

Appendix C

The following is a detailed summary of changes to Douglas County Comprehensive Plan and Development regulations as they relate to agricultural lands from 1996 through June 2007.

Comprehensive Plan...

1996 December 17th Resolution No. TLS 96-78B

Introduction policies:

- Removed cluster development within rural population growth
- Removed cluster developments as an allowed form of development outside of an UGA

Rural Service Centers policies:

- Added policy that urban growth shall not be allowed within RSC
- Restated policy to encourage ag commercial and industrial within RSC which offer facilities and services rather than near RSC which “may” offer facilities and services
- Implementation Criteria:
 - Added criteria for “rural-related and rural-dependent uses and intensities that are visually and functionally compatible and that do not require a full-range of urban governmental services and facilities.”

Rural Development policies:

- Restate rural development to remove clustering
- Remove policy: “after careful review and consideration of any potential impacts, small scale commercial uses designed to service the cluster development may be permitted within the cluster development.”
- Removed exception to review process for subdivision which retain a 20+acre parent parcel.
- Implementation Criteria:
 - Removed criteria cluster development and short plat language.
 - Removed exemption of review of subdivisions which retain a 20+acre parent parcel
- Dry Land Designations:
 - Removed all cluster language
 - Removed short plat creation of lots with maximum size of 2.5 acres
- Commercial Irrigated Designations:
 - Removed definition of land divisions as MPRs and cluster developments
- River-related Irrigated Area:
 - Removed all provisions for cluster developments
 - Removed all distinction of initial parcel size and various allowed land divisions
 - Removed short plat creation of lots with maximum size of 2.5 acres
 - Added Assessor notification of resource land classification

Master Planned Resorts:

- Added text to state that new urban land uses “including commercial activities” will be “prohibited” rather than “discouraged”

2001 February 20th Resolution No. TLS 01-03-07B

- Introduction: Update statements for requiring consistency between and among the County, cities and sub-area plans. General assumptions for population projects removed cluster language and added family farm support operations within resource lands.
- Chapter 2: Agricultural Resource redefines and classifies agricultural resource lands consistent with RCW; redefines how long term commercial agricultural land is classified; remove designation of dryland, commercial irrigated and river related irrigated agricultural lands; add review guidelines for determining dryland ag and irrigated ag
- Chapter 3: Housing adds cluster, master planned resorts (MPR) and other low impact development text as the primary way to protect rural areas; add RCW definitions for rural character, rural development, rural government service; added new text to propose a variety of clustering, density transfer, design guidelines, conservation easements and other innovative techniques with the intent to maximize rural service centers, rural clustering, MPR and buffering to minimize impacts in rural areas; added industrial uses in rural areas consistent with RCW; made the distinction between rural areas and resource areas; Added tourist, recreation, cottage industry and resource industry as rural options; Restated the purpose of rural development; remove dryland designations, add rural recreation, rural resource 2, rural resource 5 and rangeland conservation; removed commercial irrigated and river related irrigated designations; added requirement for best available science.

2003 Resolution No. TLS 03-01B

- Chapter 1: Introduction: Update GMA goals and purpose statements, regional planning, public participation, planning commission role, relationship to other plans, amendment/monitoring process, and transportation updates
- Chapter 2: Vision statement: new chapter
- Chapter 3: Rural Lands Element: Population and General Land Use: Population and land use element, change in policy that rural developments “should” only occur where adequate facilities; addition of policy to develop criteria to transfer density “from an adjacent agricultural designation...to rural land designations when the reserve parcel will be used for agricultural and/or critical area purposes.
- Chapter 4: Rural lands: addition of rural clustering, remove the prohibition of concentrated development to state that concentrated development will be encouraged in Master Planned Resorts, fully contained communities, cluster development and RSC; restate rural development “should” not “will” comply with comprehensive plan including “resource lands” not “agricultural”; remove buffer policy for development next to ag land.

- Chapter 5: Resource Lands: remove “right-to-farm” attitude policy; added encourage farm based businesses; added clustering allowances within designated agricultural areas;
- Chapter 9: Economic Development: restate policy to support designation of commercial industrial development in RSC and Industrial Service Center were community support (removed “where sprawl can be prevented and where a need can be shown”); added policy to promote phased infrastructure development for economic development, added policy to allow home businesses and cottage industry; added policy to promote entertainment and recreation facilities for tourism
- Chapter 10: Critical Areas: encourage clustered development to utilize community sewer treatment

2005 Resolution No. TLS 05-03D

- Cluster division: removed statement that “Lots created by a cluster division may be further divided not more frequently than five (5) years from the date of final plat approval.”; removed DOH minimum lot sizes; remove requirement to cluster in a pattern compatible to physical site features (non-linear); remove cluster minimum of four which could be located in different areas of original parcel; remove policy that individual lots should be in close proximity to existing roads; remove policy that access be provided to reserve tracts; remove policy prohibiting fragmentation of reserve lots; remove policy relating to ownership of reserve lots; remove details/timeline for management plan of reserve lots; remove plat notes and restrictive covenants used to advise purchasers of reserve lot management plan; remove policy requiring facilities and infrastructure to be located within interior boundaries of lots; add policy stating the intent of clustered development to provided limited development at non-urban densities; restate policy to allow clustering where no other method of land division is available.

Development Regulations...

1996 December 10th Ordinance No. TLS 96-04-73B [extending and amending interim development regulations, zoning code, zoning map and other official controls implementing GMA Comprehensive Plan]

RR-5 RURAL RESOURCE DISTRICT

Permitted uses: keeping of livestock and poultry in accordance with 18.16.070 (removed from accessory uses); Ag-to-Ag transfers in accordance with all applicable provisions of the Douglas County Code and Section 18.30.060(G)

Prohibited uses: Agricultural product refrigeration storage and warehousing (removing Commercial packing houses, CA)

Development Standards: All development in the RR-5 Rural Resource shall meet all the applicable provisions of the Douglas County Code and the following...removed text requiring short subdivisions to note on the face of the plat and conveyance documents that the property is in an area associated with best management practices for agricultural activities (spraying, noise, odor, dust...) and minimum lot sizes of 5 acres.

Performance Standards: added text: Resource Disclosure Statements shall be required in accordance with Section 18.16.110.

A-RI RIVER IRRIGATED AGRICULTURE DISTRICT

Permitted uses: Agricultural product refrigeration with cumulative 10,000 square feet or less; and Agricultural support and rural developments allowed in accordance with 18.32.060(F) (G) and (H), removed cluster development and added farmstead preservation.

Conditional uses: removed packing CA facilities and added agricultural product refrigeration storage and warehousing.

Development Standards: Family farm division criteria added that lot sizes would be determined by the Health District and could not be less than the 1 unit per 10 acres of the parent parcel. Added a new section outlining the criteria for Farmstead preservation divisions that stated division sizes were determined by the Health District and included only the amount of land necessary to take in the outbuildings and areas not currently active in crop or livestock production or in the Conservation Reserve Program. Removed cluster development. Added a new section providing criteria for major subdivisions to be positioned on the least productive land, consider existing uses and structures, and be placed away from critical areas; domestic water and sanitary waste to be provided consistent with RCW 58.17.110; required access to County road systems and standards with mitigated impacts; required public electricity; and, specified fire standards.

Performance Standards: Required a resource disclosure statement in accordance with Section 18.16.110.

AC-5 COMMERCIAL AGRICULTURE DISTRICT

Permitted uses: removed warehouse storage and included Ag-to-Ag transfers which meet criteria.

Development Standards: removed short subdivisions

Performance Standards: Required a resource disclosure statement in accordance with Section 18.16.110.

AC-10 COMMERCIAL AGRICULTURE DISTRICT

Permitted uses: Added agricultural product refrigeration and reference to Ag-to-Ag transfers and Family farm support divisions.

Conditional uses: removed CA warehousing and added agricultural product refrigeration storage and warehousing.

Development Standards: Family farm division lot sizes could be no less than 1 unit per 10 acres and meet the Health District requirements. Removed short subdivisions

Performance Standards: Required a resource disclosure statement in accordance with Section 18.16 I 10.

A-D DRYLAND AGRICULTURE DISTRICT

Permitted uses: shop buildings, barns and/or home storage structures could not exceed 10,000 square feet in gross floor area. Large lot subdivisions and cluster developments were removed from permitted development types.

Accessory uses: added shop buildings, barns and/or home storage larger than 10,000 square feet (removed from CUP)

Development Standards: Family farm division lot sizes could be no less than 1 unit per 20 acres and meet the Health District requirements. Farmstead division determined by the Health District. Land division, according to Title 17, could not exceed 8 lots and must have access to County roads, stormwater provisions were removed. Cluster provisions removed.

Performance Standards: Required a resource disclosure statement in accordance with Section 18.16 I 10.

1997 December 16th Ordinance No. TLS 97-10-71B [adopting development regulations, zoning code, zoning map and other official controls implementing GMA and Comprehensive Plan]

Added a new definitions Chapter 14.98

Amending all provisions of Title 18 related to compliance with the EWGMHB decision.

2000 January 25th Ordinance No. TLS 00-02-06 [amending the Douglas County Development Regulations]

General requirements changes to allow the director to configure/design lots for future re-divisions and for farmstead preservation divisions when no structure exists if applicant can prove a previous structure on-site prior to December 16, 1997.

2003 January 28th Ordinance No. TLS 03-01-01B [amendment to Douglas County Code]

Changes added several new definitions including agricultural market, agriculturally-related industry, agritainment (recreation/entertainment with agricultural theme), and guest ranch.

18.16 GENERAL REGULATIONS

General requirements modifications to require that within R-REC, RSC accessory dwellings shall be designed/completed in consideration of “eventual division of property.” Furthermore agricultural support amendments provided that density is determined by the Health district, the parent parcel no longer had to be enrolled in open space program, reduced accessory agricultural housing from 10 acres to 5 acres requirement with no housing density, and removed one acre lot density for farmstead land divisions in favor of a Health District determination.

Added a new section for limited land segregation, with specific requirements for short subdivisions that will not negatively impact neighboring uses or for the creation of two lots on existing 1-3 acre parcels. All divisions require resource disclosure statement and shall not be further divided within 5 years.

Expanded permitted uses to include fruit stands in all agricultural districts which are 1,764 square feet or less.

Increase the number of lots (from 2 to 3) which can be served by a private easement and removed requirements regarding public right-of-way ingress/egress.

New sections were added for the “Clustering of Existing Rural and Agricultural Lots Permitted,” bed & breakfast for three or fewer rooms, and storage facilities associated with residential development.

18.24 R-REC RURAL RECREATION DISTRICT

Permitted uses: added wineries & associated facilities, riding stables/hoarding/training, clustering of existing lots; added to accessory uses 3,528 square feet or less for personal property and accessory structures for the keeping/raising of livestock/poultry.

Development standards: increasing maximum height from 30’ to 35’, lot size variation for cluster development, and requiring road improvements for development.

Performance standards: Added a minimum floor area of 725 for residential structures excluding accessory and ag housing.

18.28 RR-2 RURAL RESOURCE DISTRICT

Permitted uses: added ag support activities for ag-to-ag transfers, bed and breakfast, riding stables/boarding/training, clustering of existing lots and cluster divisions.

Accessory uses: added accessory buildings up to 10,000 (up from 5,000), accessory structures for the keeping/raising of livestock/poultry, agritainment activities and accessory dwelling units subject to (18.16).

Development standards: reduced lot width from 150' to 100', lot size variation for cluster development, increased lot coverage from 35% first acre and 20% remaining acreage to 35% all acreage, added landscaping, off-street parking/loading, road and stormwater improvement requirements.

Density: changed calculation to allow a 50% increase for cluster divisions.

18.30 RR-5 RURAL RESOURCE DISTRICT

Permitted uses: added aquaculture, bed and breakfast, riding stables/boarding/training, and clustering of existing lots and cluster divisions.

Accessory uses: Added agritainment activities and accessory dwellings.

Development standards: reduced lot width from 150' to 100', lot size variation for cluster development, addition of packing houses, warehouses, refrigerated storage and similar activities located on a state highway or arterial road, and addition of road improvements

Performance standards: Added a minimum floor area of 725 for residential structures excluding accessory and ag housing.

Density: exempted from the density standard agricultural housing, family farm support divisions, farmstead preservation divisions and limited land segregations; also provides for an increase in density by 50% for cluster divisions.

RBC-20 RURAL RESOURCE DISTRICT (formerly rangeland conservation district)

Permitted uses: added duplex dwelling, agriculturally-related industry and aquaculture, Community halls and granges, riding stables/boarding/training, Bed and breakfast (3 rooms), Clustering of existing lots and cluster divisions.

Accessory uses: Added agritainment activities and accessory dwelling units subject to 18.16.

Development standards: adjusted yard and setback standards, lot variation for cluster development, addition of packing houses, warehouses, refrigerated storage and similar activities located on a state highway or arterial road, and addition of road improvements

Performance standards: Added a minimum floor area of 725 for residential structures excluding accessory and ag housing, and require “reserve tracts” rather than “open space”.

Density: exempted from the density standard agricultural housing, family farm support divisions, farmstead preservation divisions and limited land segregations; also provides for an increase in density by 50% for cluster divisions

AC-5 COMMERCIAL AGRICULTURE DISTRICT

Permitted uses: added aquaculture, family farm support divisions, farmstead preservation and limited lot segregations, accessory storage structure 1,176 square feet or less, bed and breakfast (3 rooms), riding stables/boarding/training, clustering of existing lots, and cluster divisions.

Accessory uses: removed detached accessory building and structures (1,080sqft), added, agritainment and accessory dwelling units subject to the provision.

Prohibited uses: remove feed lots, major subdivisions, packing houses, refrigeration, storage and warehousing of ag products, added commercial feed or sales lots for swine, poultry and livestock.

Development standards: yard and setback standards, lot variation for cluster development, addition of packing houses, warehouses, refrigerated storage and similar activities located on a state highway or arterial road, and addition of landscaping, parking, stormwater and road improvements

Performance standards: cluster developments adjacent to urban growth areas or RSC districts shall be designed to allow efficient conversion of the reserve tracts not designated as critical areas in order to allow future uses. The arrangement of clustered building lots shall allow access to the reserve tract and provide for the logical extension of public roads and facilities.

Density: added an exclusion from density for accessory agricultural housing, family farm support divisions, farmstead preservation divisions and limited land segregations

Chapter 18.36 AC-10 COMMERCIAL AGRICULTURE DISTRICT

Permitted uses: added non-retail greenhouses, ag related industry, aquaculture, farmstead preservation and limited lot segregations, bed & breakfast (3 rooms), riding stables/boarding/training, clustering of existing lots and cluster divisions; increased accessory storage structure from 400sqft to 1,176 square feet.

Accessory uses: remove packing, refrigerated storage and warehousing; added agritainment.

Prohibited uses: removed major subdivisions

Development standards: remove packing facility standards; lot sizes permit cluster development

Performance standards: cluster development set all efficient conversion of reserve tracts for future development.

Density: added an exclusion from density for accessory agricultural housing, family farm support divisions, farmstead preservation divisions and limited land segregations

REMOVED A-RI RIVER IRRIGATED AGRICULTURE DISTRICT

18.40 A-D DRYLAND AGRICULTURE DISTRICT

Permitted uses: added agriculturally-related industry, aquaculture, limited lot segregations, bed and breakfast (3 rooms), clustering of existing lots, cluster divisions, increase accessory storage structure from 400 to 1,176 square feet.

Accessory uses: added agritainment

Prohibited uses: removed outdoor music festivals, major subdivisions and packing houses

Development standards: changed lot requirements to allow for cluster developments, added standards for packing houses, warehouses, refrigerated storage, and required road improvements

Performance standards: cluster development set all efficient conversion of reserve tracts for future development.

Density: added an exclusion from density for accessory agricultural housing, family farm support divisions, farmstead preservation divisions and limited land segregations

REMOVED RCD RURAL CLUSTER DEVELOPMENT

18.78 HOME OCCUPATIONS

Permitted home occupations in R-REC district; removed the requirement to be within six miles of an industrial district; increased the size. Permitted “home industries” in RR-20 district; removed the requirement to be within six miles of an industrial district; increased the size

18.82 NONCONFORMING USES

Nonconforming applicability: development of preliminary subdivision may be modified prior to finalization when zoning changes allow for smaller lot sizes.

2005 January 24th Ordinance No. TLS 05-01 [amendments to title 14 and title 18 of the Douglas County Code]

Changes to the cluster lot provisions that require minimum lot sizes consistent with the Health District unless adjusted for physical features meeting specific parameters; prohibited clustering in aviation protection zones; allow further division when it “will not result in densities greater than that accrued to the sum of the original parcels of record”; prohibit clustering of limited land segregation lots.

Cluster divisions standards to allow further lot cluster divisions if criteria are meet; limited land segregation or clustered existing lots not eligible to be included in cluster division; density calculated for original parcel; reserve lots may not be further subdivided (until zoning changes permit).