

ARTICLE 31

Zero Lot Line Residential Development

SECTION 3.31.000 Purpose

The zero lot line residential development provisions of this ordinance are designed to provide a more affordable ownership housing opportunity for a wide range of income groups while assuring compatibility with, and maintaining the stability and quality of, existing neighborhoods; to provide the opportunity for lower development costs and lower per-unit land costs that subsequently lower the cost of housing for the consumer; to provide an economical and logical response to high-cost infill properties; to promote a more efficient utilization of land; and to promote energy conservation.

SECTION 3.31.020 Applicability

The provisions of this article are intended to serve as conditions required for approval of zero lot line residential developments, as they may be conditionally permitted within the RS, R-1, R-2 and R-3 zoning districts. It is not intended that this article apply to townhouse development involving no side yard setbacks on either side, or condominium development.

SECTION 3.31.100 Buildings and Activities Allowed

Within urban residential zones established by this ordinance, RS, R-1, R-2, and R-3, the following uses are conditionally permitted, subject to other applicable provisions of this ordinance.

1. A single-family detached dwelling, where the dwelling is situated on a side property line that is common to another parcel.
2. A duplex, where the duplex is constructed to the development standards provided in this article and intended to be divided, thereby creating two zero lot line dwellings.
3. Conversion of an existing duplex to zero lot line dwellings, provided that the other provisions of this article are met.

SECTION 3.31.150 Property Development Standards

1. **Area:**
 - a. Unless otherwise modified by other provisions of this article, the minimum property area for each unit of a newly created zero lot line residential development shall be:

(1)	RS zone	15,000 sq. feet
(2)	R-1 zone	5,000 sq. feet
(3)	R-2 zone	4,000 sq. feet
(4)	R-3 zone	4,000 sq. feet

- b. In the case of a lot-of-record, as defined by this ordinance, 7,500 sq. feet or greater in size and in an R-2 or R-3 zone, a zero lot line duplex may be permitted, provided that other development standards of this article are met.
- c. In the case of a lot-of-record, as defined by this ordinance, 7,500 sq. feet or greater in size and in an R-1 zone, a zero lot line duplex may be permitted, provided that other development standards of this article are met and the following conditions exist:
 - (1) The lot is located on a collector street or is a corner lot; and
 - (2) The duplex development conforms to the density standard for the area as specified in the Comprehensive Plan.
- d. In partitioning or subdividing of property, a maximum of 10% alteration in either lot size or street frontage may be permitted, if the overall development maintains the density required by these regulations and the total amount of street frontage required for the number of parcels created.
- e. In instances where development may occur on a lot of record, a minimum of 45% of the total lot area shall be attributable to each parcel upon partitioning.

2. **Setbacks:**

- a. Front yard - No structure shall be located closer than 15 feet from a front property line.
- b. Side yard - Except for the zero lot line setback on the common property line, no structure shall be located closer than ten feet from other side property lines. In no case shall a setback of 0 feet be permitted under this article for a side yard that is not common to development proposed under this provision.
- c. Rear yard - No structure shall be located closer than 5 feet from a rear property line.
- d. Vision clearance - Vision clearance shall be a minimum of 20 feet on corner lots only.

3. **Height:** Maximum heights for any structure shall be 35 feet.

4. **Coverage:** Not over 40% of the lot shall be covered by buildings located thereon.
5. **Parking:** Off-street parking shall be provided in accordance with Article 35, as if each unit were a single-family dwelling.
6. **Street frontage:** It is the legislative intent of this provision of the Ordinance to provide zero lot line residential development with clear, unencumbered public street frontage and vehicular access to each unit. The following minimum public street frontage requirements are established for each zero lot line parcel:
 - a. RS zone 60 feet
 - b. R-1 zone 50 feet
 - c. R-2 & R-3 zone 40 feet

In partitioning the property, a minimum of 40% of the total public street frontage may be attributable to each parcel. Diagrams have been provided in this article to specify alternative unit and parcel arrangements.

SECTION 3.31.180 Procedures for Review

Applications for development or conversion of zero lot line dwellings on contiguous parcels as set forth in this ordinance shall be processed or reviewed as follows:

1. Three or fewer units shall be processed as a land partition pursuant to §2.060.2.
2. Four or more units shall be processed as a subdivision pursuant to §2.060.1.

SECTION 3.31.200 Criteria for Approval of Development

In review of a proposed zero lot line residential development, the following criteria shall be met.

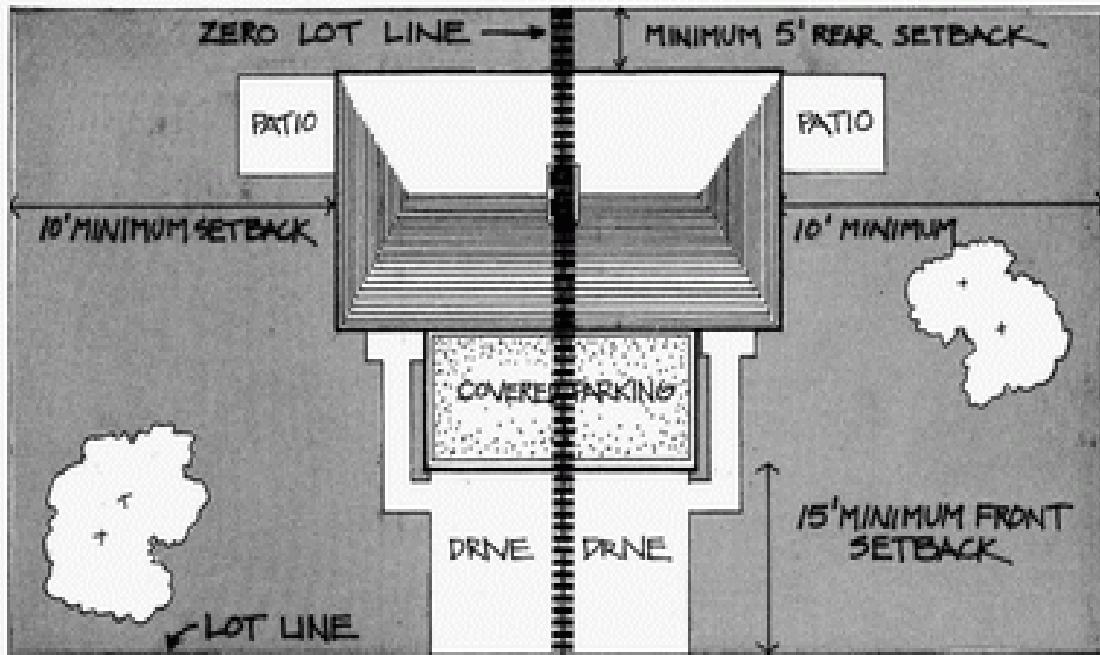
1. The proposed development complies with all other applicable provisions of this ordinance and the Douglas County Comprehensive Plan.
2. An **Owners Agreement**, as defined by this ordinance, shall be filed with application for approval, and shall include provisions as determined to be appropriate by the Approving Authority, for resolving the following items associated with the use, maintenance and repair of common areas and facilities:
 - a. Assurance that the building and surrounding property will be used for residential purposes only;

- b. Provisions for the repair and maintenance of all common areas and facilities as well as a method of fair payment for such repairs and maintenance;
- c. Provisions for mutual consent prior to making structural, paint, or decorative changes to the building exterior;
- d. Provisions for equitably resolving liens filed against areas of common responsibility or interest;
- e. Provisions granting access or easement to each owner for the purpose of maintaining or repairing the structure and related facilities;
- f. Assurance that the owner(s) will obtain insurance coverage in an amount not less than the full replacement value of the structure;
- g. Provisions for liability and equitable treatment in the event of damage or destruction of the building due to fire or other casualty; and
- h. Provision for emergency action by one party in the absence of the other where an immediate threat exists to the property of the former.

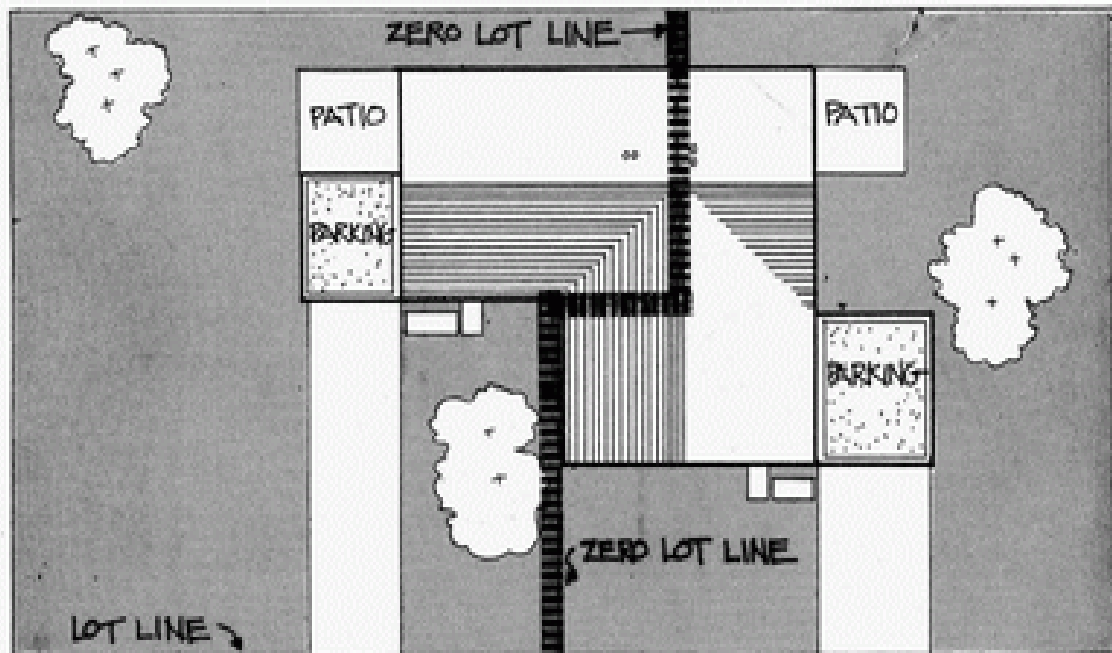
Such Owners Agreement shall be filed with the County Clerk upon approval of the proposed development and shall become perpetual deed restrictions to the property.

SECTION 3.31.250 Land Partitioning

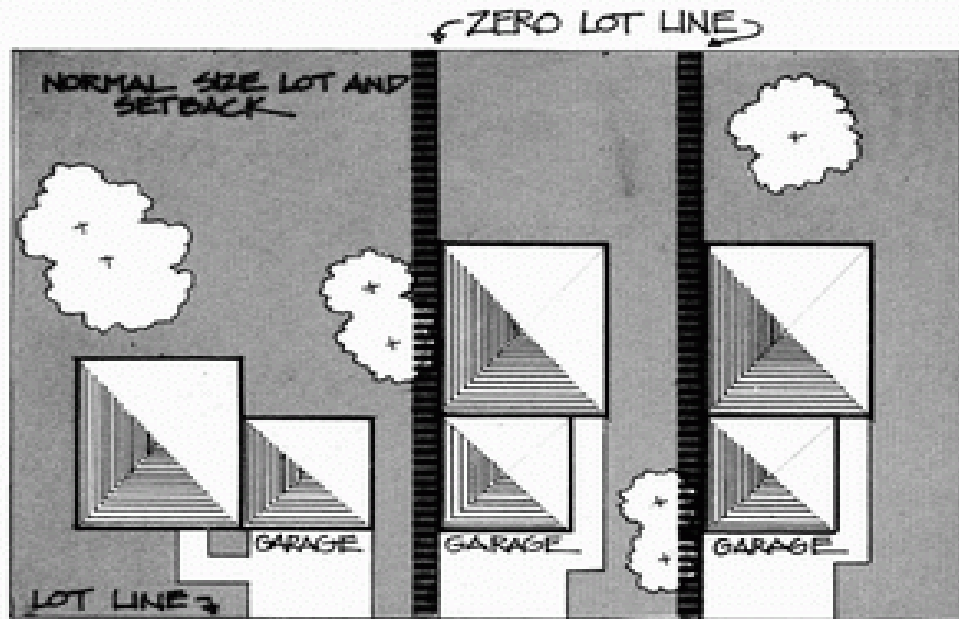
In instances where partitioning or subdivision of land shall be required for zero lot line residential developments the appropriate provisions of Chapter 4 of this ordinance shall be followed. However, conditional use and partitioning or subdivision approval may be requested simultaneously.



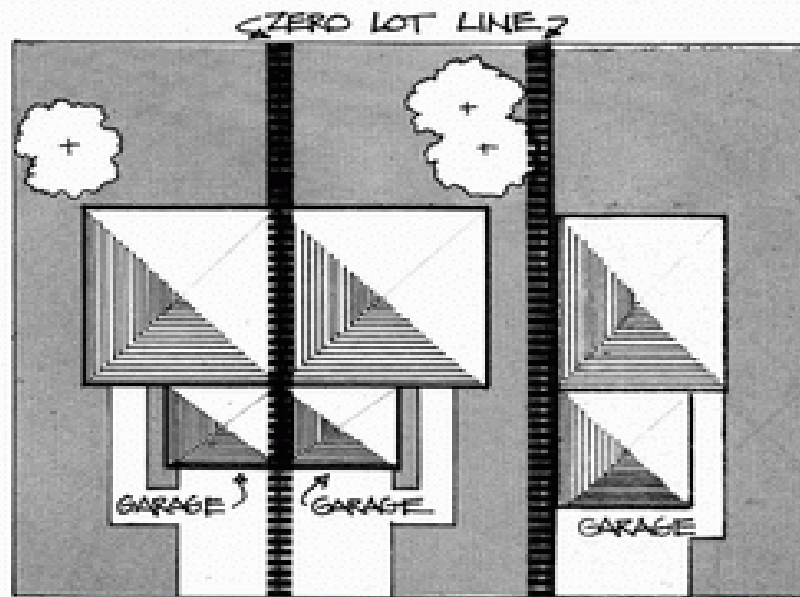
ZERO LOT LINE DUPLEX



ZERO LOT LINE DUPLEX



SINGLE FAMILY RESIDENCES



DUPLEX AND SINGLE FAMILY TOGETHER

ARTICLE 32

Supplementary Provisions for Natural Resource Areas

SECTION 3.32.000 Purpose

This article is designed to provide protection for a number of natural resource areas throughout Douglas County. The article consists of several overlay districts that provide additional development standards or special processes for development in protected areas. The overlay districts are designed to minimize uses which conflict with the resource values being protected and manage the resource areas so as to preserve their original character.

SECTION 3.32.100 Mineral Resources Overlay (MO)

1. Purpose

The Mineral Resources Overlay is designed to conserve prime mineral resource sites from conflicting uses and promote nonpreemptive uses of these needed sites. The overlay is designed to ensure that structural development on mineral sites does not preclude the future availability and use of the mineral resource. Sites are identified on the 3C Mineral Resource Sites Table under the Mineral and Energy Resources Section of the Natural Features Element of the Comprehensive Plan.

2. Permitted Uses

Within this overlay classification, dwellings, churches, schools and accessory structures to these uses shall not be permitted. Farm uses and forest uses shall be permitted outright. All other allowed uses in the underlying zone are permitted conditionally and shall be subject to the conditional use process and supplemental criteria of Subsection 3 of this section.

3. Supplemental Criteria for Approval

In the approval of a use or conditional use permitted in the underlying zone, the County shall find:

- a. That the use cannot be placed on an alternative site; and
- b. That there are extenuating circumstances that make the proposed use more valuable than the resource. If there is no alternative site for the proposed use, and the extenuating circumstances are valid, then the proposed use shall be allowed if it conforms to all other requirements of this ordinance.

SECTION 3.32.200 Riparian Vegetation Corridor Overlay (RVCO)

1. Purpose

The Riparian Vegetation Corridor Overlay shall apply to all properties and land use designations located within 50 feet of the bank-line of all perennial and intermittent water courses in Douglas County as identified on the Plan map.

2. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted in an area regulated by the Riparian Vegetation Corridor Overlay. However, structural development shall be subject to the provisions of Subsection 3 of this section.

3. Setback Requirements for Structural Development

A building setback of fifty (50) feet horizontally from the bank of all identified perennial and intermittent water courses shall be maintained unless the Director finds, after consultation with the Oregon Department of Fish and Wildlife, that such setback is unnecessary as a mitigation measure for the protection of wildlife. If agreement cannot be reached, a Variance, pursuant to Article 40, shall be required to reduce the setback, and reduction of the setback will not jeopardize streambank stability or water quality.

SECTION 3.32.300 Peripheral Big Game Habitat Overlay (BGHO)

1. Purpose and Density Provision

The Peripheral Big Game Habitat Overlay is designed to conserve identified peripheral habitat areas by providing supplementary development standards which promote an areawide dwelling density¹ consistent with such habitat management. A density of 1 dwelling unit per 40 acres shall be maintained in areas so designated on the Peripheral Big Game Habitat Map of the Comprehensive Plan.

2. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted. New dwellings shall be subject to the areawide density standard contained in Subsection 1 of this Section, and as provided in the Natural Features Element of the Comprehensive Plan.

¹ Density calculations are based, in part, on a 2003 study: "Douglas County's Dwelling Density in Big Game Peripheral Habitat Areas," using geographic Planning Advisory Committee (PAC) areas to calculate areawide dwelling density.

3. Review Provisions

Requests for dwellings or land divisions that will result in eventual placement of a dwelling, and which could result in an areawide density of greater than 1 dwelling per 40 acres, shall be referred to the Oregon Department of Fish and Wildlife (ODFW) for review and recommendation. If the ODFW cannot recommend approval or suggest acceptable mitigation measures, a Variance, pursuant to Article 40, shall be required.

[SECTION 3.32.400 reserved for future use]

SECTION 3.32.500 Special Bird Habitat (BH)

1. Purpose

The Special Bird Habitat Overlay is designed to provide protection for special bird habitats including eagle sites, heron rookeries, osprey sites, and pigeon mineral springs from conflicting uses which are not subject to the Forest Practices Act (FPA). Uses and activities subject to the FPA are those uses and activities, defined by the Department of Forestry, that are auxiliary to and used during the term of a particular forest operation. Conflicting uses not subject to the FPA are those uses and activities listed in the Special Bird Habitat Section of the Comprehensive Plan. The Special Bird Habitat Overlay will be applied to areas (quarter sections for eagles and herons, and site specific for osprey and pigeon spring sites) identified in the Comprehensive Plan as special bird habitats.

2. Permitted Uses

All uses allowed in the underlying zone may be permitted or conditionally permitted in an area regulated by the Special Bird Habitat Overlay. However, those permitted and conditionally permitted uses listed in the Comprehensive Plan as being potentially conflicting with special bird habitats shall be subject to the provisions of Subsection 3 of this section.

3. Requirements for Development

If the site proposed for a conflicting use is:

- a. within 1300 feet of an eagle site;
- b. within 600 feet of a heron rookery;
- c. in an acknowledged exception area and within 300 feet of an osprey site;
- d. outside of an acknowledged exception area and within 600 feet of an osprey site; or

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- e. within 150 feet of a pigeon mineral spring; then,

prior to issuance of a development permit, the owner or developer shall devise a management plan in cooperation with ODFW. If a proposed permitted or conditionally permitted use involves the discharging of explosives, the ODFW management plan may condition the proposed development to prohibit the discharging of explosives within 1300 feet of an eagle, heron, or osprey nest site during the nesting period (March 1 through July 31). The mutually agreed upon management plan shall be submitted to the County and implemented by the developer as a condition of permit approval. If the developer and ODFW cannot reach agreement on the management plan, a variance, pursuant to Article 40, shall be required to reduce any mitigation measures required by ODFW. Any reduction of mitigation measures shall not result in either a development denial or a failure to protect the habitat site to some extent.

SECTION 3.32.600 Natural Area Overlay (NAO)

1. Purpose

This overlay classification is intended to preempt conflicting uses in areas identified by the Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value.

2. Permitted Uses

Uses allowed in the underlying zone shall be subject to the conditional use review pursuant to §2.060.1 of this ordinance.

3. Approval Standard

In the evaluation of any use subject to the Natural Area Overlay, findings will be required demonstrating that the designated natural value will not be damaged by the use or activity. If a proposed use or activity would result in the permanent destruction of natural value, then the request shall be denied.

SECTION 3.32.700 Significant Wetlands Overlay (SWO)

1. Purpose

The Significant Wetlands Overlay shall apply to major swamps, bogs, marshes and transitional lands identified by the Oregon Department of Fish and Wildlife as having good to excellent wetland qualities and designated on the Significant Wetlands maps of the Comprehensive Plan. The SW Overlay shall require an additional development standard in designated resource areas. Development in the areas zoned for nonresource use shall not be subject to the provisions of this Overlay.

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2. Permitted Uses

All uses in the underlying zone may be permitted or conditionally permitted in an area regulated by the SW Overlay. However, structural development shall be subject to the provisions of Subsection 3 of this section.

3. Setback Requirements

With the exception of wetland areas presently designated for nonresource use in the County's Comprehensive Plan, a building setback of fifty (50) feet horizontally from the bank of all significant wetlands shall be maintained unless the Director finds, after consultation with the Oregon Department of Fish and Wildlife, that such a setback is unnecessary as a mitigation measure for the protection of the wetland. If agreement cannot be reached, a Variance, pursuant to Article 40, shall be required to reduce the setback.

4. Notice Requirements

Notice shall be provided to Department of State Lands, the applicant and owner of record within 5 working days for any permit or approval required under this ordinance for the following developments within the SWO.

1. Subdivisions or planned unit developments
2. New Structures
3. Conditional Use Permits or variances that involve physical alterations to the land or construction of new structures.