



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

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

November 16, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 006-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 28, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

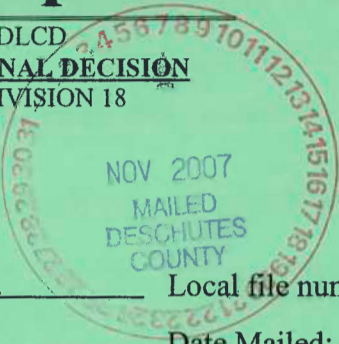
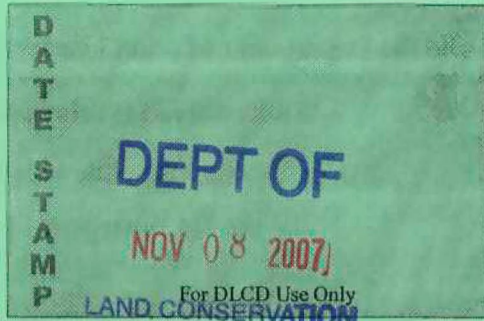
Cc: Doug White, DLCD Community Services Specialist
Jon Jinings, DLCD Regional Representative
Kristen Maze, Deschutes County

<paa> n

NR01

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Deschutes Co. Local file number: TA-07.3
Date of Adoption: 11.5.07 Date Mailed: 11.8.07
Date original Notice of Proposed Amendment was mailed to DLCD: —

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Various text amendments and edits that modify Deschutes County Code Title 18: 1. remove a definition for "trailer vacation" that has become obsolete, 2. clarifies language in the Landscape Management Comb. Zone and types in the Redmond Urban Reserve Area Zone, 3. makes necessary changes to the Forest 1+2 zones that satisfy required changes by State Administrative Rule 660.006

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: _____ to: _____

Zone Map Changed from: _____ to: _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2, 4

Was an Exception Adopted? YES NO

DLCD File No.: 006-07 (16024)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Kristen Maze Phone: 503 383-6701 Extension: _____

Address: 117 NW Lafayette City: Bend

Zip Code + 4: 97701- Email Address: kristenm@co.deschutes.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code *
Title 18, making various language changes. *

ORDINANCE NO. 2007-020

WHEREAS, the Deschutes County Planning Division has requested various text amendments to Title 18 in response to issues that occurred through application of the Code that will clarify language, remove an obsolete definition and amend language to satisfy changes required by State Administrative Rule; and

WHEREAS the Planning Commission considered this matter after public hearings on June 14, 2007 and forwarded amendments to the zoning regulations for Title 18 to the Board; and

WHEREAS the Board considered this matter after a public hearing on October 22, 2007 and concluded that the public will benefit from changes to the various land use regulations for Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. Title 18, Sections, 18.04.030, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. Title 18, Sections, 18.24.040 and 050, is amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. Title 18, Sections, 18.36.030, is amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. Title 18, Sections, 18.40.030, is amended to read as described in Exhibit "D," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. Title 18, Sections, 18.84.030, is amended to read as described in Exhibit "E," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

///

Section 3. FINDINGS. The Board of Commissioners adopts as its findings in support of this amendment as in Exhibit "F" attached and incorporated by reference herein.

Dated this _____ of _____, 2007

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

MICHAEL M. DALY, CHAIR

DENNIS R. LUKE, VICE CHAIR

ATTEST:

Recording Secretary

TAMMY BANEY, COMMISSIONER

Date of 1st Reading: _____ day of _____, 2007.

Date of 2nd Reading: _____ day of _____, 2007.

Record of Adoption Vote				
Commissioner	Yes	No	Abstained	Excused
Michael M. Daly	_____	_____	_____	_____
Dennis R. Luke	_____	_____	_____	_____
Tammy Baney	_____	_____	_____	_____

Effective date: _____ day of _____, 2007.

ATTEST:

Recording Secretary

Exhibit "A"

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.010. Title.

18.04.020. Purpose.

18.04.030. Definitions.

18.04.010. Title.

DCC Title 18 shall be known as the Deschutes County Zoning Ordinance of 1979.
(Ord. 91-020 § 1, 1991)

~~"Trailer, vacation" means a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, having sleeping, cooking and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.~~

Exhibit "B"

**Chapter 18.24 Redmond Urban Reserve
Area Combining Zone**

- 18.24.010. Purpose**
- 18.24.020. Uses Permitted Outright.**
- 18.24.030. Conditional Uses Permitted.**
- 18.24.040. Dimensional Standards**
- 18.24.050. Setbacks**
- 18.24.060. Setback Exception Application**
- 18.24.070. Limitations for Future Urban
Development**

**~~18.24.0340~~18.24.040. Dimensional
Standards.**

Notwithstanding the minimum lot size in an underlying zone with which the RURA is combined, new lots or parcels shall be a minimum of 10 acres in size. Partitions for the purpose of creating a non-farm dwelling pursuant to DCC 18.16.055 may be allowed that are less than 10 acres in size.

18.24.050. Setbacks.

The following special setbacks are required in the RURA Combining Zone:

A. Properties abutting existing public right of way for arterial and collector streets identified in the County Transportation System Plan shall meet the setbacks prescribed in the underlying zones.

B. New buildings or structures shall be setback ninety (90) feet from the centerline of a planned collector or arterial identified on the County Transportation System Plan unless an application for an exception to the this standard is submitted and approved under ~~section~~ DCC 18.24.060.

Exhibit "C"

**Chapter 18.36. FOREST USE ZONE
- F-1**

- 18.36.010. Purpose.**
- 18.36.020. Uses permitted outright.**
- 18.36.030. Conditional uses permitted.**
- 18.36.040. Limitations on conditional uses.**
- 18.36.050. Standards for single-family dwellings.**
- 18.36.060. Siting of dwellings and structures.**
- 18.36.070. Fire siting standards for dwellings and structures.**
- 18.36.080. Fire safety design standards for roads.**
- 18.36.085. Stocking requirement.**
- 18.36.090. Dimensional standards.**
- 18.36.100. Yards and setbacks.**
- 18.36.110. Stream setbacks.**
- 18.36.120. State law controls.**
- 18.36.130. Rimrock setbacks.**
- 18.36.140. Restrictive covenants.**

18.36.030. Conditional uses permitted.

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.36.040 and other applicable sections of DCC Title 18.

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- E. Log scaling and weigh stations.
- F. Disposal site for solid waste for which the Department of Environmental Quality

has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

- G. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025. 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. For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. 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. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds 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 6 month period.
- H. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.36.030(D).
- I. Television, microwave and radio communication facilities and transmission towers.
- J. Fire stations for rural fire protection.
- K. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken

Exhibit "C"

- pursuant to Oregon Administrative Rules 660, Division 4.
- L. Aids to navigation and aviation.
 - M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
 - N. Reservoirs and water impoundments.
 - O. Cemeteries.
 - P. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights of way 50 feet or less in width.
 - Q. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
 - R. Type 2 or 3 Home Occupation, subject to DCC 18.116.280.
 - S. Expansion of existing airports.
 - T. Public road and highway projects as described as ORS 215.283(2)(p) through (r) and 215.283(3).
 - U. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - 4. Accommodations must be located within one-quarter mile of fish Type F waters.
 - V. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - W. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
 - X. A manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter. The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025 (3)(p).
 - Y. Single-family dwellings or manufactured homes as specified in DCC 18.116.070, as pursuant to DCC 18.36.050.
 - Z. Public parks including only those uses specified under OAR 660-034-0035.
 - AA. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 - 2. Only minor incidental and accessory retail sales are permitted; and
 - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 - BB. Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-

Exhibit "C"

month period and any part of which is held in open spaces.

CC. Permanent storage and repair of logging equipment.

(Ord. 2007-020 § 3, 2007; Ord. 2004-002 § 5, 2004; Ord. 2000-033 § 1, 2000; Ord. 94-038 1, 1994; Ord. 92-068 § 1, 1992; Ord. 92-025 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 90-014 § 28, 1990; Ord. 86-018 § 8, 1986)

Exhibit "D"

**Chapter 18.40. FOREST USE ZONE
- F-2**

- 18.40.010. Purpose.**
- 18.40.020. Uses permitted outright.**
- 18.40.030. Conditional uses permitted.**
- 18.40.040. Limitations on conditional uses.**
- 18.40.050. Standards for single-family dwellings.**
- 18.40.060. Siting of dwellings and structures.**
- 18.40.070. Fire siting standards for dwellings and structures.**
- 18.40.080. Fire safety design standards for roads.**
- 18.40.085. Stocking requirement.**
- 18.40.090. Dimensional standards.**
- 18.40.100. Yards and setbacks.**
- 18.40.110. Stream setbacks.**
- 18.40.120. State law controls.**
- 18.40.130. Rimrock setback.**

18.40.030. Conditional uses permitted.

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.40.040 and other applicable sections of DCC Title 18:

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Destination Resorts where mapped in a DR zone and subject only to the provisions of DCC 18.113 and other applicable provisions of DCC Title 18 and the Comprehensive Plan not contained in DCC 18.40.
- E. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production

equipment for an individual well adjacent to the well head.

- F. Log scaling and weigh stations.
- G. Disposal site for solid waste for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- H. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025. 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. For the purpose of DCC 18.40.030, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. 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. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds 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 6 month period.
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Exhibit "D"

- L. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- M. Aids to navigation and aviation.
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- O. Reservoirs and water impoundments.
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- S. Type 2 or 3 Home Occupation, subject to DCC 18.116.280.
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 - 2. Only minor incidental and accessory retail sales are permitted;
 - 3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - 4. Accommodations must be located within one-quarter mile of fish-bearing Type F waters.
- W. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- X. Single-family dwellings or manufactured homes as specified in DCC 18.116.070, pursuant to DCC 18.40.050.
- Y. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- Z. A manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.40.040 and 18.40.60. The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025 (3)(p).
- AA. Public parks including only those uses specified under OAR 660-034-0035.
- BB. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
 - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
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- CC. Any gathering subject to review by a county planning commission under the provisions of ORS 433.763.

Exhibit "D"

These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.

DD. Permanent storage and repair of logging equipment.

(Ord. 2007-020 § 4, 2007; Ord. 2004-002 § 6, 2004; Ord. 2000-033 § 1, 2000; Ord. 94-038 1, 1994; Ord. 92-068 § 1, 1992; Ord. 92-025 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 90-014 § 28, 1990; Ord. 86-018 § 8, 1986)

Exhibit "E"

**Chapter 18.84. LANDSCAPE
MANAGEMENT
COMBINING ZONE -
LM**

- 18.84.010. Purpose.**
- 18.84.020. Application of provisions.**
- 18.84.030. Uses permitted outright.**
- 18.84.040. Uses permitted conditionally.**
- 18.84.050. Use limitations.**
- 18.84.060. Dimensional standards.**
- 18.84.070. Application.**
- 18.84.080. Design review standards.**
- 18.84.085. Imposition of conditions.**
- 18.84.090. Setbacks.**
- 18.84.095. Scenic waterways.**
- 18.84.100. Repealed.**

18.84.090. Setbacks.

- A. Except as provided in DCC 18.84.090, minimum setbacks shall be those established in the underlying zone with which the LM Zone is combined.
- B. Road Setbacks. All new structures or additions to existing structures on lots fronting a designated landscape management road shall be set back at least 100 feet from the edge of the designated road right-of-way unless the Planning Director or Hearings Body finds that:
 - 1. A location closer to the designated road would more effectively screen the building from the road; or protect a distant vista; or
 - 2. The depth of the lot makes a 100-foot setback not feasible; or
 - 3. Buildings on both lots abutting the subject lot have front yard setbacks of less than 100 feet and the adjacent buildings are within 100 feet of the lot line of the subject property, and the depth of the front yard is not less than the average depth of the front yards of the abutting lots.

If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front yard

setback which will be appropriate to carry out the purpose of the zone.

- C. River and Stream Setbacks. All new structures or additions to existing structures shall be set back 100 feet from the ordinary high water mark of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090, decks are considered part of a structure and must conform with the setback requirement.

The placement of on-site sewage disposal systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Environmental Health Division. The placement of such systems shall minimize the impact on the vegetation along the river and shall allow a dwelling to be constructed on the site as far from the stream or lake as possible. Sand filter systems may be required as replacement systems when this will allow a dwelling to be located further from the stream or to meet the 100-foot setback requirement.

- D. Rimrock Setback. New structures (including decks or additions to existing structures) shall be set back 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted pursuant to the provisions of DCC 18.84.090(E).
- E. Rimrock Setback Exceptions. An exception to the 50-foot rimrock setback may be granted by the Planning Director or Hearings Body, subject to the following standards and criteria:
 - 1. An exception shall be granted when the Planning Director or Hearings Body finds that:
 - a. A lesser setback will make the structure less visible or completely screened from the river or stream; or
 - b. The subject lot or parcel was a lot of record prior to the adoption of this ordinance; or

Exhibit "E"

- c. Dwellings (including decks) on both lots or parcels abutting the subject lot within 50 feet of the rimrock and the adjacent buildings are within 100 feet of the lot line of the subject property; or
 - d. Adherence to the 50-foot setback would prevent the structure from being sited on the lot.
2. A dwelling qualifying for a rimrock setback exception under the criteria set forth above shall be located as follows:
- a. The structure shall be designed and sited to minimize the visual impact when viewed from the ordinary high water mark on the far side of the river. This shall be determined by viewing the property from the ordinary high water mark immediately across from the center of the river frontage on which the structure is proposed with like evaluations being made 300 feet upstream and downstream on either side of that point over the entire length of river frontage on which the structure is proposed.
 - b. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
 - c. The height of the structure shall not exceed the setback from the edge of the rimrock, except as described in the exception section (f), below.
 - d. No structure (including decks) shall be located closer than 20 feet from the edge of the rimrock unless the Planning Director or Hearings Body finds that the lesser setback will make the structure less visible or the structure is completely screened from the river or stream, except as described in the exception section (f), below.
 - e. Where multiple nonagricultural structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the affected area. This shall require a maintenance of at least 65 percent open space along rimrocks within subject lots or parcels.
 - f. Exception: For vacant lots or parcels less than one-half acre, existing prior to the adoption of Ordinance 92-034, with undulating rimrock, and where there are lawfully established residences within 100 feet of the lot line on the subject property on both of the abutting lots with rimrock setbacks less than the depth required in section (d) above, the residential structure setback shall meet the following criteria:
 - 1) The setback shall be the average distance between the abutting houses as measured from the subject lot's front yard line to the furthest point of each abutting home facing the river or stream.
 - 2) The height of the structure shall not exceed the height of the tallest abutting residence and in no case shall exceed 24 feet high, except for chimneys.
 - 3) The highest ridgeline shall slope up and away from, and run parallel with, the river or stream.
 - 4) Dormers are prohibited on the riverside or streamside of the residence and allowed on the street-side of the residence with the height not exceeding the height of the ridgeline.
 - 5) The setback for decks on the rimrock side of the dwelling shall be the average of the decks on the abutting lots or parcels as measured from the front yard line of the subject property and in no case shall extend and protrude over the rimrock.

(Ord. 2007-020 § 5, 2007; Ord. 2005-002 § 1, 2005; Ord. 2000-033 § 3, 2000; Ord. 92-034 § 2, 1992)



Exhibit "F"

Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

Memorandum

TO: Deschutes County Board of County Commissioners
FROM: Kristen Maze, Associate Planner
DATE: October 22, 2007
SUBJECT: Text Amendment TA-07-3 Deschutes County Code Title 18

The Deschutes County Board of County Commissioners ("Board") will hold a public hearing on October 22, 2007, at the Deschutes Services Center, starting at 10:00 a.m. The Commissioners will consider various text amendments and edits that modify Deschutes County Code Title 18.

I. Background

Administration of the Deschutes County Development Code over time and changes in State Administrative Rules has revealed the need to amend our current Code. The proposed changes are intended as simple changes that would;

- remove sections in our Code that have become obsolete,
- clarify language for administration purposes, and
- make necessary changes that satisfy changes required by State Administrative Rule.

iii. Draft Text Amendment

The four proposed text changes listed in the attached table are underlined for new language and shown as ~~strikethrough~~ for deleted language (Attachment 1).

IV. Review Criteria

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative zoning text amendment. Staff shall determine that the proposed Title 18 text amendments are consistent with state statute, the Statewide Planning Goals and the County's Comprehensive Plan. The parameters for evaluating these text amendments are based on whether there are adequate factual findings that demonstrate consistency with Statewide Goal 1, Citizen Involvement and Goal 2 Land Use Planning and the County's own zoning and land use goals and policies.

Exhibit "F"

V. Findings

The proposed amendment would revise Deschutes County Code Title 18 for editing and clarification purposes, and meeting state administrative requirements.

For purposes of this discussion, the proposed amendments would satisfy Statewide Goal 1, Citizen Involvement, and Goal 2 Land Use Planning.

- Goal 1 would be satisfied through our County text amendment process that includes a Planning Commission work session, followed by a Planning Commission public hearing, completed with County Board of Commissioners work session and public hearing.
- Goal 2 was reviewed by staff for compliance with the proposed text amendments and determined not to be adversely affected.
- The other Statewide Goals 3 through 14 were reviewed and determined that they are not applicable to this proposal.

The proposed amendment would have no effect on Deschutes County Comprehensive Plan goals and policies. Various Sections of the Deschutes County Code Title 18 listed in the attached table are the regulations that require amending at this time.

Planning Commission Recommendation and Vote

The Planning Commission recommended that the proposed text amendments outlined in the attached table be forwarded to the Board for approval. The motion was unanimously in favor of the proposed text changes.

VI. Recommendation

Staff recommends that the Board;

1. Hold a public hearing,
2. Provide staff direction for changes and approve the proposed Title 18 text changes.

Attachments:

1. DCC Title 18 Text Amendment Table
2. Ordinance
3. Codes