

OCT 31 2016

Exhibit 4

TO: Josephine County Planning Commission
Community Development Director

FROM: Williams CAC

DATE: 10/27/16

Whereas, due to the recent legalization of Marijuana/Cannabis, we are in an unprecedented time of land use expansion unanticipated by land use planners, which is significantly impacting the nature and function of heretofore rural Josephine County communities, and

Whereas some communities have consistently demonstrated both the interest and the ability to responsibly maintain active Community Advisory Committees, and

Whereas the Williams CAC is currently actively working with the Williams community on becoming an Overlay District, with its own regulations governing land use in its area;

In order to preserve the safety and the rural nature our communities as well as the peace and amicable co-existence of neighbors:

The WILLIAMS CAC respectfully PROPOSES THE FOLLOWING:

- A. All applications in Industrial and Commercial zones and all Cannabis-related applications received by the Planning Department, as well as all additional or revised documents regarding these applications, shall be forwarded in full and upon receipt to the appropriate CAC if that CAC has a letter on file with the Community Development Director and their area Planner requesting such forwarding.
- B. The CAC has 10 business days to review the application and submit its comments. This input in full shall become part of the official record and shall be forwarded in full to the applicant with the Department's application response.
- C. If the CAC concludes that the proposed development involves the potential for significant negative impact(s) on neighboring properties; or will adversely affect environmental concerns such as wildfire, wildlife habitat and watershed preservation or other similar concerns; or that the review of the application will be enhanced by notice to surrounding landowners, at the CAC's specific request in writing the Community Development Director shall require a site plan review.

Williams CAC

submitted by Communications Secretary, Shavana Fineberg



Oregon

Kate Brown, 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>

October 10, 2016

Josephine County Board of Commissioners
Julie A. Schmelzer, Community Development Director
500 NW 6th Street Dept. 6
Grants Pass, OR 97526



RE: Proposed Amendment to the Rural Land Development Code (DLCD File No. 002-16)

Dear Commission members and Ms. Schmelzer:

Thank you for the opportunity to comment on the proposed amendments to the Rural Land Development Code scheduled for hearing on October 31, 2016. Please enter these comments into the record for all proceedings on the matter. Please notify us if the hearing is continued.

The proposed amendments would allow camping outside of a campground in a temporary shelter (e.g., trailers, recreational vehicle) for up to nine months per year. These amendments are intended to allow housing for marijuana crop guards but has applicability beyond providing shelter for guards.

DLCD considers residential camping shelters (specifically trailers and recreational vehicles) sited for four months and up to nine months per year to be a rural residential use subject to dwelling approval. In *Central Oregon Landwatch v. Jefferson County* (2005), the Land Use Board of Appeals (LUBA) relied upon the definition of campground in OAR 660-006-0025(4)(e) to determine what qualifies as a temporary use. OAR 660-006-0025(4)(e) states that a campground is "an area devoted to overnight temporary use" and "overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period."

LUBA found that the intent of the 30-day limitation is to ensure that campgrounds do not become de facto rural residential uses. In *Central Oregon Landwatch*, LUBA applied the campground definition to private accommodations for fishing and determined that a six month occupancy is not a temporary use. LUBA also found that occupancy for much longer than 30 days is likely to be inconsistent with the requirement that the use be temporary. Consequently, DLCD has determined that the proposed amendments to allow trailers and recreational vehicles to be sited for four months and up to nine months per year is not a temporary use. These structures must be approved as a dwelling. Temporary dwellings are usually not permitted in exclusive farm use or forest zones unless they are a temporary hardship dwelling.

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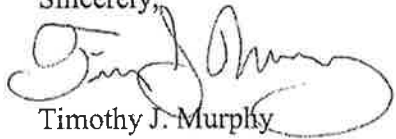
The proposed amendments also differentiate between “camping” and “campgrounds” by specifying that campgrounds contain two or more camping units. OAR 660-006-0025(4)(e) defines campground but does not place a limit on the number of camping units. Since the administrative rule definition of “campground” includes those with only one campsite, the proposed definition conflicts with the rule.

The purpose of the proposed amendments is to allow temporary dwellings to be sited in the Exclusive Farm and Farm Resource Zones for use by marijuana crop guards. ORS 475B.370(2)(a) prohibits dwellings in conjunction with a marijuana crop in exclusive farm use zones (i.e. Farm and Farm Resource Zones). The proposed amendments would undermine the intent of this statute.

In summary, the legislature has provided specific circumstances under which a dwelling may be approved in an exclusive farm use or forest zone. The proposed amendments would authorize temporary dwellings outside the options provided by statute and rule. Adoption of the proposed amendments would first require amendments to statute and rule, or alternatively, goal exceptions on a site by site basis.

Thank you again for the opportunity to comment on this case. Please contact me at timothy.murphy@state.or.us or 503-934-0048 if you have any questions.

Sincerely,



Timothy J. Murphy
Farm/Forest Lands Specialist

Cc: Josh LeBombard, DLCD

Uses Authorized in Forest Zones

(e)(A) Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive six-month period.

(B) Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed for by paragraph (4)(e)(C) of this rule.

ORS 215.283¹

Uses permitted in exclusive farm use zones in nonmarginal lands counties

(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS **215.296 (Standards for approval of certain uses in exclusive farm use zones)** (1). As used in this paragraph, yurt means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.