which determination shall mitigate any potential adverse effects and allow the development of the youth camp unless mitigation is not possible.**

3

(iii) The provisions of subparagraph (ii) are repealed on January 1, 2022.

Draft Youth Camp Rule – Sewer Exception	Category
<p>(i) Extension of Sewer to a Youth Camp. A Goal 11 exception to authorize the extension of a sewer system to serve a youth camp shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this section. The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 11 shall not apply. Exceptions adopted pursuant to this section shall be deemed to fulfill the requirements for goal exceptions under ORS 197.732(1)(c) and Goal 2.</p> <p>(A) A Goal 11 exception shall determine the general location for the proposed sewer extension and shall require that necessary infrastructure be no larger than necessary to accommodate the approved youth camp.</p> <p>(B) To address Goal 2, Part II(c)(1), the exception shall provide reasons justifying why the state policy in the applicable goals should not apply. Goal 2, Part II(c)(1) may be found to be satisfied if the proposed sewer extension will serve a youth camp approved for 600 youth camp participants. [WE WOULD LIKE TO HAVE THE “MAY” IN THIS AND THE FOLLOWING SECTIONS BE “SHALL,” OR AT LEAST SOME LANGUAGE REDUCING A COUNTY’S ABSOLUTE DISCRETION TO SAY “NO” IF THE FACTS EXIST.]</p> <p>(C) To address Goal 2, Part II(c)(2), the exception shall demonstrate that areas which do not require a new exception cannot reasonably accommodate the proposed sewer extension. Goal 2, Part II(c)(2) may be found to be satisfied if the sewer system to be extended was in existence as of January 1, 1990 and is located outside of an urban growth boundary on lands for which an exception to Goal 3 has been taken.</p> <p>(D) To address Goal 2, Part II(c)(3), the exception shall demonstrate that the long term environmental, economic, social, and energy <u>consequences</u> resulting from the proposed extension of sewer with measures to reduce the <u>effect affect</u> of 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. Goal 2, Part II(c)(3) may be found to be satisfied if the proposed sewer extension will serve a youth camp located on a tract of at least 1,920 acres.</p> <p>(E) To address Goal 2, Part II(c)(4), the exception shall demonstrate that the proposed sewer extension is compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Goal 2, Part II(c)(4) may be found to be satisfied if the proposed sewer extension <u>is conditioned to only</u> will serve a youth camp that has been approved pursuant to the criteria at section (5) [WHAT SECTION IS THIS REFERRING TO]¹² of this rule [WE WANT TO BE ABLE TO OBTAIN THE EXCEPTION FIRST, AND NOT EXPEND THE TIME, MONEY, AND EFFORT TO GO THROUGH THE YOUTH CAMP APPROVAL PROCESS IF WE DON’T GET A SEWER SYSTEM EXCEPTION.] of this rule.</p>	<p></p> <p></p> <p>3</p> <p></p> <p>1 1</p> <p>3</p>

¹² Probably should read OAR 660-033-0130(5).

**Adopted
November 13, 2014
Effective December ____, 2014**

Exhibit B

Declaration of Covenants, Conditions and Restrictions Form

Whereas, the undersigned _____ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660, Division 033).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for any use included in ORS Chapter 215 or OAR chapter 660, division 33 that requires a land use decision as defined at ORS 197.015(10).

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the Land Conservation and Development Commission otherwise provides by rule that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.

State of)
County)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____.

Notary Public for Oregon
My Commission expires: _____

ADOPTED

November 13, 2014 ~~April 26, 2002~~
Effective ~~May 22, 2002~~ December __, 2014

Exhibit BA

Declaration of Covenants, Conditions and Restrictions Form

Whereas, the undersigned _____ hereinafter referred to as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660, Division 033).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

_____ It is not lawful to use the property described in this instrument for ~~the any use included in ORS Chapter 215 or OAR chapter 660, division 33 that requires a land use decision as defined at ORS 197.015(10). construction or siting of a dwelling except for accessory farm dwellings; relative farm assistance dwellings; temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215 or to use any gross farm income earned on this lot or parcel to qualify another lot or parcel for the construction or siting of a primary farm dwelling.~~

_____ These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the ~~legislature otherwise provides by statute~~ Land Conservation and Development Commission otherwise provides by rule that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.

State of _____)

County _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____.

Notary Public for Oregon
My Commission expires: _____