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Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.010. Title.

18.04.020. Purpose.

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18.04.010. Title.

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

18.04.020. Purpose.

- A. The intent or purpose of DCC Title 18 is to promote the public health, safety and general welfare and to carry out the Deschutes County Comprehensive Plan, the provisions of ORS 215 and the Statewide Planning Goals adopted pursuant to ORS 197. DCC Title 18 is to establish zoning districts and regulations governing the development and use of land within portions of Deschutes County, Oregon;
- B. To provide regulations governing nonconforming uses and structures; to establish and provide for the collection of fees; to provide for the administration of DCC Title 18 and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of DCC Title 18; and to provide for resolution of conflicts;
- C. To regulate the placement, height and bulk of buildings; and the placement and growth of vegetation within the County to ensure access to solar energy by reasonably regulating interests in property within the County, as authorized under ORS 215.044 and ORS 105.880 through 105.890, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan polices relating to solar energy; and
- D. To encourage the design of new buildings, structures and developments which use solar energy and protect future options to use solar energy by protecting solar access.

(Ord. 2007-019 §1, 2007; Ord. 91-020 §1, 1991; Ord. 83-037 §1, 1983)

18.04.030. Definitions.

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

"Accepted farming practice" means a mode of operation common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory dwelling" as applied in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, means a complete dwelling unit either attached to or separate from the primary dwelling unit. An accessory dwelling may be no larger than 33 percent of the living area, excluding the garage, of the primary dwelling, or 800 square feet, whichever is less. Maximum height for a detached accessory dwelling is 24 feet.

"Accessory use or accessory structure" means a use or structure incidental and subordinate to the main use of the property, and located on the same lot as the main use. Accessory uses include drilling for, and utilization of, low-temperature geothermal fluid in conjunction with the main use of the property.

"Adjoining" means contiguous; touching or connected, including tracts of land that only connect or touch at a common point.

Affected persons (Repealed by Ord. 91-038, 1991)

"Agricultural Land" means lands classified by the U. S. Soil Conservation Service (SCS) as predominately Class I-VI soils, and other lands in different soil classes which are suitable for farm use, taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural lands in any event.

"Agricultural structure" means any structure considered to be an "agricultural building" under the State Building Code (Section 326) as referenced in DCC 15.04.010 and is (1) located on a parcel that is at least 20 acres in size and contains at least 8.5 irrigated acres, or (2) a parcel that is at least 80 acres in size, regardless of irrigation.

"Agricultural use" means any use of land, whether for profit or not, related to raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof not specifically covered elsewhere in the applicable zone. Agricultural use includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. Agricultural use also includes the propagation, cultivation, maintenance and harvesting of aquatic species. Agricultural use does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees.

"Aircraft" means any vehicle designed or used for flight through the air and capable of carrying goods or people.

"Airport" means any area of land or water which is used or intended to be used by the general public for the landing and taking off of aircraft. This also includes any appurtenant areas, buildings or facilities.

Animal hospital (Repealed by Ord. 94-053, 1994)

"Apartment" see "dwelling, multiple-family."

Area of shallow flooding (Repealed by Ord. 93-002, 1993)

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Such areas are designated by the letter A or V on the Flood Insurance Rate Map (FIRM).

"Automobile and trailer sales area" means an open area, other than a street, for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

"Automobile repair garage" means a building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

"Automobile service station" means a building or portion thereof or land used for the retail sale of automobile fuel, oil and accessories and service.

"Automobile wrecking yard" means a premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of obsolete automobiles, trailers, trucks, machinery or parts thereof.

"Auxiliary" as used in DCC 18.36 and 18.40, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on a site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

"Bank-full stage" means the elevation at which water overflows the natural banks of a stream, river or lake and begins to inundate the upland. In the absence of physical evidence, the two-year reoccurrence interval flood elevation may be used to approximate bank-full stage.

"Basement" means a story partly or wholly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining grade.

"Bed and breakfast inn" means a single-family dwelling unit where lodging and meals are provided for compensation, in which no more than three guest rooms are provided for no more than eight guests. A guest shall not rent for a time period longer than 30 consecutive days.

"Bed or banks of stream or river" means the physical container of the waters of a stream or river lying below bank-full stage and the land 10 feet on either side of the container.

"Bicycle" means a vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground, any of which is more than 14 inches in diameter.

"Bicycle commuter facilities" means shower(s) and changing room(s) provided in commercial and public buildings employing at least 25 people. Such facilities may be part of regular bathroom facilities.

"Bicycle facilities" is a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, all bikeways, and shared roadways not specifically designated for bicycle use.

"Bicycle route" means a segment of a bikeway system designated with appropriate directional and information markers by the jurisdiction having authority.

"Bikeway" means any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is shared with other transportation modes.

"Boarding house" means a building or portion thereof, other than a motel, restaurant or hotel, where meals or lodging or both are provided for compensation for more than four persons, other than a family.

"Boat dock or pier, community" means a personal use boating structure that is built over or floats upon the water of a lake, river or stream that serves more than one property owner for the mooring of boats or as a landing place for marine transport, and that has a surface area of 320 square feet or less.

"Boat dock or pier, individual" means a personal use boating structure that is built over or floats upon the water of a lake, river or stream, and that serves one property owner for mooring boats or as a landing place for marine transport, and that has a surface area of 160 square feet or less.

"Boat house" means a covered or enclosed structure designed to provide moorage and/or storage for recreational or commercial marine transport and built over or floating upon a lake, river or stream.

"Boat slip" means an area of bank or shore where soil or other material is excavated to a level at or below the level of the waters of an adjacent lake, river or stream, to allow the mooring or landing of marine transport within the excavated area.

"Building" means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Camp, tourist or trailer park (Repealed by Ord. 91-038, 1991)

"Campground" means 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 amenity that is accessible for recreational use by the occupants of the campground. It is also where facilities are provided to accommodate camping for two or more tents, travel trailers, yurts or recreational vehicles. A campground shall not include campsite utility hook-ups, intensely developed recreational uses such as swimming pools or tennis courts or commercial activities such as retail stores or gas stations. A private campground may provide yurts for overnight camping. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. 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.

Camping vehicles (Repealed by Ord. 91-038, 1991)

"Carport" means a structure used to shelter a vehicle, having no enclosed uses above and entirely open on two or more sides.

"Carrying capacity" means level of use which can be accommodated and continued without irreversible impairment of natural resource productivity, the ecosystem and the quality of air, land and water resources.

"Child care center" means a child care facility that is certified to care for thirteen or more children or a childcare facility that was not constructed as single family home that is certified to care for 12 or fewer children.

"Church" means an institution that has nonprofit status as a church established with the Internal Revenue Service.

"Clear vision area" means a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of

intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines.

"Cluster development" means a development permitting the clustering of single or multi-family residences on part of the property, with individual lots of not less than two acres in size and not exceeding three acres in size. No commercial or industrial uses not allowed by the applicable zoning ordinance are permitted.

"Commercial agricultural enterprise" means farm operations which will:

- A. Contribute in a substantial way to the area's existing agricultural economy; and
- B. Help maintain agricultural processors and established farm markets. When determining whether a farm is part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.

"Commercial amusement establishment" means a facility supplying refreshments and various forms of entertainment to the general public.

"Commercial farm" as used in DCC 18.16 means those land tracts shown on the 1991 Assessor's records as contiguous ownership tracts under one name (or separated only by a road), zoned EFU, receiving special assessment for farm use and in the top 90 percent of assessed farm use values (arranged in ascending order). These farms are identified in the resource element of the comprehensive plan.

"Commercial forest land" means land which is used for the growing and harvesting of forest tree species.

"Commercial residential use" means a building, portion of a building or group of buildings designed or used for human occupancy or lodging for which a fee is charged, such as a hotel, motel or tourist camp, but excluding quarters intended for permanent occupancy such as a duplex or apartment. A manufactured home park is not included in this definition.

"Commercial use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals or wholesale distribution centers.

"Community center" means a community meeting, retreat and activity facility serving the social or recreational needs of community residents or visitors.

"Community service use" means any public or semi-public uses, such as landfills schools, utility facilities, churches, community buildings, fire stations, cemeteries, mausoleums, crematories, airports and private uses which attract significant numbers of people, such as airports, livestock sales yards and other similar uses.

"Community sewage system" means a sewage disposal system serving or designed to serve more than 10 individual residences or other uses for the purpose of disposing of household liquid wastes, having legal and financial capacity for long-term operation and maintenance. Does not include municipal or public utility sewage disposal system.

"Community water system" means a domestic water supply source or distribution system which serves or is designed to serve more than three individual residences or other uses for the purpose of supplying water for household uses, having legal and financial capacity for long-term operation and maintenance. Does not include municipal water supply systems.

"Conditional use" means a use that may be permitted, permitted with conditions or denied at the discretion of the Hearings Body based upon findings of fact as required by DCC Title 18, the County Uniform Development Procedures Code and the Comprehensive Plan.

"Condominium" means a type of ownership defined by state statute as the land, if any, whether leasehold or in fee simple, and whether contiguous or not contiguous; any buildings, improvements and structures on the property; and any easements, rights and appurtenances belonging to the property which are submitted to the provisions of ORS 100.005 to 100.625.

"Conduit" means any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made structure which is or may be used to convey water.

"Conflicting use" means a land use which could negatively impact or be negatively impacted by a Goal 5 resource.

"Conservation easement" means a nonpossessory interest in real property conveyed by the property owner to the County, imposing limitations or affirmative obligations concerning the use of the property. The purposes of a conservation easement include, but are not limited to, retaining or protecting natural, scenic or open space values, public access, protecting natural resources, maintaining or enhancing air and water quality and preserving the historical, archaeological or cultural aspects of the property.

"Contiguous land" means parcels of land under the same ownership which abut, irrespective of roadways, stream or valley bottom.

"Cross-section" means a profile of the ground surface perpendicular to the center line of a street, stream or valley bottom.

"Dam" means any man-made structure which is or may be used to impound water.

"Destination resort" means a self-contained development providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a "major destination resort" under Goal 8, a proposed development must meet the following standards:

- A. The resort is located on a site of 160 or more acres.
- B. At least 50 percent of the site is dedicated to permanent open space, excluding yards, street and parking areas.
- C. At least \$7,000,000 (in 1993 dollars) is spent in the first phase on improvements for on-site-developed recreational facilities and visitor-oriented accommodations, exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities.
- D. Developed recreational facilities and key facilities intended to serve the entire development and visitor-oriented accommodations must be constructed or, where permitted by DCC 18.113, guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.
- E. Visitor-oriented accommodations are provided, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings as described in DCC 18.113.060(A). Accommodations available for residential use will not exceed two such units for each unit of overnight lodging.
- F. Commercial uses limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses are not permitted.

"DEQ" means the Oregon Department of Environmental Quality.

"Developed recreation facilities" with respect to destination resorts, means improvements constructed for the purpose of recreation. These include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities and bicycle paths.

"Disposal site" means land facilities used for disposal, handling or transfer of or resource recovery of solid wastes.

"Diversion" means any man made structure which is or may be used to deflect or divert water from a river or stream into a conduit.

"DOGAMI" means the Oregon Department of Geology and Mineral Industries.

"Driveway" means a way created to provide vehicular access from a public or private road to a garage or parking area.

"Drainage swale" means a broad manmade depression, running parallel to the right of way, between the pavement and the sidewalks for containing storm runoff from streets.

"Dust-sensitive use" means real property normally used as a residence, school, church, hospital or similar use. Property used in industrial or agricultural activities is not "dust-sensitive" unless it meets the above criteria in more than an incidental manner. Accessory uses such as garages and workshops do not constitute dust-sensitive uses.

"Dwelling, multi-family" means a building or portion thereof designed for occupancy by three or more families living independently of each other.

"Dwelling, seasonal" means a dwelling unit, including a manufactured home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one family for recreational or seasonal purposes only.

"Dwelling, single family" means a detached building containing one dwelling unit and designed for occupancy by one family only, not including temporary structures such as tents, teepees, travel trailers and other similar structures.

"Dwelling, single family – zero lot line" and in the Neighborhood Planning Area means a detached building containing one dwelling unit and designed for occupancy by one family only where one or more of the building's sides coincide with a lot line, not including manufactured homes and such temporary structures as tents, teepees travel trailers and other similar structures.

"Dwelling, two-family" means a building containing two dwelling units and designed for occupancy by two families.

"Dwelling unit" means one or more rooms in a building designed for occupancy by one family and having not more than one cooking area or kitchen.

"Dude ranch" means a ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by nonresidents.

"Easement" means a grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

"Ensure" means guarantee; make sure or certain something will happen.

"ESEE" stand for "economic, social, environmental, and energy." ESEE means the economic, social, environmental and energy "consequences," as defined in OAR 660-16-005, that might result from prohibiting, restricting, or fully allowing a "conflicting" use. A conflicting use is one which could negatively impact or be negatively impacted by the Goal 5 resource.

"Excavation, grading and fill and removal" as used in DCC Title 18, these activities shall not include practices that constitute accepted farming practices as defined in ORS chapter 215.

"Exempt vegetation" means a tree or other plant that is shown by the sun chart accompanying a solar access permit application to cast existing shade on a protected area.

"Existing" means existing at the time of application.

"Exploration (for minerals)" means all activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade or economic viability of a deposit. "Exploration" does not include prospecting, chemical processing of minerals or the off-premises sale or use of any minerals.

"Factory built dwelling" means a dwelling unit built substantially or entirely at a place other than the residential site, meeting County and state building code requirements and including, but not limited to, prefabricated or modular homes, but excluding manufactured homes.

"Family" means an individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship living together as one housekeeping unit using a common kitchen and providing meals or lodging to not more than three additional unrelated persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using a common kitchen.

"Family child care provider" means a child care provider who regularly provides childcare to fewer than 13 children, including children of the provider (regardless of part- or full-time status), in the family living quarters of the provider's single-family home.

"Farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm Use" also includes the current employment of the land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to, providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described above. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used

exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). Current employment of the land for farm use also includes those uses listed under ORS 215.203(2)(b).

"Feed lot" means a livestock-feeding yard.

"Fence, sight-obscuring" means a continuous fence, wall, evergreen planting or combination thereof constructed and/or planted to effectively screen a particular use from view.

"Fill and removal" means the deposit or removal by artificial means of material at a location within the waters of any lake, river or stream, or in wetlands or riparian areas.

"Fire break" means a break in the ground cover fuels intended to prevent the spread of fire.

"Fish passage device" means any man made structure which is or may be used to enable fish to pass over a dam to move upstream.

"Fish protection device" means any man made structure, such as a fish screen, which is or may be used to prevent fish from entering into or passing through conduits, penstocks and other water conducting structures or devices connected to a hydroelectric facility.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood, base" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Such areas are designated by the letter A or V on the Flood Insurance Rate Map (FIRM).

Flood hazard area (Repealed by Ord. 88-030, 1988)

Flood hazard boundary map (Repealed by Ord. 88-030, 1988)

"Flood Insurance Rate Map (FIRM)" is the official map on which the United States Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The FIRM is adopted by reference in Ordinance No. 88-031.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood condition of partial or complete inundation of normally dry land areas. The Study is adopted by reference in Ordinance No. 88-031.

"Flood plain" means the area adjoining a stream that is subject to inundation by the base flood discharge that is outside the floodway.

"Flood plain development" means any man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Flood plain profile (Repealed by Ord 88-030, 1988)

"Floodway" means the channel of a river or other water course, and the adjacent land areas, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Forest lands" means lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

"Forest operation" means any commercial activity relating to the growing and harvesting of forest tree species.

"Forest practice" means any operation conducted on or pertaining to commercial forestlands, including but not limited to:

- A. Reforestation of forestland;
- B. Road construction and maintenance;
- C. Harvesting of forest tree species;
- D. Application of chemicals; and
- E. Disposal of slash.

"Forest uses" include production of trees and the processing of forest products; open space; buffers from noise and visual separation of conflicting uses; watershed protection and wildlife and fisheries habitat; soil protection from wind and water; maintenance of clean air and water; outdoor recreational activity and related support services and wilderness values compatible with these uses; and grazing for livestock.

"Front of building" means the building face, or scaled drawing thereof, from grade to the roof ridgeline, that is facing a front lot line and located at or behind a front setback.

"Frontage" means all property adjoining one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and a right of way, waterway, end of a dead-end or city boundary.

"Geothermal energy facility, small-scale" means an electrical power generating plant with a nominal electric generating capacity of less than 25 MW; a pipeline that is less than 16 inches in diameter and less than five miles in length used to carry geothermal resources; and related or supporting equipment and facilities.

"Geothermal resource, high-temperature" means any groundwater, steam or other fluid 250 degrees Fahrenheit or greater which is used for its thermal characteristics.

"Geothermal resource, low-temperature" means any groundwater, steam or other fluid less than 250 degrees Fahrenheit which is used for its thermal characteristics.

"Geothermal well, high-temperature" means any excavation as defined by ORS 522.005(10), 522.005(12) or 522.005(15), that is constructed or used for the thermal properties of the resource contained within, or which is constructed or used for returning such resource to an underground reservoir.

"Geothermal well, low-temperature" means any excavation as defined by ORS 537.515(9), that is constructed or used for the thermal properties of the resource contained within, or which is constructed or used for returning such resource to an underground reservoir.

"Goal 5 resource" means open spaces, scenic and historic areas and natural resources as specified in Goal 5 of Oregon's Statewide Planning Goals and its implementing Administrative Rule, OAR chapter 660, division 15.

"Golf course" means an area of land with highly maintained natural turf laid out for the game of golf with a series of nine or more holes, each including a tee, a fairway, a putting green and often one or more natural or artificial hazards. A "golf course" may be a nine or 18-hole regulation golf course or a combination nine and 18 hole regulation golf course consistent with the following:

- A. A regulation 18-hole golf course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
- B. A regulation nine-hole golf course is generally characterized by a site of 65 to 90 acres of land, has a playable distance of 2,500 to 3,600 yards and a par of 31 to 36 strokes.

"Golf course" does not include a stand-alone driving range. In EFU zones, "golf course" includes only regulation golf courses and does not include a golf course or golf course-like development that does not meet this definition. Excluded from this definition is such nonregulation development as executive golf courses, Par 3 golf courses, pitch and putt golf courses and miniature golf courses.

"Golf course, accessory uses" means an accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the nongolfing public.

Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course. In an EFU Zone, accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools and weight rooms; wholesale or retail operations oriented to the nongolfing public; housing.

"Grade (ground level)" means the average of the finished ground elevations of all walls of a building. For purposes of height determination in the Landscape Management Combining Zone, grade shall be the average of natural ground elevations prior to construction for the wall closest to and facing the road, river or stream.

"Guest house" means living quarters within a detached accessory building located on the same lot as the main building for use by temporary guests of the occupants of the main premises, not rented or otherwise used as a separate dwelling. A guesthouse shall contain no kitchen, kitchenette or other cooking facilities.

"Guest lodge" means an owner-occupied single-family dwelling unit located on a parcel of not less than five acres where lodging and meals are provided for compensation and in which no more than five guest rooms are provided for no more than 10 guests at one time.

"Habitable floor" means any floor usable for living purposes, including working, sleeping, eating, cooking, or recreation or a combination thereof. A floor used only for storage purposes is not a habitable floor.

"Health and fitness facility" means a building or series of buildings within which recreational amenities are included. Such facilities typically include, but are not limited to, any combination of the following recreational amenities and uses: swimming pool, basketball court, racquetball court, weight room, exercise room or tennis court, and instruction and counseling related to health and fitness.

"High-value farmland" means land in a tract composed predominantly of the following soils when they are irrigated: Agency loam (2A and 2B), Agency sandy loam (1A), Agency-Madras complex (3B), Buckbert

sandy loam (23A), Clinefalls sandy loam (26A), Clovkamp loamy sand (27A and 28A), Deschutes sandy loam (31A, 31B and 32A), Deschutes-Houstake complex (33B), Deskamp loamy sand (36A and 36B), Deskamp sandy loam (37B), Era sandy loam (44B and 45A), Houstake sandy loam (65A, 66A and 67A), Iris silt loam (68A), Lafollette sandy loam (71A and 71B), Madras loam (87A and 87B), Madras sandy loam (86A and 86B), Plainview sandy loam (98A and 98B), Redmond sandy loam (104A), Tetherow sandy loam (150A and 150B) and Tumalo sandy loam (152A and 152B). In addition to the above described land, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this definition, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.

"Highest shade producing point" means the highest shade producing point of the structure two hours before and after the solar zenith on December 21.

"Height of building" means the vertical distance from grade to the highest point of the roof.

"Historic area or district" means lands with sites, structures or objects of local, regional, statewide or national historical significance as indicated in the Comprehensive Plan Resource Element.

"Historic site" means a location, structure or object having local, regional, statewide or national historic significance as indicated in the Comprehensive Plan Resource Element.

"Hog farm" means any premises where 25 or more hogs are maintained.

"Home occupation" means an occupation or profession carried on within a dwelling and/or a residential accessory structure by a resident of the dwelling or employees, depending on type pursuant to DCC 18.116.280 and is secondary to the residential use of the dwelling and/or the residential accessory structure.

"Horse events" means any exhibition or competition involving horses whose purpose is to test and/or advance the skills of a horse and/or its rider, such as but not limited to horse shows, schooling events, horse training seminars or clinics, open houses, cutting competitions, rodeos or jackpot roping contests.

"Horse stables" means structures, including indoor and outdoor riding arenas, for the stabling or training of horses and other facilities normally associated with such uses.

"Horse stables, commercial" means stables for the boarding and/or keeping of horses and the training of horses that are not non-commercial riding stables as defined in DCC Title 18.

"Horse stable, noncommercial" means a detached accessory structure for the stabling or training of horses owned by the landowner or a single lessee of the stable facility for personal use. May also include the incidental boarding or keeping of up to five horses owned by persons not the owner or lessee of the horse stable for their personal use.

"Hotel/motel unit" means a single room within a multiple unit building that provides overnight sleeping accommodations on a temporary basis. Such rooms typically include a bed and individual bathing facilities.

"Hydroelectric facility" means all aspects of any project or development necessary for or related to the generation of hydroelectric energy, including, but not limited to, conduits, dams, diversions, fish ladders and

screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas and surrounding and adjacent lands which are necessary for or related to the facility.

"Impoundment" means any man-made structure which is or may be used to impound water.

"Industrial use" means the use of land primarily for the manufacture, processing, storage or wholesale distribution of products, goods or materials. It does not include commercial uses.

"Inn" means a multiple unit building, with more than three and up to 20 guest rooms, where overnight lodging and meals are provided for compensation. Meals include breakfast, lunch and dinner served only to guests who are provided overnight lodging.

Insure (Repealed by Ord. 91-020, 1991)

"Intensive agricultural use" means any agricultural use where accepted farming practice may produce noise, dust, chemical application or other potential nuisance at any time during the year.

"Interest" includes a lot or parcel, a share, undivided interest or membership which includes the right to occupy the land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period of more than three years. Interest does not include any interest in a condominium as that term is defined in ORS 100.505 or any security interest under a land sales contract, trust deed or mortgage. Interest does not include division's deed or mortgage. Interest does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

"Irrigated." As used in DCC 18.16, irrigated means watered by an artificial or controlled means, such as sprinklers, furrows, ditches or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation from a water or irrigation district or other provider. For the purposes of identifying high-value farmland, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered "irrigated" even if the irrigation water was removed or transferred to another tract.

"Junk yard" means primary or accessory use of a parcel of land for the storage, dismantling or selling of castoff or salvage material of any sort in other than the original form in which it was manufactured or assembled, not including reconditioned secondhand furniture or fixtures sold from within a walled building.

"Kennel" means a lot or building in which four or more dogs, cats, pot-bellied pigs or other animals at least four months of age are kept commercially for board, breeding, training or sale.

"Key facilities" means basic services usually furnished by local government but which also may be provided by private enterprise, essential to the support of more intensive development. Includes public schools, transportation, water supply, fire protection, sewage and solid waste disposal.

"La Pine Collector Street" means a collector street in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area as depicted on the Neighborhood Planning Area Street Plan, Figure 15, in DCC 23.36.052, the Deschutes County Comprehensive Plan.

"La Pine central collector" means the collector street running north and south through the center of the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area. The generalized corridor

location for the Central Collector is depicted on the Neighborhood Planning Area Street Plan, Figure 15, in DCC 23.36.052.

"Land development" means the division of land into parcels or lots for any purpose or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. Includes the intent for disposition of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests offered as a part of a common promotional plan of advertising and disposition by a single developer or group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering to be offered for disposition as part of a common promotional plan.

"Land disposal site" means a disposal site and related facilities at which the method of disposing solid waste is by landfill.

"Landing strip" means an area used for the landing and taking off of aircraft for the personal use of the property owner or his guests, or aircraft employed in agricultural operations.

"Landing strip, personal use" see "Personal use landing strip" for airplanes and helicopter pad.

"Landscaping" means trees, grass, bushes, shrubs, flowers, and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework and artificial plants, bushes or flowers.

"Legislative" means a planning or zoning action resulting in a general rule or policy which is applicable to an open class of individuals or situations.

"Live/work dwelling" is a use permitted in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, and Residential Center District in which a business may be operated on the ground floor. The ground floor commercial or office space has visibility, signage and access from the primary street. To preserve the pedestrian orientation of the commercial or office space, alley access is required for parking. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat. The live/work housing types are defined below:

- A. Live/work house: A single-family detached house with no more than 50 percent of the first story of the building available as commercial or office space.
- B. Live/work town home: A residential, fee simple town home unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.

"Livestock" means domestic animals of types customarily raised or kept on farms for profit or other productive purposes. This definition does not include household dogs, cats and pot-bellied pigs.

"Livestock feed lot" means an enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for commercial.

"Livestock sales yard" means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

"Loading space" means an off-street space within a building or on the same lot with a building, having direct access to a street or alley, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials.

"Lodge" means a structure or group of related structures wherein transient eating and/or sleeping accommodations are provided for a fee in connection with outdoor recreation activities.

"Lot" means a unit of land created by a subdivision of land.

"Lot area" means the total horizontal area contained within the lot lines. Said area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 acres and smaller. The total horizontal net area within lot lines of a lot is that square footage of a lot that is free from roads, streets, rights of way or easements of access to other property. Provided, however, that the Planning Director or Hearings Body shall include in gross lot areas all streets, roads, and easement of access to other property that would accrue to that lot if the road, street or easement were vacated, and shall treat the gross area of lots that have never been previously described of record as other than fractions of a section as if the section contained 640 acres, in cases where a lot is sought to be partitioned.

"Lot, Corner" means a lot adjoining two or more streets, other than alleys, at their intersection provided the angle of intersection of the adjoining streets does not exceed 135 degrees.

"Lot Depth" means the average horizontal distance between the front and rear lot lines.

"Lot Line" means the property lines bounding a lot.

"Lot Line, Front" means the lot line separating a lot from a street other than an alley. In the case of a lot that does not front directly on any street, the front lot line shall be that lot line parallel to and facing the same direction as the front lot lines of the majority of other properties in the immediate area.

"Lot Line, Rear" means the lot line opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

"Lot Line, Side" means any lot line other than a front or rear lot line bounding a lot.

"Lot, Through or Double Frontage" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

"Lot Width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Lot of Record" means:

- A. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:
 1. By partitioning land as defined in ORS 92;
 2. By a subdivision plat, as defined in ORS 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;
 3. By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots subject to a recorded subdivision or town plat;

4. By a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or
 5. By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.
- B. The following shall not be deemed to be a lot of record:
1. A lot or parcel created solely by a tax lot segregation because of an assessor's roll change or for the convenience of the assessor.
 2. A lot or parcel created by an intervening section or township line or right of way.
 3. A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed subject to DCC 18.04.030(B).
 4. A parcel created by the foreclosure of a security interest.

For the purposes of DCC Title 18, "lot" or "parcel" means a lot of record as defined DCC 18.04.030.

"Lowest floor" means the lowest floor of the lowest enclosed area of a structure, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of DCC 18.96.060.

"Major partition" means a partition which includes the creation of a road or street.

"Manufactured home" shall have the meaning as set forth in ORS 446.003(26).

"Manufactured home park" means any place where two or more manufactured homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Manufactured home subdivision" means a subdivision intended to be occupied primarily or exclusively by manufactured homes.

"Marina" means a facility developed along a body of water which includes docks, boat slips or moorings, and uses or improvements which are either necessary for its operation and maintenance, or provides goods or services customarily provided to boaters. Such uses and improvements may include: parking lots, maintenance buildings, boat storage, boat rental, restrooms, lockers and showers, food and beverage service, and retail sales of goods and services related to boating activities. A marina does not include boat sales, boat houses or facilities unrelated to boating, such as wholesale or retail businesses oriented toward the nonboating public, stand alone restaurants or other recreational amenities.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map (FIRM) are referenced.

"Mineral" includes, but is not limited to soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or constructional use.

"Mini-storage" means commercial development of multiple storage units for rental to the public.

"Minor partition" means a partition that does not include the creation of a road or street.

"Mitigation" means the minimizing or offsetting of impacts by the provision of on- or off-site improvement or compensation which benefits impacted property owners, resources and the public interest. Mitigation

measures include, but are not limited to, the provision of additional fish and wildlife habitat, conservation easements, on- and off-site screening and buffering, compensation for the maintenance of existing off-site screening, fees in lieu of improvements and similar arrangements which are agreed to in writing by the affected parties and which relate to and are necessitated by a surface mining development or operation.

Mobile home (Repealed by Ord. 91-005, 1991)

Mobile home park (Repealed by Ord. 91-005, 1991)

Mobile home subdivision (Repealed by Ord. 91-005, 1991)

"Modular homes" see "factory built dwelling."

"Multi-use path" means a path physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of-way or within an independent right-of-way. The multi-use path is used by bicyclists, pedestrians, joggers, skaters and other non-motorized travelers.

"Municipal water supply system" means a domestic water supply source and distribution system owned and operated by a city, county, special district or other public corporation which has independent tax-levying powers to support the system and which supplies water to a total of 1,000 or more households.

"Natural area" means as indicated in the Comprehensive Plan Resource Element, land and water that has substantially retained its natural character or land and water that, although altered in character is important as habitats for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features or for the enjoyment of its natural features.

"Natural hazard area" means an area subject to natural events known to result in death or endangerment of the works of man, such as stream flooding, ground water, flash flooding, erosion or fluvial deposits, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

"Natural resources" means air, land, water and the elements thereof valued for their existing and potential usefulness to man.

"Necessary for" as used in DCC 18.36.050 and 18.40.050, means the dwelling will contribute substantially to effective and efficient management of the forestland to be managed by the resident(s) of the dwelling.

"Neighborhood" means one of four areas in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, as depicted on the Neighborhood Planning Area Neighborhood and Quadrant Plan, Figure 11, in DCC 23.36.052, the Deschutes County Comprehensive Plan. Each Neighborhood has a Residential Center District including a Neighborhood Park and is divided into Quadrants by neighborhood collector streets.

"Neighborhood commercial building" means a building located in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, Residential Center District that does not exceed a total of 4,000 square feet of gross floor area and may contain retail, service, office, or food service establishment, excluding drive-through. A neighborhood commercial building is a stand-alone commercial use to serve neighborhood needs. It is not intended to draw large numbers of patrons from outside of the neighborhood. The design of the building shall be residential in scale and character. Off-street parking is limited to a maximum of one space per 500 square feet of building. Off-street parking must be located at the side or rear of the building. The public entrance to the building shall be from the primary street frontage.

“Neighborhood park” means a public park located in the central area of each Neighborhood in the La Pine Neighborhood Planning Area. Neighborhood Park size ranges from two to five acres.

“Neighborhood quadrant” means one of the four sub areas in each of the four neighborhoods in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area. The Quadrants are depicted on the Quadrant Plan, Figure 11, in DCC 23.36.052, the Deschutes County Comprehensive Plan.

"New construction" means any structure for which the start of construction commenced on or after the effective date of Ordinance PL-15. For purposes of the Flood Plain Zone (FP), "new construction" means any structure for which the start of construction commenced on or after the date of adoption of the amendments to the Flood Plain Zone in Ordinance No. 88-030.

"Noise-sensitive use" means real property normally used for sleeping or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not "noise-sensitive" unless it meets the above criteria in more than an incidental manner. Accessory uses such as garages or workshops do not constitute noise-sensitive uses.

"Nonconforming lot or parcel" means a lot or parcel which is smaller in area than the minimum lot or parcel size in the zone.

"Nonconforming structure or use" means a lawful existing structure or use at the time DCC Title 18 or any amendment thereof becomes effective which does not conform to the requirements of the zone in which it is located.

"North lot line" means a lot line that requires solar access protection, as specified in DCC 18.116.180, that is 45 degrees or more from a north-south axis as determined by a metes and bounds description established on a County Assessor's tax lot map, verified by a survey filed with the County Surveyor or established by an official plat recorded in the County Clerk's Office. If more than one north lot line exists for a parcel or lot, solar protection shall be required for each line and the most restrictive solar setback must be met.

"Nursery, day" means a facility providing day care to three or more children, aged 14 years or under, but not including any:

- A. Facility providing care that is primarily educational unless provided to a preschool child for more than four hours a day;
- B. Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion;
- C. Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group;
- D. Facility operated by a school district or governmental agency; or
- E. Residential facility licensed under ORS 443.400 to 443.445 and 443.991(2).

"Nursing home" means any home, institution or other structure maintained or operated for the nursing or care of 16 or more ill, aged or infirm adults not requiring hospital care or hospital facilities.

"Open space" means lands used for agricultural or forest uses and any land area that would, if preserved and continued in its present use:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air, streams or water supply;
- C. Promote conservation of soils, wetlands, beaches or marshes;

- D. Conserve landscaped areas such as public or private golf courses, that reduce pollution and enhance the value of adjoining or neighboring property;
- E. Enhance the value to the public of adjoining or neighboring parks, forests, wildlife preserves, nature reservations or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic, geological and archeological sites;
- H. Promote orderly urban development; and
- I. Minimize conflicts between farm and nonfarm uses.

“Open space buffer” means the open space designated on the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area Parks and Open Space Plan, Figure 17 in DCC 23.36.052, the Deschutes County Comprehensive Plan. The open space buffer provides space between the Neighborhoods and Highway 97, Huntington Road, Burgess Road and the existing subdivision adjacent to the La Pine Neighborhood Planning Area.

“Open space corridor” means the corridors designated on the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area Parks and Open Space Plan, Figure 17 in DCC 23.36.052, the Deschutes County Comprehensive Plan. The open space corridors define the boundaries between the Neighborhoods and are the locations for paths in the non-motorized circulation network.

"Ordinary High Water Mark (OHM)" means the highest level on the bank or shore of a lake, river or stream to which the water ordinarily rises annually in season.

"Ordinary Low Water Mark (OLM)" means the lowest level on the bank or shore of a lake, river or stream to which the water ordinarily recedes annually in season.

“Outdoor Recreational Equipment Storage Area” means a fenced area for the outdoor storage of recreational or sporting equipment which may include: recreational vehicles as defined by Chapter 18.04, boats, jet skis, golf carts, snowmobiles, and dog sleds. The equipment may be stored outside or under a roof without enclosed sides.

"Overburden" means earth or rock that lies above a natural deposit of a mineral.

"Overnight lodgings" with respect to destination resorts, means permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and time-share units. Individually-owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation and check-in service operated by the destination resort or through a real estate property manager, as defined in ORS 696.010. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodging for the purpose of this definition.

"Owner" means the owner of DCC Title 18 to real property or the authorized agent thereof or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Recorder's records.

"Parcel" means a unit of land created by a partitioning of land.

"Parking space" means a clear, off-street area for temporary parking or storage of one automobile, having an all-weather surface of a width not less than eight and one-half feet, a length of not less than 22 feet and not less than eight and one-half feet in height when within a building or structure. Such parking space shall not

be less than 190 square feet in area and shall have easy access to a street or alley by a driveway having an all-weather surface, except as approved subject to DCC 18.116.030.

"Partition" means an act of partitioning land or an area or tract of land partitioned as defined under "partition land."

"Partition land" means to divide land into two or three parcels within a calendar year. Partition land does not include divisions of land resulting from lien foreclosures, or recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots. Partition land does not include a division of land resulting from the recording of a subdivision or condominium plat. Partition land does not include an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

"Partition plat" means the final map describing parcels created by partition and other writing as specified in the subdivision and partition ordinance containing all other descriptions, locations, specifications, dedications, provisions and information concerning a major or minor partition.

"Pedestrian facilities" means improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting and benches which make it safe or convenient to walk.

"Penstock" means any conduit or other structure which is or may be used to convey water to the driving mechanism of a generator.

"Person" means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

"Personal use landing strips for airplanes and helicopter pad" means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with permitted uses of the land. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

"Petroleum distribution facility" means a facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

"Planned community" means a self-contained complex of residential, commercial and industrial uses in the form of a planned development in conjunction with a master plan with an interrelated system for transportation, utilities, recreational areas and other public facilities all of which constitute a separate community which is at least 640 acres in size. Sunriver is an example of a planned community.

"Planned development" means the development of an area of land at least 40 acres in size for a number of dwelling units, commercial or industrial uses, according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the standard regulations otherwise required by DCC Title 18, and usually featuring a clustering of residential units.

"Planned unit development," see "planned development."

"Plant nursery" means a place where young trees or other plants are raised for experimental purposes or for transplanting for sale.

"Plat" means a final map or diagram concerning a subdivision or partition. Includes a subdivision plat, replat or partition plat.

"Pole height" means the height of the point on a building that casts the longest shadow on the north side of the building as measured between 10:00 a.m. and 2:00 p.m. on December 21.

"Pot-bellied pig" means a swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig. Such animals shall not exceed a maximum height of 18 inches at the shoulder.

"Potential structure," for purpose of solar access protection on a potential structure, is any structure or building that could be built as a permitted use in a particular location under existing development standards under the existing Deschutes County Comprehensive Plan.

"Preexisting nonconforming lot or parcel" means a nonconforming lot or parcel which is a lot of record.

"Prefabricated house" see "factory built dwelling."

"Primary or principal use" means the first use to which property is or may be devoted, and to which all other uses on the premises are accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

"Productive solar collector" means a solar collector that provides no less than a) 10 percent of a building's annual total energy requirement; or b) 50 percent of a building's annual water heating requirements.

"Prospect well" means any well drilled as a geophysical test well, seismic shot hole, mineral exploration drilling, core drilling or temperature gradient test well less than 2,000 feet in depth. Prospect well does not include a geothermal well as defined in DCC 18.04.030.

"Protect" means save or shield from loss, destruction, injury or for future intended use.

"Protected area" means the specific area which is provided solar access for specific hours and dates under DCC Title 18.

"Provide" means prepare, plan for and supply what is needed.

"Public park" means an area of natural or ornamental quality for outdoor recreation that provides the resource base for the following activities: picnicking, boating, fishing, swimming, camping and hiking or nature oriented recreation such as viewing and studying nature and wildlife habitat, and may include play areas and accessory facilities that support the activities listed above.

"Public use" means a use owned or operated by a public agency for the benefit of the public generally. This does not include landfill sites, garbage dumps or utility facilities.

Public utility water system (Repealed by Ord. 93-043, 1993)

"Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

“Quadrant plan” means a development plan for a Neighborhood Quadrant in the La Pine Neighborhood Planning Area.

"Quasi-judicial" means a land use action entailing application of a general rule or policy to specific individuals or situations.

"Ramada" means a stationary structure having a roof extending over a manufactured structure which may also extend over a patio or parking space of motor vehicles and is used principally for protection from snow, sun or rain. A ramada is open on two or more sides and has no enclosed uses.

"Ranch hand residence" means a building, structure or manufactured home used for residential purpose for an agricultural employee and his family.

"Reclamation" means the employment in a surface mining operation of procedures designed to minimize, as much as practical, the disruption of the surface mining operation and to provide for rehabilitation of any such surface resources adversely affected by such mining operations through the rehabilitation of plant cover, soil stability, water resource and other measures appropriate to the subsequent beneficial use of mined and reclaimed lands.

"Recreation camps or resorts" means an area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other similar uses, whether the use of such area is limited to private membership or open to the public upon payment of a fee.

"Recreation parks" means an area designated by the landowner for picnicking or overnight camping and offered to the general public whether or not a fee or charge is made for such accommodations.

“Recreational path” means a pathway constructed as part of a community wide path system used for multi-purpose recreational uses, including but not limited to: walking, running, bicycling, cross-country skiing and roller and in-line skating. Such paths may be improved with wood chips, aggregate, asphalt or other material necessary to designate and maintain the pathway for the use intended. Recreational paths do not include running tracks, velodromes or other single purpose tracks not developed as part of the community wide path system.

"Recreational vehicle" means a mobile unit which is designed for temporary human occupancy and licensed as a motor home, recreational trailer or camper by the Oregon Motor Vehicles Division or similar units licensed by another state. This mobile unit is designed to be:

- A. self-propelled or permanently towable by a light duty truck;
- B. built on a single chassis; and
- C. 400 square feet or less when measured at the largest horizontal projection

"Recreational vehicle park" means a park intended, designed or utilized for temporary occupancy primarily by recreational vehicles.

“Regional park” means a park ranging in size from 10 to 25 acres with recreational facilities to serve the La Pine Urban Unincorporated Community and surrounding region.

"Replat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

"Residential" means any dwelling unit or group of units built or used for human occupancy.

"Residential facility" means a facility licensed by or under the authority of the Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a home licensed by or under the authority of the Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

"Resort facility" means a building or series of buildings, portions of which are under common ownership which provide interrelated visitor and vacation services and are intended to serve the community and the travel needs of people traveling through the area. Typical uses include, but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, resort recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses.

"Resort recreation facilities" means any combination of the following recreational amenities and their accessory uses: health and fitness facility, golf course (including development such as executive, Par 3 and pitch and putt golf course), golf course accessory uses, tennis court, park, playground, picnic and barbecue area, in-line skating area, recreational path, miniature golf facility, nature center, equestrian facility, swimming pool, basketball and volleyball court, running track, ball fields, ice skating rink, or similar use intended for sport or play, and community center.

"Resort utility facilities" means buildings, structures and uses, not including living quarters, that provide or are used in connection with activities of a service or infrastructure nature for the operation and maintenance of a resort community. Such facilities include, but are not limited to: sewage treatment plant, water treatment, transmission lines, wells and pumping equipment, substation or pump station, irrigation systems, equipment storage, repair yard or building, facilities mandated by the Oregon Department of Environmental Quality, cable television facility, and administrative offices.

"Resource recovery" means the process of obtaining useful material or energy resources from solid waste and includes:

- A. "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.
- B. "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused or recycled from some purpose.
- C. "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.
- D. "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Right of way" means the area between the boundary lines of a street, road or other public easement.

"Rimrock" means any ledge, outcropping or top or overlying stratum of rock, which forms a face in excess of 45 degrees, and which creates or is within the canyon of the following rivers and streams: (1) Deschutes River, (2) Crooked River, (3) Fall River (4) Little Deschutes River (5) Spring River (6) Paulina Creek (7) Whychus Creek and (8) Tumalo Creek. For the purpose of DCC Title 18, the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock.

"Road and street project" means the construction and maintenance of the roadway, bicycle lane, sidewalk or other facility related to a road or street. Road and street projects shall be a Class I, Class II or Class III project.

- A. Class I Project. Land use permit required. "Class I Project" is a major project such as:
 - 1. A new controlled-access freeway;
 - 2. A road or street project of four or more lanes on a new location; and
 - 3. A major project involving the acquisition of more than minor amounts of rights of way, substantial changes in access control, a large amount of demolition, displacement of a large number of residences or businesses or substantial changes in local traffic patterns.
- B. Class II Project. Land use permit required. "Class II Project" is a:
 - 1. Modernization where a road or street is widened by more than one lane;
 - 2. Traffic safety or intersection improvement which changes local traffic patterns;
 - 3. System change which has significant land use implications; or
 - 4. The construction of a new County road or street within a dedicated public right-of-way, where none existed before.
- C. Class III Project. No land use permit required. "Class III Project" is a modernization, traffic safety improvement, maintenance, repair or preservation of a road or street.

"Road or street" means a public or private way created to provide ingress or egress to one or more lots, parcels, areas or tracts of land.

- A. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties adjoining another street.
- B. "Arterial" means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so designated by the County.
- C. "Bicycle route" means a right of way for bicycle traffic.
- D. "Collector" means a street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterial and local streets and roads within the County.
- E. "Cul-de-sac" means a short street having one end open to traffic and the other end terminated by a vehicle turnaround.
- F. "Half street" means a portion of the width of a street sufficient for safe service temporarily (as approved by the County Engineer) when the remaining portion of the street is likely to be provided in another subdivision.
- G. "Marginal access street" means a minor street parallel and adjacent to a major arterial providing access to adjoining properties, but protected from through traffic.
- H. "Local street" means a street intended primarily for access to adjoining properties.
- I. "Stubbed streets" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

"Roadway" means that portion of a street or road right of way developed for vehicular traffic.

"Scenic area" means land and other natural features valued for their aesthetic qualities.

"School, private" means any licensed or accredited private entity that offers instruction or training for any academic, technical or identified occupational objective.

"School, public" means a school operated by a government agency.

"Self-contained development" with respect to destination resorts, means community sewer, water and recreational facilities provided on-site and limited to meet the needs of the resort or provided by existing public sewer or water service as long as all costs related to service extension and any capacity increase are borne by the development. A "self-contained development" shall have developed recreational facilities provided on-site.

"Semipublic use" means a structure or use intended or used for both private and public purposes by a church, lodge, club or any other nonprofit organization.

"Service establishment" means a business selling a service and products directly related to that service. Service establishment includes, but is not limited to, shoe or appliance repair; hair cutting and styling; realtor; interior decorator; upholsterer; pet grooming; optician and travel agent. An automobile repair garage or medical office is not a service establishment for the purposes of DCC Title 18.

"Setback" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in DCC Title 18.

"Setback, front" means a setback between side lot lines, measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building.

"Setback, rear" means a setback between side lot lines, measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

"Setback, side" means a setback between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

"Setback, street side" means a setback adjacent to a street between the front setback and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

"Shade" means a shadow, except a shadow caused by a narrow object, including, but not limited to, a utility pole, an antenna, a wire or a flagpole.

"Shopping complex" means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking on site and aesthetic considerations which integrate it with the surrounding area.

"Sidewalk" means a pedestrian walkway separated from a road, with or without a curb, constructed of a durable, hard surface, usually concrete.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

"Sign, advertising" means a sign which directs attention to a business, product, activity, or service not necessarily conducted, sold or offered upon the premises where such a sign is located.

"Solar access" means protection from shade for a specific area during specific hours and dates, but not including protection from shade cast by exempt vegetation.

"Solar access permit" means the instrument issued by the County which limits the size of nonexempt vegetation on certain lots in the vicinity of a recorded solar collector.

"Solar collector" means any object that uses solar radiation for a useful purpose, including, but not limited to, windows, walls, roofs and collectors.

"Solar heating hours" means the hours and dates during which solar access is provided.

"Solar height restriction" means the allowable height of buildings, structures and nonexempt vegetation on a property burdened by the solar access of another property.

"Solid waste" for the purposes of DCC Title 18, means all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; commercial, industrial, demolition and construction wastes, discarded home and industrial appliances; and other wastes; but the term does not include:

- A. Hazardous wastes as defined in ORS 466.005(7).
- B. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and growing or harvesting of crops and the raising of animals.

Stables, Private (Repealed by Ord. 94-008, 1994)

Stables, Public (Repealed by Ord. 94-008, 1994)

"Stabling or training equines" as used in the definition of "farm use" means the use of land involving the pasturing, keeping, boarding, management or training of horses. For the purposes of this definition, horse events, as defined herein are deemed to be an incident of training.

"Start of construction" means the first act of permanent construction of a structure, other than a manufactured home, on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling. Does not include the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or as part of the main structure. For a structure other than a manufactured home without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundations. For manufactured homes not within a manufactured home park or manufactured home subdivision, start of construction means the affixing of the mobile home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, start of construction is the date on which construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or pouring of concrete pads, and installation of utilities) is begun.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above.

"Story, half" means a story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

"Stream, perennial" includes the following rivers and streams in Deschutes County: Alder Creek, Bottle Creek, Bridge Creek, Brush Draw, Bull Creek, Cache Creek, Charlton Creek, Cultus Creek, Cultus River, Deer Creek, Deschutes River, Dry Creek, Fall Creek, First Creek, Full Creek, Goose Creek, Indian Ford Creek, Jack Creek, Kaleetan Creek, Lake Creek-Middle Fork, Little Deschutes River, Metolius Creek, Park Creek-East Fork, Park Creek-West Fork, Paulina Creek, Pole Creek, Rock Creek, Snow Creek, Soap Creek, Soda Crater Creek, Spring Creek, Whychus Creek, Whychus Creek-North Fork, Three Creek, Todd Lake Creek, Trout Creek, Tumalo Creek, Tumalo Creek-North Fork, Tumalo Creek-Middle Fork, and Tumalo Creek-South Fork.

"Street" means the entire width between the right of way lines of every public way for vehicular and pedestrian traffic. Includes the terms "road," "highway," "land," "place," "avenue," "alley" or other similar designation.

"Structural alteration" means any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, any structural change in the roof or in the exterior walls, or any alteration requiring a building permit.

"Structure" means something constructed or built having a fixed base on, or fixed connection to, the ground or another structure.

"Subdivide lands" means to divide land into four or more lots within a calendar year.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.

"Subdivision plat" means the final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the true cash value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
- C. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- D. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Substantially shaded" means less than 80 percent of the available solar insulation is available during winter solar heating hours to either the south roof and/or wall of an existing or potential structure.

"Sun chart" means a photograph or photographs, taken subject to the guidelines of the Planning Director or Hearings Body, which plots the position of the sun during each hour of the day and each month of the year relative to a protected area. The sun chart shall contain, at a minimum:

- A. Solar altitude in 10-degree increments;
- B. Solar azimuth measured from true south in 15-degree increments;
- C. If the solar collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; and

- D. A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures, and deciduous and evergreen vegetation.

"Surface mining" means

A. Includes:

1. All or any part of the process of mining by removal of the overburden and extraction of natural mineral deposits thereby exposed by any method including, open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits, except those constructed for access roads; and
2. Mining which involves more than 1,000 cubic yards of material or excavation prior to mining of a surface area of more than one acre.

B. Does not include:

1. The construction of adjacent or off-site borrow pits which are used for access roads to the surface mine;
2. Excavation and crushing of sand, gravel, clay, rock or other similar materials conducted by a landowner, contractor or tenant on the landowner's property for the primary purpose of construction, reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction and other on-site construction, or nonsurface impacts of underground mines; and
3. Batching and blending of mineral and aggregate into asphaltic concrete or portland cement concrete.

"Surface mining, minerals" means includes, but is not limited to, soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or construction use.

"Surface mining, operator" means any person or entity engaged in surface mining.

"Surface mining, processing" means processing includes crushing, washing, milling and screening as well as batching and blending of mineral aggregate into asphaltic concrete and portland cement concrete. (NOTE: Processing of mineral and aggregate material into secondary products, such as building materials, is allowed in industrial zones and may be sited as part of a limited use combining zone in conformance with all plan amendment and zone change requirements of the County comprehensive plan and zoning ordinance.)

"Time share unit" means

- A. A dwelling unit, lot or parcel divided into periods of time under any arrangement, plan, scheme or device; whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right-to-use agreement or otherwise; where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot or parcel for a period of time less than a full year during any given year, but not necessarily for consecutive years, which extends for a period of more than three years; or
- B. A dwelling unit, lot or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in DCC 18.04.030(A) "Time share unit," whether immediate or future, into 11 or more undivided interests or 11 or more other interests, or any other similar arrangement of interests in the dwelling unit, lot or parcel.

"Town home" as applied in the La Pine Neighborhood Planning Area means a single-family dwelling with common walls on one or both side lot lines and continuous front facades. Alleys, to the rear of the building, provide parking and service access.

"Tract" as used in DCC 18.16, 18.36 and 18.40, means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

"Trailer" means any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels and which does not fall within the definitions of vacation trailer, manufactured home or prefabricated house. Includes boat trailers, bunk trailers, portable schoolrooms and industrial, commercial or public offices and accessory uses.

"Trailer park" means an area of land upon which two or more travel trailers occupied for dwelling or sleeping purposes are located, the primary purpose of which is to rent space or keep space for rent.

"Trailer, travel" means see "vacation trailer."

"Transit facility" means improvements at selected points along transit routes for passenger pick-up, drop-off and waiting. Facilities and improvements may include shelters, benches, signs and structures and other improvements to provide security, protection from the weather and access to nearby services.

"Transit route" means an existing or planned route for public service in the local or regional transportation plan.

"Transmission facility" means the conductors, lines, poles, towers, structures, corridors and construction staging and assembly areas necessary for or associated with the transmission of electricity from a hydroelectric facility for distribution.

"Traveler's accommodations" means any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.

Tree (Repealed Ord. 91-020, 1991)

"Unbuildable area" means an area in which a structure could not be built as a permitted use under existing development standards for the area under the existing Deschutes County Comprehensive Plan.

"Unincorporated Community" means an unincorporated community having a zoning designation under DCC Title 18 of Urban Unincorporated Community, Rural Service Center (designated under OAR chapter 660 division 22 and otherwise), Resort Community or Rural Community.

"Use" means the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Utility facility" means any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, telecommunications facilities, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. This definition shall not include wireless telecommunication facilities where such facilities are listed as a separate use in a zone.

"Variance" means an authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by a zoning ordinance.

- A. "Area variance" means a variance which does not concern a prohibited use. Usually granted to construct, alter or use a structure for a permitted use in a manner other than that prescribed by the zoning ordinance.
- B. "Use variance" means a variance which permits a use of land other than that prescribed by the zoning or other applicable ordinances.

"Veterinary clinic" means a place where animals or pets are given medical attention and cared for during the time of such treatment.

Vision Clearance Area (Repealed by Ord. 91-038, 1991)

"Visitor-Oriented Accommodations" with respect to destination resorts, means overnight lodging, restaurants and meeting facilities designed to provide for the needs of visitors rather than residents.

"Walkway" means a structure that is built over or floats upon the waters of a lake, river or stream and that provides access to a boat dock or pier.

"Wetland" means an area that is inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and other similar areas.

"Winter solar heating hours" means the time period extending two hours before and after the solar zenith on December 21.

"Wireless telecommunications facility" means an unstaffed facility for the transmission or reception of radio frequency (RF) signals usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure such as a self-supporting monopole or lattice tower, antennas, microwave dishes or other transmission and reception devices. This definition includes "personal wireless services facilities" as defined under the Telecommunications Act of 1996.

"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in DCC Title 18.

"Yard, front" means a yard between side lot lines measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and adjoining on a street other than an alley shall be considered a front yard.

"Yard, rear" means a yard between side lot lines measured horizontally at right angles from the rear lot line to the nearest point of a building.

"Yard, side" means a yard between the front and rear yard measured horizontally at right angles from the side lot lines to the nearest point of a building.

"Yard, street side" means a yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

"Yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.

"Zero lot line" means the location of a building on a lot or parcel in such a manner that one or more of the building's sides coincide with a lot line.

(Ord. 2007-005 §1, 2007; Ord. 2007-020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1, 1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93-038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 §§1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88-050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 §2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

Chapter 18.08. BASIC PROVISIONS

18.08.010. Compliance.

18.08.020. Existing Agreements and Zoning Permits.

18.08.030. Terminology and Construction.

18.08.010. Compliance.

- A. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as DCC Title 18 permits. No new structure shall be constructed on any lot of less area than the minimum for the zone in which it is located, excepted as provided by DCC Title 18 and ORS 215.203 et. seq.
 - B. No dimensional requirement of DCC Title 18 shall be violated after its terms become effective unless specifically provided for herein.
 - C. Except as specifically provided by DCC Title 18, no lot area, yard or other open space which is required by DCC Title 18 for one use shall be used as the required lot area, yard or open space for another use.
- (Ord. 84-023 §2, 1984)

18.08.020. Existing Agreements and Zoning Permits.

DCC Title 18 does not repeal, abrogate or impair any existing easements, covenants, deed restrictions or zoning permits such as preliminary plat and partition approvals, conditional use permits, nonconforming use permits, temporary use permits, special exceptions or building permits.

(Ord. 93-043 §2, 1993)

18.08.030. Terminology and Construction.

- A. Terminology. The word "County" shall mean the County of Deschutes, Oregon. The word "Board" shall mean the Board of County Commissioners of the County of Deschutes. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the County of Deschutes duly appointed by the Board of County Commissioners. The words "Planning Director," "County Engineer," "County Clerk," "County Sanitarian," "County Surveyor," "Hearings Body," "Tax Collector" and "Assessor" shall mean the Planning Director, County Engineer, County Clerk, County Sanitarian, County Surveyor, Hearings Body, Tax Collector and Assessor of the County of Deschutes.
 - B. Construction. Words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.
- (Ord. 91-020 §1, 1991)

Chapter 18.12. ESTABLISHMENT OF ZONES

18.12.010. Establishment of Zones.

18.12.020. Location of Zones.

18.12.030. Zoning Map.

18.12.040. Zone Boundaries.

18.12.010. Establishment of Zones.

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and unincorporated community zone districts are hereby established:

A. Primary Zones.

Primary Zones	Abbreviations
Airport Development	AD
Exclusive Farm Use Zones	EFU
Flood Plain	FP
Forest Use	F1
Forest Use	F2
Multiple Use Agriculture	MUA10
Open Space and Conservation	OS&C
Rural Commercial	RC
Rural Industrial	RI
Rural Residential	RR10
Surface Mining	SM

B. Combining Zones.

Combining Zones	Abbreviations
Airport Height	AH
Conventional Housing	CH
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBMH
Surface Mining Impact Area	SMIA Wildlife Area WA

C. Exclusive Farm Use Subzones.

Exclusive Farm Use Subzones	Abbreviations
Alfalfa	EFUAL
Horse Ridge East	EFUHR
La Pine	EFULA
Lower Bridge	EFULB
Sisters/Cloverdale	EFUSC
Terrebonne	EFUTE
Tumalo/Redmond/Bend	EFUTRB

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

La Pine Planning Area	Abbreviations
Commercial District	LPC
Community Facility District	LPCF
Community Facility Limited District	LPCFL
Flood Plain District	LPFP
Industrial District	LPI
Business Park District	LPBP
Residential District	LPR
Sewer Treatment District	LPST
Neighborhood Planning Area	Abbreviations
Neighborhood Community Facility	LPNCF
Neighborhood Community Facility Limited	LPNCFL
Neighborhood Commercial	LPNC
Neighborhood Park	LPNPK
Neighborhood Open Space	LPNO
Neighborhood Residential Center	LPNRC
Neighborhood Residential General	LPNRG
Wickiup Planning Area	Abbreviation
Wickiup Commercial/Residential	LPWCR

2. Sunriver Urban Unincorporated Community.

Sunriver Districts	Abbreviations
Airport District	SUA
Business Park District	SUBP
Commercial District	SUC
Community General District	SUCG
Community Limited District	SUCL
Community Neighborhood District	SUCN
Community Recreation District	SUCR
Flood Plain Combining District	SUFP
Forest District	SUF
Multiple Family Residential District	SURM
Resort District	SUR
Resort Equestrian District	SURE
Resort Golf Course District	SURG
Resort Marina District	SURA
Resort Nature Center District	SURN
Single Family Residential District	SURS
Utility District	SUU

3. Terrebonne Rural Community.

Terrebonne Districts	Abbreviations
Commercial District	TeC
Commercial-Rural District	TeCR
Residential District	TeR
Residential-5 acre minimum District	TeR5

4. Tumalo Rural Community.

Tumalo Districts	Abbreviations
Commercial District	TuC
Flood Plain District	TuFP
Residential District	TuR
Residential-5 acre minimum District	TuR5
Research & Development District	TuRE

5. Rural Service Center.

Commercial/Mixed Use Districts		
Brothers, Hampton, Millican, Whistlestop, Wildhunt		RSC-C/M (B,H,M,W,W)
Alfalfa	RSC-C/M (A)	
Alfalfa Residential	RSC-R(A)	
Brothers Open Space	RSC-OS	

6. Black Butte Ranch Resort Community.

Black Butte Ranch District	Abbreviations
Resort District	BBRR
Surface Mining District/Limited Use	BBRSM
Utility District/Limited Use	BBRU

7. Inn of the 7th Mountain/Widgi Creek Resort Community

Inn of the 7 th Mountain/ Widgi Creek District	Abbreviations
Resort District	SMWCR
Widgi Creek Residential District	WCR

(Ord. 2006-008 §2, 2006; Ord. 2005-016 §1, 2005, Ord. 2002-019 §1, 2002, Ord. 2002-001, §1, 2002, Ord. 2001-048 §4, 2001, Ord. 2001-044 §2, 2001; Ord. 98-063 §2, 1998; Ord. 96-003 §4, 1996; Ord. 92-025 §5, 1992)

18.12.020. Location of Zones.

The boundaries for the zones listed in DCC Title 18 are indicated on the Deschutes County Zoning Map which is hereby adopted by reference. The boundaries shall be modified subject to zoning map amendments which shall be adopted by reference.

(Ord. 91-020 §1, 1991)

18.12.030. Zoning map.

A zoning map amendment adopted by DCC 18.12.020, above, or by an amendment thereto shall be prepared by authority of the Planning Director or Hearings Body or Board of County Commissioners. The map or map amendment shall be dated with the effective date of the order or ordinance that adopts the map or map amendment. A certified print of the adopted map shall be maintained in the office of the County Clerk as long as the map adoption order or ordinance remains in effect. A copy of all map amendments,

which shall contain a legal description of the area to be amended as well as a map reflecting the previous zoning and a map of the amendment, shall be maintained in the office of the County Clerk.
(Ord. 91-020 §1, 1991)

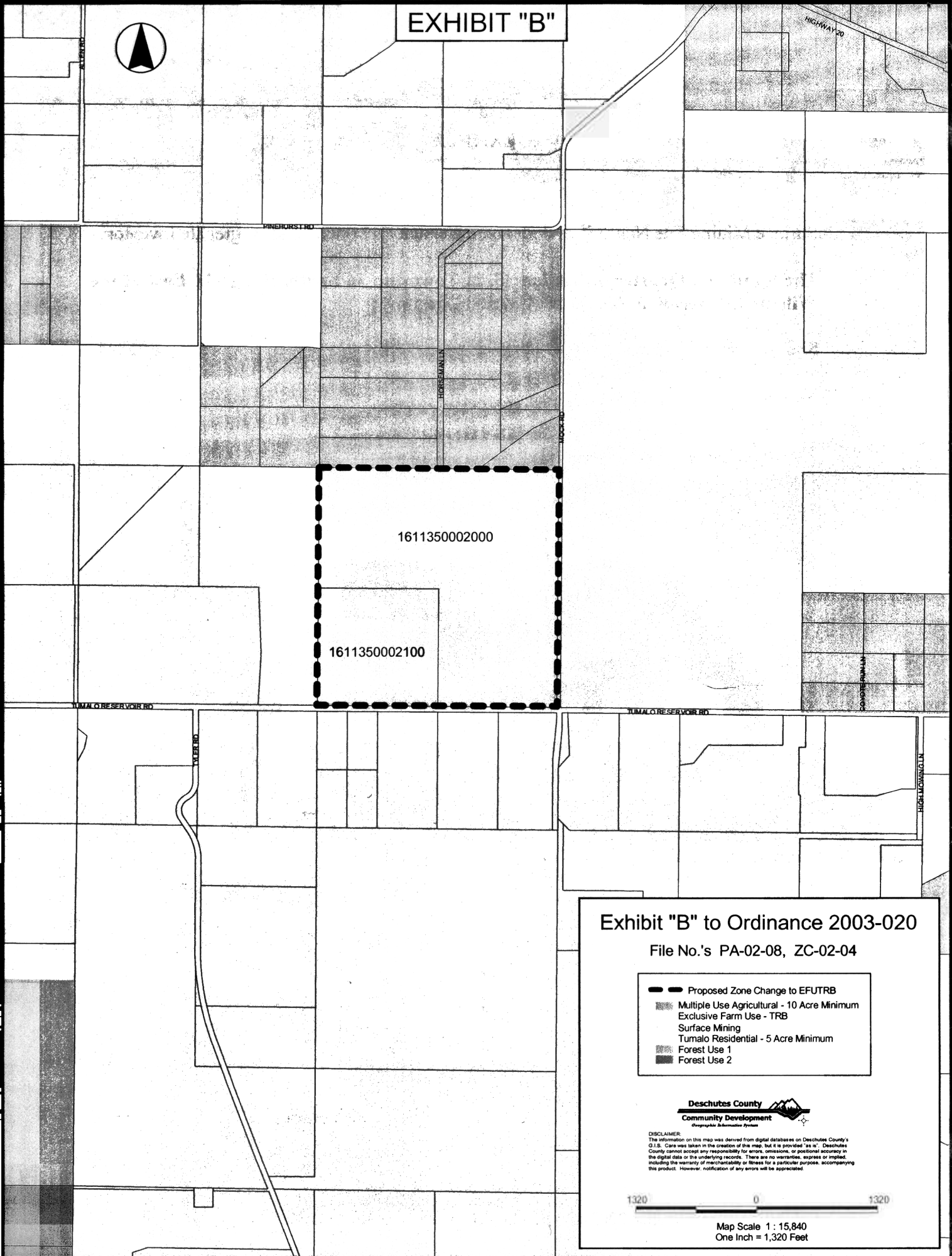
18.12.040. Zone Boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights of way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or the extension of such lines. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

- A. Where a boundary line is indicated as following a street, alley, canal or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section lines or division thereof, lot or property ownership line, it shall be construed as following such line.
- C. If a zone boundary as shown on the zoning map divides a lot or parcel between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies, provided that this adjustment involves a distance not exceeding 100 feet from the mapped zone boundary. DCC Title 18 does not apply to areas zoned flood plain.

(Ord. 91-020 §1, 1991; Ord. 91-005 §3, 1991; Ord. 80-206 §2, 1980)

EXHIBIT "B"










1611350002000

1611350002100

Exhibit "B" to Ordinance 2003-020

File No.'s PA-02-08, ZC-02-04

-  Proposed Zone Change to EFUTRB
-  Multiple Use Agricultural - 10 Acre Minimum
-  Exclusive Farm Use - TRB
-  Surface Mining
-  Tumalo Residential - 5 Acre Minimum
-  Forest Use 1
-  Forest Use 2



DISCLAIMER
The information on this map was derived from digital databases on Deschutes County's GIS. Care was taken in the creation of the map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



Map Scale 1 : 15,840
One Inch = 1,320 Feet

Chapter 18.16. EXCLUSIVE FARM USE ZONES

18.16.010. Purpose.

18.16.020. Uses Permitted Outright.

18.16.025. Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 and a Review Under DCC Chapter 18.124 For Items C Through M.

18.16.030. Conditional Uses Permitted - High Value and Nonhigh Value Farmland.

18.16.031. Nonresidential Conditional Uses on Nonhigh Value Farmland Only.

18.16.033. Nonresidential Conditional Uses on High Value Farmland Only.

18.16.035. Destination Resorts.

18.16.037. Guest Ranch.

18.16.038. Special Conditions for Certain Uses Listed Under DCC 18.16.025.

18.16.040. Limitations on Conditional Uses.

18.16.050. Standards for Dwellings in the EFU Zones.

18.16.055. Land Divisions.

18.16.060. Dimensional Standards.

18.16.065. Subzones.

18.16.067. Farm Management Plans.

18.16.070. Yards.

18.16.080. Stream Setbacks.

18.16.090. Rimrock Setback.

18.16.010. Purpose.

- A. The purpose of the Exclusive Farm Use zones is to preserve and maintain agricultural lands and to serve as a sanctuary for farm uses.
- B. The purposes of this zone are served by the land use restrictions set forth in the Comprehensive Plan and in DCC 18.16 and by the restrictions on private civil actions and enforcement actions set forth in ORS 30.930 through 30.947.

(Ord. 95-007 §9, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §§1 and 2, 1991)

18.16.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in DCC Title 18.
- B. Propagation or harvesting of a forest product.
- C. Operations for the exploration for minerals as defined by ORS 517.750.
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within a right of way existing as of July 1, 1987.
- F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur or no new land parcels result.
- G. Temporary public road or highway detours that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations and rest areas, within a right of way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways.
- I. Creation, restoration or enhancement of wetlands.

- J. Alteration, restoration or replacement of a lawfully established dwelling that:
1. Has intact exterior walls and roof structure;
 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 3. Has interior wiring for interior lights;
 4. Has a heating system;
 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel, and shall comply with all applicable siting standards. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of the statute and county code have changed to allow the siting of another dwelling; and
 6. The replacement dwelling is subject to OAR 660-033-0130(30), as follows:

The County shall require as a condition of approval of a single-family replacement dwelling that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing 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 to 30.937.
- K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places and on the County inventory as a historic property as defined in ORS 358.480, and subject to 18.16.020(J)(6) above.
- L. Wildlife habitat conservation and management plan approved under ORS 215.800 to 215.808.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- N. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
1. A public right of way;
 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 3. The property to be served by the utility.
- O. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.521.
- P. Fire service facilities providing rural fire protection services.
- Q. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- R. A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation on nonhigh value farmland only.
- S. The breeding, kenneling and training of greyhounds for racing.
(Ord. 2004-001 §2, 2004; Ord. 2001-039 §1, 2001; Ord. 2001-016 §2, 2001; Ord. 98-030 §1, 1998; Ord. 95-007 §10, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §§1 and 2, 1991; Ord. 91-024 §1, 1991; Ord. 91-020

§1, 1991; Ord. 91-005 §4, 1991; Ord. 91-002 §3, 1991; Ord. 86-007 §1, 1986; Ord. 81-025 §1, 1981; Ord. 81-001 §1, 1981)

18.16.025. Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 and a Review Under DCC Chapter 18.124 for Items C Through M.

- A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings).
- B. A relative farm help dwelling.
- C. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, that are not within 3 miles of an acknowledged urban growth boundary, on nonhigh value farmland.
- D. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, that are within 3 miles of an acknowledged urban growth boundary, subject to the approval of an exception pursuant to ORS 197.732 and OAR chapter 660, division 004, on nonhigh value farmland.
- E. Expansion of an existing church or cemetery in conjunction with a church on the same tract as the existing use.
- F. Public or private schools, including all buildings essential to the operation of the school, that are not within 3 miles of an acknowledged urban growth boundary on nonhigh value farmland.
- G. Public or private schools, including all buildings essential to the operation of the school, that are within 3 miles of an acknowledged urban growth boundary, subject to the approval of an exception pursuant to ORS 197.732 and OAR chapter 660 division 004, on nonhigh value farmland.
- H. Expansion of an existing public or private school on the same tract as the existing use, including all buildings essential to the operation of such a school.
- I. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale and transmission towers over 200 feet in height.
- J. Winery, as described in ORS 215.452.
- K. Farm stands.
- L. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may be reasonably necessary.
- M. A facility for the processing of farm crops.
(Ord. 2004-001 §2, 2004)

18.16.030. Conditional Uses Permitted -High Value and Nonhigh Value Farmland.

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or nonhigh value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.

- A. Nonfarm dwelling and accessory uses thereto.
- B. Lot of record dwelling.
- C. Residential home or facility, as defined in DCC 18.04.030, in existing dwellings.
- D. A hardship dwelling, which can include one manufactured dwelling or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
- E. A dwelling in conjunction with a wildlife habitat conservation and management plan.
- F. Commercial activities that are in conjunction with farm use, but not including the processing of farm crops as described in DCC 18.16.025.
- G. Operations conducted for:
 - 1. Mining and processing of geothermal resources as defined by ORS 522.005;
 - 2. Mining and processing of natural gas or oil as defined by ORS 520.005.
- H. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.

- I. Expansion of an existing public park and playground on the same tract as the existing use, including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable. The expansion of a public park may be established consistent with the provisions of ORS 195.120.
 - J. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
 - K. Transmission towers over 200 feet in height.
 - L. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260), for the purpose of generating power for public use by sale.
 - M. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations.
 - N. Type 2 or 3 Home Occupation, subject to DCC 18.116.280. Home occupations are not allowed in structures accessory to resource-use. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.
 - O. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 213.203(2). The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.16.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
 - P. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete when such uses are in conjunction with the maintenance or construction of public roads or highways.
 - Q. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
 - R. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels.
 - S. Improvement of public roads and highway-related facilities such as maintenance yards, weigh stations and rest areas where additional property or right of way is required, but not resulting in the creation of new land parcels.
 - T. The propagation, cultivation, maintenance and harvesting of aquatic species.
 - U. Bed and breakfast inn, with room and board for a maximum of five unrelated persons in an existing residence. If approved, this use is subject to the recording of the statement listed in DCC 18.16.020(J)(6).
 - V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
 - W. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law. Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.
 - X. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 - Y. A living history museum.
 - Z. Operations for the extraction and bottling of water.
 - AA. Transportation improvements on rural lands allowed by OAR 660-012-0065.
 - BB. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- (Ord. 2004-001 §2, 2004; Ord. 2001-039 §1, 2001; Ord. 2001-016 §2, 2001; Ord. 98-030 §1, 1998; Ord. 95-025 §1, 1995; Ord. 95-007 §11, 1995; Ord. 94-008 §9, 1994; Ord. 92-065 §3, 1992; Ord. 91-038 §2,

1991; Ord. 91-020 §1, 1991; Ord. 91-014 §1, 1991; Ord. 91-005 §5, 1991; Ord. 90-018 §1, 1990; Ord. 90-014 §§23 and 31, 1991; Ord. 87-013 §1, 1987; Ord. 86-018 §3, 1986; Ord. 83-028 §1, 1983)

18.16.031. Nonresidential Conditional Uses on Nonhigh Value Farmland Only.

The following uses may be allowed only on tracts in the Exclusive Farm Use Zones that constitute nonhigh value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

- A. Dog kennel.
- B. A site for the disposal of solid waste approved by the governing body of a city or County or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
- C. Golf course and accessory golf course uses as defined in DCC Title 18.
- D. Except for those composting facilities that are a farm use as defined in OAR 660-033-0020(7), composting operations and facilities for which a permit has been granted by the Oregon Department of Environmental Quality under ORS 459.245 and OAR 340-96-020. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. On-site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
- E. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
(Ord. 2004-001 §2, 2004; Ord. 95-007 §12, 1995)

18.16.033. Nonresidential Conditional Uses on High Value Farmland Only.

In addition to those uses listed in DCC 18.16.030 above, the following uses may be allowed on tracts in the Exclusive Farm Use Zones that constitute high value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

- A. Maintenance, enhancement or expansion of dog kennels existing as of March 1, 1994, subject to other requirements of law. New dog kennels are prohibited.
- B. Maintenance, enhancement or expansion of a site described in 18.16.032(B) existing as of March 1, 1994, subject to other requirements of law. New such sites are prohibited.
- C. Maintenance, enhancement or expansion of golf course and accessory golf course uses as defined in DCC Title 18 existing as of March 1, 1994, subject to other requirements of law. New such uses are prohibited. Expanded courses may not exceed 36 holes total.
(Ord. 2004-001 §2, 2004; Ord. 95-007 §13, 1995)

18.16.035. Destination Resorts.

Destination resorts may be allowed where mapped as a conditional use, subject to all applicable standards of the DR Zone.

(Ord. 92-065 § 3, 1992; Ord. 92-004 § 3, 1992)

18.16.037. Guest Ranch.

- A. A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under ORS 215.203, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of ORS 215.296(1) and (2).
- B. “Guest ranch” means a facility for overnight lodging incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. Guest ranch facilities may include a lodge, bunkhouse or cottage accommodations as well as passive recreational activities and food services as set forth in DCC 18.128.360(4) and (5).

- C. For the purposes of DCC 18.16.037, “livestock” means cattle, sheep, horses, and bison.
- D. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed.

(Ord. 2001-043 §1, 2001; Ord. 98-056 §1, 1998)

Note: DCC 18.16.037 is repealed January 2, 2010 (Ord. 2006-017 §1, 2006).

18.16.038. Special Conditions for Certain Uses Listed Under DCC 18.16.025.

- A. A utility facility necessary for public use allowed under DCC 18.16.025(C) shall be one that is necessary to be situated in an agricultural zone in order for service to be provided. To demonstrate that a utility facility is necessary, an applicant just show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - 1. Technical and engineering feasibility;
 - 2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - 3. Lack of available urban and nonresource lands;
 - 4. Availability of existing rights of way;
 - 5. Public health and safety; and
 - 6. Other requirements of state and federal agencies.
 - 7. Costs associated with any of the factors listed in 1-6 above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities that are not substantially similar.
 - 8. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
 - 9. In addition to the provisions of 1-6 above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
 - 10. The provisions above do not apply to interstate gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- B. Wineries are subject to the following:
 - A winery, authorized under DCC 18.16.025 is a facility that produces wine with a maximum annual production of:
 - 1. Less than 50,000 gallons and that:
 - a. Owns an on-site vineyard of at least 15 acres;
 - b. Owns a contiguous vineyard of at least 15 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - d. Obtains grapes from any combination of a, b or c above; or
 - 2. At least 50,000 gallons and no more than 100,000 gallons and that:
 - a. Owns an on-site vineyard of at least 40 acres;
 - b. Owns a contiguous vineyard of at least 40 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or

- d. Obtains grapes from any combination of (2)(a-c).
- 3. The winery shall allow only the sale of:
 - a. Wines produced in conjunction with the winery; and
 - b. Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
- 4. Prior to issuance of a permit to establish a winery, the applicant shall show that vineyards, described under either 1 or 2 above, have been planted or that the contract has been executed, as applicable.
- 5. The minimum setback for winery buildings adjacent to an intensive farm use on nearby land shall be 100 feet. Site plan review under DCC 18.124 shall be required for a winery.
- 6. Approval of a winery shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
- C. Farm stands are subject to the following:
 - 1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - 2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.
- D. A site for the takeoff and landing of model aircraft is subject to the following:
 - 1. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area, unless the surface preexisted the use approved under this section. As used in this section, "model aircraft" mean a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- E. A facility for the processing of farm crops shall be located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards, but the standards shall not be applied in a manner that prohibits the siting of the processing facility.

(Ord. 2004-001 §2, 2004)

18.16.040. Limitations on Conditional Uses.

- A. Conditional uses permitted by DCC 18.16.030(F) through (BB) may be established subject to applicable provisions in DCC 18.128 and upon a finding by the Planning Director or Hearings Body that the proposed use:
 - 1. Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm or forest uses; and
 - 2. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - 3. That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.
- B. A commercial activity allowed under DCC 18.16.030(H) shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced outside of Deschutes County.
- C. A power generation facility that is part of a commercial utility facility for the purpose of generating power for public use by sale identified in DCC 18.16.030(O) and:

1. That is located on high-value farmland shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 004.
 2. That is not located on high-value farmland shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- D. No aircraft may be based on a personal-use airport identified in DCC 18.16.030(Q) other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Oregon Department of Aviation.
- E. The facility for the primary processing of forest products identified in DCC 18.16.030(R) is intended to be portable or temporary in nature. Such a facility may be approved for a one-year period which is renewable.
- F. Batching and blending mineral and aggregate into asphaltic cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date of the application for batching and blending is filed.
- G. Accessory uses for golf courses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to service only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- H. An expansion of an existing golf course as allowed under DCC 18.16.033(C) shall comply with the definition of "golf course" set forth in DCC Title 18 and the provisions of DCC 18.16.040(A).
- I. An applicant for a nonfarm conditional use may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
- J. For purposes of approving a conditional use permit for a lot of record dwelling under DCC 18.16.030, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
1. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 2. Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 3. Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in 2 above and finds the analysis in the report to be soundly and scientifically based.
- K. Except on a lot or parcel contiguous to a lake or reservoir, a private campground 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 004. 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. As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- L. A living history museum shall relate to resource based activities and be owned and operated by a governmental agency or a local historical society, together with limited commercial activities and

facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary. As used in this paragraph, a “living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and “local historical society” means the local historic society recognized by the County and organized under ORS Chapter 65.

(Ord. 2006-008 §3, 2006; Ord. 2004-001 §2, 2004; Ord. 98-030 §1, 1998; Ord. 95-075 §1, 1995; Ord. 95-007 §14, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §1 and 2, 1991; Ord. 91-020 §1, 1991; Ord. 91-011 §1, 1991)

18.16.050. Standards for Dwellings in the EFU Zones.

Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing 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.

A. Farm-related dwellings on nonhigh value farmland. A dwelling customarily provided in conjunction with farm use, as listed in DCC 18.16.030(A), may be approved if it satisfies any of the alternative tests set forth below:

1. Acreage test.

a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:

i. The parcel on which the dwelling will be located is at least:

(a) One hundred sixty acres and not in the Horse Ridge East subzone; or

(b) Three hundred twenty acres in the Horse Ridge East subzone;

ii. The subject tract is currently employed for farm use, as defined in DCC 18.04.040, and which is evidenced by a farm management plan;

iii. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

iv. There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K); and

v. The dwelling will be located on the least productive part of the parcel.

2. Median acreage/gross sales test.

a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:

i. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile of the perimeter of the subject tract;

ii. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in DCC 18.16.050(A)(2)(a)(i);

- iii. The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan, at a level capable of producing the annual gross sales required in DCC 18.16.050(A)(2)(a)(ii). If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to establishment of the farm use capable of meeting the median income test.
 - iv. The subject lot or parcel on which the dwelling is proposed is at least 20 acres in size;
 - v. There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K);
 - vi. The dwelling will be located on the least productive part of the parcel; and
 - vii. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
- b. For the purpose of calculating appropriate tract sizes and gross incomes to satisfy DCC 18.16.050(A)(2)(a)(i) and (ii), the County will utilize the methodology contained in Oregon Administrative Rules 660-33-135(3) using data on gross sales per acre tabulated by LCDC pursuant to Oregon Administrative Rules 660-33-135(4).
3. Gross annual income test.
- a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:
 - i. The subject tract is currently employed for a farm use that produced \$32,500 in gross annual income in the last two years or three of the last five years.
 - ii. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K);
 - iii. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in DCC 18.16.050(A)(3) (a)(i); and
 - iv. The dwelling will be located on the least productive part of the parcel.
 - b. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - c. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements.
 - d. Only gross income from land owned, not leased or rented, shall be counted; and gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 - e. Prior to a dwelling being approved under this section that requires one or more contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16, has been recorded with the county clerk. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:
 - 1. All future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings; and
 - 2. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- B. Farm related dwellings on high value farmland. On land identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:
- 1. The subject lot or parcel is currently employed for the farm use as defined in DCC 18.04.030 that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years, and the lot or parcel on which the dwelling is proposed is at least

- the size of the minimum lot or parcel size in the subzone. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
2. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K);
 3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income DCC 18.16.050(B)(1); and
 4. The dwelling will be located on the least productive part of the parcel.
 5. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements;
 6. Only gross income from land owned, not leased or rented, shall be counted; and gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
 7. Prior to a dwelling being approved under this section that requires one or more contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16, has been recorded with the county clerk. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:
 - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings; and
 - b. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- C. Accessory dwelling. A dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be an accessory farm dwelling customarily provided in conjunction with farm use when:
1. The accessory dwelling meets the following criteria:
 - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and
 - b. The accessory farm dwelling will be located:
 - i. On the same lot or parcel as the primary farm dwelling; or
 - ii. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - iii. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured home and a deed restriction substantially in compliance with the form set forth in Exhibit A to DCC 18.16 is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured home may remain if it is reapproved under DCC 18.16.050;
 - iv. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under DCC 18.16.065 and the lot or parcel complies with the gross farm income requirements in DCC 18.16.050(A)(3) or (B)(1), whichever is applicable; and
 - c. There is no other dwelling on land zoned EFU owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
 2. The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:
 - a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use and produced \$32,500 in gross annual

- sales in the last two years or three of the last five years. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
- b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. Gross income shall be calculated by deducting the cost of purchased livestock from the total gross income attributed to the tract; and
3. A lot or parcel approved for an accessory farm dwelling under DCC 18.16.050 shall not be approved for a division of land except as provided for in DCC 18.16.055(B).
 4. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a nonfarm dwelling pursuant to DCC 18.16.050(G).
- D. Relative farm help dwelling.
1. A dwelling listed in DCC 18.16.030(B) is allowed when:
 - a. The subject tract is at least 40 acres in size, unless it is demonstrated to the Planning Director or Hearings Body that a smaller unit of land is a commercial agricultural enterprise.
 - b. The subject tract is used for farm use;
 - c. The dwelling is a manufactured home and is sited in accordance with DCC 18.116.070, or is a pre-existing site-built home that: (1) was established at least 30 years prior to the date the conditional use permit was submitted and (2) is located on a parcel of at least 40 acres in size and that meets the minimum irrigated acres standard for the subzone within which it is located;
 - d. The dwelling is located on the same lot or parcel as the dwelling of the farm operator, and is occupied by a relative of the farm operator or farm operator's spouse, including a grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin of either, if the farm operator does, or will, require the assistance of the relative in the management of the farm use.
 - e. The farm operator plays the predominant role in the management and farm use of the farm and will continue to do so after the relative farm help dwelling is approved.
 - f. Any approval granted under DCC 18.16.050 shall be conditioned with a requirement that the farm operator annually submit a report to the Planning Division identifying the resident(s) of the dwelling, their relationship to the farm operator, the assistance the resident provides to the farm operator, and verifying the farm operator's continued residence on the property and the predominant role the farm operator continues to play in the management and farm use of the farm.
 2. A manufactured home permitted under DCC 18.16.050 shall be considered to be a temporary installation, and permits for such home shall be renewable and renewed on an annual basis. The manufactured home shall be removed from the property if it no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
 3. A pre-existing dwelling approved under DCC 18.16.050 shall be removed or converted to an allowable use within one year of the date the relative farm help dwelling no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
 4. Upon approval of a dwelling under DCC 18.16.050, a Conditions of Approval Agreement shall be recorded with the Deschutes County Clerk prior to issuance of any building or placement permit for the new dwelling on the property.
 5. For the purposes of DCC 18.16.050(D), a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
- E. Lot of record dwelling on nonhigh value farmland.
1. A lot of record dwelling will be approved on nonhigh value farmland when all of the following requirements are met:

- a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:
 - i. Prior to January 1, 1985; or
 - ii. By devise or by intestate succession from a person who acquired and owned continuously the lot or parcel prior to January 1, 1985.
 - b. The tract on which the dwelling will be sited does not include a dwelling.
 - c. For lots or parcels located within a wildlife area (WA) combining zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
 - d. If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 - e. The County Assessor shall be notified of any approval of a dwelling under DCC 18.16.050.
 - f. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of the tract;
2. For purposes of DCC 18.16.050(E), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.
 3. For purposes of DCC 18.16.050(E), the date of creation and existence means that, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- F. Lot of record dwelling on high-value farmland.
1. A lot of record dwelling will be approved on high value farmland when all of the following requirements are met:
 - a. The requirements set forth in DCC 18.16.050(E)(1)(a) through (f), as determined by the County; and
 - b. The requirements of Oregon Administrative Rules 660-33-130(3)(c)(C), as determined by the County hearings officer.
 2. Applicants under DCC 18.16.050(F) shall make their application to the County. The County shall notify the State Department of Agriculture at least 20 calendar days prior to the public hearing under DCC 18.16.050(F)(1)(b).
 3. Applicants under DCC 18.16.050(F) shall be subject to such other procedural requirements as are imposed by the Oregon Department of Agriculture.
 4. For purposes of DCC 18.16.050(F), the date of creation and existence means that, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- G. Nonfarm dwelling.
1. One single-family dwelling, including a manufactured home in accordance with DCC 18.116.070, not provided in conjunction with farm use may be permitted on an existing lot or parcel subject to the following criteria:
 - a. The Planning Director or Hearings Body shall make findings that:
 - i. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices, as defined in ORS 215.203(2)(c), or accepted forest practices on nearby lands devoted to farm or forest use.
 - ii. The proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the

stability of the land use pattern in the area, the County shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated, by applying the standards under OAR 660-033-0130(4)(a)(D), and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area.

- iii. The proposed nonfarm dwelling is situated on an existing lot or parcel, or a portion of a lot or parcel that is generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
 - iv. The proposed nonfarm dwelling is not within one-quarter mile of a dairy farm, feed lot, or sales yard, unless adequate provisions are made and approved by the Planning Director or Hearings Body for a buffer between such uses. The establishment of a buffer shall be designed based upon consideration of such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of the nonfarm-dwelling or the agriculture of the area.
Road access, fire and police services and utility systems (i.e., electrical and telephone) are adequate for the use.
2. For the purposes of DCC 18.16.050(G) only, "unsuitability" shall be determined with reference to the following:
- a. A lot or parcel or a portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel.
 - b. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself.
 - c. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soil capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
3. Loss of tax deferral. Except as provided in DCC 18.16.050(I)(2), pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the parcel upon which the dwelling is proposed has been disqualified under ORS 308A.113 or ORS 308A.116 for special assessment at value for farm use under ORS 308A.062 or other special assessment under ORS 308A.068, 321.352, 321.730 or 321.815 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

H. Temporary hardship dwelling.

1. A dwelling listed in DCC 18.16.030(F) is allowed under the following conditions:

- a. The dwelling is a manufactured home or recreational vehicle, and is used in conjunction with an existing dwelling on the lot or parcel;
 - b. The manufactured home or recreational vehicle would be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists. The recreational vehicle shall not be occupied once the term of the medical hardship is completed, except as allowed under DCC 18.116.095. A temporary residence approved under this section is not eligible for replacement under DCC 18.16.030(F);
 - c. The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the permit application; and
 - d. The temporary manufactured home uses the same subsurface sewage disposal system used by the existing dwelling, provided that the existing disposal system is adequate to accommodate the additional dwelling.
 - e. If a recreational vehicle is used as a medical hardship dwelling, it shall be required to have a bathroom, and shall meet the minimum setbacks established under DCC 18.16.070.
2. Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090(B) and (C) and shall be required to meet any applicable DEQ review and removal requirements as a condition of approval.
 3. As used in DCC 18.16.050(H), the term "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. As used in DCC 18.16.050(H), the term "relative" means grandparent, grandchild, parent, child, brother or sister of the existing resident.
- I. Wildlife conservation plan dwelling.
1. A dwelling listed in DCC 18.16.030(G) is allowed when the Planning Director or the Hearings Body finds that the proposed dwelling:
 - a. Is situated on a lot or parcel existing on November 4, 1993, that qualifies for a farm dwelling, as listed in DCC 18.16.030(A), or a nonfarm dwelling, as listed in DCC 18.16.030(C);
 - b. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - c. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - d. Will not be established on a lot or parcel that is predominantly composed of soils rated Class I or II, when not irrigated, or rated Prime or Unique by the United States Natural Resources Conservation Service or any combination of such soils; and
 - e. Is the only dwelling situated on the affected lot or parcel.
 2. For a wildlife conservation plan dwelling approval based upon nonfarm dwelling criteria, DCC 18.16.050(I) shall also apply. Unless prior to approval of a conditional use permit for a wildlife conservation plan dwelling the applicant submits to the assessor certification demonstrating approval by Oregon Department of Fish and Wildlife of a wildlife conservation and management plan and its implementation, the conditional use permit shall contain a condition requiring that the applicant, prior to issuance of a building permit for such dwelling, either 1) submit certification to the assessor from ODFW demonstrating approval and implementation of a wildlife conservation and management plan qualifying under ORS 215.808 or 2) pay the tax penalties required by DCC 18.16.050(G)(3).
- (Ord. 2004-0020 §1, 2004; Ord. 2004-013 §2, 2004; Ord. 2004-001 §2, 2004; Ord. 98-033 §1, 1998; Ord. 98-030 §1, 1998; Ord. 95-007 §15, 1995; Ord. 94-026 §1, 1994; Ord. 92-065 §3, 1992; Ord. 91-038 §§2 and 3, 1991; Ord. 91-020 §1, 1991)

18.16.055. Land Divisions.

- A. General. A division of land in the exclusive_farm use zone shall be identified on the land division application as either an irrigated land_division, nonirrigated land division or a division for a use permitted by DCC 18.16.030 other than a dwelling. An irrigated land division is subject to subsection B below; a nonirrigated land division is subject to subsection C below; and a land division for a use other than a dwelling is subject to subsection E below.
- B. Irrigated land division.
 - 1. An irrigated land division shall be subject to the minimum lot size requirements of DCC 18.16.065, Subzones, and all applicable requirements of DCC Title 17.
 - 2. Partitions establishing parcels less than the EFU minimum lot size established under DCC 18.16.065, may be permitted to create new parcels for nonfarm dwellings as follows:
 - a. If the parent parcel is greater than the minimum lot size established under 18.16.065, and is less than 80 acres in size, one new nonfarm parcel may be created subject to the following:
 - i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Remainder parcel shall meet the minimum lot size established under 18.16.065;
 - iii. All standards established under 18.16.050(G) for the dwelling shall be met;
 - iv. No minimum lot size shall be required for the nonfarm parcel.
 - v. The parcel for the nonfarm dwelling is generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
 - b. If the parent parcel is greater than the minimum lot size established under 18.16.065, and is greater than or equal to 80 acres in size, two new nonfarm parcels may be created subject to the following:
 - i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Remainder parcel shall meet the minimum lot size established under 18.16.065;
 - iii. All standards established under 18.16.050(G) for the dwellings shall be met;
 - iv. No minimum lot size shall be required for the nonfarm parcel.
 - v. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
 - 3. The minimum size for new parcels does not mean that farm dwellings may be approved on the new parcels. New dwellings in conjunction with farm use must satisfy the criteria in DCC 18.16.050.
- C. Nonirrigated land division.
 - 1. The minimum lot size for a nonirrigated land division is 80 acres.
 - 2. Notwithstanding 1 above, land divisions creating nonfarm parcels less than the minimum lot size may be allowed as follows:
 - a. If the parent parcel is greater than 80 acres in size, up to two new nonfarm parcels may be allowed subject to the following:
 - i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Remainder parcel shall be at least 80 acres in size;
 - iii. All standards established under 18.16.050(G) for the dwellings shall be met;
 - iv. The minimum lot size for the nonfarm parcels is 5 acres.
 - v. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not

be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

- vi. Be located outside of the Horse Ridge East subzone.
 - b. If the parent parcel is greater than or equal to 40 acres and less than or equal to 80 acres, one new nonfarm parcel is allowed subject to the following:
 - i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Parcels are not capable of producing more than 20 cubic feet per acre per year of wood fiber;
 - iii. Parcels are composed of at least 90 percent Class VII and VIII soils, or are composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock;
 - iv. Parcels shall not have established water rights for irrigation;
 - v. All standards established under 18.16.050(G) for the dwellings shall be met;
 - vi. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land
 - vii. The minimum lot size is 5 acres;
 - viii. Be located outside of the Horse Ridge East subzone.
 - D. Partitions in the Wildlife Area Combining Zones must meet the minimum lot sizes established under DCC 18.88.050.
 - E. A division of land for a use listed under 18.16.030 other than a dwelling. Such divisions shall be subject to the minimum lot size requirements of DCC 18.16.060(C) and the applicable partitioning standards, including the general partition standards set forth in DCC 17.22, the Subdivision and Partition Ordinance.
- (Ord. 2006-008 §3, 2006; Ord. 2004-001 §2, 2004; Ord. 2002-016 §1, 2002; Ord. 2001-016 §2, 2001; Ord. 95-007 §16, 1995; Ord. 94-026 §2, 1994; Ord. 92-065 §3, 1992)

18.16.060. Dimensional Standards.

- A. The minimum parcel size for divisions of irrigated parcels created subject to DCC Title 17 shall be as specified under DCC 18.16.065, "Subzones."
 - B. The minimum parcel size for nonirrigated land divisions is as specified under DCC 18.16.055(C).
 - C. The minimum lot area for all uses permitted by DCC 18.16.030(G) through (CC) shall be that determined by the Planning Director or Hearings Body to carry out the intent and purposes of ORS 215, DCC Title 18 and the Comprehensive Plan. In no case shall lot areas be less than one acre.
 - D. Each lot shall have a minimum street frontage of 50 feet.
 - E. Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- (Ord. 2002-016 §1, 2002; Ord. 2001-016 §2, 2001; Ord. 95-007 §17, 1995; Ord. 93-043 §3, 1993; Ord. 93-004 §1, 1993; Ord. 92-065 §3, 1992; Ord. 92-055 §1, 1992; Ord. 91-038 §§1 and 2, 1991; Ord. 91-020 §1, 1991)

18.16.065. Subzones.

- A. Lower Bridge. A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:
 - One hundred thirty acres of irrigated land.

- B. Sisters/Cloverdale. A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:
Sixty-three acres of irrigated land.
 - C. Terrebonne. A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:
Thirty-five acres of irrigated land.
 - D. Tumalo/Redmond/Bend. A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:
Twenty-three acres of irrigated land.
 - E. Alfalfa. A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:
Thirty-six irrigated acres.
 - F. La Pine. A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:
Thirty-seven acres of irrigated land.
 - G. Horse Ridge East. Minimum parcel size for farm division or for farm-related dwellings on existing parcels is 320 acres.
- (Ord. 2002-016 §1, 2002; Ord. 2001-016 §2, 2001; Ord. 95-007 §18, 1995; Ord. 92-065 §3, 1992)

18.16.067. Farm Management Plans.

- A. Contents. A farm management plan shall consist of the following components:
 - 1. A written description of existing and/or proposed farm uses, including type of crops or livestock, size and location of areas for each use, and land or soil preparation required.
 - 2. An assessment of the soils, climate and irrigation on the parcel demonstrating that the parcel is suitable for the current or proposed use outlined in DCC 18.16.067(A)(1).
 - 3. A business plan, including a demonstration that markets exist for the product; estimates of gross sales or actual gross sales figures; estimated or actual figures concerning necessary expenditures; and a list of capital expenditures incurred or projected to be incurred in establishing the farm use on the parcel.
 - 4. A written description of the farm uses in the area, including acreage, size and type of crop or livestock raised showing that the proposed plan is representative of similar farm uses, if any, in the area and will not conflict with the existing agriculture types.
 - 5. For farm uses not currently practiced in the area, an analysis showing that the plan is representative of the type of agriculture proposed.
- B. Conditional approvals.
 - 1. For purposes of land use approval, in instances where at the time of application the subject land is not currently in farm use, a farm management plan will be deemed to demonstrate current employment of the land for farm use if:
 - a. The farm management plan establishes a level of farming that constitutes a farm use;
 - b. The farm management plan sets forth specific timelines for the completion of capital improvements (barns, fencing, irrigation, etc.) and for the establishment of the proposed farm use on the parcel; and
 - c. Land use approval is subject to a condition that no building permit for the farm dwelling can be issued prior to a determination that pursuant to the farm management plan a farm use has been established on the subject land.
 - 2. For purposes of determining under DCC 18.16.067 that a farm use has been established on the land, the County shall determine that the farm management plan has been implemented to the extent that the farm use has achieved the gross farm sales figure required under DCC 18.16.050.

(Ord. 95-007 §19, 1995; Ord. 93-004 §2, 1993; Ord. 92-065 §3, 1992)

18.16.070. Yards.

- A. The front yard shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.
- B. Each side yard shall be a minimum of 25 feet, except that for nonfarm dwelling proposed on parcels or lots with side yards adjacent to a property currently employed in farm use, the side yard shall be a minimum of 100 feet.
- C. Rear yards shall be a minimum of 25 feet, except that for nonfarm dwellings proposed on parcels or lots with rear yards adjacent to a property currently employed in farm use, the rear yard shall be a minimum of 100 feet.
- D. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 94-008 §16, 1994; Ord. 93-004 §3, 1993; Ord. 92-065 §3, 1992; Ord. 91-038 §§1 and 2, 1991; Ord. 89-016 §1, 1989; Ord. 83-037 §8, 1983)

18.16.080. Stream Setbacks.

To permit better light, air, vision, stream pollution control, protection of fish and wildlife areas and preservation of natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

(Ord. 91-038 §§1 and 2, 1991; Ord. 91-020 §1, 1991)

18.16.090. Rimrock Setback.

Notwithstanding the provisions of DCC 18.16.070, setbacks from rimrock shall be as provided in DCC 18.116.160.

(Ord. 92-065 §3, 1992; Ord. 91-038 §§1 and 2, 1991; Ord. 86-053 §5, 1986)

Zoning Maps (Amended by Ord. 95-043 §§1 and 2, 1995; Ord. 94-052 §1, 1994; Ord. 93-014 §1, 1993; Ord. 92-064 §1, 1992)

EXHIBIT A

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

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

Whereas, Declarant has received approval to site a manufactured home on the property described herein pursuant to land use permit No. _____ for an accessory farm dwelling, issued by Deschutes County pursuant to Section 18.16.050(C) of the Deschutes County Code;

Whereas Section 18.16.050(C)(1)(b)(iii) requires as a condition of approval the recording of a deed restriction in favor of Deschutes County requiring that any manufactured home sited under said permit be removed prior to any further conveyance of this property; and

Whereas the Declarant desires to declare his/her intention to create covenants, conditions and restrictions necessary to effectuate and comply with the requirements of OAR 660-33-130(24)(a)(B)(iii) and Section 18.16.050(C) of the Deschutes County Code;

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

Declarant shall cause to be removed any manufactured home sited on the property described herein pursuant to Deschutes County land use permit No. _____ for an accessory dwelling prior to any further conveyance of the property.

Declarant's obligations under this covenant shall not be extinguished by any subsequent conveyance made in disregard of these covenants, conditions and restrictions.

These covenants, conditions, and restrictions shall in addition run with the land and be binding upon any of the Declarant's successors in interest should the property be transferred in disregard of this covenant.

It is intended that this covenant shall have the same effect as a regulation designed to implement the comprehensive plan. This covenant may be enforced by Deschutes County by a suit in equity, or if Deschutes County fails to take such action, by any person described in ORS 215.188.

These covenants, conditions and restrictions shall be released by the County upon proof that the requirements set forth herein have been met.

Dated this _____ day of _____.

(Signature)

(notary seal)

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.**

18.24.10. Purposes.

The Redmond Urban Reserve Area (RURA) Combining Zone implements the Deschutes County Comprehensive Plan for those areas designated as urban reserve. The RURA Combining Zone maintains lands for rural uses in accordance with state law, but in a manner that ensures a range of opportunities for the orderly, economic, and efficient provision of urban serves when these lands are included in the Redmond Urban Growth Boundary.

18.24.020. Uses Permitted Outright.

Uses permitted outright in the RURA Combining Zone shall be those identified in the underlying zoning districts.

18.24.030. Conditional Uses Permitted.

Uses permitted conditionally in the RURA Combining Zone shall be those identified as conditional uses in the underlying zoning districts. Conditional uses shall be subject to all conditions of those zones as well as the requirements of this chapter.

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. (Ord. 2007-20 §2, 2007)

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 this standard is submitted and approved under DCC 18.24.060.

(Ord. 2007-20 §2, 2007)

18.24.060. Setback Exception Application.

If it is not feasible to locate a proposed building or structure outside of the prescribed setback identified in Section 18.24.050B, the property owner shall submit a Setback Exception Application. The application shall be processed as a land use permit regulated by DCC 22. The application shall include:

1. A site plan drawn to scale showing:

- a. The property boundaries;
 - b. The location of the proposed structure;
 - c. The location of other structures on the property;
 - d. The centerline of the future arterial or collector street;
 - e. Any other information needed to show why it is infeasible to locate the proposed structure outside of the required setback.
2. A written statement demonstrating that:
- a. It is infeasible to locate the proposed building or structure outside of the setback because of one or more of the following reasons:
 - i. Physical constraints of the property;
 - ii. Conflict(s) with standards in the underlying zone including, but not limited to, setbacks or siting requirements.
 - b. The proposed building or structure is located to minimize the encroachment into the setback.

18.24.070. Limitations for Future Urban Development

The following limitations shall apply to uses allowed by DCC 18.24.020 and 18.24.030. Zone changes and plan amendments involving land within the RURA Combining Zone and Multiple Use Agricultural, Surface Mining, or Rural Residential zoning districts that propose more intensive uses, including higher residential density, than currently allowed are prohibited.

(Ord. 2005-024 §1, 2005)

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE - MUA

18.32.010. Purpose.

18.32.020. Uses Permitted Outright.

18.32.030. Conditional Uses Permitted.

18.32.035. Destination Resorts.

18.32.040. Dimension Standards.

18.32.050. Yards.

18.32.060. Stream Setbacks.

18.32.070. Rimrock Setback.

18.32.010. Purpose.

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.

(Ord. 95-075 §1, 1995)

18.32.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.

(Ord. 2004-002 §3, 2004; Ord. 2001-039 §2, 2001; Ord. 2001-016 §2, 2001; Ord. 94-008 §10, 1994; Ord. 93-043 §4, 1993; Ord. 93-001 §1, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §18, 1991; Ord. 91-002 §6, 1991)

18.32.030. Conditional Uses Permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Public use.

- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.
- R. Time-share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. 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.
- W. Churches, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- BB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- CC. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured home park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.

DD. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

EE. Guest lodge.

FF. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

(Ord. 2004-002 §4, 2004; Ord. 2001-039 §2, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 97-029 §2, 1997; Ord. 97-017 §2, 1997; Ord. 96-038 §1, 1996; Ord. 94-053 §2, 1994; Ord. 94-008 §11, 1994; Ord. 93-043 §§4A and B, 1993; Ord. 92-055 §2, 1992; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §§27 and 35, 1990; Ord. 91-005 §§19 and 20, 1991; Ord. 91-002 §7, 1991; Ord. 86-018 §7, 1986; Ord. 83-033 §2, 1983; Ord. 80-206 §3, 1980)

18.32.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR Zone. (Ord. 92-004 §4, 1992)

18.32.040. Dimensional Standards.

In an MUA Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot size or equivalent density.
- B. The minimum average lot width shall be 100 feet and the minimum street frontage 50 feet.
- C. The minimum average lot depth shall be 150 feet.
- D. Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

(Ord. 2006-008 §4, 2006; Ord. 92-055 §3, 1992; Ord. 91-020 §1, 1991)

18.32.050. Yards.

- A. The front yard setback from the property line shall be a minimum of 20 feet for property fronting on a local street right of way, 30 feet from a property line fronting on a collector right of way, and 80 feet from an arterial right of way unless other provisions for combining accesses are provided and approved by the County.
- B. Each side yard shall be a minimum of 20 feet. For parcels or lots created before November 1, 1979, which are one-half acre or less in size, the side yard setback may be reduced to a minimum of 10 feet. For parcels or lots adjacent to property receiving special assessment for farm use, the adjacent side yard for a dwelling shall be a minimum of 100 feet.
- C. Rear yards shall be a minimum of 25 feet. Parcels or lots with rear yards adjacent to property receiving special assessment for farm use, the rear yards for a dwelling shall be a minimum of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180. E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 2005-011 §1, 2005; Ord. 94-008 §17, 1994; Ord. 91-020 §1, 1991; Ord. 88-021 §1, 1988; Ord. 83-037 §9, 1983)

18.32.060. Stream Setbacks.

To permit better light, air, vision, stream pollution control, fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
 - B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
- (Ord. 91-020 §1, 1991)

18.32.070. Rimrock Setback.

Setbacks from rimrock shall be as provided in DCC 18.116.160.
(Ord. 86-053 §6, 1986)

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.

18.36.010. Purpose.

The purpose of the Forest Use Zone is to conserve forest lands.
(Ord. 92-025 §2, 1992; Ord. 91-020 §1, 1991)

18.36.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.36 and any other applicable provisions of DCC Title 18.

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
- B. Temporary on-site structures, which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.

- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Has interior wiring for interior lights;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.
(Ord. 2003-007 §1, 2003; Ord. 94-038 §1, 1994; Ord. 92-025 §2, 1992; Ord. 91-020 §1, 1991; Ord. 91-002 §8, 1991)

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 geo-thermal, 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 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-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)

18.36.040. Limitations on Conditional Uses.

A use authorized by DCC 18.36.030 must meet the following requirements. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest lands.
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of any use listed in DCC 18.36.030, the land owner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(Ord. 94-038 §1, 1994; Ord. 92-025 §2, 1992; Ord. 91-020 §1, 1991)

18.36.050. Standards for Single-Family Dwellings.

A. General provisions.

1. Dwellings listed as a conditional use under DCC 18.36.050 shall meet the following standards:

- a. One of the alternative tests set out in DCC 18.36.050(B) (lot of record dwelling), (C) (large tract dwelling), or (D) (template dwelling);
- b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.
- c. No other dwellings shall be located on the tract.
- d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules 629-24-101(3)).

For purposes of DCC 18.36.050, evidence of a domestic water supply means:

- i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- ii. A water use permit issued by the Water Resources Department for the use described in the application; or
- iii. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.
- e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

2. In addition, dwellings listed as a conditional use under DCC 18.36.030(Y) shall be subject to the following standards or conditions:
 - a. The conditional use standards set forth in DCC 18.36.040;
 - b. The siting criteria set forth in DCC 18.36.060;
 - c. The fire siting standards set forth in DCC 18.36.070;
 - d. The fire safety design standards for roads set forth in DCC 18.36.080;
 - e. The stocking requirements set forth in DCC 18.36.085, if applicable; and
 - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
 3. Dwellings in forest zones shall not be subject to conditional use standards.
- B. Lot of Record Dwelling. For approval under DCC 18.36.050(B), a single-family dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985 and was acquired by the present owner either prior to January 1, 1985 or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
For the purposes of DCC 18.36.050(B), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
 2. The dwelling would be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road. The road shall not be a Bureau of Land Management (BLM) road or a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
For the purposes of DCC 18.36.050, "public roads" are those roads in which the public has a right of use that is a matter of public record.
For the purposes of DCC 18.36.050, "commercial tree species" means tree recognized under administrative rules adopted by the Oregon Department of Forestry under ORS 527.715 for commercial production.
 3. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
- C. Large Tract Dwelling. For approval of a single-family dwelling under DCC 18.36.050(C), the subject property shall consist of at least 240 contiguous acres in one ownership.
- D. Template Dwelling. For approval under DCC 18.36.050(D), a single-family dwelling shall meet the following requirements:
1. The lot or parcel is predominantly composed of soils that are:
 - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three other dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

- ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - d. Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.
2. Requirements of Applying Template
- a. If a tract 60 acres or larger described in DCC 18.36.050(D) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream.
 - b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - i. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
 - c. If a tract reviewed under DCC 18.36.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(Ord. 2003-007 §1, 2003; Ord. 94-038 §1, 1994; Ord. 92-025 §2, 1992; Ord. 91-020 §1, 1991)

18.36.060. Siting of Dwellings and Structures.

All new dwellings and structures approved pursuant to DCC 18.36.030 or permitted under DCC 18.36.020 shall be sited in accordance with DCC 18.36.060 and DCC 18.36.070. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:

- A. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
- B. Ensures that forest operations and accepted farming practices will not be curtailed or impeded;
- C. Minimizes the amount of forest lands used for the building site, road access and service corridors; and
- D. Consistent with the applicable provisions of DCC 18.36.070, minimizes the risks associated with wildfire.

(Ord. 94-038 §1, 1994; Ord. 92-025 §2, 1992)

18.36.070. Fire Siting Standards for Dwellings and Structures.

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses), except as otherwise noted:

- A. Access
 - 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 - 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.
- B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
 2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
 3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).
1. For the purposes of DCC 18.36.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
 2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
 - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

(Ord. 2004-013 §3, 2004; Ord. 2003-007 §1, 2003; Ord. 94-038 §1, 1994; Ord. 92-025 §2, 1992)

18.36.080. Fire safety Design Standards for Roads.

The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under DCC 18.36.020 or approved under DCC 18.36.030.

- A. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a Professional Engineer, registered in Oregon.
- B. Access roads shall have an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, and provide an all-weather surface.
- C. Turnarounds shall have a minimum of 50 feet of turn radius with an all-weather surface and be maintained for turning of fire fighting equipment.
- D. Road grades should not exceed eight percent, with a maximum of 12 percent on short pitches. Variations from these standards may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical and where the local fire protection district states their fire fighting equipment can negotiate the proposed road grade.

(Ord. 92-025 §2, 1992)

18.36.085. Stocking Requirement.

All dwellings approved under DCC 18.36.050 shall be subject to the provisions of DCC 18.36.085.

A. Stocking Requirement.

- 1. Dwellings approved under DCC 18.36.050 shall include a condition requiring the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements specified in Department of Forestry administrative rules in force at the time the approval is granted.
- 2. If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

B. Reporting Requirements.

- 1. The Planning Director or his designee shall notify the County Assessor of any stocking requirement condition at the time the dwelling is approved.
- 2. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required under Department of Forestry rules. The assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking report or where the survey report indicates that minimum stocking requirements have not been met.
- 3. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. That decision shall be solely the decision of the Department of Forestry. If the department determines that the tract does not meet those requirements, the department shall notify the owner and the Assessor that the land is not being managed as forest land. The assessor shall then remove the forest land designation pursuant to ORS 321.359.

The tax penalty imposed by the Assessor under DCC 18.36.085 shall be the only sanction for failure to meet stocking requirements.

(Ord. 2003-007 §1, 2003; Ord. 94-038 §1, 1994)

18.36.090. Dimensional Standards.

In an F-1 Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres; or
 - B. Land divisions creating parcels less than 80 acres in size may only be approved for uses listed in DCC 18.36.030(D) through (O), provided that those uses have been approved pursuant to DCC 18.36.040. Such division shall create a parcel that is the minimum size necessary for the use.
 - C. Building Height. No nonagricultural building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
- (Ord. 94-038 §1, 1994; Ord. 92-055 §4, 1992; Ord. 92-025 §2, 1992; Ord. 83-037 §10, 1983)

18.36.100. Yards and Setbacks.

- A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.
 - B. Each side yard setback shall be a minimum of 25 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - C. Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
 - D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
 - E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- (Ord. 95-075 §1, 1995; Ord. 94-008 §18, 1994; Ord. 92-025 §2, 1992; Ord. 83-037 §11, 1983)

18.36.110. Stream Setbacks.

All sewage disposal installations such as vault toilets, septic tanks and drainfield systems shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

(Ord. 92-025 §2, 1992)

18.36.120. State Law Controls.

Forest operations are governed by the State Forest Practices Act. Whenever a use allowed by DCC 18.36 conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.

(Ord. 92-025 §2, 1992)

18.36.130. Rimrock Setbacks.

Setbacks from rimrock shall be as provided in DCC 18.116.160.

(Ord. 86-053 §8, 1986)

18.36.140. Restrictive Covenants.

Restrictive covenants required under DCC 18.36 shall substantially comply with the form set forth below:

"Declaration of Covenants, Conditions and Restrictions:

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 his/her intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR) 660-06-027;

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 construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a 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 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 _____."

(Ord. 94-038 § 1, 1994)

(**Zoning maps** amended by Ord. 93-028 §1, 1993; 93-014 §1, 1993; Ord. 92-026 §1, 1992)

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.

18.40.010. Purpose.

The purpose of the Forest Use Zone is to conserve forest lands.
(Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

18.40.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.40 and any other applicable provisions of DCC Title 18:

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.

- I. Towers and fire stations for forest fire protection.
 - J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
 - K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
 - L. Uninhabitable structures accessory to fish and wildlife enhancement.
 - M. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Has interior wiring for interior lights;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
 - N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.
- (Ord. 2003-007 §2, 2003; Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991; Ord. 91-005 §21, 1991; Ord. 91-002 §9, 1991)

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.
- I. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.40.030(E).
- J. Television, microwave and radio communication facilities and transmission towers.
- K. Fire stations for rural fire protection.

- 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.
- N. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- O. Reservoirs and water impoundments.
- P. Cemeteries.
- Q. 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. gas, oil, geothermal) with rights of way 50 feet or less in width.
- R. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- S. Type 2 or 3 Home Occupation, subject to DCC 18.116.280.
- T. Expansion of existing airports.
- U. Public road and highway projects as described as ORS 215.283(2)(p) through (r) and 215.283(3).
- V. 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-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;
 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
- CC. 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-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)

18.40.040. Limitations on Conditional Uses.

A use authorized by DCC 18.40.030 must meet the following requirements. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of any use listed in DCC 18.40.030, the landowner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

18.40.050. Standards for Single-Family Dwellings.

A. General Provisions.

- 1. Dwellings listed as a conditional use under DCC 18.40.030(X) shall meet the following standards:
 - a. One of the alternative tests set out in DCC 18.40.050(B) (lot of record dwelling), DCC 18.40.050(C) (large tract dwelling), or DCC 18.40.050(D) (template dwelling);
 - b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.
 - c. No other dwellings shall be located on the tract.
 - d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules 629-24-101(3)). For purposes of DCC 18.40.050, evidence of a domestic water supply means:
 - i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - ii. A water use permit issued by the Water Resources Department for the use described in the application; or
 - iii. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.
 - e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- 2. In addition, dwellings listed as a conditional use under DCC 18.40.030(X) shall be subject to the following standards or conditions:
 - a. The conditional use standards set forth in DCC 18.40.040;
 - b. The siting criteria set forth in DCC 18.40.060;
 - c. The fire siting standards set forth in DCC 18.40.070;
 - d. The fire safety design standards for roads set forth in DCC 18.40.080;
 - e. The stocking requirements set forth in DCC 18.40.085, if applicable; and

- f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
- 3. Dwellings in forest zones shall not be subject to conditional use standards.
- B. Lot of Record Dwelling. For approval under DCC 18.40.050, a single-family dwelling shall meet the following requirements:
 - 1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985 and was acquired by the present owner either prior to January 1, 1985 or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
For the purposes of DCC 18.40.050, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.
 - 2. The dwelling would be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road. The road shall not be a Bureau of Land Management (BLM) road or a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
For the purposes of DCC 18.40.050, "public roads" are those roads in which the public has a right of use that is a matter of public record.
For the purposes of DCC 18.40.050, "commercial tree species" means tree recognized under administrative rules adopted by the Oregon Department of Forestry under ORS 527.715 for commercial production.
 - 3. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
- C. Large Tract Dwelling. For approval of a single-family dwelling under DCC 18.40.050(C), the subject property shall consist of at least 240 contiguous acres in one ownership.
- D. Template Dwelling. For approval under DCC 18.40.050(D), a single-family dwelling shall meet the following requirements:
 - 1. The lot or parcel is predominantly composed of soils that are:
 - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three other dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - d. Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.
 - 2. Requirements of Applying Template
 - a. If a tract 60 acres or larger described in DCC 18.40.050(D) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth

mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream.

- b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - i. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- c. If a tract reviewed under DCC 18.40.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(Ord. 2003-007 §2, 2003; Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

18.40.060. Siting of Dwellings and Structures.

- A. All new dwellings and structures approved pursuant to DCC 18.40.030 or permitted under DCC 18.40.020 shall be sited in accordance with DCC 18.40.060 and DCC 18.40.070. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, access, surrounding land use and source of domestic water shall be used to identify a site which:
 - 1. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;
 - 2. Ensures that forest operations and accepted farming practices will not be curtailed or impeded;
 - 3. Minimizes the amount of forest lands used for the building site, road access and service corridors; and
 - 4. Consistent with the applicable provisions of DCC 18.40.070, minimizes the risks associated with wildfire.
- B. The applicant shall provide evidence that the domestic water supply, if any, is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992)

18.40.070. Fire Siting Standards for Dwellings and Structures.

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses):

- A. Access.
 - 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 - 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.
- B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
 2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
 3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.40.070(F).
1. For the purposes of DCC 18.40.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
 2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
 - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

(Ord. 2004-013 §4, 2004; Ord. 2003-007 §2, 2003; Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992)

18.40.080. Fire Safety Design Standards for Roads.

The following standards apply to all roads and driveways, except for private roads accessing only commercial forest uses, which access uses permitted under DCC 18.40.020 or approved under DCC 18.40.030.

- A. Roads, bridges and culverts shall be designed and maintained to support a minimum gross vehicle weight (GVW) of 50,000 lbs. If bridges or culverts are involved in the construction of a road or driveway, written verification of compliance with the 50,000 lb. GVW standard shall be provided by a professional engineer registered in Oregon.
- B. Access roads shall have an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, and provide an all-weather surface.
- C. Turnarounds shall have a minimum of 50 feet of turn radius with an all-weather surface and be maintained for turning of fire fighting equipment.
- D. Road grades should not exceed eight percent, with a maximum of 12 percent on short pitches. Variations from these standards may be granted when topographic conditions make these standards impractical and where the local fire protection district states their fire fighting equipment can negotiate the proposed road grade.

(Ord. 92-025 §3, 1992)

18.40.085. Stocking Requirement.

All dwellings approved under DCC 18.40 shall be subject to the provisions of DCC 18.40.085.

A. Stocking Requirement.

- 1. Dwellings approved under DCC 18.40 shall include a condition requiring the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements specified in Department of Forestry administrative rules (Oregon Administrative Rules 629 in force at the time the approval is granted).
- 2. If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

B. Reporting Requirements.

- 1. The Planning Director or his designee shall notify the County Assessor of any stocking requirement condition at the time the dwelling is approved.
- 2. The property owner shall submit a stocking survey report to the County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required under Department of Forestry rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking report or where the survey report indicates that minimum stocking requirements have not been met.
- 3. Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. That decision shall be solely the decision of the Department of Forestry. If the department determines that the tract does not meet those requirements, the department shall notify the owner and the assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359.

The tax penalty imposed by the Assessor under DCC 18.40.085 shall be the only sanction for failure to meet stocking requirements.

(Ord. 2003-007 §2, 2003; Ord. 94-038 §2, 1994)

18.40.090. Dimensional Standards.

In an F-2 Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres; or
- B. Land divisions creating parcels less than 80 acres in size may only be approved for uses listed in DCC 18.40.030(D) through (P), provided that those uses have been approved pursuant to DCC 18.40.040. Such division shall create a parcel that is the minimum size necessary for the use.
- C. Building Height. No nonagricultural building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
(Ord. 94-038 §2, 1994; Ord. 92-055 §5, 1992; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

18.40.100. Yards and Setbacks.

- A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.
- B. Each side yard setback shall be a minimum of 25 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- C. Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
(Ord. 95-075 §1, 1995; Ord. 94-008 §19, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991; Ord. 83-037 §11, 1983)

18.40.110. Stream Setbacks.

All sewage disposal installations, such as vault toilets, septic tanks and drainfield systems shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
(Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

18.40.120. State Law Controls.

Forest operations are governed by the State Forest Practices Act. Whenever a use allowed by DCC 18.40 conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.
(Ord. 92-025 §3, 1992)

18.40.130. Rimrock Setback.

Setbacks from rimrock shall be as provided in DCC 18.116.160.
(Ord. 93-043 §5, 1993; Ord. 86-053 §8, 1986)

(Zoning maps adopted by Ord. 92-026 §1, 1992)

Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE - OS&C

18.48.010. Purpose.

18.48.020. Uses Permitted Outright.

18.48.030. Conditional Uses Permitted.

18.48.040. Dimensional Standards.

18.48.050. Setbacks.

18.48.060. Limitations on Conditional Uses.

18.48.010. Purpose.

The purpose of the Open Space and Conservation Zone is to protect designated areas of scenic and natural resources; to restrict development in areas with fragile, unusual or unique qualities; to protect and improve the quality of the air, water and land resources and to plan development that will conserve open space.

(Ord. 93-043 §6, 1993)

18.48.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in ORS 215.203(2).
- B. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 4.
- C. Public wildlife reserve or management area, not including structures.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2001-039 §3, 2001; Ord. 2001-016 §2, 2001; Ord. 97-023 §1, 1997; Ord. 94-041 §1, 1994; Ord. 91-020 §1, 1991)

18.48.030. Conditional Uses Permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Private parks, picnic areas or hunting and fishing preserves.
- B. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
- C. Utility facility except landfills.
- D. Water supply and treatment facility.
- E. 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 DCC 18.128.270.
- F. Campground.
- G. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- H. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

(Ord. 2001-039 §3, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 94-041 §1, 1994; Ord. 92-004 §9, 1992; Ord. 91-038 §1, 1991)

18.48.040. Dimensional Standards.

In an OS&C Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres.
 - B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- (Ord. 94-041 §1, 1994; Ord. 92-055 §B, 1992)

18.48.050. Setbacks.

- A. Minimum setbacks shall be 60 feet from an arterial or collector street or road right of way and 20 feet from a street within a platted and recorded subdivision.
 - B. The setback from a perennial stream or lake ordinary high water mark shall be a minimum of 200 feet, and from an intermittent stream channel, 100 feet.
 - C. Each side setback shall be a minimum of 15 feet, except on a corner lot it shall be 30 feet from the street side.
 - D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
 - E. Rimrock Setback. Setbacks from rimrock shall be as provided in DCC 18.116.160.
 - F. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- (Ord. 95-075 §1, 1995; Ord. 94-008 §28, 1994; Ord. 91-020 §1, 1991; Ord. 86-053 §10, 1986; Ord. 83-037 §13, 1983)

18.48.060. Limitations on Conditional Uses.

The following limitations shall apply to a conditional use in an OS&C Zone:

- A. An application for a conditional use in an OS&C Zone may be denied if, in the opinion of the Planning Director or Hearings Body, the proposed use is not related to or sufficiently dependent upon the recreational resources of the area.
- B. The proposed use shall not significantly increase fire hazard or significantly increase risks to fire suppression personnel. The Planning Director or Hearings Body may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or attach other similar conditions or limitations that will reduce fire hazards or prevent the spread of fire to surrounding areas.
- C. The Planning Director or Hearings Body may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation to prevent or minimize erosion, pollution or degradation of the natural attractiveness of the area.
- D. An application for a conditional use in an OS&C Zone shall be denied if, in the opinion of the Planning Director or Hearings Body, the proposed use would exceed the carrying capacity of the area or would be detrimental to the natural features or resources of the area.
- E. An application for a conditional use in an OS&C Zone shall be denied if not in compliance with the Comprehensive Plan.
- F. An application for a conditional use shall be denied if the proposed use would force a significant change in, or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands.
- G. Where the proposed use is adjacent to forest zoned land, a written statement recorded with the deed or written contract with the County or its equivalent shall be obtained from the land owner which recognizes the right of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Oregon Administrative Rules 660-06-025(4)(e), (1), (r), (s) and (v).

(Ord. 94-041 §1, 1994; Ord. 91-020 §1, 1991)

(Zoning maps amended by Ord. 95-059 §1, 1995)

Chapter 18.52. SURFACE MINING ZONE - SM

- 18.52.010. Purpose.**
- 18.52.020. Application of Ordinance.**
- 18.52.030. Uses Permitted Outright.**
- 18.52.040. Uses Permitted Outright Subject to Site Plan Review.**
- 18.52.050. Conditional Uses Permitted.**
- 18.52.060. Dimensional Standards.**
- 18.52.070. Site Plan Review.**
- 18.52.080. Site Plan Application.**
- 18.52.090. Minimum Use Setbacks.**
- 18.52.100. Procedure Upon Filing of Site Plan.**
- 18.52.110. General Operation Standards.**
- 18.52.115. Extended Operating Hours.**
- 18.52.120. Partial Approval.**
- 18.52.130. Site Reclamation Plan.**
- 18.52.140. Conditional Use Criteria.**
- 18.52.150. Failure to Comply.**
- 18.52.160. Preexisting Sites, Nonconforming Sites and Registration.**
- 18.52.170. Use Permits.**
- 18.52.180. Monitoring.**
- 18.52.190. Nuisances.**
- 18.52.200. Termination of the Surface Mining Zoning and Surrounding Surface Mining Impact Area Combining Zone.**

18.52.010. Purpose.

The purposes of the Surface Mining Zone are:

- A. To implement the goals and policies of the Comprehensive Plan;
- B. To allow the development and use of identified deposits of mineral and aggregate resources consistent with Statewide Planning Goal 5;
- C. To protect the health and safety of the public and of residents of property adjoining surface mines, and the value of uses and natural resources identified in the Comprehensive Plan as conflicting with surface mines, subject to Goal 5;
- D. To provide that all land and water resources affected by surface mining operations within the County receive the protection and reclamation necessary for their intended subsequent use; and
- E. To provide for cooperation between private parties and governmental entities in order to carry out the purposes of DCC 18, the Comprehensive Plan and state and federal regulations.

(Ord. 90-014 §4, 1990)

18.52.020. Application of Ordinance.

Except as provided in DCC 18.52.160, the setbacks, operation standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively, apply to every surface mining site and activity to the extent that setbacks, standards and conditions are not expressly provided for in the site-specific ESEE analysis within the surface mining element of the Comprehensive Plan. When there is a conflict between the site-specific ESEE analysis and the provisions of DCC 18, the site-specific ESEE analysis shall control.

(Ord. 90-014 §4, 1990)

18.52.030. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Farm uses as defined in DCC 18.
- B. Forest uses as defined in DCC 18.
- C. One temporary or portable residence when necessary to house a caretaker or a night watchman.
- D. Land Disposal Site as defined in DCC 18 for which the operator possesses a valid DEQ permit on the effective date of Ordinance No. 92-066.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2001-039 §4, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §7, 1993; Ord. 92-066 §2, 1992; Ord. 91-020 §1, 1991; Ord. 90-014 §4, 1990; Ord. 86-059 §1, 1986)

18.52.040. Uses Permitted Outright Subject to Site Plan Review.

The following uses are permitted outright subject to site plan review as provided in DCC 18.52.040:

- A. Extraction of minerals.
- B. Stockpiling and storage of minerals.
- C. Screening, washing and sizing of minerals.
- D. Sale of minerals and mineral products extracted and produced on the parcel or contiguous parcels in the same ownership.
- E. Buildings, structures, apparatus, equipment and appurtenances necessary for the above uses to be carried on.

(Ord. 90-014 §4, 1990)

18.52.050. Conditional Uses Permitted.

- A. The following uses are permitted subject to the conditions set forth in DCC 18.128:
 - 1. Public uses consistent with or dependent upon outright uses allowed in the SM zone.
 - 2. Operations and exploration of geothermal resources.
 - 3. 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.
 - 4. Construction, expansion and operation of a Disposal Site as defined in DCC 18, for which the operator possesses a valid DEQ permit on the effective date of Ordinance No. 92-066 for a Land Disposal Site.
 - 5. Wireless telecommunications facilities that are necessary to be sited in the SM Zone for the public service to be provided.
 - 6. Water storage facilities, owned or operated by a public, private or cooperative water company for the distribution of water, where such placement will not interfere with or be detrimental to the mining of the resource.
 - 7. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- B. The following uses are permitted subject to site plan review and the setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively, and are not subject to the conditions in DCC 18.128:
 - 1. Expansion or replacement of a preexisting legal dwelling.

2. Crushing of mineral and aggregate materials on sites designated for crushing in the ESEE analysis in the surface mining element of the Comprehensive Plan.
3. Sale of minerals and mineral products extracted or produced on parcels other than the subject parcel or contiguous parcels in the same ownership.
4. Batching and blending of mineral and aggregate into asphaltic concrete or Portland Cement Concrete.

(Ord. 2001-039 §4, 2001; Ord. 2001-020 §1, 2001; Ord. 97-063 §3, 1997; Ord. 95-046 §2, 1995; Ord. 92-066 §3, 1992; Ord. 91-038 §1, 1991; Ord. 90-014 §4, 1990)

18.52.060. Dimensional Standards.

In the SM Zone, no existing parcel shall be reduced in size and no additional parcels shall be created by partition, subdivision or otherwise.

(Ord. 90-014 §4, 1990)

18.52.070. Site Plan Review.

Site plan review and final approval of a site plan shall be required before the commencement of any use which requires site plan review under DCC 18.52.040 and 18.52.050(B), and before any expansion of a preexisting or nonconforming site under DCC 18.52.160.

(Ord. 90-014 §4, 1990)

18.52.080. Site Plan Application.

The applicant shall submit the following information for site plan review and approval:

- A. An application in a format established by the County and satisfying all requirements of Title 22, the Deschutes County Developmental Procedures Ordinance.
- B. All information required for a site reclamation plan by DOGAMI.
- C. A map or diagram showing that all minimum use setbacks required in DCC 18.52.090 are met.
- D. A description of how all operation standards set forth in DCC 18.52.110 are met.
- E. A description of all potential impacts of the mining activities identified by the ESEE analysis for the specific site and how those impacts are addressed.

(Ord. 95-075 §1, 1995; Ord. 90-014 §4, 1990)

18.52.090. Minimum Use Setbacks.

- A. Except as otherwise provided in DCC 18.52.090, all surface mining activities and uses, including structures, shall be located and conducted at least 250 feet from a noise-sensitive or dust-sensitive use or structure. Exceptions to this standard shall be allowed for the following:
 1. Access roads approved as part of site plan review.
 2. Dwellings located on the parcel on which the surface mining is to occur, including replacements or expansions thereof.
 3. Pursuant to a written agreement for a lesser setback made between the owner of the noise-sensitive or dust-sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. Such agreement shall be notarized and recorded in the Deschutes County Book of Records and shall run with the land. Such agreement shall be submitted and considered at the time of site plan review or site plan modification.
- B. Storage and processing of mineral and aggregate material, and storage of operational equipment which creates noise and dust, shall not be allowed closer than one-quarter mile from any noise or dust sensitive use or structure existing on the effective date of Ordinance No. 90-014, unless the applicant demonstrates that:

1. Due to the parcel size, topography, existing vegetation or location of conflicting uses or resources, there is no on-site location for the storage and processing of material or storage of equipment which will have less noise or dust impact; and
 2. All noise control and air quality standards of DCC 18 can be met by the proposed use for which the exception is requested.
- C. Additional setbacks may be determined as part of the site reclamation review process. Additional setbacks also may be required by DOGAMI.
- D. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
(Ord. 94-008 §20, 1994; Ord. 90-014 §4, 1990)

18.52.100. Procedure Upon Filing of Site Plan.

- A. Each application for site plan review and approval shall be processed subject to DCC 22, the Uniform Development Procedures Ordinance.
- B. The Planning Director or Hearings Body shall review the site plan application and shall grant or deny site plan approval based on the proposed site plan's conformance with the ESEE analysis for the site contained in the surface mining element of the Comprehensive Plan and the applicable setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively. The Planning Director or Hearings Body may require the applicant to make such modifications to the site plan as are necessary to fulfill the requirements of the site-specific ESEE analysis and the applicable setbacks, standards and conditions in DCC 18. The Planning Director or Hearings Body shall not deny site plan approval unless the requirements of the ESEE analysis and setbacks, standards and conditions of DCC 18 are not or cannot be satisfied by the proposed site plan.
- C. To the extent practicable, the Planning Director or Hearings Body shall review the site plan application in conjunction with the review of the applicant's site reclamation plan by DOGAMI.
(Ord. 90-014 §4, 1990)

18.52.110. General Operation Standards.

Prior to the start of any surface mining activity and no later than site plan review if such review is required under DCC 18.52.110, the applicant shall demonstrate that the following standards are or can be met by the surface mining operation:

- A. Access.
1. All on-site roads used in the mining operation, and access roads from the site to a public road maintained by a government agency, are designed and constructed to accommodate the vehicles and equipment which will use them, and shall meet the following minimum standards:
 - a. All access roads within 100 feet of a paved County road or state highway are paved unless the applicant demonstrates that other methods of dust control, including application of oil or water, will be implemented in a manner which provides for the safety and maintenance of the County road or state highway.
 - b. Roads within the surface mining parcel which are used as part of the surface mining operation are constructed and maintained in a manner by which all applicable DEQ standards for vehicular noise control and ambient air quality are or can be satisfied.
 - c. All roads used for mining are paved and will be adequately maintained at all points within 250 feet of a dwelling or other dust-sensitive use existing on the effective date of Ordinance No. 90-014.
 2. Improvements or fees in lieu of improvements of public roads, County roads and state highways may be required when the Planning Director or Hearings Body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the road sufficiently to warrant off-site improvement. If a fee in lieu of

improvements is required, the amount of the fee shall reflect the applicant's prorata share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

B. Screening.

1. The site is screened to meet the standards specified in DCC 18.52.110(B)(2), unless one of the exceptions in DCC 18.52.110(B)(6) applies.
2. Performance Standard. When screening is required by DCC 18.52.110(B)(1), it obscures the view of the screened uses from the protected uses with the methods and to the extent described in DCC 18.52.110(B)(5).
3. Protected Uses.
 - a. Noise-sensitive or dust-sensitive uses existing on the effective date of Ordinance No. 90-014.
 - b. Public parks and waysides.
 - c. Frontage on roads designated by the Comprehensive Plan as collectors, arterials and highways.
 - d. Areas zoned Landscape Management Combining.
 - e. Those portions of state and federal scenic waterways from which the surface mining activity is visible from the perspective of a person standing at the high water mark on either bank of the waterway.
4. Screened Uses.
 - a. All equipment stored on the site.
 - b. All crushing and processing equipment.
 - c. All excavated areas except: Areas where reclamation is occurring; roadways existing on the effective date of Ordinance No. 90-014; new roadways approved as part of the site plan; material excavated to create berms; and material excavated to change the level of the mining site to an elevation which provides natural screening.
5. Types of Screening.
 - a. Natural Screening. Existing vegetation or other landscape features which are located on the surface mining site within 50 feet of the boundary of the site, and which obscure the view of the screened uses from the protected uses, shall be preserved and maintained.
 - b. Supplied Screening. Supplied vegetative screening is screening not already existing and which is added to the site, such as hardy plant species. Plantings shall not be required to exceed either a density of six feet on center or a height of six feet at the commencement of mining. Supplied earthen screening shall consist of berms covered with earth and stabilized with ground cover.
6. Exceptions. Supplied screening shall not be required when and to the extent that any of the following circumstances occurs:
 - a. The natural topography of the site offers sufficient screening to meet the performance standard in DCC 18.52.110(B)(2).
 - b. Supplied screening cannot meet the performance standard in DCC 18.52.110(B)(2) due to topography.
 - c. The applicant demonstrates that supplied screening cannot reliably be established or cannot survive for a 10 year period due to soil, water or climatic conditions.
 - d. Screened uses that are visible from the protected uses will be concluded and will either be removed or reclaimed within 18 months.
 - e. The surface miner and the owner or authorized representative of the owner of the protected use execute and record in the Deschutes County Book of Records a mitigation agreement that waives screening requirements and describes and adopts an alternate program or technique.
7. Continued Maintenance. Vegetative screening shall be maintained and replaced as necessary to assure the required screening throughout the duration of the mining activity.

- C. Air Quality. The discharge of contaminants and dust created by the mining operation and accessory uses to mining does not exceed any applicable DEQ ambient air quality and emissions standards.
- D. Erosion Control. Sedimentation and erosion resulting from the mining operation does not affect any perennial stream so as to violate DEQ's water quality standards.
- E. Streams and Drainage. Unless agreed to, in writing, by the adjoining property owner(s), existing natural drainages on the site are not changed in a manner which substantially interferes with drainage patterns on adjoining property or which drains waste materials or waste water onto adjoining property or perennial streams. Where the surface mining site abuts a lake, perennial stream or other perennial body of water, all existing vegetation within 100 feet of the mean high water mark shall be retained unless mining activity is allowed within this area by the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan.
- F. Equipment Removal. All surface mining equipment and related structures will be removed from a mining site within 30 days of completion of all mining and reclamation.
- G. Flood Plain. Any mining operations conducted in a flood plain, as defined in DCC 18, will satisfy all applicable conditional use criteria of DCC 18.96.030 through 18.96.060.
- H. Noise. Noise created by a mining operation, vehicles, equipment or accessory uses which is audible off the site does not exceed DEQ noise control standards, due to topography or other natural features, or by use of methods to control and minimize off-site noise, including, but not limited to: Installation of earth berms; placing equipment below ground level; limiting hours of operation; using a size or type of vehicle or equipment which has been demonstrated to meet applicable DEQ noise control standards; relocation of access roads, and other measures customarily used in the surface mining industry to meet DEQ noise standards.
- I. Hours of Operation.
 - 1. Mineral and aggregate extraction, processing and equipment operation is limited to the following operating hours:
 - a. Surface mining sites located within one-half mile of any noise-sensitive or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014: 7:00 a.m. to 6:00 p.m. - Monday through Friday and 8:00 a.m. to 5:00 p.m. - Saturday.
 - b. All other sites: 7:00 a.m. to 10:00 p.m. - Monday through Saturday.
 - 2. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.
- J. Drilling and Blasting.
 - 1. Drilling and blasting are allowed under the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan.
 - 2. Drilling and blasting which are to be conducted within one-half mile of any noise-sensitive or dust-sensitive use or structure or agricultural use involving the raising of animals meet or can meet the following standards:
 - a. DEQ noise standards for drilling and blasting.
 - b. A plan addressing the potential for earth movement, flying rocks and other effects on surrounding uses has been submitted to and approved by the County.
 - c. Blasting will be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, and no blasting will occur on Saturdays, Sundays or legal holidays identified in DCC 18.52.110(I)(2).
 - d. A plan has been submitted to and approved by the County describing how the operator will notify the owners and inhabitants of the protected uses identified in DCC 18.52.110(J)(2), which are located within one-half mile of the blasting site of proposed blasting by written notice:
 - i. Delivered in a manner calculated to be received by each person entitled to notice at least 48 hours prior to the time the blasting activity will occur;

- ii. Containing a statement providing that the recipient property owner must provide the notice to tenants and inhabitants on the subject property;
 - iii. In the case of ongoing blasting, given at least once each month and specifying the days and hours that blasting will occur; and
 - iv. Retained by the operator, along with a list of persons notified, for at least one year after blasting occurs.
- K. **Extraction Site Size.** The size of the area in which extraction is taking place as part of a surface mine does not exceed five acres. For the purpose of DCC 18, the extraction site size does not include access roads, equipment storage areas, processing equipment sites, stockpiles, areas where reclamation is in progress and similar accessory uses which are necessary to the mining operation. An exception to this standard may be allowed as part of site plan review if the applicant demonstrates that mining techniques normally associated with the specific type of mining in question and commonly used in the surface mining industry require a larger extraction site size.
- L. **Fish and Wildlife Protection.**
 - 1. Fish and wildlife values and habitat required by the site-specific ESEE analysis to be conserved and protected are conserved and protected by use of methods including, but not limited to: Seasonal operations and access road closures; retention of or creation of vegetative cover and riparian habitat; and erection of fencing or other barriers to protect wildlife from steep extraction site slopes.
 - 2. Mitigation, as defined in DCC 18, will be provided to compensate for any loss of fish and wildlife habitat caused by the surface mining activity which habitat is required to be protected by the site-specific ESEE analysis. When mitigation is provided, the type and effectiveness of mitigation required has been determined by the Planning Director or Hearings Body to be appropriate from available evidence and in consultation with the Oregon Department of Fish and Wildlife.
- M. Surface water management is provided in a manner which meets all applicable DEQ water quality standards and DOGAMI requirements, and which demonstrates that all water necessary for the proposed operation of the surface mine, including dust control, landscaping and processing of material, has been appropriated to the surface mining site and is legally available for such use. The applicant must provide written documentation of any water rights from the respective water district and Oregon Watermaster's office prior to any mining of the site.
- N. Storage of equipment, structures and other materials at the site is limited to that which is necessary and appurtenant to the mining operation or other uses permitted on the site.
- O. A security plan for the subject site has been submitted and approved by the County and, where appropriate, by DOGAMI which addresses the following issues:
 - 1. Lighting;
 - 2. Fencing;
 - 3. Gates at access points;
 - 4. Water impoundments;
 - 5. Sloping; and
 - 6. Security of vehicles and equipment.
- P. All impacts of the mining activities identified in the ESEE analysis for the specific site are addressed and have been resolved at the time of site plan approval or before the start of mining activity.
(Ord. 95-075 §1, 1995; Ord. 93-043 §§7A, 7B and 7C, 1993; Ord. 91-002 §1, 1991; Ord. 90-014 §4, 1990)

18.52.115. Extended Operating Hours.

Notwithstanding the limitations set forth in an approved site plan for surface mining or the limitation on hours of operation set forth in DCC 18.52.110(I), a special operating permit for extended hours of operations at a mining site may be approved when the Planning Director or Hearings Body finds that an applicant demonstrates that:

- A. Project Necessity. Extended hours of operation are necessary to construct capital improvements and other specific public roadway improvements, including but not limited to road widening, paving, surfacing and realigning, where practical difficulties not created by the applicant such as transportation management requirements necessitate project construction outside the hours specified in DCC 18.52.110(I) or otherwise set forth in a surface mining site plan;
 - B. Equipment Limitation. During the extended hours of activity, operations at the mining site shall include only those uses allowed under DCC 18.52.040 and, when already approved as a conditional use, those uses listed in DCC 18.52.050, including vehicular traffic, and shall be limited to the minimum necessary to complete the project; and
 - C. Time Limitation. Activities approved under DCC 18.52.115(B) shall not exceed a period of 14 days but may be renewed for successive periods not exceeding three days each if: the extension is necessary to complete the roadway or capital improvement project; and transportation management concerns or unique project characteristics justify the extension.
 - D. Noise Control. Activities permitted under DCC 18.52.115 are subject to DCC 8.08.090(D).
- (Ord. 98-038 §1, 1998)

18.52.120. Partial Approval.

A portion of a parcel may be approved for surface mining, stockpiles or processing without site plan review of the entire parcel. Partial approval shall be granted if the applicant demonstrates that the following criteria are or can be met:

- A. The portion of the parcel receiving approval can be mined and reclaimed separately from the remainder of the site; and
- B. The plan for the portion of the site satisfies all requirements for site plan review; and
- C. All surface mining site plan and reclamation requirements of the County and DOGAMI for the approved portion of the site are completed prior to the start of mining on the remainder of the property. Initial seeding in conformance with a reclamation plan shall be deemed adequate to fulfill the completion portion of DCC 18.52.120.

(Ord. 90-014 §4, 1990)

18.52.130. Site Reclamation Plan.

Prior to the start of mining activity, a site reclamation plan shall be submitted and approved which demonstrates that the mineral and aggregate extraction site can be reclaimed for a subsequent beneficial land use consistent with the designation of such subsequent use in the surface mining element of the Comprehensive Plan.

- A. When a site reclamation plan is required by DOGAMI, the site reclamation plan shall be approved by DOGAMI. To the extent practicable, review of the site reclamation plan shall be conducted jointly between DOGAMI and the County.
- B. When a site reclamation plan is not required by DOGAMI, the site reclamation plan shall be approved by the County in conjunction with the site plan review described in DCC 18.52.070. The County shall review such site reclamation plans for consistency with the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan and the standards and conditions set forth in DCC 18.52.110 and 18.52.140. The County also shall follow the applicable DOGAMI standards and criteria for a site reclamation plan.

(Ord. 90-014 §4, 1990)

18.52.140. Conditional Use Criteria.

The criteria set forth in DCC 18.52.140 shall be the only conditional use criteria applicable to the surface mining activities described below. Compliance with these criteria shall be demonstrated at the time of site plan review.

- A. **Crushing.** When a site has been designated for crushing of mineral and aggregate materials under the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan, the following conditions apply:
 - 1. If a crusher is to be located less than one-half mile from a noise-sensitive use or structure existing on the effective date of Ordinance No. 90-014, the applicant shall demonstrate through a noise report from a qualified, registered sound engineer or similarly qualified professional, that the crusher can meet all applicable DEQ industrial and commercial noise control standards as designed and located, or by methods including, but not limited to: Modification or muffling of the crusher; placement of the crusher below grade or behind berms.
 - 2. If a crusher is to remain on the site for longer than 60 days in any 18-month period, the applicant shall demonstrate that it will be screened in accordance with DCC 18.52.110(B).
- B. **Expansion or Replacement of Preexisting Dwelling.** The following conditions apply:
 - 1. The expansion or replacement does not reduce the amount of mineral and aggregate resource available on the subject site.
 - 2. The replaced dwelling or expansion is located and designed to minimize the impacts of the surface mining operation on the inhabitants of the dwelling.
- C. **Sale of Products Extracted or Produced on Parcels Other Than the Subject Parcel.** The following conditions shall apply:
 - 1. The portion of the site where the products will be stored and sold is at least one-half mile from a noise or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014.
 - 2. The access from the point where the products are stored and sold to a public road is not within one-half mile of any noise or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014.
- D. **Processing of Aggregate Into Asphaltic Concrete or Portland Cement Concrete.** The following conditions shall apply:
 - 1. If the processing operation meets or can meet all applicable DEQ ambient air quality standards and emission standards for asphalt, asphaltic concrete or portland cement plants.
 - 2. If the processing operation is located less than one-half mile from a noise-sensitive use or structure existing on the effective date of Ordinance No. 90-014, the applicant shall demonstrate through a noise report from a qualified, registered sound engineer or similarly qualified professional, that the processing operation can meet all applicable DEQ noise control standards for industry and commerce as designed and located, or by use of methods including, but not limited to: Modification or muffling of equipment; location of the processing operation below grade or behind berms.
 - 3. The point where the vehicles transporting asphalt, portland cement and the raw materials for such products access a public road is not within one-half mile of any noise-sensitive or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014.
 - 4. Processing operations temporarily located in conjunction with a specific street, road or highway project will be removed from the site within 30 days of the completion of the project. (NOTE: Batch plants are allowed in industrial zones and may be sited as part of a limited use combining zone in conformance with all plan amendment and zone change requirements of the Comprehensive Plan and zoning ordinance.)

(Ord. 91-002 §2, 1991; Ord. 90-014 §4, 1990)

18.52.150. Failure to Comply.

If the Planning Director or designee determines that surface mining activity which has received site plan approval is not being conducted in compliance with the setbacks, standards or conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively, or the site plan, the Planning Director or designee may institute enforcement proceedings to require such compliance. Enforcement may include citing for a violation, injunction proceedings, and any other measures permitted under DCC 18.144. (Ord. 2003-021 §37, 2003; Ord. 90-014 §4, 1990)

18.52.160. Preexisting Sites, Nonconforming Sites and Registration.

- A. Except for preexisting and nonconforming sites, DCC 18 shall apply to all surface mining activities which occur on or after the effective date of Ordinance No. 90-014.
- B. Preexisting Sites. Mineral and aggregate sites which have a valid DOGAMI permit or exemption and/or County permit on the effective date of Ordinance No. 90-014, and which are zoned SM, are "preexisting sites."
- C. Nonconforming Sites. Mineral and aggregate sites which have a valid DOGAMI permit or exemption and/or County permit on the effective date of Ordinance No. 90-014, and which are not zoned SM, are "nonconforming sites."
- D. Registration. Operators of all preexisting and nonconforming sites shall register the sites with the Planning Division within 180 days of the effective date of Ordinance No. 90-014. The registration shall include a copy of the operator's permit or exemption and a map or legal description showing the boundaries of the surface mining area covered by the permit or exemption.
- E. Expansion.
 - 1. Any expansion of the surface mining activity on a preexisting site beyond the boundaries of the surface mining area covered by the DOGAMI permit or exemption or County permit, or any surface mining activity requiring a new DOGAMI or County permit, shall comply with all applicable requirements of DCC 18.
 - 2. Any expansion of the surface mining activity on a nonconforming site beyond the boundaries of the surface mining area covered by the DOGAMI permit or exemption or County permit, or any surface mining activity requiring a new DOGAMI or County permit, shall comply with the provisions of DCC 18.120.010.

(Ord. 90-014 §4, 1990)

18.52.170. Use Permits.

Following site plan approval and prior to starting any surface mining activities on the site, the Planning Director or designee shall physically review the site for conformance with the site plan. When it is determined by the Planning Director or designee that all elements of the approved site plan required for mining have been completed and the reclamation plan has received final approval, the Planning Director or designee shall issue a use permit. No mining activity shall start prior to the issuance of such use permit.

(Ord. 93-043 §7D, 1993; Ord. 90-014 §4, 1990)

18.52.180. Monitoring.

The Planning Director or designee shall periodically visit the surface mining site to monitor the surface mining operation. If the Planning Director or designee determines that the operation is not in compliance with the approved site plan and all setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, a citation for a violation shall be issued.

(Ord. 2003-021 §38, 2003; Ord. 90-014 §4, 1990)

18.52.190. Nuisances.

Violations of the surface mining site plan, or the setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively, are hereby declared nuisances, and abatement action may be taken as specified in DCC 18.144.

(Ord. 90-014 §4, 1990)

18.52.200. Termination of the Surface Mining Zoning and Surrounding Surface Mining Impact Area Combining Zone.

- A. When a surface mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and that the site has been reclaimed in accordance with the reclamation plan approved by DOGAMI or the reclamation provisions of DCC 18, the property shall be rezoned to the subsequent use zone identified in the surface mining element of the Comprehensive Plan.
- B. Concurrent with such rezoning, any surface mining impact area combining zone which surrounds the rezoned surface mining site shall be removed. Rezoning shall be subject to DCC 18.136 and all other applicable sections of DCC 18, the Comprehensive Plan and DCC Title 22, the Uniform Development Procedures Ordinance.

(Ord. 90-014 §4, 1990; Ord. 86-059 §1, 1986; Ord. 86-018 §11, 1986; Ord. 85-053 §11, 1986; Ord. 85-002 §7, 1985; Ord. 83-037 §14, 1983)

(**Zoning Maps** amended by Ord. 93-028 §1, 1993; Ord. 93-026 §1, 1993; Ord. 93-022 §1, 1993)

Chapter 18.56. SURFACE MINING IMPACT AREA COMBINING ZONE - SMIA

- 18.56.010. Purpose.**
- 18.56.020. Location.**
- 18.56.030. Application of Provisions.**
- 18.56.040. Uses Permitted Outright.**
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- 18.56.090. Specific Use Standards.**
- 18.56.100. Site Plan Review and Approval Criteria.**
- 18.56.110. Abbreviated SMIA Site Plan Review.**
- 18.56.120. Waiver of Remonstrance.**
- 18.56.130. Development Agreement and Performance Bond.**
- 18.56.140. Exemptions.**

18.56.010. Purpose.

The purpose of the SMIA zone is to protect the surface mining resources of Deschutes County from new development which conflicts with the removal and processing of a mineral and aggregate resource while allowing owners of property near a surface mining site reasonable use of their property.

(Ord. 90-014 §5, 1990)

18.56.020. Location.

The SMIA zone shall apply to all property located within one-half mile of the boundary of a surface mining zone. However, the SMIA zone shall not apply to any property located within an urban growth boundary, city or other county. The extent and location of the SMIA Zone shall be designated at the time the adjacent surface mining zone is designated.

(Ord. 90-014 §5, 1990)

18.56.030. Application of Provisions.

The standards set forth in DCC 18.56 shall apply in addition to those specified in DCC Title 18 for the underlying zone. If a conflict in regulations or standards occurs, the provisions of DCC 18.56 shall govern.

(Ord. 90-014 §5, 1990)

18.56.040. Uses Permitted Outright.

Uses permitted outright shall be those identified in the underlying zone(s) with which the SMIA Zone is combined.

(Ord. 90-014 §5, 1990)

18.56.050. Conditional Uses Permitted.

Uses permitted conditionally shall be those identified as conditional uses in the underlying zone(s) with which the SMIA Zone is combined and shall be subject to all conditions of the underlying zone(s) as well as the conditions of the SMIA Zone.

(Ord. 90-014 §5, 1990)

18.56.060. Dimensional Standards.

In the SMIA Zone, the lot size shall be that prescribed in the underlying zone.
(Ord. 90-014 §5, 1990)

18.56.070. Setbacks.

The setbacks shall be the same as those prescribed in the underlying zone, except as follows:

- A. No noise-sensitive or dust-sensitive use or structure established or constructed after the designation of the SMIA Zone shall be located within 250 feet of any surface mining zone, except as provided in DCC 18.56.140; and
- B. No noise-sensitive or dust-sensitive use or structure established or constructed after the designation of the SMIA Zone shall be located within one-quarter mile of any existing or proposed surface mining processing or storage site, unless the applicant demonstrates that the proposed use will not prevent the adjacent surface mining operation from meeting the setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively.
- C. Additional setbacks in the SMIA Zone may be required as part of the site plan review under DCC 18.56.100.
- D. An exception to the 250-foot setback in DCC 18.56.070(A), shall be allowed pursuant to a written agreement for a lesser setback made between the owner of the noise-sensitive or dust-sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. Such agreement shall be notarized and recorded in the Deschutes County Book of Records and shall run with the land. Such agreement shall be submitted and considered at the time of site plan review or site plan modification.

(Ord. 90-035 §§1 and 2, 1990; Ord. 90-014 §5, 1990)

18.56.080. Use Limitations.

No dwellings or additions to dwellings or other noise-sensitive or dust-sensitive uses or structures shall be erected in any SMIA Zone without first obtaining site plan approval under the standards and criteria set forth in DCC 18.56.090 through 18.56.120.

(Ord. 90-014 §5, 1990)

18.56.090. Specific Use Standards.

The following standards shall apply in the SMIA Zone:

New dwellings, new noise-sensitive and dust-sensitive uses or structures, and additions to dwellings or noise and dust-sensitive uses or structures in existence on the effective date of Ordinance No. 90-014 which exceed 10 percent of the size of the existing dwelling or use, shall be subject to the criteria established in DCC 18.56.100.

(Ord. 90-014 §5, 1990)

18.56.100. Site Plan Review and Approval Criteria.

- A. Elements of Site Plan. A site plan shall be submitted in a form prescribed by the Planning Director or Hearings Body detailing the location of the proposed noise-sensitive use, the location of the nearby surface mine zone and operation, if any, and other information necessary to evaluate the approval criteria contained in DCC 18.56.100.
- B. Site plan review and approval, pursuant to the County Uniform Land Use Action Procedures Ordinance, shall be required for all uses in the SMIA Zone prior to the commencement of any construction or use.

- C. The Planning Director or Hearings Body may grant or deny site plan approval and may require such modifications to the site plan as are determined to be necessary to meet the setbacks, standards and conditions described above.
 - D. The site plan shall be approved if the Planning Director or Hearings Body finds that the site plan is consistent with the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan and that the proposed use will not prevent the adjacent surface mining operation from meeting the setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively.
 - E. Public notice shall be as set forth in DCC Title 22, the Uniform Development Procedures Ordinance, except that in all cases notice of the receipt of an SMIA application shall be sent to the mine owners and/or operators whose SM-Zoned site triggered the SMIA review.
- (Ord. 91-020 §1, 1991; Ord. 90-035 §3, 1990; Ord. 90-014 §5, 1990)

18.56.110. Abbreviated SMIA Site Plan Review.

- A. A new or enlarged noise- or dust-sensitive use to which DCC 18.56.110 applies that is at least one-quarter mile from an SM Zone and that has at least two dwellings or other noise- or dust-sensitive uses between it and the SM zone is presumed to meet the approval criteria set forth in DCC 18.56.100(D), and shall be processed under DCC 18.56.110.
 - B. Abbreviated SMIA site plan review shall require the submission of an application in a form prescribed by the Planning Director or Hearings Body and such documentation as is necessary to demonstrate conformance with DCC 18.56.110(A).
 - C. Unless the underlying zoning at the SMIA site would require additional review of the proposed use for some other land use permit, abbreviated site plan review shall be conducted (1) administratively without prior public notice; (2) with public notice of the Findings and Decision mailed consistent with DCC 18.56.100(E), to all persons entitled to receive notice; and (3) with an appeal period and procedures as set forth in DCC Title 22, the Uniform Development Procedures Ordinance. Appellants may submit evidence to overcome the presumption set forth in DCC 18.56.110(A).
- (Ord. 91-020 §1, 1991; Ord. 90-035 §4, 1990; Ord. 90-014 §5, 1990)

18.56.120. Waiver of Remonstrance.

The applicant for site plan approval in the SMIA Zone shall sign and record in the Deschutes County Book of Records a statement declaring that the applicant and his successors will not now or in the future complain about the allowed surface mining activities on the adjacent surface mining site.

(Ord. 90-014 §5, 1990)

18.56.130. Development Agreement and Performance Bond.

As a condition of site plan approval, the applicant may be required to execute a development agreement with the County and performance bond or other form of security approved by the County to ensure full and faithful performance of any improvements required to meet the setbacks, standards and conditions set forth above. Any bond shall be for 110 percent of the dollar amount of the improvement costs.

(Ord. 90-014 §5, 1990)

18.56.140. Exemptions.

The following shall be exempt from the provisions of DCC 18.56:

- A. Uses in the SMIA Zone which are not within one-half mile of any identified resource in the SM Zone after all reclamation has occurred.
- B. Continuation and maintenance of a conforming or nonconforming use established prior to the effective date of Ordinance No. 90-014.
- C. The employment of land for farm or forest use.

D. Additions to noise-sensitive or dust-sensitive uses or structures existing on the effective date of Ordinance No. 90-014 or established or constructed in accordance with DCC Chapter 18.56 which are completely screened from the surface mining site by the existing use or structure.
(Ord. 2004-013 §5, 2004; Ord. 90-014 §5, 1990; Ord. 86-053 §12, 1986; Ord. 86-018 §12, 1986; Ord. 85-002 §8, 1985; Ord. 83-037 §15, 1983)

Chapter 18.60. RURAL RESIDENTIAL ZONE - RR-10

18.60.010. Purposes.

18.60.020. Uses Permitted Outright.

18.60.030. Conditional Uses Permitted.

18.60.035. Destination Resorts.

18.60.040. Yard and Setback Requirements.

18.60.050. Stream Setback.

18.60.060. Dimensional Standards.

18.60.070. Limitations on Conditional Uses.

18.60.080. Rimrock Setback.

18.60.090. Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone.

18.60.010. Purposes.

The purposes of the Rural Residential Zone are to provide rural residential living environments; to provide standards for rural land use and development consistent with desired rural character and the capability of the land and natural resources; to manage the extension of public services; to provide for public review of nonresidential uses; and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and standards.

(Ord. 91-020 §1, 1995)

18.60.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.

(Ord. 2004-002 §7, 2004; Ord. 2001-039 §5, 2001; Ord. 2001-016 §2, 2001; Ord. 94-008 §12, 1994; Ord. 93-043 §8, 1993; Ord. 91-020 §1, 1991; Ord. 91-005 §§30 & 31, 1991)

18.60.030. Conditional Uses Permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- E. Planned development.
- F. Cluster development.
- G. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.
- H. Landfill when a written tentative approval by Department of Environmental Quality (DEQ) of the site is submitted with the application.
- I. Cemetery.
- J. Time-share unit or the creation thereof.
- K. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- L. Bed and breakfast inn.
- M. Golf course.
- N. 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.
- O. Church.
- P. Public Uses.
- Q. Semipublic Uses.
- R. Commercial horse stables.
- S. Private or public school, including all buildings essential to the operation of such a school.
- T. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park, including expansion of such uses on the same parcel, as configured on June 12, 1996.
- U. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- V. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
(Ord. 2004-002 §8, 2004; Ord. 2001-039 §5, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 97-017 §3, 1997; Ord. 96-038 §2, 1996; Ord. 96-021 §1, 1996; Ord. 94-008 §13, 1994; Ord. 93-043 §§8A and 8B, 1993; Ord. 92-004 §10, 1992; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §32, 1991; Ord. 90-014 §22, 1990; Ord. 86-018 §13, 1986; Ord. 83-033 §5, 1983)

18.60.035. Destination Resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR Zone.
(Ord. 92-004 §11, 1992)

18.60.040. Yard and Setback Requirements.

In an RR-10 Zone, the following yard and setbacks shall be maintained.

- A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street right of way, 30 feet from a property line fronting on a collector right of way and 50 feet from an arterial right of way.
- B. There shall be a minimum side yard of 10 feet for all uses, except on the street side of a corner lot the side yard shall be 20 feet.
- C. The minimum rear yard shall be 20 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
(Ord. 95-075 §1, 1995; Ord. 94-008 §21, 1994; Ord. 91-020 §1, 1991; Ord. 83-037 §16, 1983)

18.60.050. Stream Setback.

To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along streams and lakes, the following setback shall apply:

- A. All sewage disposal installations, such as septic tanks or septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
(Ord. 91-020 §1, 1991)

18.60.060. Dimensional Standards.

In an RR-10 Zone, the following dimensional standards shall apply:

- A. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.
- B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- C. Minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density. For parcels separated by new arterial rights of way, an exemption shall be granted pursuant to DCC 18.120.020.
(Ord. 93-034 §1, 1993; Ord. 92-055 §6, 1992)

18.60.070. Limitations on Conditional Uses.

The following limitations shall apply to uses allowed by DCC 18.60.030:

- A. The Planning Director or Hearings Body may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.
- B. The Planning Director or Hearings Body may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion or pollution.
(Ord. 91-020 §1, 1991)

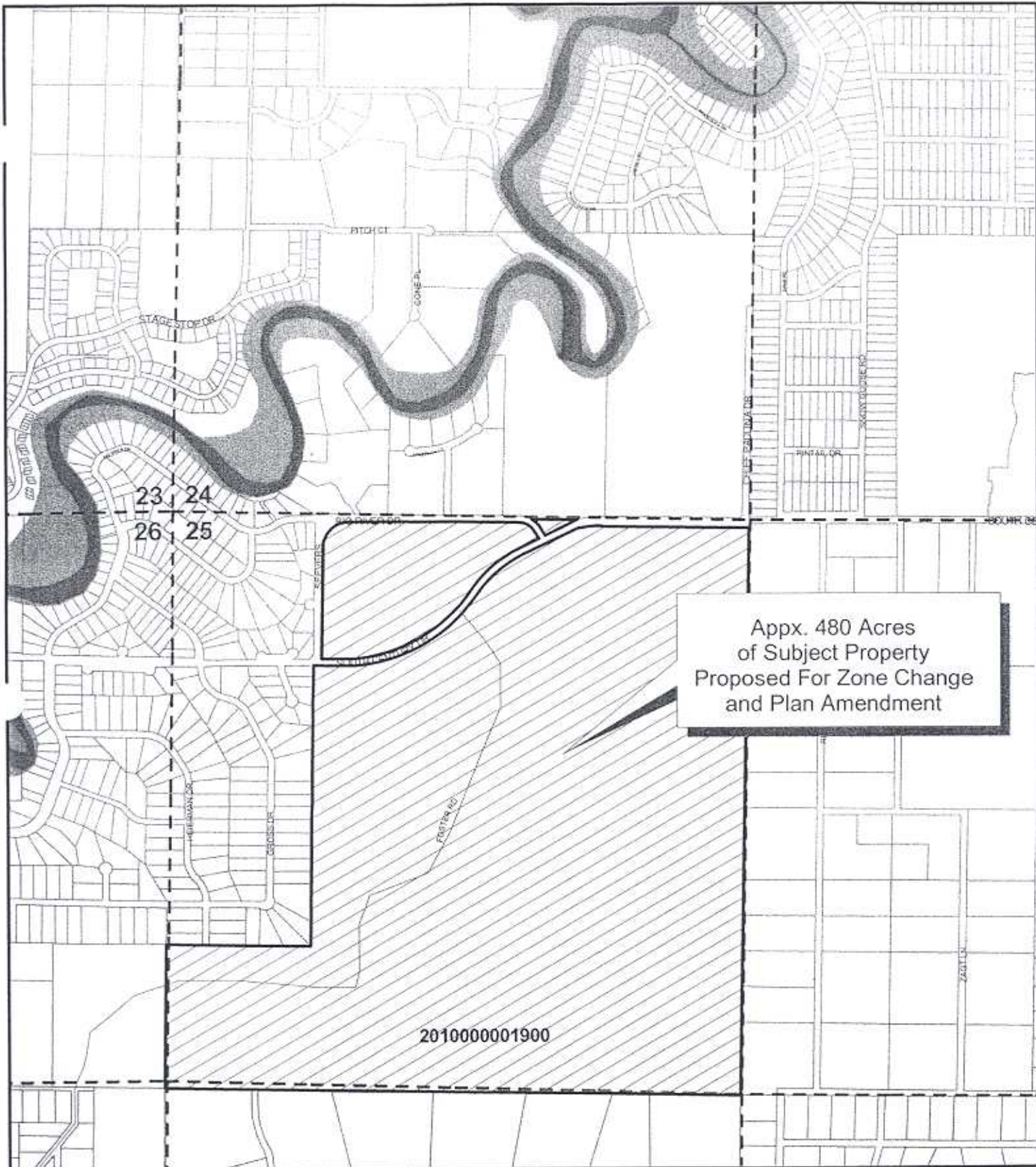
18.60.080. Rimrock Setback.

Setbacks from rimrock shall be as provided in DCC 18.116.160.
(Ord. 86-053 §13, 1986)

18.60.090. Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone.

- A. Uses Permitted Outright. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, uses shall be permitted as follows, the following uses and their accessory uses are allowed outright:
 - a. Agricultural use as defined in DCC Title 18.
 - b. Propagation or harvesting of a forest product.
 - c. Ground application of treated effluent.
- B. Uses Permitted Subject to Site Plan Review. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, uses shall be permitted as follows, the following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Sewage Treatment Facility.
 - b. Treated Effluent Ponds.
- C. Definitions. For the purpose of this section, the use Sewage Treatment Facility includes any buildings or structures associated with the operations of a sewer treatment plant including, but not limited to, treatment station or pump station.
- D. Special Conditions. Pursuant to DCC Section 23.120.170, an application for site plan review to establish a sewage treatment facility must include a conservation easement and a plan of implementing the conservation easement that provides standards and implementation methods for managing the conservation easement, along with a recorded road maintenance agreement between Oregon Water Wonderland Unit 2 Sewer District and the Beaver Special Road District, with the site plan review application. The road maintenance agreement between the applicant and the Beaver Special Road District shall include Oregon Water Wonderland Unit 2 Sewer District's pro rata share for the maintenance cost of Foster Road through Section 25.









(Ord. 2003-012 §1, 2003)

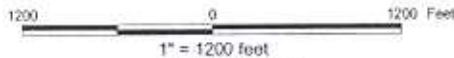


Appx. 480 Acres
of Subject Property
Proposed For Zone Change
and Plan Amendment

2010000001900

**LAND USE FILE NO'S:
PA-02-5 AND ZC-02-3**

-  SUBJECT PROPERTY
-  SECTION LINE
-  PARCEL
-  RIVER
-  DESCHUTES COUNTY ZONING
-  FOREST USE 2
-  FLOOD PLAIN
-  RURAL RESIDENTIAL



Deschutes County
Community Development

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Exhibit B
Page 1 of 1
Ordinance 2003-012

Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE - LA PINE

18.61.010. Purpose.

18.61.020. Standards for All Districts.

18.61.030. La Pine Planning Area.

18.61.040. Wickiup Junction Planning Area.

18.61.050. Neighborhood Planning Area.

18.61.010. Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone – La Pine is to provide standards and review procedures for the future development of the urban unincorporated community of La Pine. The La Pine UUC includes three separate planning areas, La Pine, Wickiup Junction and Neighborhood, each with its own zoning districts, with allowed uses and distinct regulations, as further set forth in DCC 18.61.

(Ord. 2000-015 §2, 2000; Ord. 96-003 §1, 1996)

18.61.020. Standards in All Districts.

- A. **Solar Setback.** The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180, excepting lots less than 10,000 square feet in size, or under 80-foot average width, as defined by DCC 17.08.030 “lot width,” and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine.
- B. **Stream Setback.** To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes the following setback shall apply:
 - 1. All sewage disposal installations, such as septic tanks and septic drain fields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
 - 2. All structures, buildings and similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
- C. **Building Code Setbacks.** In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- D. **Off-Street Parking and Loading.** Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- E. **Outdoor Lighting.** All outdoor lighting shall be installed in conformance with DCC 15.10 providing outdoor lighting control.

(Ord. 2006-035 §1, 2006; Ord. 2000-015 §2, 2000; Ord. 96-003 §1, 1996)

18.61.030. La Pine Planning Area.

The La Pine Planning Area is composed of eight zoning districts, each with its own set of allowed uses and regulations, as further set forth in DCC 18.61.030.

A. La Pine Residential District.

- 1. **Uses Permitted Outright.** The following uses and their accessory uses are permitted outright:

- a. Single-family dwelling.
 - b. Manufactured home subject to DCC 18.116.070.
 - c. Two-family dwelling or duplex.
 - d. Agricultural use as defined in DCC Title 18, subject to the following limitations:
 - 1. Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.
 - 2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
 - e. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - f. Class III road and street project.
 - g. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - h. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Multi-family dwelling with three or more units.
 - b. Park, playground and community building.
 - c. Utility facility, except landfill.
 - d. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
 - e. Home occupation.
 - f. Church.
 - g. School.
 - h. Manufactured home park.
 - i. Multi-family dwelling complex.
 - j. Cluster development.
 - k. Nursery school, kindergarten and day care facility.
 - l. Nursing home.
 - m. Public use.
 - n. Residential care facility for more than 15 people.
 - o. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Lot Sizes.
- a. Partitions:
 - 1. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - 2. Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 - 3. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.

- b. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:
 - 1. All new lots shall be connected to a DEQ permitted community or municipal sewer system.
 - 2. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.
 - 4. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 - 5. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- B. La Pine Commercial District.
- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Single-family dwelling on a lot existing on March 27, 1996.
 - b. Manufactured home, on a lot existing on March 27, 1996, subject to DCC 18.116.070.
 - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road and street project.
 - e. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Park, playground and community building.
 - b. Public use.
 - c. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1. Retail store, office and service establishment.
 - 2. Residential use in the same building as a permitted use.
 - 3. Art studio in conjunction with retail sales.
 - 4. Medical clinic.
 - 5. Automobile service station.
 - 6. Car wash.
 - 7. Day care facility.
 - 8. Restaurant and cocktail lounge.
 - 9. Club and fraternal lodge.
 - 10. Automobile and trailer sales.
 - 11. Uses accessory to the uses identified in DCC 18.61.030.
 - d. Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).

3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review and DCC 18.128, Conditional Use:
 - a. Multi-family dwelling on a lot existing on March 27, 1996.
 - b. Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).
 - c. Manufactured home park and travel trailer park.
 - d. Church.
 - e. School.
 - f. 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.
 - g. Water supply and treatment facility.
 - h. Utility facility, except landfill.
 - i. Television and radio station with or without a transmitter tower.
 - j. Nursing home.
 - k. Residential care facility for more than 15 people.
 - l. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 1. Veterinary clinic including enclosed kennel.
 2. Automobile repair garage.
 3. Commercial amusement and recreation establishment.
 4. Shopping complex subject to a master plan.
 5. Mini-storage facility.
 6. Uses accessory to the uses identified in DCC 18.61.030.
 - m. Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).
 - n. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
 - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

For the purposes of DCC 18.61.030, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.
5. Lot Size and Dimensional Standards.
 - a. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
6. Yard and Setback Requirements.

- a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line.
 - b. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- C. La Pine Industrial District.
- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Agricultural use as defined in DCC Title 18.
 - b. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road or street project.
 - e. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
 - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Expansion of a valid use existing on December 5, 1994.
 - b. Public use compatible with industrial uses.
 - c. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
 - d. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - e. Light manufacturing, assembly, fabricating or packaging and wholesale distribution.
 - f. Cold storage plant, including storage and office.
 - g. Kennel or veterinary clinic operated entirely within an enclosed building.
 - h. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
 - i. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - j. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - k. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
 - l. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
 - m. Manufactured home sales and service.
 - n. Plant nursery and greenhouse.
 - 3. Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Mini-storage facility.
 - b. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
 - c. Asphalt plant.

- d. Lumber manufacturing and wood processing including pulp and paper manufacturing.
 - e. Electrical substation.
 - f. Concrete, asphalt and ready-mix plant.
 - g. Petroleum products storage and distribution.
 - h. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.
 - i. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
 - j. Railroad track, freight depot and related facilities.
 - k. Agricultural products storage and processing plant.
 - l. Transfer station.
 - m. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - n. Any use permitted by DCC 18.61.030(C)(2) that is expected to:
 - 1. Require lot coverage in excess of 70 percent;
 - 2. Require more than one acre of land; or
 - 3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
 - o. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.
 - p. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
- a. Sewer and Water Requirements:
 - 1. New uses that require DEQ Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.
 - 2. Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.
 - 3. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.
 - b. Compatibility:
 - 1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
 - 2. A use expected to generate more than 30 truck trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
 - 3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
 - 4. Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones.
 - 5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.

6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
- c. Traffic/Parking.
 1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
 2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 3. All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.
 4. There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
- d. Requirements for Large Scale Uses. Any industrial use listed in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor space if the Planning Director or Hearings Body finds:
 1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
 2. That such uses would not rely upon a work force served by uses within urban growth boundaries; and
 3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
 - a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.
 - b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
 - c. Setbacks.
 1. The minimum building setback between a nonrailroad related structure and a street, road or railroad right of way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 2. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.
 3. The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.
 - d. Building Heights. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot

adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.

- e. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- f. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- g. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

D. La Pine Business Park District.

- 1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Commercial use, as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.
 - b. Industrial use, as defined in DCC 18.04, in a building or buildings not exceeding 20,000 square feet of floor space.
- 2. Conditional Uses Permitted. Notwithstanding the uses allowed under DCC 18.61.030(D)(1), the following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Mini-storage facility.
 - b. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
 - c. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - d. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - e. Manufactured home sales and service.
 - f. Lumber manufacturing and wood processing.
 - g. Electrical substation.
 - h. Agricultural products storage and processing plant.
 - i. Any use permitted by DCC 18.61.030(D) that is expected to:
 - 1. Require lot coverage in excess of 70 percent;
 - 2. Require more than one acre of land; or
 - 3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
 - j. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 3. Additional Requirements for Large Scale Uses. A commercial use in the Business Park District may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
 - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area, for the purposes of DCC 18.61.030(D), the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and

- c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- 4. Use Limits. The following limitations and standards shall apply to all uses:
 - a. Sewer and Water Requirements:
 - 1. New uses shall be required to connect to the La Pine Sewer Treatment Facility.
 - 2. New uses must be connected to a municipal, community or public water system.
 - b. Compatibility:
 - 1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
 - 2. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
 - 3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
 - 4. Storage, loading and parking areas for all uses shall be screened from residential zones.
 - 5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
 - 6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
 - c. Traffic/Parking
 - 1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
 - 2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 - 3. All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off-street.
 - 4. Parking may be allowed within the front yard building setback area except that no parking shall be allowed within 10 feet of any street.
 - 5. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
- 5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
- 6. Dimensional Standards. The following dimensional standards shall apply:
 - a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.
 - b. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.

- c. Lot Coverage. A use permitted by DCC 18.61.030(D), which is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
- 7. Setbacks.
 - a. Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 - b. Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.
 - c. Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.
 - d. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
- 8. Building Height. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.
- E. La Pine Sewer Treatment District.
 - 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
 - 2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use and DCC 18.16.040(A):
 - a. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.
 - 3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 - 4. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet.
 - c. Rear Yard. The minimum rear yard shall be 20 feet.
- F. La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Zone.
- G. La Pine Community Facility District.
 - 1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Performing arts center.
 - b. Swimming pool.
 - c. Community center.
 - d. Public use.
 - e. School.
 - f. Theater.

2. Yard and Setback Requirements.
 - a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line. A parcel or lot with a front yard adjacent to zoned forest land shall have a minimum front yard of 100 feet.
 - b. Side Yard. None required, except when abutting a lot in a Residential District in which case the side yard shall be the side yard required in the abutting Residential District. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
4. Lot Size.
 - a. Lot Size. New lots shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.

H. La Pine Community Facility Limited District.

1. Uses Permitted Outright.
 - a. Multi-use path.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. School.
 - b. Park or playground.

(Ord. 2003-002 §1, 2003; Ord. 2002-033 §1, 2002; Ord. 2001-044 §3, 2001; Ord. 2000-015§ 2, 2000; Ord. 97-063 §3, 1997; Ord. 97-041 §1, 1997; Ord. 97-017 §4, 1997; Ord. 96-003 §1, 1996)

18.61.040 Wickiup Junction Planning Area.

The Wickiup Junction Planning Area is composed of one Commercial/Residential zoning district with its own set of allowed uses and regulations, as further set forth in DCC 18.61.040.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Single-family dwelling.
 2. Manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling or duplex.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 5. Class III road and street project.

6. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Park, playground and community building.
 2. Public Use.
 3. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail store, office and service establishment.
 - b. Residential use in conjunction with a permitted use.
 - c. Art studio in conjunction with a permitted use.
 - d. Medical clinic.
 - e. Automobile service station.
 - f. Car wash.
 - g. Day care facility.
 - h. Restaurant and cocktail lounge.
 - i. Club and fraternal lodge.
 - j. Automobile and trailer sales.
 - k. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(B)(3) housed in a building or buildings exceeding 8,000 square feet of floor space, but not greater than 12,000 square feet of floor space, subject to the provisions of DCC 18.61.040 (D).
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses:
1. Multi-family dwelling with three or more units.
 2. Tourist and travelers' accommodations of up to 100 units, provided the use is served by a community sewer system as that term is defined in OAR 660-22-010 (2).
 3. Manufactured home park.
 4. Travel trailer park.
 5. Cluster development.
 6. Church.
 7. School.
 8. 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 DCC 18.128.270.
 9. Water supply and treatment facility.
 10. Utility facility, except landfill.
 11. Television and radio station with or without a transmitter tower.
 12. Nursing home.
 13. Residential care facility for more than 15 people.
 14. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Veterinary clinic including enclosed kennel.
 - b. Automobile repair garage.
 - c. Commercial amusement and recreation establishment.
 - e. Shopping complex subject to a master plan.
 - f. Mini-storage facility.
 - g. Uses accessory to the uses identified in DCC 18.61.040.

15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(C)(14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).
 16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040(C)(14) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
 2. The use will primarily employ a work force from the community and surrounding rural area; and
 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space but could locate the use in a building not exceeding 12,000 square feet of floor space.
- E. For the purposes of DCC 18.61.040, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.
- F. Lot Size.
1. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 6,000 square feet. Maximum lot size for residential subdivisions shall be 15,000 square feet.
 2. New lots or parcels served by either an approved community, non-community, municipal or public water system shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 3. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewer system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, an applicant shall demonstrate that:
 - a. The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval;
 - b. Residential subdivision will be served by either a municipal or community water system or a non-community public water system.
- G. Dimensional Standards. The following dimensional standards shall apply:
1. Lot Coverage. No requirements.
 2. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under DCC 18.120.040.
- H. Yards.
1. Front Yard. The front yard shall be no more than 20 feet, except as otherwise allowed by DCC 18.124.070(D)(2). All buildings shall be set at the front yard setback line.
 2. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 3. Rear Yard. None required, except when a parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- (Ord. 2004-013 §6, 2004; Ord. 2003-008 §1, 2003; Ord. 2002-015 §1, 2002; 2000-015 §2, 2000; Ord. 97-063 §3, 1997; Ord. 96-007 §1, 1996)

18.61.050. Neighborhood Planning Area.

- A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the La Pine UUC and is the “receiving area” for transferable

development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as further set forth in DCC 18.61.050.

B. Water and Wastewater Facilities.

1. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system.
2. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.

C. Transportation.

1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
2. The central collector and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area..
3. Driveway access will not be allowed onto the central collector and the neighborhood collectors.
4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.
5. Direct access from residential lots onto the local streets and perimeter collectors is permitted.
6. Shallow vegetated swales alongside the roads will provide for drainage.
7. A network of multi-use paths will be developed parallel to many of the collector roads and in the open space buffer areas along Huntington Road and the eastern perimeter collector parallel to Highway 97.
8. The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.

D. Residential General District. Purpose: The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.

1. Uses permitted outright.
 - a. Single-family dwelling, including a “Class A” manufactured home.
 - b. Duplex.
 - c. Accessory dwelling.
 - d. Multi-use path.
 - e. Open space.
 - f. Residential facility or residential home.
 - g. Home occupation that:
 - 1) Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - 2) Does not serve clients or customers on-site;
 - 3) Does not produce odor, dust, glare, flashing lights or noise;
 - 4) Does not occupy more than 25 percent of the floor area of the dwelling; and
 - 5) Does not include the on-premises display or sale of stock in trade.
 - 6) Does not have any outdoor storage of materials used in the home occupation.
 - h. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - i. Class III road and street project.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.
 - b. Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
 - c. Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
 - d. Park or playground.
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Home occupation as defined in DCC 18.04.
 - b. Outdoor Recreational Equipment Storage area as defined in DCC 18.04.
 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential General District.
 6. Residential Density. The residential density requirements in Tables 1 and 2 shall apply to the Residential General District.
- E. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.
1. Uses permitted outright.
 - a. Single Family Dwelling.
 - b. Single Family Dwelling – Zero Lot Line
 - c. Town home, duplex or triplex.
 - d.. Accessory dwelling.
 - e.. Live/work unit.
 - f. Multi-use path.
 - g. Open space.
 - h. . Home occupation that:
 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 2. Does not serve clients or customers on-site;
 3. Does not produce odor, dust, glare, flashing lights or noise;
 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
 5. Does not include the on-premises display or sale of stock in trade; and,
 6. Does not have any outdoor storage of materials used in the home occupation.
 - i. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - j. Class III road and street project.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Community center up to 4,000 square feet in floor area.
 - a. Neighborhood commercial building as defined in DCC 18.04.
 - b. Multi-family dwelling.
 - c. Bed and Breakfast Inn.
 - d. Church.

- e. Park or playground.
 - 3. Conditional uses permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Residential facility or residential home.
 - b. Home occupation as defined in DCC 18.04.
 - 4. Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.
 - 5. Yard and setback requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.
 - 6. Residential density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.
- F. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.
- 1. Uses Permitted Outright.
 - a. Duplex, triplex or town home.
 - b. Multi-use path.
 - c. Open space.
 - d. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - e. Class III road and street project.
 - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multi-family dwelling.
 - b. Continuing care retirement center.
 - c. Hospital.
 - d. Medical facility.
 - e. Assisted living, congregate care facility.
 - f. Nursing home.
 - g. Mixed use building (residential with other permitted use in the district).
 - h. Child care center.
 - i. Public use.
 - j. Community center.
 - k. Church.
 - l. Senior center.
 - m. Library.
 - n. Museum.
 - o. Performing arts building.
 - p. Theater.
 - q. School.
 - r. Park or playground.
 - 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Single-family dwelling.
 - b. Retail or professional office use that supports a permitted use in the district.

4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Community Facility District
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Community Facility District.
- G. Community Facility Limited District. Purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.
1. Uses permitted outright.
 - a. Multi-use path.
 - b. Open space.
 - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road and street project.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Park and ride facility.
 - b. School.
 - c. Park or playground.
 3. Uses Permitted Subject to Conditional Use. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Equestrian facility.
- H. Neighborhood Commercial District. Purpose: The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the Neighborhood Planning Area.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road and street project.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Convenience market.
 - b. Video store.
 - c. Retail store.
 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use: Such as but not limited to:
 - a. Restaurant.
 - b. Laundromat.
 - c. Dry cleaning.
 - d. Art studio in conjunction with retail use.
 - e. Professional office.
 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Commercial District.

5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Commercial District.
- I. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 and or 3 during Quadrant Plan approval process.
 1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road and street project.
 2. Uses Subject to Provisions of DCC 18.61.050(H)(4).
 - a. Neighborhood Park.
 3. Conditional Uses. The following uses and their accessory uses are permitted subject to the development standards in DCC 18.61.050(H)(5) and the applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Regional Park.
 4. Neighborhood Park Development Standards.
 - a. Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.
 - b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.
 - c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J).
 - d. Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.
 5. Regional Park Development Standards.
 - a. The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.
 - b. Size Standard. The Regional Park shall be between 10 and 25 acres in size.
 - c. The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.
 - d. If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center of a Neighborhood, it may replace the required Neighborhood Park.
 - e. Siting Standards.
 - i. The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.
 - ii. The Regional Park shall have direct access to a paved multi-use path.
 - J. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains multi-use paths.
 1. Perimeter Open Space Uses Permitted Outright.
 - a. Open space.
 - b. Multi-use path.

2. Corridor Open Space Uses Permitted Outright.
 - a. Open space.
 - b. Multi-use path.
 - c. Picnic area.
 - d. Benches along multi-use path.
 - e. Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.
3. Uses Permitted Subject to an Open Space Management Plan under the provision of DCC 18.61.050(I)(4).
 - a. Vegetation management for wildfire hazard reduction.
 - b. Vegetation management for wildlife habitat enhancement.
 - c. Landscaped earthen berm.
 - d. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
4. Open Space Management Plan.
 - a. An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.

K. Quadrant Plan.

1. Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development including streets or placement of utilities within a Neighborhood or Quadrant, a Quadrant Plan shall be approved according to the provisions of DCC 18.61.050.
2. Eligibility to Submit an Application. Deschutes County will accept a Quadrant Plan application from an owner or developer who has an agreement with Deschutes County of intent to purchase land in the Quadrant. The County may also prepare a Quadrant Plan.
3. Application Requirements. All applications shall include the following elements.
 - a. Zoning Plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.
 - b. Transportation Plan, drawn to scale, including locations of street rights-of-way for central collector, neighborhood collector, perimeter collector and local streets, block configurations and connections with adjacent Quadrants.
 - c. Non-motorized Circulation Plan showing locations of any sidewalks or multi-use paths and where they will connect to adjacent Quadrants.
 - d. Open Space and Park Plan, drawn to scale, defining boundaries for the open space district and Neighborhood or Regional Parks where applicable.
 - e. Open Space Management Plan.
 - e. Utility Plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:
 1. How the proposed water and sewer systems will be adequate to serve the type and size of development planned.
 2. How the proposed location and sizing of facilities will be consistent with existing and planned facilities.
 3. How adequate water flow volumes will be provided to meet fire flow and domestic demands.
 - g. Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines. Notwithstanding DCC 23.40.020(F)(1)(g), and this requirement, no design guidelines shall be required for Quadrant 1c.

- h. A plan showing the zone boundaries for Neighborhood General and Neighborhood Center Districts.
 - i. A plan showing the proposed locations and dimensions of road rights-of-way.
 - j. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18.
 - k. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association. Notwithstanding DCC 23.40.020(F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowners association shall be required with an application for a quadrant plan for Quadrant 1c.
4. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the Deschutes County Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a Quadrant Plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:
- a. The Quadrant Plan contains all of the elements required in DCC 18.61.050(J)(3).
 - b. The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC 23.36.052.
 - c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
 - d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The proposed street design conforms to the standards in DCC Title 17, Table 2 for the La Pine Neighborhood Planning Area. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under DCC Title 17.
 - e. The multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC .23.36.052
 - f. The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.36.052.
 - g. The Zoning Plan conforms to the following performance standards:
 - 1. Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
 - 2. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
 - 3. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.

4. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
5. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
6. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.
7. Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:
 - i. Minimum 200 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
 - ii. Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
 - iii. Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
 - iv. Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
8. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:

(Ord. 2006-031 §1, 2006; Ord. 2005-026 §1, 2005; Ord. 2003-028 §2, 2003; Ord. 2003-005 §1, 2003; Ord. 2001-044 §3, 2001; Ord. 2001-037 §2, 2001; Ord. 2000-015 §2, 2000)

TABLE 1. La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range Single-family
NEIGHBORHOOD 1			
Residential Center	12 units/acre	8 units/acre	2,400 – 4,500
Residential General	6 units/acre	3 units/acre	4,000 – 7,000
NEIGHBORHOOD 2, 3 & 4			
Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
Residential General	6 units/acre	2 units/acre	7,000 – 15,000

NOTE: Density is calculated using gross acres, excluding collector street right-of-way.

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
LOT SIZE Single-family					
NEIGHBORHOOD 1					
Maximum square feet	7,000	4,500	N/A	N/A	N/A
Minimum square feet	4,000	2,400	N/A	N/A	N/A
NEIGHBORHOOD 2					
Maximum square feet	15,000	5,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
LOT SIZE Townhome					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
LOT SIZE Duplex Triplex					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
LOT SIZE Multi-family					
Maximum square feet	no maximum	no maximum	no maximum	N/A	N/A
Minimum square feet	15,000	10,000	10,000	N/A	N/A
LOT SIZE Other uses					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	None	None	7,000
LOT WIDTH					
Minimum (feet)	50' for detached dwellings 24' for attached town home	35' for detached single-family dwelling 24' for attached town home or zero lot line development	50'	50'	50'
LOT DEPTH					
Minimum (feet)	100'	100'	150'	150'	150'
RESIDENTIAL DENSITY (per gross acre) (1)					
NEIGHBORHOOD 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
NEIGHBORHOODS 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
SETBACKS					
Primary Building					
Front	15' min.	10' min.	10' min	10' min	10' min.

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
Side	10' min.	None	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building exceeds 20' height
Side at corner (2)	10'	5' or 0 lot line	5'	5'	5'
Rear	10'	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5'
GARAGE SETBACKS					
Min. from front of building	5'	5'	5'	N/A	N/A
SPECIAL SETBACKS					
Percentage of the front side of the structure that shall be sited at the minimum front yard setback.	N/A	50% min.(2)	N/A	N/A	N/A
LOT COVERAGE					
Maximum	35%	50%	60%	60%	50%
BLOCK REQUIREMENTS(3)					
Maximum Perimeter	2,000'	1,600'	1,200'	N/A	1,200'
Maximum block length without pedestrian connection	600'	600'	400'	800'	600'
BUILDING HEIGHT					
Primary	30'	40' except Res. General standards apply to single family. Town homes 35 ft. max.	45' except Res. General standards apply to single family. Town homes 35 ft. max.	45'	30'
Accessory Dwelling or Building	20'	25'	30'	30'	25'
Higher with Conditional Use Permit	NO	YES up to 40'	YES	YES	NO
MINIMUM ONSITE PARKING	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116

NOTES:

- (1) Gross acres, excluding collector street right of way
 - (2) Must meet clear vision requirements of DCC 18.116.020
 - (3) The block requirements not applicable to review and approval of quadrant plans.
- (Ord. 2005-026 §2, 2005; Ord. 2004-013 §6, 2004; Ordinance 2004-06 §2, 2004; Ord. 2003-077 §1, 2003; Ord. 2003-005 §1, 2003; Ord. 2001-044 §3, 2001; Ord. 2001-037 §2, 2001; Ord. 2000-015 §2, 2000)

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE

18.65.010. Purpose.

18.65.020. Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop and Wildhunt).

18.65.021. Commercial/Mixed Use District (Alfalfa).

18.65.022. Residential District (Alfalfa).

18.65.023. Open Space District (Brothers).

18.65.030. Standards in All Districts.

18.65.010. Purpose.

The purpose of the Rural Service Center - Unincorporated Community Zone is to provide standards and review procedures for the development of the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistlestop and Wildhunt. The provisions of this chapter shall apply to Rural Service Centers that have been planned pursuant to OAR 660 Division 22.

(Ord. 2006-008 §6, 2006; Ord. 2002-002 §2, 2002)

18.65.020. RSC – Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop and Wildhunt).

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
 2. Manufactured home, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Residential home and residential facility.
 5. Two-family dwelling or duplex.
 6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 8. Class III road and street project.
 9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.
 6. Highway maintenance facility.

- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. Multi-family dwelling with three or more units.
 2. Church.
 3. School.
 4. Cemetery.
 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 6. Medical clinic or veterinary clinic.
 7. Community Center.
 8. Manufactured home park.
 9. Recreational vehicle or trailer park.
 10. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
- D. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 2. The minimum side yard setback shall be 10 feet.
 3. The minimum rear yard setback shall be 20 feet.
 4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- E. Lot Requirements.
1. Residential Uses:
 - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
 - b. Each lot shall have a minimum width of 200 feet.
 - c. Each lot must be served by an on-site well.
 - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
 2. Commercial and Public Uses.
 - a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
 - b. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.
 - c. Each lot shall have a minimum width of 150 feet.
 - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

(Ord. 2004-002 §11, 2004; Ord. 2002-028 §1, 2002; Ord. 2002-002 §2, 2002)

18.65.21. Alfalfa RSC - Commercial/Mixed Use District.

In Alfalfa, the following uses and their accessory uses are permitted:

- A. Uses Permitted Outright are those allowed in DCC 18.65.020 (A).

- B. Uses Permitted Subject to Site Plan Review are those allowed in DCC 18.65.020(B), with the exception of Highway maintenance facilities.
 - C. Conditional Uses Permitted are those allowed in DCC 18.65.020(C), with the exception of Multi-family dwellings and manufactured home parks.
- (Ord. 2002-002 §2, 2002)

18.65.022. Alfalfa RSC - Residential District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:
 - 1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
 - 2. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
 - 3. Two-family dwelling or duplex.
 - 4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 - 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - 6. Class III road or street project.
 - 7. Type 1 Home Occupation, subject to DCC 18.116.280.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
 - 1. Park or playground.
 - 2. Community building.
 - 3. Utility facility.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
 - 1. Schools.
 - 2. Medical clinic or veterinary clinic.
 - 3. Daycare facility.
 - 4. Church.
 - 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - 6. Bed and breakfast inn.
 - 7. Public use.
 - 8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Yard and Setback Requirements.
 - 1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 - 2. The minimum side yard setback shall be 10 feet.
 - 3. The minimum rear yard setback shall be 20 feet.
- E. Lot Requirements.
 - 1. The minimum lot size is 5 acres.
 - 2. The minimum average width of lots shall be 200 feet.
 - 3. Each lot must be served by an on-site well.
 - 4. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

5. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
- F. Limitations on uses – RSC-Residential District. The following limitation shall apply to uses permitted in the RSC – Residential District:
1. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot divided by 20,000 square feet, which is the minimum area per animal.
 2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
 3. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.
- (Ord. 2004-002 §12, 2004; Ord. 2002-028 §1, 2002; Ord. 2002-002 §2, 2002)

18.65.023. RSC – Open Space District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Agricultural uses, as defined in Title 18, and excluding livestock feed lot sales yard, and hog or mink farms.
 2. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 022.
 3. Public wildlife reserve or management area, not including structures.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 5. Class III road or street project.
 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. Private parks, picnic areas or hunting and fishing preserves.
 2. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
 3. Campground.
 4. Utility facility except landfills.
 5. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- C. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 2. The minimum side yard setback shall be 10 feet.
 3. The minimum rear yard setback shall be 20 feet.
 4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- D. Lot Requirements. The minimum lot size shall be determined by the site plan requirements for a proposed public use.
- (Ord. 2002-002 §2, 2002)

18.65.030 Standards for All Districts

- A. **Building Height.** In Alfalfa, no building or structure shall be erected or enlarged to exceed thirty (30) feet in height. In Brothers, Hampton and Millican, no building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as provided by DCC 18.120.040.
- B. **Off-Street Parking and Loading.** Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- C. **Outdoor Lighting.** All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.
- D. **Signs.** All signs shall be constructed in accordance with DCC 15.08, Signs.
- E. **Solar Setback.** The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- F. **Building Code Setbacks.** In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 2002-002 §2, 2002)

Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

18.66.010. Purpose.

18.66.020. Residential (TeR) District.

18.66.030. Residential-5 (TeR5) Acre Minimum District.

18.66.040. Commercial (TeC) District.

18.66.050. Commercial-Rural (TeCR) District.

18.66.060. Standards for All Districts.

18.66.070. Right-of-Way Development Standards.

18.66.010. Purpose.

The purpose of DCC 18.66 is to establish standards and review procedures for the development of the Terrebonne Rural Community. Four separate zoning districts are established, each with its own set of allowed uses and district regulations.

(Ord. 97-003 §2, 1997)

18.66.020. Residential (TeR) District.

The Terrebonne Residential District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Cluster development.
5. Church.
6. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
7. Child care center.
8. Public or private school.

9. Park.
 10. Public or semi-public building.
 11. Utility facility.
 12. Water supply or treatment facility.
 13. Veterinary clinic.
 14. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 15. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- C. Lot Requirements.
1. Partitions:
 - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum width of 150 feet with a minimum parcel size of one acre.
 - b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall have minimum parcel sizes as follows:
 - i. For a single-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
 - ii. For a two-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
 - c. For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:
 - i. For a single-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.
 - ii. For a two-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.
 2. Subdivisions:
 - a. For subdivisions involving multi-family dwellings, a manufactured home park, a retirement center or a nursing home, all new lots shall be connected to a DEQ permitted wastewater pollution control facility.
 - b. For subdivisions involving only single-family and two family dwellings the standards set forth in DCC 18.66.020(C)(1) shall apply.
- D. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.020(D)(4).
 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(D)(4).
 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
 5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 2004-002 §13, 2004; Ord. 97-063 §3, 1997; Ord. 97-003 §2, 1997)

18.66.030. Residential-5 Acre Minimum (TeR5) District.

The purpose of the Terrebonne Residential-5 Acre Minimum District is to retain large rural residential lots where community sewer and water are not available.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Church.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
6. Public or private school.
7. Child care center.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Lot Requirements. The minimum lot or parcel size in the TeR5 District is five acres regardless of the availability of approved community, non-community, municipal, or public water system and public sewer system.

D. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.030(D)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.030(D)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 of shall be met. (Ord. 2004-002 § 14, 2004; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

18.66.040. Commercial (TeC) District.

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Offices.
 - d. Veterinary clinic and kennel entirely within an enclosed building.
 - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
2. Recreational vehicle park.
3. Church.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Public or private school.
6. Child care center.
7. Park.
8. Public or semi-public building.
9. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
10. Utility facility.
11. Water supply or treatment facility.
12. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
13. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
 - a. Manufacturing and production.
 - b. Wholesale sales.
 - c. Mini-storage.

14. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 15. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
 2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards.
- Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.
1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.
- H. Dimensional Standards.
- Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(C)(3)(b).

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
3. Rear Yard. No specific requirements, subject to DCC 18.66.040(H)(4).
4. Exceptions to Yard Standards.

- a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common property line. The required yard shall be increased by one foot for each foot by which the building height exceeds 20 feet.

- b. Lot line adjacent to an EFU zone.

Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-002 §15, 2004; Ord. 97-063 §3, 1997; Ord. 97-003 §2, 1997)

18.66.050. Commercial-Rural (TeCR) District.

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:

1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Office.
 - d. Residential use in the same building as a use listed in DCC 18.66.050.
2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Church.
2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
3. Park.
4. Public or semi-public building.
5. Utility facility.
6. Water supply or treatment facility.

7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
 8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Mini-storage.
 - d. Truck terminal.
 - e. Farm or contractor equipment storage, sales, service or repair.
 - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).
 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).
1. Sewer and Water Requirements.
 - a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 - b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
 2. Compatibility.
 - a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
 - b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
 - c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
 - d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.
 3. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
 - c. Site design shall not require backing of traffic onto a public or private road right-of-way.
 4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increased setback requirement.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaped buffering and screening improvements.

- E. Requirements for Large Scale Uses.
 - 1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
 - 2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
 - 3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
 - F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.
 - 1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
 - 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
 - G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
 - H. Dimensional Standards.
 - 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
 - 2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.
 - I. Yard Standards.
 - 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(C)(3)(b).
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
 - 2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
 - 3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
 - 4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
 - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.
- (Ord. 2004-002 §16, 2004; Ord. 2001-039 §7, 2001; Ord. 2001-016 §2, 2001; Ord. 97-003 §2, 1997)

18.66.060. Standards for All Districts.

- A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

- B. **Building Code Setbacks.** In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- C. **Off-Street Parking and Loading.** Off-street parking and loading shall be provided subject to the provisions of DCC 18.116.
- D. **Lot Coverage.** Except where otherwise noted, the primary and accessory buildings located on any lot or parcel shall not cover more than 30 percent of the total lot or parcel.
- E. **Building Height.** No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
(Ord. 2001-039 §7, 2001; Ord. 2001-016 §2, 2001; Ord. 97-003 §2, 1997)

18.66.070. Right-of-Way Development Standards.

- A. **Applicability.** The standards in DCC 18.66.070 shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use permit approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.66.070 shall govern over any conflicting standards set forth in DCC Title 17.
- B. **Road Access.** For properties abutting Highway 97, when there is a choice to take access from a road other than Highway 97, no access shall be taken from Highway 97.
- C. **Roadways.** Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.66-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Terrebonne Rural Community.
- D. **Bikeways.** Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of Table 18.66-A.
- E. **Sidewalks.**
 - 1. Sidewalks shall meet the standards set forth in DCC 17.48.140 and Table 18.66-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Terrebonne, Map D3 “Planned Pedestrian Improvements.”
 - 2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner’s rights to have any objection to LID formation counted against formation of the LID.
- F. **Drainage.** Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in Table 18.66-A, drainage shall be accomplished by swales constructed in accordance with the specifications set forth in Table 18.66-A and the drawing set forth in DCC 17.48.
(Ord. 97-003 §2, 1997)

TABLE 18.66-A
TERREBONNE ROAD DEVELOPMENT STANDARDS (1)

Road Class/ Zone District	Right-of- Way Width	Pavement Width (5)	Travel Lane Width	On-Street Parking (15)	Shoulder	Drainage Swale (7,8)	Sidewalk	Pavement Type	Base Depth (4)	Maximum Grade (6)	Design Speed	
Arterial												
US 97	80'-100'	60'	12'	Not Allowed	6' paved	Not Required	Not Required (9)	(see note #3)		6%	(see note #3)	
Smith Rock Way	TeC	60'	34'	12'	Not Allowed	5' paved	Required	Required (10)	3" AC	10"	6%	(see note #2)
	TeR	60'	34'	12'	Not Allowed	5' paved	Not Required	Not Required	3" AC	10"	6%	(see note #2)
Lower Bridge Way	60'	34'	12'	Not Allowed	5' paved	Not Required	Not Required	3" AC	10"	6%	(see note #2)	
Collector												
Commercial	TeC	60'	24'	12'	Allowed	Part of Swale	Required	Required (10)	3" AC	8"	8%	(see note #2)
	TeCR	60'	24'	12'	Allowed	4' gravel	Not Required	Not Required	3" AC	8"	8%	(see note #2)
Residential	TeR	60'	24'	12'	Allowed	Part of Swale	Not Required (11)	Not Required (11)	3" AC	8"	8%	(see note #2)
Local												
Commercial	TeC	60'	24'	12'	Allowed	Part of Swale	Required	Required (9)	3" AC	8"	8%	(see note #2)
	TeCR	60'	24'	12'	Allowed	4' gravel	Not Required	Not Required	3" AC	8"	8%	(see note #2)
Residential	TeR	60'	20'	10'	Allowed	4' gravel	Not Required (12)	Not Required (12)	0-9 or 2" AC	6"	10%	(see note #2)
Other												
Alley (Commercial)	20'	20'	10'	Allowed	Allowed	Not Required	Not Required	3" AC	6"	10%	(see note #2)	
Path/Trail	15'	6' unpaved 8'-10'paved	---	---	graded 2' min. if paved	---	---	2" AC	4"	5%	---	

- (1) These design specifications are intended to guide new construction and any required improvements to existing facilities.
- (2) Design shall be in accordance with AASHTO standards.
- (3) Design shall be in accordance with Oregon Department of Transportation Design Standards.
- (4) Required base depth may be increased when C.B.R. or R-value is required by the Department of Public Works.
- (5) Cul-de-sac bulb to be paved with a 45-foot minimum radius.
- (6) Increase in grade of 2 percent may be allowed in unusually steep areas.
- (7) Widths are variable, but in no case shall a swale be less than 8 feet in width.
- (8) Where drainage swales are not required, the standards for drainage in Title 17, Chapter 17.48 shall still apply.
- (9) 6-foot sidewalks required on both sides of Highway 97 between South 11th Avenue and Central Avenue intersections. Includes pedestrian crossing improvement a "B" Avenue and "C" Avenue intersection (see Terrebonne Comprehensive Plan Map D-3).
- (10) 5-foot curbless sidewalks with a drainage swale required on both sides of the road.
- (11) 5-foot curbless sidewalks with drainage swales required from West 19th Street to 15th Street on the south side of "C" Avenue (see Terrebonne Comprehensive Plan Map D-3).
- (12) 5-foot curbless sidewalks with drainage swales required along school frontage on "B" Avenue and 5th Street (see Terrebonne Comprehensive Plan Map D-3).
- (13) Frontage roads shall be in accordance with Table A contained in Title 17, Chapter 17.48 of the Deschutes County Code.
- (14) Private roads shall be constructed in accordance with Table 18-66-A standards for local roads.
- (15) Where allowed, parking must be off pavement.

Revised: 1998

Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS

- 18.67.010. Purpose.**
- 18.67.020. Residential (TuR) District.**
- 18.67.030. Residential-5 Acre Minimum (TuR5) District.**
- 18.67.040. Commercial (TuC) District.**
- 18.67.050. Research and Development District.**
- 18.67.060. Industrial (TuI) District.**
- 18.67.070. Flood Plain District.**
- 18.67.080. Standards for All Districts.**
- 18.67.090. Right-of-Way Development Standards.**

18.67.010. Purpose.

The purpose of DCC 18.67 is to establish standards and review procedures for the future development of the Tumalo Rural Community. Six separate zoning districts are established, each with its own set of allowed uses and district regulations.
(Ord. 97-033 §2, 1997)

18.67.020. Residential (TuR) District.

The Tumalo Residential (TuR) District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
 - 1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
 - 2. Two-family dwelling.
 - 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 - 4. Agricultural uses as defined in DCC Title 18, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to one for each 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
 - 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
 - 6. Class III road or street project.
 - 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:
 - 1. Multi-family dwelling complex.
 - 2. Retirement center or nursing home.
 - 3. Church.
 - 4. Cemetery.
 - 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - 6. Child care center.
 - 7. Public or private school.
 - 8. Park.
 - 9. Public or semi-public building.

10. Utility facility.
 11. Water supply or treatment facility.
 12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- C. Lot Requirements.
1. Partitions:
 - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system shall have a minimum width of 150 feet with a minimum parcel size of one acre.
 - b. Subject to DCC 17.36.170(A), parcels served by an approved community, non-community, municipal or public water system, shall have a minimum parcel size as follows:
 1. For a single-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
 2. For a two-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
 2. Subdivisions:
 - a. For subdivisions involving multi-family dwellings, a manufactured home park or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
 - b. For subdivisions involving only single-family and two-family dwellings the standards set forth in DCC 18.67.020(C)(1) shall apply.
- D. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.020(D)(4).
 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(D)(4).
 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- (Ord. 2004-002 §17, 2004; Ord. 2001-039 §8, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 97-033 §2, 1997)

18.67.030. Residential-5 Acre Minimum (TuR5) District.

The purpose of the Tumalo Residential-5 Acre Minimum District is to retain large rural residential lots.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
 2. Type I Home Occupation, subject to DCC 18.116.280.
 3. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
 5. Class III road or street project.

6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Church.
 2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 3. Public or private school.
 4. Child care center.
 5. Park.
 6. Public or semi-public building.
 7. Utility facility.
 8. Water supply or treatment facility.
 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- C. Lot Requirements. The minimum lot or parcel size in the TuR5 District is five acres.
- D. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.030(D)(4).
 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.030(D)(4).
 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- (Ord. 2004-002 §18, 2004; Ord. 2001-039 §8, 2001; Ord. 2001-016 §2, 2001; Ord. 2000-033 §11, 2000; Ord. 97-063 §3, 1997; Ord. 97-033 §2, 1997)

18.67.040. Commercial (TuC) District.

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
1. Single-family dwelling or duplex.
 2. Manufactured home subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
 5. Class III road or street project.
 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:
1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating and/or drinking establishment.
 - c. Offices.
 - d. Residential use in the same building as a use permitted in DCC 18.67.040.

2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Church.
 2. Bed and breakfast inn.
 3. Child care center.
 4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Park.
 6. Public or semi-public building.
 7. Utility facility.
 8. Water supply or treatment facility.
 9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
 10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
 11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).
1. Compatibility.
 - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
 2. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.

- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
 2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
 3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.
1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.
 2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
 2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.
- I. Yard Standards.
1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 (D)(3).
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
 2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
 3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
 4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential zone.
For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
 - b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-013 §7, 2004; Ord. 2004-002 §19, 2004; Ord. 2001-039 §8, 2001; Ord. 2001-016 §2, 2001; Ord. 2000-033 §11, 2000; Ord. 97-063 §3, 1997; Ord. 97-033 §2, 1997)

18.67.050. Research and Development District.

The purpose of the Research and Development District is to allow research and development facilities requiring a more rural, non-industrial location to be located in designated areas of the County and encourage employment opportunity within the County while protecting the rural character of the area, as well as preserving or enhancing the air, water and land resources of the area.

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright:
 - 1. Farming, except for livestock feed lot or sales yard, hog or mink farms.
 - 2. Office buildings associated with research and development.
 - 3. Research and development laboratories.
 - 4. Residence for caretaker or night watchman on property with existing research and development use.
 - 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
 - 6. Class III road or street project.
 - 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
 - 1. Manufacturing and assembly of electronic instruments and equipment and electrical devices.
 - 2. Manufacturing and assembly of precision instruments, tools or devices.
 - 3. Manufacturing of medicines and pharmaceuticals.
 - 4. Limited incidental manufacture of a research product.
 - 5. Restaurant and cafeteria facilities for employees.
 - 6. 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.
 - 7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - 8. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- C. Use limitations. The following limitations and standards shall apply to all permitted uses:
 - 1. Any use on a lot adjacent to or across a street from a residential use or lot in a platted subdivision or residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise or other similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
 - 2. All parking demand created by any use permitted by DCC 18.67.050 shall be accommodated on the applicant's premises entirely off-street.
 - 3. No use permitted by DCC 18.67.050 shall require the backing of traffic onto a public or private street or road right of way.
 - 4. There shall be only one ingress.
 - 5. All uses shall be screened from adjoining residential uses by densely planted trees and shrubs or sight-obscuring fencing.
 - 6. No use shall be permitted to operate between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential use or lot in a platted subdivision or residential zone if the use creates noise in violation of the County Noise Ordinance except as provided by DCC 8.08.090(A).
 - 7. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential use or lot.
- D. Dimensional standards. In the R&D Zone, the following dimensional standards shall apply:

1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.050 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.
 2. No use which is located adjacent to or across a street from a residential use or lot in a platted subdivision or residential zone shall exceed more than 70 percent lot coverage by all buildings, storage areas or facilities, and required off-street parking and loading areas.
 3. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 4. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.
 5. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
 6. The maximum building height shall be 25 feet on any lot adjacent to or across the street from a residential use or lot in a platted subdivision or residential zone.
 7. The minimum lot frontage shall be 50 feet.
- E. R&D Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- F. Design and use criteria. In the consideration of an application for a proposed use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The proposal is in compliance with the Comprehensive Plan.
 2. The proposal is in compliance with the intent and provisions of DCC Title 18.
 3. That any adverse social, economical, physical or environmental impacts are minimized.
- G. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
 2. Additional off-street parking and loading facilities.
 3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
 4. Additional landscaping, screening and other improvements.
 5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.
- (Ord. 2001-039 §8, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 97-033 §2, 1997)

18.67.060. Industrial (TuI) District.

The purpose of the Industrial District is to allow a limited range of industrial uses to serve the community and the surrounding area.

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright:
1. Industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 2. Office buildings associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 3. Restaurants and cafeteria facilities associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 4. Residence for caretaker or night watchman on property with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);

5. Equipment storage associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
 6. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
 7. Class III road or street project.
 8. Operation, maintenance, and piping of existing irrigation systems operated by-an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.
1. Expansion or replacement of uses allowed under DCC 18.67.060(A);
 2. Office buildings associated with industrial uses;
 3. Restaurant and cafeteria facilities associated with industrial uses;
 4. Residence for caretaker or night watchman on property with industrial uses;
 5. Equipment storage associated with industrial uses;
 6. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
 - a. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
 - b. Ornamental horticultural products and nurseries.
 - c. Softwood and hardwood products excluding pulp and paper manufacturing.
 - d. Sand, gravel, clay and other mineral products.
 7. Freight depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck;
 8. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.;
 9. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by site-obscuring fencing.
 10. Mini-storage facility.
 11. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities;
 12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Any use permitted by DCC 18.67.060(B) which will exceed 40,000 square feet of floor area;
 2. Concrete or ready mix plant;
 3. Stockpiling, storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete;
 4. Buildings, structures, apparatus, equipment and appurtenances necessary for the above uses to be carried on.
- D. Use limitations. The following limitations and standards shall apply to all permitted uses:
1. A new industrial use may occupy more than 40,000 square feet of floor area in a building or buildings provided an analysis set forth in the comprehensive plan demonstrates and land use regulations ensure:
 - a. The use will primarily employ a work force from the community and surrounding rural area and will not rely upon a work force served by uses within urban growth boundaries. The determination of the work force of the community shall consider the total industrial employment in the community and surrounding rural area and be coordinated with employment projections for nearby urban growth boundaries; and
 - b. It is not practical to contain the proposed use within 40,000 square feet of the floor area.

2. For the purposes of DCC 18.67.060, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- E. Dimensional standards. In the Industrial Zone, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.060 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.
 2. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 25 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 3. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.
 4. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
 5. The maximum building height shall be 45 feet on any lot adjacent to a residential use or lot in a platted subdivision or residential zone.
 6. The minimum lot frontage shall be 50 feet.
 7. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- F. Industrial Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- G. Design and use criteria. In the consideration of an application for a new industrial use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The new use is in compliance with the Comprehensive Plan.
 2. The new use is in compliance with the intent and provisions of DCC Title 18.
 3. That any adverse social, economical, physical or environmental impacts are minimized.
- H. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
 2. Additional off-street parking and loading facilities.
 3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
 4. Additional landscaping, screening and other improvements.
 5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.
- I. For purposes of this chapter, a new industrial use does not include industrial uses in existence on the date of Ord. 2005-16. Unless expanded or altered, industrial uses in existence on the date of adoption of the TUI District are not subject to the requirements of 18.67.060(B) or 18.67.060(C).

(Ord. 2005-016 §2, 2005)

18.67.070. Flood Plain District.

All uses within this district shall be subject to the applicable provisions in DCC 18.96.

(Ord. 97-033 §2, 1997)

18.67.080. Standards for All Districts.

- A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
 - B. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
 - C. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the applicable provisions of DCC 18.116.
 - D. Lot Coverage. Except where otherwise noted, the primary and accessory buildings located on any lot or parcel shall not cover more than 30 percent of the total lot or parcel.
 - E. Building Height. Except where otherwise indicated, no building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
 - F. Rimrock Setback. Setbacks from the rimrock are subject to the applicable provisions of DCC 18.116.160.
 - G. River setback. All new structures or additions to existing structures within 100 feet from the ordinary high water mark of designated streams and rivers are subject to the applicable provisions of DCC 18.120.030. For the purpose of DCC 18.67.070, decks are considered part of a structure.
- (Ord. 97-033 §2, 1997)

18.67.090. Right-of-Way Development Standards.

- A. Applicability. The standards in DCC 18.67.080 shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.67.080 shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 20, when there is a choice to take access from a road other than Highway 20, no access shall be taken from Highway 20.
- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.67-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Tumalo Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of DCC Title 17, Table 18.67-A.
- E. Sidewalks.
 - 1. Sidewalks shall meet the standards set forth in Table 18.67-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Tumalo, Map D1 “Planned Pedestrian Improvements.”
 - 2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner’s rights to have any objection to LID formation counted against formation of the LID.
- F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in DCC Title 17, Table 18.67-A drainage shall be accomplished by swales constructed in accordance with the specifications set forth in DCC Title 17, Table 18.67-A and the drawing set forth in DCC 17.48.

(Ord. 97-033 §2, 1997)

TABLE 18.67-A
TUMALO ROAD DEVELOPMENT STANDARDS (1)

Road Class/ Zone District	Right- of-Way Width	Pavement Width (5)	Travel Lane Width	On-Street Parking (13)	Shoulder	Drainage Swale (7,10)	Sidewalk	Pavement Type	Base Depth (4)	Maximum Grade (6)	Design Speed
Arterial											
US 20	80'-100'	60'	12'	Not Allowed	6' paved	Not Required	Not Required	(see note #3)	6%	(see note #3)	
Collector											
Rural	60'	36'	12'	Not Allowed	6' paved	Not Required	Not Required	3" AC	8"	8%	(see note #2)
Commercial.	60'	30'	10'	Allowed	5' paved	Required	Required (8)	3" AC	8"	8%	(see note #2)
Local											
Commercial	60'	20'	10'	Allowed	Part of swale	Not Required (9)	Not Required (8,9)	3" AC	8"	8%	(see note #2)
Residential	60'	20'	10'	Allowed	4' gravel	Not Required	Not Required	0-9 or 2" AC	6"	10%	(see note #2)
Other											
Alley (Commercial)	60'	20'	10'	Allowed	Allowed	Not Required	Not Required	3" AC	6"	10%	(see note #2)
Path/Trail	15'	6' unpaved 8'-10' paved	---	---	graded 2' min. if paved	---	---	2" AC	4"	5%	---

- (1) These design specifications are intended to guide new construction and any required improvements to existing facilities.
- (2) Design shall be in accordance with AASHTO standards.
- (3) Design shall be in accordance with Oregon Department of Transportation Design Standards.
- (4) Required base depth may be increased when C.B.R. or R-value is required by the Department of Public Works.
- (5) Cul-de-sac bulb to be paved with a 45-foot minimum radius.
- (6) Increase in grade of 2 percent may be allowed in unusually steep areas.
- (7) Widths are variable, but in no case shall a swale be less than 8 feet in width.
- (8) 5-foot curbless sidewalks with a drainage swale required on both sides of the road.
- (9) 5-foot curbless sidewalks with drainage swales only required on those road segments designated for sidewalks (see Tumalo Comprehensive Plan Map D2).
- (10) Where drainage swales are not required, the standards for drainage in Title 17, Chapter 17.48 shall still apply.
- (11) Frontage roads shall be in accordance with Table A contained in Title 17, Chapter 17.48 of the Deschutes County Code.
- (12) Private roads shall be constructed in accordance with Table 18-67-A standards for local roads.
- (13) Where allowed, parking must be off pavement.

Revised: 1998

Chapter 18.74. RURAL COMMERCIAL ZONE

18.74.010. Purpose.

18.74.020. Uses Permitted – Deschutes Junction and Deschutes River Woods Store.

18.74.025. Uses Permitted – Spring River.

18.74.027. Uses Permitted – Pine Forest and Rosland.

18.74.030. Development Standards.

18.74.050. Maps.

18.74.010. Purpose.

The purpose of this chapter is to establish standards and review procedures for development in the Rural Commercial Zone. The Rural Commercial (RC) zone provisions implement the comprehensive plan policies for rural commercial development and associated uses outside of unincorporated communities and urban growth boundaries.

(Ord. 2003-080 §1, 2003, Ord. 2002-019 §2, 2002)

18.74.020. Uses Permitted – Deschutes Junction and Deschutes River Woods Store.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling.
 2. Manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling.
 4. Type 1 Home Occupation, subject to DCC 18.116.280.
 5. Agricultural uses.
 6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
 7. Class III road or street project.
 8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.128:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
 - a. Restaurant, café or delicatessen.
 - b. Grocery store.
 - c. Tavern.
 - d. Retail sporting goods and guide services.
 - e. Barber and beauty shop.
 - f. General store.
 - g. Video store.
 - h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
 2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
 3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.

- a. Retail sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel.
 - d. Veterinary clinic.
 - e. Automobile service station and repair garage, towing service, fuel storage and sales.
 - f. Public or semi-public use.
 - g. Residential use in the same building as a use permitted by this chapter.
 - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
- 1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Child care center.
 - e. Church.
 - f. School.
 - 2. Recreational vehicle park
 - 3. Mini-storage facilities limited to 35,000 square feet in size.
- (Ord. 2008-008 §1, 2008; Ord. 2004-002 §20, 2004; Ord. 2002-019 §2, 2002)

18.74.025. Uses Permitted – Spring River.

- A. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
- 1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Fishing supplies and equipment.
 - b. Snowmobiling accessories.
 - c. Marine accessories.
 - d. General store.
 - e. Hardware store.
 - f. Convenience store with gas pumps.
 - g. Fast food restaurant, cafe, or coffee shop.
 - h. Recreational rental equipment store.
 - i. Excavation business.
 - j. Landscaping business/service.
 - k. Health care service.
 - l. Beauty shop.
 - m. Video store.
 - o. Post office.
 - p. Party supply.
 - q. Equipment sales and rental.
 - r. Appliance store.
 - s. Bank.

- t. Exterminator.
 - u. Private mailing and packaging store.
 - v. Bakery.
2. Expansion of a nonconforming use listed in section A(1)(a-v), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
 3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Pet and livestock supply.
 - b. Farm machinery sales and repair.
 4. Expansion of a nonconforming use listed in section A(3)(a-b), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.
- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Full service gas station with automobile repair services.
 - b. Welding shop.
 - c. Mini-storage units
 2. Expansion of a nonconforming use listed in section B(1)(a-c), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Definitions. For the purposes of DCC 18. 74.120, the following definitions shall apply:
1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.
 2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
 3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.
 4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.
 5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
 6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
 7. Post office: United States Postal Service office including mail pick-up and distribution.
 8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
 9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
 10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
 11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
 12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
 13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
 14. Bakery: The manufacture and sale of bread, donuts and pastries.

15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains. (Ord. 2008-008 §1, 2008; Ord. 2006-008 §7, 2006; Ord. 2002-019 §2, 2002; Ord. 97-015 §1, 1997; Ord. 96-046 §1, 1996; Ord. 96-023 §1, 1996)

Section 18.74.027. Uses Permitted – Pine Forest and Rosland.

- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
 - B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
 - 1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
 - a. Eating and drinking establishments.
 - b. Retail store, office and service establishments.
 - 2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
 - 3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel or veterinary clinic.
 - d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
 - e. Public or semi-public use.
 - f. Residential use in the same building as a use permitted in this chapter.
 - g. Park or playground.
 - 4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
 - C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
 - 1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:
 - a. Home occupation as defined in DCC 18.04.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Child care center.
 - e. Church.
 - f. School.
 - 2. Recreational vehicle park.
 - 3. Mini-storage facilities limited to 35,000 square feet in size.
- (Ord. 2008-008 §1, 2008; Ord. 2007-007 §1, 2007; Ord. 2003-080, §1, 2003)

18.74.030. Development Standards.

- A. Yard Standards.
 - 1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.

2. Side Yard. A side yard shall be a minimum of 10 feet, except a lot or parcel with a side yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.
 3. Rear Yard. The minimum rear yard shall be 20 feet, except a lot or parcel with a rear yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.
- B. Existing Residential and Commercial Lots.
On-site sewage disposal. For existing lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to approval of a site plan or conditional use permit.
- C. New Lot Requirements
1. Residential Uses.
 - a. The minimum lot size is one (1) acre.
 - b. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 - c.
 2. Commercial and Public Uses.
 - a. The minimum lot size for a commercial use served by an on-site septic system and individual well or community water system shall be the size necessary to accommodate the use.
 - b. Each lot shall have a minimum width of 150 feet.
 - c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
- D. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- F. Lot Coverage.
 - 1.. Lot coverage for dwellings and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area.
 2. Lot coverage for buildings used primarily for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
 3. Primary and accessory buildings to be used for purposes other than residential, commercial or industrial shall not cover more than 30 percent of the total lot or parcel.
- G. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under DCC 18.120.040.
- H. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- I. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.
- J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.
(Ord. 2008-008 §1, 2008; Ord. 2007-007 § 1, 2007; Ord. 2006-008 §7, 2006; Ord. 2003-080 §1, 2003, Ord. 2002-019 §2, 2002)

18.74.050. Maps.

- (Ord. 2007-007 § 2, 2007)
(Ord. 2003-080 § 1, 2003)
(Ord. 2002-019 § 2, 2002)

Exhibit "B"

Ord. # 2003-80

Zoning

File Number: TA-02-13 / ZC-02-5

Applicant: Karen Demaris - Liz Fancher, Attorney



SUBJECT PROPERTY



PARCEL

DESCHUTES COUNTY ZONE DESIGNATION



EFULA - La Pine Subzone



FP - Flood Plain

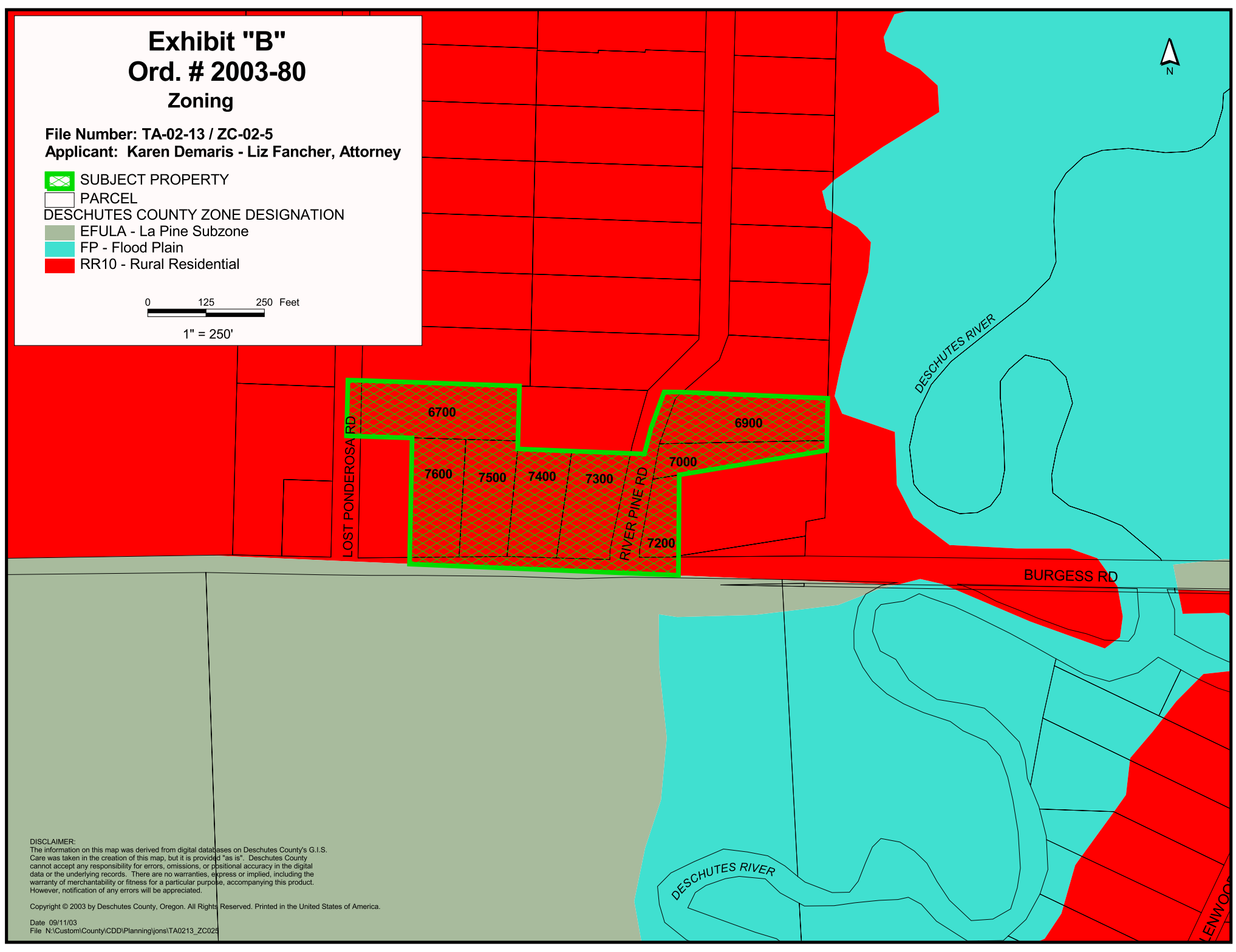


RR10 - Rural Residential

0 125 250 Feet



1" = 250'



DISCLAIMER:
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Date: 09/11/03

File: N:\Custom\County\CDD\Planning\ons\TA0213_ZC025

Chapter 18.76. AIRPORT DEVELOPMENT ZONE – A-D

- 18.76.010. Purpose.**
- 18.76.020. Standards in All Districts.**
- 18.76.030. Uses Permitted Outright.**
- 18.76.040. Conditional Uses.**
- 18.76.050. Use Limitations.**
- 18.76.060. Dimensional Standards.**
- 18.76.070. Airfield Operations District (AOD).**
- 18.76.080. Aviation Support District (ASD).**
- 18.76.090. Aviation-Related Industrial District (ARID).**
- 18.76.100. Design and Use Criteria.**
- 18.76.110. Additional Requirements.**

18.76.010. Purpose.

The purpose of the Airport Development (AD) Zone is to allow for development compatible with ongoing airport use consistent with the Deschutes County Year 2000 Comprehensive Plan and the 1994 Bend Airport Master Plan (as amended by a 2002 supplement), while providing for public review of proposed development likely to have significant impact on surrounding lands. The AD Zone is composed of three separate zoning districts, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.76.

(Ord. 2003-036 §2, 2003; Ord. 91-020 §1, 1991)

18.76.020. Standards in All Districts.

- A. Approval Required. Any use in an AOD, ASD, or ARID District shall be subject to DCC 18.124.
- B. Solar Setbacks. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180.
- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.
- F. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.
- G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.

(Ord. 2003-036 §2, 2003)

18.76.030. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright in all of the Airport Districts:

- A. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- B. Class III road or street project.
- C. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- D. Farm use as defined in DCC Title 18.

(Ord. 2003-036 §2, 2003; Ord. 2001-039 §10, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §11, 1993; Ord. 91-020 §1, 1991)

18.76.040. Conditional Uses.

The following uses may be allowed in all of the Airport Districts subject to DCC 18.128.

- A. Farm accessory buildings and uses, excluding residential uses.
- B. Utility facility necessary for public service except landfills.
- C. 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/or DCC 18.128.270.

(Ord. 2003-036 §2, 2003; Ord. 2001-039 §10, 2001; Ord. 2001-016 §2, 2001; Ord. 91-038 §1, 1991)

18.76.050. Use Limitations.

The following limitations and standards shall apply to all permitted uses in the Airport Districts:

- A. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, power lines, etc., shall not exceed 35 feet.
- B. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
- C. All parking demand created by any use permitted by DCC 18.76 shall be accommodated on the subject premises entirely off-street.
- D. No use permitted by DCC 18.76 shall require the backing of traffic onto a public or private street or road right of way.
- E. No power lines shall be located in clear zones.
- F. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.

(Ord. 2003-036 §2, 2003; Ord. 91-020 §1, 1991)

18.76.060. Dimensional Standards.

The following dimensional standards shall apply in the Airport Districts:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.76 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations or as deemed necessary by the Planning Director or Hearings Body to maintain air, land and water resource quality, protect adjoining and area land uses, and to ensure resource carrying capacities are not exceeded.
- B. An airport related use or structure located adjacent to or across the street from an existing residential use or platted residential lot shall not exceed 70 percent lot coverage and shall require off-street parking and loading areas.
- C. The minimum setback between any structure and an arterial right of way shall be 100 feet. The minimum setback between any structure and a collector right of way shall be 50 feet. The minimum setback between any structure and all local streets shall be 20 feet.
- D. The minimum setback between any structure and a property line adjoining a residential use or lot shall be 50 feet.
- E. The minimum lot frontage shall be 50 feet.
- F. The minimum side setback between any structure and a property line shall be three feet, and the minimum total of both side setbacks shall be 12 feet.
- G. The minimum rear setback between any structure and a rear property line shall be 50 feet.

(Ord. 2003-036 §2, 2003; Ord. 94-008 §24, 1994; Ord. 91-020 §1, 1991)

18.76.070. Airfield Operations District (AOD).

Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

- A. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 - B. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division specifically supporting airport operations.
- (Ord. 2003-036 §2, 2003)

18.76.080. Aviation Support District (ASD).

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 - 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 - 3. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
 - B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
 - 1. Restaurant, which may include a bar or cocktail lounge as an accessory use. One restaurant per airport. Restaurant, including any accessory use, to be 2,500 square feet or less in size.
 - 2. Airport or aviation-related businesses that benefit from an on-airport location.
- (Ord. 2004-013 §8, 2004; Ord. 2003-036 §2, 2003)

18.76.090. Aviation-Related Industrial District (ARID).

Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

- A. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 - B. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 - C. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
 - D. Airport or aviation-related commercial or industrial businesses that benefit from an on-airport location.
- (Ord. 2003-036 §2, 2003)

18.76.100. Design and Use Criteria.

The following dimensional standards shall apply in the Airport Districts:

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the 1994 Bend Airport Master Plan as amended (supplemented) in 2002.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public

ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.
(Ord. 2003-036 §2, 2003; Ord. 91-020 §1, 1991)

18.76. 110. Additional Requirements.

As a condition of approval for any conditional use proposed within the AD Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
 - B. Additional off-street parking and loading facilities and building standards.
 - C. Limitations on signs or lighting, hours of operation, points of ingress and egress and building heights.
 - D. Additional landscaping, screening and other improvements.
 - E. Glare-resistant materials in construction or other methods likely to reduce operating hazards.
 - F. Other conditions considered necessary to achieve compliance and policies of the Comprehensive Plan.
- (Ord. 2003-036 §2, 2003; Ord. 91-020 §1, 1991; Ord. 80-221 §1, 1980)

Chapter 18.80 AIRPORT SAFETY COMBINING ZONE - AS

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- 18.80.076. Water Impoundment Notification.**
- 18.80.078. FAA Notification (Form 7460-1).**

18.80.010. Purpose.

In any zone that is overlain by an Airport Safety Combining Zone (AS Zone), the requirements and standards of DCC 18.80.010 shall apply in addition to those specified in the ordinance for the underlying zone. If a conflict in regulations or standards occurs, the more restrictive provisions shall govern.

The purpose of the AS Zone is to restrict incompatible land uses and airspace obstructions around airports in an effort to maintain an airport's maximum benefit. The imaginary surfaces and zones; boundaries and their use limitations comprise the AS Zone. Any uses permitted outright or by conditional use in the underlying zone are allowed except as provided for in DCC 18.80.044, 18.80.050, 18.80.054, 18.80.056 and 18.80.058. The protection of each airport's imaginary surfaces will be accomplished through the use of those land use controls deemed necessary to protect the community it serves. Incompatible uses may include the height of trees, buildings, structures or other items and uses that would be subject to frequent aircraft over-flight or might intrude into areas used by aircraft. (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.020. Application of Provisions.

The provisions of DCC 18.80.020 shall only apply to unincorporated areas located under airport imaginary surfaces and zones, including approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and runway protection zones. While DCC 18.80 identifies dimensions for the entire imaginary surface and zone, parts of the surfaces and/or zones do not apply within the Redmond, Bend or Sisters Urban Growth Boundaries. The Redmond Airport is owned and operated by the City of Redmond, and located wholly within the Redmond City Limits.

Imaginary surface dimensions vary for each airport covered by DCC 18.80.020. Based on the classification of each individual airport, only those portions (of the AS Zone) that overlay existing County zones are relevant.

Public use airports covered by DCC 18.80.020 include Redmond Municipal, Bend Municipal, Sunriver and Sisters Eagle Air. Although it is a public-use airport, due to its size and other factors, the County treats land uses surrounding the Sisters Eagle Air Airport based on the ORS 836.608 requirements for private-use airports. The Oregon Department of Aviation is still studying what land use requirements will ultimately be applied to Sisters. However, contrary to the requirements of ORS 836.608, as will all public-use airports, federal law requires that the FAA Part 77 surfaces must be applied. The private-use airports covered by DCC 18.80.020 include Cline Falls Airpark and Juniper Airpark. (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.022. Definitions.

- A. Aircraft. Helicopters and airplanes, but not hot air balloons or ultralights. (Balloons are governed by FAR Part 30, and ultralights by FAR Part 103. Ultralights are basically unregulated by the FAA.)
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface. (Redmond, Bend, and Sunriver)
- D. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
- E. Airport Imaginary Surfaces (and zones). Imaginary areas in space and on the ground that are established in relation to the airport and its runways.

For the Redmond, Bend, Sunriver and Sisters airports, the imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

For the Cline Falls and Juniper airports, the imaginary areas are only defined by the primary surface and approach surface.

- F. Airport Noise Criterion. The State criterion for airport noise is an Average Day-Night Sound Level (DNL) of 55 decibels (dBA). The Airport Noise Criterion is not designed to be a standard for imposing liability or any other legal obligation except as specifically designated pursuant to OAR 340, Division 35.
- G. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 Ldn.
- H. Airport Safety Combining Zone (AS Zone). A Deschutes County zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The airport imaginary surfaces, impact areas, boundaries and their use limitations comprise the AS Zone. The AS Zone may apply to either public-use or private-use airports.
- I. Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway. (Redmond, Bend, and Sunriver)
- J. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- K. Airport Uses. Those uses described in OAR 660-013-0100 and 660-013-0110.
- L. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
For Redmond, Bend, Sunriver, and Sisters airports:
 - 1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - a. 1,250 feet for a utility runway having a visual approach;
 - b. 1,500 feet for other than a utility runway having a visual approach;

- c. 2,000 feet for a utility runway having a non-precision instrument approach;
 - d. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
 - e. 4,000 feet for a non-precision instrument runway, other than utility, having visibility minimums at or below three-fourths statute mile; and
 - f. 16,000 feet for precision instrument runways.
2. The approach surface extends for a horizontal distance of
 - a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;
 - b. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; and
 - c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at slope of 40 feet outward for each one foot upward, for precision instrument runways.
 3. The outer width of an approach surface will be that width prescribed in DCC 18.80.022(L)(3) for the most precise approach existing or planned for that runway end.

For the Cline Falls and Juniper airports:

4. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.
- M. Average Day-Night Sound Level (DNL). Average day-night sound level is the FAA standard measure for determining the cumulative exposure of individuals to noise. DNL is the equivalent of noise levels produced by aircraft operations during a 24-hour period, with a ten-decibel penalty applied to the level measured during nighttime hours (10:00 p.m. to 7:00 am).
 - N. Conical Surface. An element of the airport imaginary surfaces that extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet and to a vertical height of 350 feet above the airport elevation.
 - O. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
 - P. FAA. Federal Aviation Administration.
 - Q. FAA's Technical Representative. As used in DCC 18.80, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.
 - R. FAR. Regulation issued by the FAA.
 - S. FAR Part 77. Regulation, Part 77, "Objects Affecting Navigable Airspace," establishes standards for determining obstructions to navigable airspace.
 - T. Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
 - U. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 1. 5,000 feet for all runways designated as utility.
 2. 10,000 feet for all other runways.
 3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
 - V. Non-precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no

precision approach facilities are planned or indicated on an FAA-approved airport layout plan or other FAA planning document.

- W. Non-Towered Airport. An airport without an existing or approved control tower.
- X. Obstruction. Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
- Y. Other than Utility Runway. A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
- Z. Precision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.

AA. Primary Surface. A surface longitudinally centered on a runway.

For the Redmond, Bend, Sunriver, and Sisters airports, when a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. 250 feet for utility runways with only visual approaches,
2. 500 feet for utility runways having non-precision instrument approaches,
3. 500 feet for other than utility runways having non-precision instrument approaches with visibility minimums greater than three-fourths statute mile, and
4. 1,000 feet for non-precision instrument runways with visibility minimums at or below three-fourths statute mile, and for precision instrument runways.

For the Cline Falls and Juniper airports, the primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 200 feet.

BB. Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

CC. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

DD. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

1. 1,000 feet for utility runways.
2. 1,700 feet for other than utility runways having non-precision instrument approaches.
3. 2,500 feet for precision instrument runways.

[NOTE: the outer width of the RPZ is specified by airport type in OAR 660, Division 13, Exhibit 4]

EE. Significant. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

FF. Structure. Any constructed or erected object, which requires a location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

GG. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway centerline.

HH. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 maximum gross weight and less.

II. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

JJ. Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.024. Imaginary Surface and Noise Impact Boundaries.

For the Redmond, Bend, Sunriver, and Sisters airports, the airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries (including direct and secondary impact boundaries) or surfaces shall be subject to the requirements of this overlay zone.

For the Cline Falls and Juniper airports, The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this overlay zone and shall be made part of the official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this overlay zone. [ORS 836.608(2), (8); OAR 660-013-0050; OAR 660-013-0070(1)(b); OAR 660-013-0155(2)] [ORS 836.619; OAR 660-013-0040(8); OAR 660-013-0070(1)] (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.026. Notice of Land Use and Permit Applications.

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. [ORS 836.623(1); OAR 738-100-010; ORS 215.416(6); ORS 227.175(6)]

For the Redmond, Bend, Sunriver, and Sisters airports:

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway:
- B. Notice of land use and limited land use applications shall be provided within the following timelines.

1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
3. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
4. Notices required under DCC 18.80.026(B)(1-3) need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:
 - a. Would only allow structures of less than 35 feet in height;
 - b. Involves property located entirely outside the approach surface;
 - c. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
 - d. Does not involve wetland mitigation, enhancement, restoration or creation.

For the Cline Falls and Juniper airports:

- C. Written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. Where the application does not involve a public hearing, such notice shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application. [ORS 215.416(6); ORS 227.175(6); OAR 738-100-010]
- D. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.028. Height Limitations.

All uses permitted by the underlying zone shall comply with the height limitations in DCC 18.80.028. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control. [ORS 836.619; OAR 660-013-0070]

- A. Except as provided in DCC 18.80.028(B) and (C), no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface. [ORS 836.619; OAR 660-013-0070(1)]
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA (for Redmond, Bend and Sunriver.)

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.030. Redmond Municipal Airport.

The Redmond Municipal Airport is a Category 1, Commercial Service Airport. Its function is to accommodate scheduled major/national or regional commuter commercial air carrier service. The two approximately 7,040' long by 100'-150' wide, "other than utility" paved runways are located at an elevation of 3,077'. The proposed extension to runway 4-22 and the planned new parallel runway are both identified

on the FAA-adopted Airport Layout Plan. Therefore, these improvements are used in the layout of the Airport Safety Combining Zone. The same safety zone dimensional standards used for Runway 4-22 will also apply to the planned parallel runway.

- A. Primary Surface - For Redmond, the primary surfaces are 1,000' wide by 7,440' long for Runway 10-28, 1,000' wide by 9,100' long for Runway 4-22, and 1,000' wide by 7,400' long for the proposed new parallel runway.
- B. Runway Protection Zone (RPZ)- Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. Runway 4-22 and the planned parallel runway will both have precision approaches. Runway 10-28 has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 500' wide by 1,700' long by 1,010' wide trapezoid.
- C. Approach Surface - The current ILS precision approach surface to runway 22, and the planned precision approaches to Runway 4 and future parallel runway 4-22, are 1,000' wide by 50,000' long by 16,000' wide, with an upward approach slope ratio of 50:1 (one foot vertical for each 50 feet horizontal) for the first 10,000', then a slope ratio of 40:1 for the remaining 40,000'. The non-precision approach surface is 500' wide by 10,000' long by 3,500' wide, with an upward approach slope ratio of 34:1.
- D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Redmond Airport is 3,227 feet.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.032. Bend Municipal Airport.

Bend Municipal Airport is a Category 2, Business or High Activity General Aviation Airport. The 5,005 long by 75' wide paved runway is located at an elevation is 3,453'. Imaginary surface dimensions for the Bend Airport are based on planned improved operational characteristics, and an upgrade from a "utility" to "other than utility" runway, but do not reflect any planned extension to the existing runway.

- A. Primary Surface - For Bend, the primary surface is 500' wide by 5,405' long.
- B. Runway Protection Zone (RPZ) –Both Runway #16 and #34 have, or are proposed to have non-precision approaches. Both RPZs begin 200-feet off the ends of the runway. The non-precision RPZs form 500' wide by 1,700' long by 1,010' wide trapezoids.
- C. Approach Surface - The non-precision approach surfaces are 500' wide by 10,000' long by 3,500' wide, with an upward approach slope ratio of 34:1 (one-foot vertical for each 34 feet horizontal).
- D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The height of the horizontal surface for the Bend Airport is 3,603 feet.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.034. Sunriver Airport.

The Sunriver Airport is a Category 4, Community General Aviation Airport. It is privately owned and open to the public. The 5,500' long by 65' wide paved runway is located at an elevation of 4,155'. The Sunriver Airport imaginary surfaces are based on the existing "utility" runway, not any planned improvements or airport upgrades. If and when planned airport improvements are identified through a master planning process, the County will have the option of adjusting the boundaries of the imaginary surfaces to reflect any planned changes.

- A. Primary Surface - For Sunriver, the primary surface is 500' wide by 5,900' long.
- B. Runway Protection Zone (RPZ) - The Sunriver Airport has two different approaches. Runway #18 has a non-precision approach, while Runway #36 has a visual approach. The non-precision RPZ forms a 500' wide by 1,700' long by 1,010' wide trapezoid. The visual RPZ is 500' wide by 1,000' long by 700' wide.

- C. Approach Surface – The non-precision approach surface is 500' wide by 5,000' long by 2,000' wide, with an upward approach slope ratio of 20:1(one-foot vertical for each 20 feet horizontal). The visual approach is 500' wide by 5,000' long by 1,500 wide at the same 20:1 slope ratio.
 - D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 5,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Sunriver Airport is 4,305 feet.
- (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.036. Sisters Eagle Air Airport.

The Sisters Eagle Air Airport is a Category 4, Community General Aviation Airport. It is privately owned and open to the public. The 3,550' long by 50' wide paved runway is located at an elevation of 3,165'.

- A. Primary Surface - For Sisters, the primary surface is 250' wide by 3,950' long.
 - B. Runway Protection Zone (RPZ) - The Sisters Airport has two similar visual approaches. The visual RPZ is 250' wide by 1,000' long by 700' wide.
 - C. Approach Surface – The visual approach surfaces are 250' wide by 5,000' long by 1,250' wide, with an upward approach slope ratio of 20:1(one-foot vertical for each 20 feet horizontal).
 - D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 5,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Sisters Airport is 3,315 feet.
- (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.038. Cline Falls Airpark.

The Cline Falls Airpark is classified by the state as a privately owned, private-use airport that was the base for three or more aircraft as of December 31, 1994. Located at an elevation of 2,920', the single dirt/turf runway is 3,000' long by 100' wide.

- A. Primary Surface - The primary surface is 200' wide by 3,000' long.
 - B. Approach Surface - The dimensions of the visual approach surfaces are 200' wide by 2,500' long by 450' wide, with an upward approach slope ratio of 20:1 (one-foot vertical for each 20 feet horizontal).
- (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.040. Juniper Airpark.

The Juniper Airpark is classified by the state as a privately owned, private-use airport that was the base for three or more aircraft as of December 31, 1994. Located at an elevation of 3,490', the single turf runway is 2,640' long by 100' wide.

- A. Primary Surface - The primary surface is 200' wide by 2,640' long.
 - B. Approach Surface - The dimensions of the visual approach surfaces are 250' wide by 2,500' long by 450' wide, with an upward approach slope ratio of 20:1 (one-foot vertical for each 20 feet horizontal).
- (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.044. Land Use Compatibility.

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]

- A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5 (Table 2 of DCC 18.80). Applicants for any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and record in the Deschutes County Book of Records, a Declaration of Anticipated Noise declaring that the applicant and his successors will not now, or in the future complain about the allowed airport activities at the adjacent airport. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn. [NOTE: FAA Order 5100.38A, Chapter 7 provides that interior noise levels should not exceed 45 decibels in all habitable zones.]
- B. Outdoor lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- C. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- D. Industrial emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- E. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.
- F. Limitations and Restrictions on Allowed Uses in the RPZ, Approach Surface, and Airport Direct and Secondary Impact Areas.
For the Redmond, Bend, Sunriver, and Sisters airports, the land uses identified in DCC 18.80 Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in DCC 18.80.044, a limited use means a use that is allowed subject to special standards specific to that use.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.050. Uses Permitted Outright.

Any uses permitted outright in the underlying zone with which the AS Zone is combined shall be allowed except as provided in DCC 18.80.044.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.054. Conditional Uses.

Uses permitted conditionally shall be those identified as conditional uses in the underlying zone with which the AS Zone is combined, and shall be subject to all conditions of the underlying zone except as provided in DCC 18.80.044.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.056. Additional Requirements.

As a condition of approval of any conditional use proposed within any AS Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress and building heights.
- D. Additional landscaping, screening and other improvements.
- E. Use of glare-resistant materials in construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the comprehensive plan.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991; Ord. 80-221 §1, 1980)

18.80.058. Non-conforming Uses.

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.
- B. Notwithstanding DCC 18.80.058(A), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.060. Variances.

- A. Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in DCC 18.80 may apply for a variance.
- B. Application for Variance must be accompanied by a determination from the Oregon Department of Aviation and the Federal Aviation Administration (FAA) as to the effect of the proposal on the safe and efficient use of navigable airspace.
- C. Any variance granted may be conditioned as to require the owner of the structure to install, operate and maintain obstruction markers, at the owner's expense.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.062. Dimensional Standards.

- A. Minimum lot size and setbacks shall be those indicated in the underlying zone with which the AS Zone is combined.
- B. Where an area is covered by more than one height limitation, the more restrictive shall prevail.
- C. The airport owners, or their agents, shall be permitted at mutually agreed upon times to enter onto private property to reduce the height of trees that exceed the height limitations herein established.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.064. Procedures.

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Community Development Department shall provide the applicant with appropriate base maps upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
And, additionally, if a height variance is requested:
- C. Letters of support from the airport sponsor, the Department of Aviation and for Redmond, Bend and Sunriver Airports, the FAA as well. The letter(s) shall include specific references to the particular variance and findings for approval.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.072. Water Impoundments.

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of DCC 18.80.072. (ORS 836.623(2); OAR 660-013-0080(1)(f))

- A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
 - 1. Within an approach surface and within 5,000 feet from the end of a runway; or
 - 2. On land owned by the airport sponsor that is necessary for airport operations.
- B. New or expanded water impoundments of one-quarter acre in size or larger are permitted:
 - 1. Within 10,000 feet from the end or edge of a runway (outside an approach surface), or
 - 2. Between 5,000 feet and 40,000 feet within an approach surface for an airport with a precision instrument approach, unless Deschutes County first adopts findings of fact, supported by substantial evidence in the record, that the impoundments are likely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors.

[NOTE: FAA Part 77 discourages water impoundments within 50,000 feet of a runway, within an approach surface.] [ORS 836.623(2)(c); OAR 660, Division 13, Exhibit 1, Section 3(b)(C)]

- C. Process. An application for approval of a new water impoundment shall be considered utilizing the review process applied to applications for conditional use permits. In addition to the parties required by law to be mailed written notice of the public hearing on the application, written notice of the hearing shall be mailed to the airport sponsor, the Seattle Airports District Office of the FAA, the FAA's technical representative, and the Oregon Department of Aviation.
 - 1. Prior to filing its application, the applicant shall coordinate with the airport sponsor, the Department of Aviation, and the FAA (Seattle Airports District Office) and FAA's technical representative regarding the proposed water impoundment, its short and long term potential to significantly increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces, and proposed mitigation.
 - a. For water impoundments individually or cumulatively exceeding five acres in size on the subject property, the applicant shall prepare a draft bird strike study as provided in DCC 18.80.072(C)(1)(a). The airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative shall have 45 days to review the study draft. Their comments shall be included and addressed in a final bird strike study.
 - b. For water impoundments that do not individually or cumulatively exceed five acres in size on the subject property, the bird strike study requirements in DCC 18.80.072(B)(2) may be reduced or waived upon agreement by the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative if the applicant can demonstrate, to the satisfaction of the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative that the proposed water impoundment, with appropriate short and long term

mitigation, will not result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces. As used herein, "appropriate mitigation" means small-scale measures of proven reliability that can be applied in perpetuity and that the applicant has the financial resources to support.

- c. An application shall not be deemed complete for land use review purposes until the applicant has filed with the Director the final bird strike study addressing comments from the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative. When no bird strike study is required, the application shall not be deemed complete until the applicant has filed with the Director correspondence or other proof demonstrating agreement among the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative that no bird strike study is required.
2. Bird Strike Study. A bird strike study required under DCC 18.80.072 shall contain at least the following information:
 - a. A description of the proposed project, its location in relation to the airport, and the bird strike study area, which shall include at least the project site, the airport property, all lands within 10,000 feet from the end or edge of the airport runway, and other surrounding habitat areas which form the local bird ecosystem.
 - b. A description of bird feeding, watering and roosting habitats in the bird strike study area, including discussion of feeding behavior and food sources and identification of loafing, watering, roosting and nesting area locations.
 - c. A description of existing and planned airport operations and air traffic patterns and any available history of bird strike incidents.
 - d. Wildlife surveys and documentation of existing bird species, populations, activities and flight patterns in the bird strike study area. The surveys shall address bird species and their composition; bird population estimates and densities per unit area; feeding behavior; food sources; seasonal use patterns; frequency of occurrence; location of loafing, roosting and nesting areas; and analysis of the relation of bird flight movements to airport traffic patterns and navigational safety. The airport sponsor shall provide approach and departure air space information up to five statutory miles from the airport.
 - e. An evaluation of the anticipated effects of the proposal on the population density, behavior patterns, movements and species composition of birds within the bird strike study area and of the impact of these effects on air navigation and safety considering possible mitigation.
 - f. Identification and evaluation of proposed and alternative short and long term mitigation measures that would prevent a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces that otherwise might result from the proposed use. The evaluation shall discuss the proven reliability of proposed measures, their effectiveness over both the short and long term, their costs, and the applicant's financial ability to assure their perpetual implementation, i.e. ongoing implementation for as long as a potential bird strike hazard persists.
 - g. Such other information as is recommended by the FAA's technical representative or is required to demonstrate compliance with the requirements of DCC 18.80.072(C)(3).
 3. Required Findings. The determination whether a proposed new water impoundment, with reasonable and practicable mitigation measures, is likely to significantly increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces shall be based upon the proposal's potential, both in the short term and in the long term, to significantly increase bird strike hazards to air navigation, and the appropriateness, effectiveness and affordability of proposed mitigation measures or other conditions needed to reduce bird strike hazards. In determining compliance with this standard, the findings shall address each of the following factors:
 - a. The demonstrated overall effectiveness and reliability of proposed measures and conditions, in both the short and long term and under similar circumstances and conditions, to avoid a

- significant increase in bird strike hazards to air navigation. Experimental measures or measures not based on accepted technology and industry practices shall be considered ineffective, inappropriate and of unproven reliability.
- b. The economic, social and environmental impacts of proposed measures to the neighboring community and the affected natural environment.
 - c. The applicant's ability to pay for necessary short and long-term mitigation measures, including fallback measures that may be required if initially proposed mitigation measures prove ineffective, and to assure the perpetual implementation of those measures for as long as a potential bird strike hazard persists. An applicant's failure to demonstrate its financial ability to assure the perpetual implementation of necessary and appropriate measures shall render those measures unreasonable and impracticable for purposes of the application.
 - d. The applicant's ability to accurately monitor the effectiveness of mitigation over time.
 - e. The potential impacts to navigational safety and air travel if the applicant cannot perform necessary mitigation measures or maintain those measures in perpetuity, or if those measures prove to be ineffective at avoiding a significant increase in bird strike hazards to air navigation.
 - f. The applicant's reclamation plan.
4. Mitigation Measures and Approval Conditions. A decision approving an application shall require, as conditions of approval, all measures and conditions deemed appropriate and necessary to prevent in perpetuity a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces.
- a. Only customary measures based on accepted technology and industry practice may be considered and imposed as approval conditions.
 - b. Serious consideration shall be given to all measures and conditions recommended by the Department of Aviation and the FAA and FAA's technical representative. Generally, such measures and conditions shall be attached to a decision approving an application unless findings are adopted, supported by substantial evidence, demonstrating why such measures and conditions are not necessary to reduce bird hazard impacts resulting from the water impoundment to an insignificant level.
 - c. A decision to approve shall require from the applicant a performance bond or other form of secure financial support. Such bond or security shall be in an amount sufficient to assure perpetual implementation of appropriate and necessary mitigation measures for as long as a potential bird strike hazard persists.
 - d. A decision to approve shall require appropriate monitoring of the effectiveness of mitigation over time. Upon request, monitoring data and reports shall be made available to the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative. The decision shall allow for modifications to approval conditions should existing mitigation measures prove ineffective at preventing a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces. Modifications to approval conditions shall be considered utilizing the review process applied to applications for conditional use permits.
5. Exemptions. The requirements of DCC 18.80.072 shall not apply to:
- a. Storm water management basins established by an airport identified under ORS 836.610(1).
 - b. Seaplane landing areas within airports identified under ORS 836.610(1).
 - c. Lands owned or managed by Sunriver Resort, Crosswater and their affiliates.
- (Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.074. Wetland Mitigation, Creation, Enhancement and Restoration.

- A. Notwithstanding the requirements of DCC 18.80.072, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under DCC 18.080.072 shall be allowed upon demonstration of compliance with this requirements of DCC 18.80.074.
- B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under DCC 18.80.072 are recognized as lawfully existing uses.
- C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces the areas regulated under DCC 18.80.072 is encouraged.
- D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under DCC 18.80.072 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:
 - 1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and it is not practicable to provide the mitigation off-site; and
 - 2. The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- E. Wetland mitigation permitted under DCC 18.80.074(D) shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.
- F. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under DCC 18.80.074 shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- G. Exemptions. The requirements of DCC 18.80.74 shall not apply to activities related to the management or modification of golf courses owned or managed by Sunriver Resort, Crosswater and their affiliates.
(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.076. Water Impoundment Notification.

- A. Deschutes County shall provide notice to the Oregon Department of Aviation when it, or its designee, receives an application for a comprehensive plan amendment, zone change or permit as defined in ORS 215.402 or 227.160 that, if approved, would result in a water impoundment larger than one-quarter acre within 10,000 feet of the Redmond, Bend, Sunriver or Sisters Airports.
- B. A final determination regarding a new water impoundment described in ORS 836.623 shall be made by local governments as provided in ORS 836.623.
(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.80.078. FAA Notification (Form 7460-1).

- A. Federal Aviation Regulation (FAR) Part 77 requires that anyone proposing to construct anything which may obstruct the use of airspace by aircraft to provide a notice to that effect to the FAA. Generally, construction proposals in the vicinity of airports may obstruct airspace. Notice to the FAA is required for anything which may affect landing areas, either existing or planned, which are open to the public, or are operated by one of the armed forces.
- B. FAA Form 7460-1 "Notice of Proposed Construction or Alteration" is the notification form. It is to be submitted by the applicant directly to the FAA. Forms are available from the Oregon Department of Aviation or the Northwest Regional Office of the FAA.

C. FAA Form 7460-1 should be submitted if the proposed construction or alteration meets the following criteria:

1. Anything over 200' AGL (above ground level at the site).
2. Proposals in the vicinity of an airport, if the proposal would be higher than a slope from the nearest point on a runway and increasing its elevation at a ratio of:

Longest Runway	Proximity to Runway	Slope
> 3,200'	Within 20,000'	100 to 1
3,200' or less	Within 10,000'	50 to 1
For a Heliport	Within 5,000'	25 to 1

D. For identification purposes, Deschutes County has established FAA Notification Areas around each of the public use airports within Deschutes County. The boundaries of these areas are based on the runway length. If a proposed construction project is located in one of these areas, the applicant shall determine if the height of the proposed project will require FAA notification as per DCC 18.80.076(C). In Deschutes County, each of the public-use airports has a runway longer than 3,200 feet. Therefore, each FAA notification area includes all land within 20,000 feet of each airport's runway(s), and the slope to be used is 100 to 1.

E. FAA notification is NOT required for any of the following construction or alteration:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
2. Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
4. Any construction or alteration for which notice is required by any other FAA regulation.

(Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

TABLE 1--Land Use Compatibility

Use:	Location:				
	RPZ(1)	Transitional Surface	Approach Surface(8)	Direct Impact Area	Secondary Impact Area
Public Airport	L(2)	P	L(9)	P	P
Residential	N	N	L(10)	P	P
Commercial	N	L(14)	L(9)	P	P
Industrial	N	P	L(9)	P	P
Institutional	N	L(14)	L(9)	P	P
Farm Use	P(3)	P(3)	P(3)	P(3)	P(3)
Road/Parking	L(4)	P	P	P	P
Utility	L(5)	L(5)	L(5)	L(5)	L(5)
Parks/Open Space	L(6)	P	P	P	P
Golf Course (17)	L(7)	L(7)	L(7,9)	L(7)	L(7)
Athletic Field	N	N	L(9)	P	P
Sanitary Landfill	N	N	N	N	N(16)

Waste Water Treatment Plant	N	N	N	N	L(15)
Mining	N	N	L(11)	L(11)	L(11)
Water Impoundment	N	N	N,L(12)	L(12)	L(12)
Wetland Mitigation	N	N	L(13)	L(13)	L(13)

Key to Table:

P = Use is Permitted.

L = Use is Allowed Under Limited Circumstances (see notes).

N = Use is Not Allowed.

Numbers in parentheses refer to notes on next page.

Notes for Table 1:

1. No structures shall be allowed within the Runway Protection Zone. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration.
2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ.
3. Farming practices that minimize wildlife attractants are encouraged.
4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist.
5. In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation.
6. Public assembly facilities are prohibited within the RPZ.
7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of DCC 18.80, tee markers, tee signs, pin cups and pins are not considered to be structures.
8. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway.
9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high-density uses should not be permitted within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist.
10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre.
11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of DCC 18.80 regulating water impoundments.
12. See DCC 18.80.072 regulating water impoundments.
13. See requirements in DCC 18.80.074.
14. Overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted.

15. Due to land availability constraints, limited wastewater treatment plants within the Secondary Impact Area are permitted on lands owned or managed by the Sunriver Resort or Sunriver utilities.
16. Organic composting facility is permitted.
17. Since Sunriver Resort owns and controls the Sunriver Airport, golf courses operated as part of the Sunriver Resort, Crosswater and their affiliates are exempted.

TABLE 2--Noise Compatibility*

Yearly Day-Night Average Sound Levels (DNL) in decibels

Land Uses	Below 65	65-70	70-75	75-80	80-85	Over 85
Residential						
Residential, other than mobile homes and transient lodgings	Y	N(1)	N(1)	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N(1)	N(1)	N(1)	N	N
Public Use						
Schools	Y	N(1)	N(1)	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y(2)	Y(3)	Y(4)	Y(4)
Parking	Y	Y	Y(2)	Y(3)	Y(4)	N
Commercial Use						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, Hardware and farm equipment	Y	Y	Y(2)	Y(3)	Y(4)	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y(2)	Y(3)	Y(4)	N
Communication	Y	Y	25	30	N	N
Manufacturing and Production						
Manufacturing general	Y	Y	Y(2)	Y(3)	Y(4)	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y(6)	Y(7)	Y(8)	Y(8)	Y(8)
Livestock farming and breeding	Y	Y(6)	Y(7)	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational						
Outdoor sports arenas and spectator sports	Y	Y(5)	Y(5)	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts and camps	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Numbers in parentheses refer to notes.

*The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses.

Key to Table:

SLUCM = Standard Land Use Coding Manual.

Y (Yes) = Land Use and related structures compatible without restrictions.

N (No) = Land Use and related structures are not compatible and should be prohibited.

NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.

25, 30, or 35 = Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

Notes for Table 2:

1. Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
2. Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
3. Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low.
4. Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low.
5. Land use compatible provided special sound reinforcement systems are installed.
6. Residential buildings require an NLR of 25.
7. Residential buildings require an NLR of 30.
8. Residential buildings not permitted.

Declaration of Anticipated Noise

As a condition of the grant of development approval pursuant to DCC 18.80, the undersigned, hereinafter referred to as Grantees (whether singular or plural), hereby covenant and agree that they shall not, by reason of their ownership or occupation of the following described real property, protest or bring suit or action against the _____ Airport or Deschutes County, for aviation-related noise, including property damage or personal injury from said noise connected when such activities conform to:

- 1. Airport activities lawfully conducted in connection with a pre-existing airport, as that term is defined in DCC 18.80.022(B), at the described airport; or
- 2. Airport activities that might be lawfully conducted in the future at the described airport under County or State permits or exemptions.

The real property of Grantees subject to this covenant and agreement is situated in Deschutes County, State of Oregon, and described as Tax Lot _____ of Township _____ Range _____ E.W.M., Section _____, and further described as _____.

Grantor(s) acknowledge that by virtue of such grant he/they have no remaining rights to complain or protest about the protected activities described above.

This Declaration of Anticipated Noise runs with the land and is binding upon the heirs, successors and assigns of the undersigned’s interest in the described real property or any persons acquiring through he undersigned an interest in the described real property.

Deschutes County requires the execution of this covenant and agreement by the Grantees as a pre-requisite to Deschutes County approving a partition, subdivision, or issuing a building permit for Grantees development on the above described real property, which real property is located within the noise impact boundary of the _____ Airport. This agreement is executed for the protection and benefit of the _____ Airport and Deschutes County interest in said airport and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport.

STATE OF OREGON, Deschutes County: ss
Grantor(s)

On this _____ day of _____, 2____, the undersigned, a notary Public in and for said County and State, personally appeared the within named _____, and _____ who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public for: _____
My Commission Expires: _____

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.**

18.84.010. Purpose.

The purposes of the Land Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers or streams.

(Ord. 92-034 §2, 1992)

18.84.020. Application of Provisions.

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas within the boundaries of a State scenic waterway or Federal wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the centerline of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.020 shall not unduly restrict accepted agricultural practices.

(Ord. 92-034 §2, 1992)

18.84.030. Uses Permitted Outright.

Uses permitted in the underlying zone with which the LM Zone is combined shall be permitted in the LM Zone, subject to the provisions in DCC 18.84.

(Ord. 92-034 §2, 1992)

18.84.040. Uses Permitted Conditionally.

Uses permitted conditionally in the underlying zone with which the LM Zone is combined shall be permitted as conditional uses in the LM Zone, subject to the provisions in DCC 18.84.

(Ord. 92-034 §2, 1992)

18.84.050. Use Limitations.

- A. Any new structure or substantial alteration of a structure requiring a building permit, or an agricultural structure, within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 prior to

construction. As used in DCC 18.84 substantial alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.

- B. Structures which are not visible from the designated roadway, river or stream and which are assured of remaining not visible because of vegetation, topography or existing development are exempt from the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks). An applicant for site plan review in the LM Zone shall conform with the provisions of DCC 18.84, or may submit evidence that the proposed structure will not be visible from the designated road, river or stream. Structures not visible from the designated road, river or stream must meet setback standards of the underlying zone.

(Ord. 2003-034 §1, 2003; Ord. 92-034 §2, 1992; Ord. 91-020 §1, 1991)

18.84.060. Dimensional Standards.

In an LM Zone, the minimum lot size shall be as established in the underlying zone with which the LM Zone is combined.

(Ord. 92-034 §2, 1992; Ord. 91-020 §1, 1991)

18.84.070. Application.

An application for site plan approval for development in the LM Zone shall be submitted to the Planning Division. The site plan application shall include the following:

- A. A plot plan, drawn to scale, showing:
 - 1. Location and dimensions of existing and proposed structures.
 - 2. Setbacks from lot lines (and river and rimrock, if present).
 - 3. Existing and proposed access.
 - 4. Existing and proposed exterior lighting.
- B. A drawing of the proposed structure elevations showing:
 - 1. Exterior appearance.
 - 2. Height, dimensions.
 - 3. Siding and roofing material and color.
 - 4. Location and size of windows, including skylights.
- C. A landscape plan drawn to scale, showing:
 - 1. Location, size and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river or stream. Where a significant amount of vegetation exists, a landscape plan may be accepted which generalizes and explains how the existing trees and shrubs provide screening.
 - 2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river or stream.
- D. A minimum of two colored photographs taken from documented locations, orientated between the protected resource (river, stream or road) and the proposed development, showing the extent of existing vegetation or other screening.

(Ord. 2003-034 §1, 2003; Ord. 93-043 §12, 1993; Ord. 92-034 §2, 1992)

18.84.080. Design Review Standards.

The following standards will be used to evaluate the proposed site plan:

- A. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.

- B. It is recommended that new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
- C. No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be nonreflective and of a color which blends with the surrounding vegetation and landscape. This subsection shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18.84.090(E), all structures shall be sited to take advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the designated road, river or stream. When more than one nonagricultural structure is to exist and no vegetation, trees or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
- E. Structures shall not exceed 30 feet in height measured from the natural grade on the side(s) facing the road, river or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flagpoles or other projections from the roof of the structure. DCC 18.84.080 shall not apply to agricultural structures located at least 50 feet from a rimrock.
- F. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the designated road, river or stream.
- H. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points or views of mountains, forests and other open and scenic areas as seen from the designated landscape management road, river or stream. Use of native species shall be encouraged.
- I. No signs or other forms of outdoor advertising that are visible from a designated landscape management river or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

(Ord. 97-068 §1, 1997; Ord. 93-043 §§12A and 12B 1993; Ord. 92-034 §2, 1992; Ord. 91-020 §1, 1991)

18.84.085. Imposition of Conditions.

The standards of DCC 18.84 may be met by the imposition of conditions drawn to ensure that the standards will be met.

(Ord. 92-034 §2, 1992)

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
 - 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)

18.84.095. Scenic Waterways.

Approval of all structures in a State Scenic Waterway shall be conditional upon receipt of approval of the Oregon Department of Parks and Recreation.

(Ord. 2000-033 §4, 2000)

18.84.100. (Repealed by Ord. 98-066, 1998)

Chapter 18.88. WILDLIFE AREA COMBINING ZONE - WA

18.88.010. Purpose.

18.88.020. Application of Provisions.

18.88.030. Uses Permitted Outright.

18.88.040. Uses Permitted Conditionally.

18.88.050. Dimensional Standards.

18.88.060. Siting Standards.

18.88.070. Fence Standards.

18.88.010. Purpose.

The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

(Ord. 93-043 §§13 and 13A, 1993)

18.88.020. Application of Provisions.

The provisions of DCC 18.88 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. Unincorporated communities are exempt from the provisions of DCC 18.88.

(Ord. 2004-013 §9, 2004; Ord. 96-003 §6, 1996; Ord. 92-042 §1, 1992)

18.88.030. Uses Permitted Outright.

In a zone with which the WA Zone is combined, the uses permitted outright shall be those permitted outright by the underlying zone.

(Ord. 92-042 §1, 1992; Ord. 91-020 §1, 1991)

18.88.040. Uses Permitted Conditionally.

A. Except as provided in DCC 18.88.040(B), in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this title.

B. The following uses are not permitted in that portion of the WA Zone designated as deer winter ranges, significant elk habitat or antelope range:

1. Golf course, not included in a destination resort;
2. Commercial dog kennel;
3. Church;
4. Public or private school;
5. Bed and breakfast inn;
6. Dude ranch;
7. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
8. Timeshare unit;
9. Veterinary clinic;
10. Fishing lodge.

C. Subject to DCC 18.88.040(E), the following uses are permitted in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as conditional uses:

1. Church;
 2. Public or private school;
 3. Bed and breakfast inn;
 4. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
- D. Subject to DCC 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as “Deer Migration Priority Area” on the 1999 ODFW map submitted to the South County Regional Problem Solving Group.
- E. Use limitations. The uses listed in DCC 18.88.040(C) are subject to the applicable provisions of DCC 18.116 and 18.124 and the following criteria:
1. The parcel shall be zoned RR-10;
 2. The parcel shall be located within one-quarter mile of a rural service center and be located adjacent to a rural collector or a rural arterial identified on the Deschutes County Transportation Plan;
 3. The parcel shall be no less than one acre and no more than five acres in size;
 4. The parcel shall be farther than 100 feet from identified wetlands, floodplains or riparian areas.
 5. The property shall be outside areas designated as “Existing High Use Migration Areas” or “Important Connective Areas Through Existing Developed Areas” on the 1997 ODFW map submitted to the South County Regional Problem Solving Group.
 6. Fences developed as part of the conditional uses listed in DCC 18.88.040(C) shall be built from posts and poles or smooth wire and shall have a minimum bottom pole or wire height of 18 inches from the ground and a maximum top pole or wire height of 40 inches from the ground. Fences exempted from these standards shall be constructed in accordance with the provisions of DCC 18.88.070(B).
- F. Expansion of any use listed in DCC 18.88.040(B) that was lawfully established prior to August 5, 1992, is allowed, subject to provisions of DCC Title 18 applicable to the establishment of such uses. Expansion of golf courses under DCC 18.88.040 shall be limited to a final size of 18 holes. (Ord. 2001-19 §1, 2001; Ord. 98-013 §1, 1998; Ord. 95-075 §1, 1995; Ord. 95-001 §3, 1995; Ord. 92-042 §1, 1992)

18.88.050. Dimensional Standards.

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina and Grizzly deer winter ranges designated in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 40 acres except as provided in DCC 18.88.050(D).
- B. In areas designated as significant elk habitat in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 160 acres.
- C. In areas designated as antelope range in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 320 acres.
- D. Residential land divisions, including partitions, in deer winter range where the underlying zone is RR-10 or MUA-10, shall not be permitted except as a planned development or cluster development conforming to the following standards:
 1. The minimum area for a planned or cluster development shall be at least 40 acres.
 2. The planned or cluster development shall retain a minimum of 80 percent open space and conform with the provisions of DCC 18.128.200 or 210.
 3. Notwithstanding the provisions of DCC 18.128.200 or 210, or DCC 18.60.060(C), the total number of residences in a cluster development may not exceed the density permitted in the underlying zone.

- E. Residential land divisions, including partitions, in the Bend/La Pine Deer Migration Corridor where the underlying zone is RR-10 shall not be permitted except as a cluster development conforming to the following standards:
1. The minimum area for a cluster development shall be at least 20 acres.
 2. The cluster development shall retain a minimum of 80 percent open space and conform with the provisions of DCC 18.128.200 or 210.
 3. Notwithstanding the provisions of DCC 18.128.200, or DCC 18.60.060(C), the total number of residences in the cluster development may not exceed the density permitted in the underlying zone.
- (Ord. 95-075 §1, 1995; Ord. 92-042 §1, 1992)

18.88.060. Siting Standards.

- A. Setbacks shall be those described in the underlying zone with which the WA Zone is combined.
- B. The footprint, including decks and porches, for new dwellings shall be located entirely within 300 feet of public roads, private roads or recorded easements for vehicular access existing as of August 5, 1992 unless it can be found that:
1. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,
 2. The siting within 300 feet of such roads or easements for vehicular access would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water and migration corridors, and minimizing length of new access roads and driveways; or,
 3. The dwelling is set back no more than 50 feet from the edge of a driveway that existed as of August 5, 1992.
- C. For purposes of DCC 18.88.060(B):
1. A private road, easement for vehicular access or driveway will conclusively be regarded as having existed prior to August 5, 1992 if the applicant submits any of the following:
 - a. A copy of an easement recorded with the County Clerk prior to August 5, 1992 establishing a right of ingress and egress for vehicular use;
 - b. An aerial photograph with proof that it was taken prior to August 5, 1992 on which the road, easement or driveway allowing vehicular access is visible;
 - c. A map published prior to August 5, 1992 or assessor's map from prior to August 5, 1992 showing the road (but not showing a mere trail or footpath).
 2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access or driveway as of August 5, 1992 which evidence need not be regarded as conclusive.

(Ord. 95-001 §3, 1995; Ord. 92-042 §1, 1992)

18.88.070. Fence Standards.

The following fencing provisions shall apply as a condition of approval for any new fences constructed as a part of development of a property in conjunction with a conditional use permit or site plan review.

- A. New fences in the Wildlife Area Combining Zone shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provides equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:
1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.
 2. The height of the fence shall not exceed 48 inches above ground level.
 3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.

B. Exemptions:

1. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.
2. Corrals used for working livestock.

(Ord. 92-042 §1, 1992)

Chapter 18.90. SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE - SBMH

18.90.010. Purpose.

18.90.020. Definition of Sensitive Habitat Area.

18.90.030. Limitations and Uses Permitted.

18.90.040. Applicability.

18.90.050. Site Plan Review Requirement.

18.90.060. Site Plan Review Criteria.

18.90.010. Purpose.

The purpose of the Sensitive Bird and Mammal Combining Zone is to insure that sensitive habitat areas identified in the County's Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, sage grouse, and the Townsend's big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental and energy analysis (ESEE) for each inventoried sensitive habitat area.

(Ord. 94-005 §1, 1994; Ord. 92-042 §2, 1992)

18.90.020. Definition of Sensitive Habitat Area.

A. The sensitive habitat area is the area identified in the Deschutes County Comprehensive Plan Resource Element inventory and site specific ESEE for each sensitive bird or mammal site. The sensitive habitat area to be protected by the provisions of DCC 18.90 is defined as the area:

1. Within a radius of 1,320 feet of a golden eagle, bald eagle, prairie falcon nest, sage grouse lek, or a Townsend's big-eared bat hibernating or nursery site.
2. Within a radius of 300 feet of a great blue heron rookery or osprey nest.
3. Within a radius of 900 feet of a great grey owl nest site.

B. Inventoried sensitive bird or mammal sites located on federal land are not subject to the provisions of DCC 18.90 unless the sensitive habitat area identified in DCC 18.90.020(A)(1) extends onto nonfederal land.

(Ord. 94-005 §1, 1994; Ord. 93-043 §14, 1993; Ord. 92-042 §2, 1992)

18.90.030. Limitations and Uses Permitted.

A. Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Sensitive Bird and Mammal Combining Zone subject to the additional procedure and requirements of DCC 18.90.040 and the provisions of the ESEE decision. The Sensitive Bird and Mammal Habitat Combining Zone does not regulate or prohibit forest practices subject to ORS 527.610 to 527.770 and the rules adopted pursuant thereto; or to farm practices as defined by ORS 30.930(2).

B. When there is a conflict between the site specific ESEE analysis and the provisions of DCC Title 18, the site-specific ESEE analysis shall control.

(Ord. 94-005 §1, 1994; Ord. 92-042 §2, 1992)

18.90.040. Applicability.

Review under DCC 18.90 shall be triggered by the following proposals occurring within a sensitive habitat area, as defined in DCC 18.90.020:

A. An application for a building permit for a new structure or addition to an existing structure;

- B. Land divisions creating new lots or parcels within the sensitive habitat area;
- C. An application for a conditional use permit; or
- D. An application for site plan approval.

(Ord. 94-005 §1, 1994; Ord. 92-042 §2, 1992)

18.90.050. Site Plan Review Requirement.

- A. For those proposals identified in DCC 18.90.040 to be sited within an inventoried sensitive habitat area, as defined under DCC 18.90.020, a site plan shall be prepared in accordance with the requirements of DCC 18.90.050. The site plan shall be approved prior to issuance of a building permit, land division, conditional use permit or site plan identified in DCC 18.90.040.
- B. The site plan application shall provide the following information:
 - 1. A plot plan showing the location of all development including existing and proposed roads, driveways and structures.
 - 2. Description of operating characteristics of the proposed use including times when activity within the sensitive habitat area would generate noise, dust, vibration, lights, traffic or be visible from the nest, lek, rookery or hibernation site.
 - 3. Timing of construction activities including grading or filling land, hauling materials and building.
 - 4. Description of existing vegetation and vegetation to be removed for the proposed development.
- C. The County shall submit a copy of the site plan to the Oregon Department of Fish and Wildlife for comment. ODFW shall have 20 days from the date the site plan is mailed to submit written comments to the County.
- D. Based upon the record, and evaluation of the proposal based on the criteria in DCC 18.90.060, and conformance with the ESEE analysis for the site contained in the Resource Element of the Comprehensive Plan, the County shall approve or reject the site plan. In lieu of rejection of the site plan, the County may allow the applicant to revise the site plan if the applicant has not met the standards for approval. Applicant shall waive the 120-day time limit if it chooses to revise the site plan.
- E. Approval of a site plan under DCC 18.90.050 shall be conditioned upon applicant's implementation of the plan.

(Ord. 95-075 §1, 1995; Ord. 94-005 §1, 1994; Ord. 93-043 §14B, 1993; Ord. 92-042 §2, 1992)

18.90.060. Site Plan Review Criteria.

Approval of site plan shall be based on the following criteria:

- A. The site plan shall consider the biology of the identified sensitive species, nesting trees, critical nesting periods, roosting sites and buffer areas. Based on the biology of the species and the characteristics of the site, the site plan shall provide protection that will prevent destruction of the subject nesting site, lek, hibernation site or rookery and will, to a reasonable certainty, avoid causing the site to be abandoned.
- B. Development activities, including grading and fill, mining, construction, or activities generating noise or dust within the sensitive habitat area shall be prohibited during the nesting, strutting or hibernation season identified in the site specific ESEE analysis and decision for each habitat site. An exception to this standard may be made if the Oregon Department of Fish and Wildlife determines in writing that the nest, lek or rookery is not active and will not become active during the proposed construction period or if the sensitive birds have fledged. Construction activities within an enclosed structure may be conducted during the nesting, strutting or hibernation season. Construction activities necessary to repair an existing septic system or to replace or repair a structure destroyed or damaged by fire or other natural causes may be conducted during the nesting, strutting or hibernation season.
- C. New roads, driveways or public trails shall be located at the greatest distance possible from the nest, lek, rookery or hibernation site unless topographic or vegetation or structural features will provide greater visual and/or noise buffer from the nest, lek, rookery or hibernation site.

- D. Existing vegetation or other landscape features which are located on the subject property and which obscure the view of the nest, rookery, lek or hibernation site from the proposed development, shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
- E. No partitions or subdivisions shall be permitted which would force location of a dwelling or other structure, not otherwise permitted by the site specific ESEE, within the designated sensitive habitat area.
- F. All exterior lighting, including security lighting shall be sited and shielded so that the light is directed downward and does not shine on the subject nest, rookery, lek or hibernation site.
- G. The site plan shall conform with the requirements of the ESEE decision for the subject sensitive bird or mammal site contained in the Resource Element of the Deschutes County Comprehensive plan.
(Ord. 94-005 §1, 1994)

(Zoning Map amended by Ord. 94-021 §1, 1994)

Chapter 18.92. CONVENTIONAL HOUSING COMBINING ZONE - CH

18.92.010. Purpose.

18.92.020. Permitted Uses.

18.92.030. Use Limitations.

18.92.010. Purpose.

To provide a variety of residential environments in rural areas by maintaining areas reserved for conventional and modular housing permanently attached to real property.

(Ord. 91-020 §1, 1991)

18.92.020. Permitted Uses.

All outright and conditional uses allowed in the underlying zone except that in no case shall a housing type be allowed that is other than conventional or modular housing permanently attached to real property.

(Ord. 91-020 §1, 1991)

18.92.030. Use Limitations.

All use and dimensional conditions contained in the underlying zones shall apply to the CH Zone.

(Ord. 91-020 §1, 1991)

Chapter 18.96. FLOOD PLAIN ZONE - FP

- 18.96.010. Purposes.**
- 18.96.020. Designated Areas.**
- 18.96.030. Uses Permitted Outright.**
- 18.96.040. Conditional Uses Permitted.**
- 18.96.050. Prohibited Uses.**
- 18.96.060. Limitations on Conditional Uses.**
- 18.96.070. Application for Conditional Use.**
- 18.96.080. Criteria to Evaluate Conditional Uses.**
- 18.96.085. Elevation Certification.**
- 18.96.090. Yard and Setback Requirements.**
- 18.96.100. Stream Setback.**
- 18.96.110. Dimensional Standards.**
- 18.96.120. Warning and Disclaimer of Liability.**
- 18.96.130 Interpretation of FIRM Boundaries**
- 18.96.140 Use Variances.**

18.96.010. Purposes.

The purposes of the Flood Plain Zone are: To implement the Comprehensive Plan Flooding Section; to protect the public from the hazards associated with flood plains; to conserve important riparian areas along rivers and streams for the maintenance of the fish and wildlife resources; and to preserve significant scenic and natural resources while balancing the public interests with those of individual property owners in the designated areas.

(Ord. 88-030 §4, 1988)

18.96.20. Designated Areas.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas" revised September 28, 2007, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and incorporated herein by this reference. The Flood Insurance Study is on file at the Deschutes County Community Development Department.

The Flood Plain Zone shall include all areas designated as "Special Flood Hazard Areas" by the Flood Insurance Study for Deschutes County. When base flood elevation data has not been provided in the Flood Insurance Study, the Planning Director will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other sources, in determining the location of a flood plain or floodway.

(Ord 2007-019 §2, 2007; Ord. 2000-033 §5, 2000; Ord. 88-030 §4, 1988)

18.96.030. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright

- A. Agricultural use conducted without establishing or utilizing a structure. For purposes of DCC 18.96.030(A), a "structure" does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood-carried material.
- B. Management, propagation and harvesting of a forest product.
- C. Open space.
- D. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.

- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 that do not involve Floodplain development.
- F. Class III road or street project that does not constitute Floodplain development as defined in DCC 18.04.030.
- G. Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not adverse effect on flood waters.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Recreational vehicles provided they meet the standards and criteria established by DCC 18.116.095. (Ord. 2007-019 §2, 2007; Ord. 93-043 §15, 1993; Ord. 91-020 §1, 1991; Ord. 88-030 §4, 1988)

18.96.040. Conditional Uses Permitted.

The following uses and their accessory uses may be allowed subject to applicable sections of this title:

- A. A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood subject to DCC 18.128.
- B. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.
- C. Single-family dwelling, or a manufactured home subject to DCC 18.116.070, on an individual lot. In addition to the other requirements of DCC 18.96, single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Agriculture" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.16.030(A), (B), (D) or (E) and subject to the applicable provisions of DCC 18.16 governing those uses. In addition to the other requirements of DCC 18.96, single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Forest" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.36.030(Y), 18.40.030(X) or 18.40.030(Y) and subject to the applicable provision of DCC 18.36 and 18.40 governing those uses.
- D. Agricultural accessory buildings.
- E. Hydroelectric facilities subject to DCC 18.116.130 and 18.128.260.
- F. 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. Excavation, grading and fill within any area of special flood hazard identified in DCC 18.96.020.
- G. Recreational uses requiring only structures having an insignificant effect on flood waters outside the Floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves and hunting or fishing areas subject to DCC 18.128, except in areas designated "Forest" or "Agriculture" on the Comprehensive Plan Map.
- H. Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of DCC Title 18 and DCC Title 17, the Subdivision/Partition Ordinance.
- I. All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building.
- J. A boat dock or pier, either individual or community, on private property which lies in the following areas:
 1. On the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area;
 2. On the Deschutes River between river miles 217.5 and 216.5. This area is identified in the Scenic Waterway Management Plan as the Pringle Falls River Community Area; and

3. On the Deschutes River between river miles 207 and 192. This area is identified in the Scenic Waterway Management Plan as River Community Areas and Recreational River Area respectively.
- K. Those recreational uses described in DCC 18.36.030, "F-1 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-1.
- L. Those recreational uses described in DCC 18.40.030, "F-2 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-2.
- M. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- N. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
(Ord. 2007-019 §2, 2007; Ord. 2001-039 §11, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 96-032 §1, 1996; Ord. 95-075 §1, 1995; Ord. 95-022 §1, 1995; Ord. 93-045 §1, 1993; Ord. 93-002 §4, 1993; Ord. 91-038 §1, 1991; Ord. 91-005 §37, 1991; Ord. 89-009 §4, 1989; Ord. 88-030 §4, 1988)

18.96.050. Prohibited Uses.

Marinas, boat slips and boat houses on private property.
(Ord. 89-009 § 5, 1989)

18.96.060. Limitations on Conditional Uses.

The following limitations shall apply to all uses allowed by DCC 18.96.040:

- A. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be allowed in the floodway of any river or stream except for replacement in conformance with the applicable provisions of DCC 18.96 of a dwelling lawfully in existence as of the effective date of Ordinance 88-030.
- B. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be located in the flood plain unless it can be demonstrated by the applicant that no alternative exists on the subject property which would allow the structure to be placed outside of the flood plain.
- C. No subdivision or partition shall be allowed which creates the potential for additional residential dwellings in the flood plain.
- D. All necessary federal, state and local government agency permits shall be obtained.
(Ord. 2007-019 §2, 2007; Ord. 95-022 §1, 1995; Ord. 93-002 §5, 1993; Ord. 91-020 §1, 1991; Ord. 88-030 §4, 1988)

18.96.070. Application for Conditional Use.

All records of any application for a conditional use permit and all certification of elevations shall be maintained in the records of the Community Development Department for public inspection. An application for a conditional use permit in the Flood Plain Zone shall, at a minimum, contain the following information:

- A. A detailed explanation of why it is necessary to conduct the proposed use in the Flood Plain Zone. Where base flood elevation data is not available from the Flood Insurance Study or from another authoritative source, it shall be generated and submitted with the application for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- B. A site plan, drawn to scale and accompanied by drawings, sketches and descriptions which describe and illustrate the proposed use. This site plan shall include, at a minimum, existing and proposed site

contours in relation to the base flood elevation, existing and proposed structures, drainage facilities, and an explanation of how erosion will be dealt with during and after construction of the use.

- C. The location of the property relative to the channel of the river or stream.
- D. The location of existing and proposed diking or abutments, if any.
- E. The elevation of the lowest habitable floor and of any basement floor for any dwelling unit or structure.
- F. The elevation to which the structure is to be floodproofed, if applicable.
- G. Elevations on the site plan shall be established by a licensed surveyor or engineer, and shall be in relation to mean sea level.
- H. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria established by the Federal Emergency Management Agency and the applicable standards in DCC 18.96.
- I. All other elements or information which will assist in the evaluation of the proposed development and conformance with the applicable criteria.

(Ord. 95-022 §1, 1995; Ord. 93-043 §15A, 1993; Ord. 91-020 §1, 1991; Ord. 88-030 §4, 1988)

18.96.080. Criteria to Evaluate Conditional Uses.

- A. A conditional use permit in a Flood Plain Zone shall not be approved unless all standards established by the Federal Emergency Management Agency and DCC Title 18 are addressed and findings are made by the Hearings Body or Planning Director that each of the standards and criteria are satisfied.
- B. Approval to alter or relocate a water course shall require notification to adjacent communities, the Department of Land Conservation and Development and Department of State Lands, prior to any such alteration or relocation and submit evidence to the Federal Insurance Administration. Maintenance shall be provided within the altered and relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- C. A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.
- D. All structures in the flood plain shall meet the following standards.
 - 1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - 2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Below-grade crawlspace is allowed subject to the standards in FEMA Technical Bulletin 11-01.
- E. Subdivision and Partition Proposals.
1. All subdivision and partition proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision and partition proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 3. All subdivision and partition proposals shall have adequate drainage provided to reduce exposure to flood damage.
- F. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.)
- G. Specific Standards. In the Flood Plain Zone, the following requirements must be met:
1. Residential Construction.
 - a. New construction, including replacement, and substantial improvement of any residential structure shall have the lowest floor of the entire structure, including basement, elevated at least one foot above base flood elevation.
 - b. Fully enclosed areas below the lower floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must satisfy the standards in FEMA Technical Bulletin 11-01 and must either be certified by a registered professional engineer or architect and ~~or~~ must meet or exceed the following criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are subject to accepted standards of practice for meeting provisions of DCC 18.96.080, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County as set forth in DCC 18.96.070(H).
 - d. Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the lowest floor as described in DCC 18.96.080(F).
 - e. Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the flood level will be rated as one foot below that level).
 3. Manufactured Homes. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation. Such manufactured homes shall be securely anchored to an adequately anchored foundation system subject to the provisions of DCC 18.96.080(C)(1).
 4. Docks, Piers and Walkways.

- a. No individual boat dock or pier shall be allowed on any lot with less than 200 feet of river frontage.
 - b. No community boat dock or pier shall be allowed on any lot with less than 100 feet of river frontage.
 - c. No individual boat dock or pier shall be more than 20 feet in length or more than eight feet in width. The total surface area shall not exceed 160 square feet.
 - d. No community boat dock or pier shall be more than 20 feet in length. The total surface area shall not exceed 320 square feet.
 - e. A boat dock or pier shall not extend into or over the water more than 20 feet as measured from the ordinary high water mark (OHM), or five percent of the distance between the ordinary low water mark (OLM) on each river or stream bank measured at right angles to the shoreline, whichever is less, unless it can be shown that a greater extension:
 - i. Is necessary to allow access to the OHM;
 - ii. Will not increase flood hazard; and
 - iii. Will not cause the deterioration or destruction of marine life or wildlife habitat. When the lines of ordinary high or low water cannot be determined by survey or inspection, then such lines shall be determined by a registered professional engineer using the annual mean high or low water for the preceding year, using data from the State of Oregon Watermaster.
 - f. Individual boat docks and piers shall have a minimum five foot setback from adjoining property boundaries projected over the water surface.
 - g. Dock, pier and walkway structures shall not be covered or enclosed.
 - h. All materials used in dock, pier or walkway construction must be in compliance with all DEQ and EPA regulations.
 - i. Docks, piers and walkways shall use either pilings or Styrofoam floats if such floats are fully enclosed and sealed.
 - j. Docks, piers and walkways shall not impede water movement or cause deposition on waterway beds.
 - k. Docks, piers and walkways containing concrete or wood preservatives shall be fully cured or dried prior to placement in the water.
 - l. No walkway shall be more than four feet in width. The length of the walkway shall be no more than the minimum required to allow access to a dock.
 - m. Walkways shall include at least one handrail if the structure is elevated 30 inches or more from ground level.
 - n. All docks, piers and walkways shall meet the test of noninterference with navigation.
5. Parking Facilities. No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM).
- H. Floodways. In floodways the following provisions shall apply:
1. Encroachments, including fill and removal, replacement of a dwelling lawfully in existence on the effective date of Ordinance 88-030 and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that the proposed encroachments will not result in any increase in flood levels during a base flood discharge.
 2. The applicant must demonstrate that all necessary federal, state and local government agency permits have been or can be obtained and that all other applicable sections of DCC Title 18 have been satisfied.
 3. Replacement of a dwelling shall not increase the square footage or footprint of the structure by more than 20 percent of the square footage or footprint of such dwelling as of the effective date of Ordinance 88-030.
 4. No replacement of a dwelling shall be allowed if the use of the preexisting dwelling has been abandoned or otherwise terminated for a period of over one year.

(Ord. 2007-019 §2, 2007; Ord. 2000-033 §6, 2000; Ord. 95-075 §1, 1995; Ord. 95-022 §1, 1995; Ord. 93-043 §15B, 1993; Ord. 93-002 §§6-8, and 9, 1993; Ord. 91-020 §1, 1991; Ord. 89-009 §7, 1989; Ord. 88-030 §4, 1988)

18.96.085. Elevation Certification.

Elevation of all new construction, including replacement and substantial improvements, relative to mean sea level of the lowest floor shall be documented before the framing inspection with a survey certified by a State of Oregon registered professional engineer or land surveyor.

(Ord. 95-022 §1, 1995; Ord. 93-002 §10, 1993)

18.96.090. Yard and Setback Requirements.

In an FP Zone, the following yard and setback requirements shall be maintained:

- A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street, 30 feet from a property line fronting on a collector and 50 feet from an arterial.
- B. There shall be a minimum side yard of 10 feet for all uses.
- C. The minimum rear yard shall be 20 feet.
- D. The setback from a north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. The minimum yard setback for a nonfarm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.
- F. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 95-075 §1, 1995; Ord. 94-008 §25, 1994; Ord. 88-030 §4, 1988)

18.96.100. Stream Setback.

To permit better light, air, vision, stream and pollution control, to protect fish and wildlife areas and to preserve the natural scenic amenities along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the County Sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles from the ordinary high water mark.

(Ord. 91-020 § 1, 1991; Ord. 88-030 § 4, 1988)

18.96.110. Dimensional Standards.

In an FP Zone, the following dimensional standards shall apply:

- A. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.
- B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- C. Minimum lot size shall be 10 acres for all areas which have received an exception to the Statewide Planning Goals for resource uses. Areas which have not received an exception to the Statewide Planning Goals shall have a minimum lot size of 80 acres.

(Ord. 92-055 § 8, 1992)

18.96.120. Warning and Disclaimer of Liability.

The degree of flood protection required by DCC Title 18 is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. DCC Title 18 shall not create liability on the part of Deschutes County, any officer, agent or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on DCC Title 18 or any decision lawfully made hereunder.

(Ord. 88-030 § 4, 1988)

**18.96.130 Interpretation of FIRM
Boundaries**

The Planning Director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Such interpretations shall be processed as a development action pursuant to Chapter 22.16.

(Ord. 2007-019 §2, 2007)

18.96.140. Use Variances.

Use variances or variances to the standards established by DCC 18.96.060 and 18.96.080 shall not be allowed.

(Ord. 2007-019 §2, 2007; Ord. 88-030 §4, 1988)

Chapter 18.100. RURAL INDUSTRIAL ZONE - R-I

18.100.010. Uses Permitted Outright.

18.100.020. Conditional Uses.

18.100.030. Use Limitations.

18.100.040. Dimensional Standards.

18.100.050. Off-street Parking and Loading.

18.100.060. Site Design.

18.100.070. Additional Requirements.

18.100.080. Solar Setback.

18.100.010. Uses Permitted Outright.

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision or a residential zone.

- A. Farming or forest use.
- B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
 - 1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
 - 2. Ornamental horticultural products and nurseries.
 - 3. Softwood and hardwood products excluding pulp and paper manufacturing.
 - 4. Sand, gravel, clay and other mineral products.
- C. Residence for caretaker or night watchman on property.
- D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
- E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
- F. Ice or cold storage plant.
- G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- I. Kennel or a Veterinary clinic.
- J. Lumber manufacturing and wood processing except pulp and paper manufacturing.
- K. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- L. Class III road or street project.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §16, 1993; Ord. 91-038 §1, 1991)

18.100.020. Conditional Uses.

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.

- D. Petroleum products storage and distribution.
 - E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
 - F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
 - G. Railroad trackage and related facilities.
 - H. Pulp and paper manufacturing.
 - I. Any use permitted by DCC 18.100.020010, which is expected to exceed the following standards:
 - 1. Lot coverage in excess of 70 percent.
 - 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
 - J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
 - K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
 - L. Public Landfill Transfer Station, including recycling and other related activities.
 - M. Mini-storage facility.
 - N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - P. Utility facility.
 - Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
 - R. Electrical substations.
- (Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §38, 1990; Ord. 86-018 §15, 1986)

18.100.030. Use Limitations.

In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:

- A. Properties subject to a limited use combining zone shall be limited to those uses and conditions specified in the limited use combining zone.
- B. No use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across a street from a residential dwelling, a lot in a platted subdivision or a residential zone.
- C. No use shall be permitted that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector or other improved street or road designed to serve the industrial use which does not pass through or adjacent to residential lots in a platted subdivision or a residential zone.
- D. Any use on a lot adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
- E. All parking demand created by any use permitted by DCC 18.100.020 010 or 030 020 shall be accommodated on the applicant's premises entirely off-street.
- F. No use permitted by DCC 18.100.020 010 or 030 020 shall require the backing of traffic onto a public or private street or road right of way.

- G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.020 010 or 030 020 per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- H. All uses permitted by DCC 18.100.020 or 030 shall be screened from adjoining residential uses by a sight-obscuring fence.
- I. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone except as is consistent with DCC 8.08.
- J. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential use or lot.
- K. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
- L. Residential and industrial uses shall be served by on-site wells or public water systems.
(Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

18.100.040. Dimensional Standards.

In an R-I Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
- B. No conditional use permitted by DCC 18.100.030 that is located within 600 feet of a residential use, lot in a platted subdivision or a residential zone shall exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
- C. The minimum setback between a structure and a street or road shall be 50 feet.
- D. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.
- E. The minimum rear or side yard setback shall be 25 feet unless a greater setback is required by DCC 18.100.050 C or D.
- F. The maximum building height for any structure shall be 30 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.
- G. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- H. Maximum industrial use floor area.
 - 1. The maximum size of a building is 7,500 square feet of floor space. The maximum square footage in a building or buildings for a single allowable use, as defined in DCC 18.100.020 and 18.100.030, on an individual lot or parcel shall not exceed 7,500 square feet. There is no building size limit for uses that are for the primary processing of raw materials produced in rural areas.
 - 2. A lawfully established use that existed on or before 02/25/03 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use which ever is greater.

(Ord. 2002-126, §1, 2002; Ord. 95-075 §1, 1995; Ord. 94-008 §26, 1994; Ord. 91-020 §1, 1991)

18.100.050. Off-street Parking and Loading.

Off-street parking and loading shall be provided subject to the provisions of DCC 18.100.070 and DCC 18.116.

(Ord. 91-020 §1, 1991)

18.100.060. Site Design.

All uses except farm, forest and residential uses are subject to the provisions of DCC 18.124, Site Plan Review.

(Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

18.100.70. Additional Requirements.

As a condition of approval of any use proposed within an R-I Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities.
- C. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
- D. Additional landscaping, screening and other improvements.

(Ord. 91-020 §1, 1991)

18.100.080. Solar Setback.

The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

(Ord. 91-020 §1, 1991; Ord. 83-037 §20, 1983)

(Zoning Map amended by Ord. 95-016 §1, 1995; Ord. 94-011 §1, 1994)

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE - SUNRIVER

- 18.108.010. Purpose.**
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- 18.108.110. Business Park – BP District.**
- 18.108.120. Community General – CG District.**
- 18.108.130. Community Recreation – DR District.**
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- 18.108.160. Airport – A District.**
- 18.108.170. Utility – U District.**
- 18.108.180. Forest – F District.**
- 18.108.190. Flood Plain – FP Combining District.**

18.108.010. Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone - Sunriver is to provide standards and review procedures for the future development of the urban unincorporated community of Sunriver. The UUC Zone - Sunriver is composed of 16 separate zoning districts and one combining zone district, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.108. (Ord. 2007-019, §2, 2007; Ord. 97-078 §2, 1997)

18.108.020. Standards in All Districts.

- A. Approval Required. Any use in an RM, C, R, RA, RG, RE, RN, BP, CG, CR, CL, CN, A, U or F District shall be subject to DCC 18.124. All uses listed as conditional uses within the RS District are also subject to the requirements of DCC 18.124.
- B. Solar Setbacks. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180.
- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.
- F. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.
- G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08. (Ord. 2007-019 §2, 2007; Ord. 97-078 §2, 1997)

18.108.030. Single Family Residential - RS District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Single-family dwelling.
 - 2. Recreational path.
- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
 - 1. Park, playground and picnic and barbecue area.
 - 2. Fire station.
 - 3. Library.
 - 4. Museum.
 - 5. Health and fitness facility.
 - 6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
 - 7. Temporary subdivision sales office.
 - 8. Community building.
 - 9. Church.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.
 - 1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
 - 2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
 - 3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
 - 4. Front Yard. The front yard shall be a minimum of 20 feet.
 - 5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.
 - 6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.
 - 7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

(Ord. 2004-013 §11, 2004; Ord. 98-035 §2, 1998; Ord. 97-078 §2, 1997)

18.108.040. Multiple Family Residential - RM District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Two-family dwelling or duplex.
 - 2. Multiple-family dwellings, apartment houses and dwelling groups including townhouses and condominiums.
 - 3. Uses permitted outright in the RS District.
 - 4. Planned unit developments and redevelopment.
 - 5. Recreational path.

6. Residential home.
 7. Residential facility.
 8. Type 1 Home Occupation, subject to DCC 18.116.280.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.
1. Park, playground and picnic and barbecue area.
 2. Fire station.
 3. Library.
 4. Museum.
 5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
 6. Off-street parking lots when contiguous to a less restrictive zoning district.
 7. Community center.
 8. Church.
 9. Temporary sales office for on-site dwelling units.
 10. Interval ownership and/or time-share unit or the creation thereof.
 11. Health and fitness facility.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- D. Lot Requirements. The following lot requirements shall be observed:
1. Duplexes, three-plexes and four-plexes:
 - a. Lot Area. Every lot shall have a minimum area of 5,000 square feet for the first dwelling unit, plus the following minimum land area based upon the number of bedrooms per additional dwelling unit in the following table:

Studio or Efficiency	750 sq. ft.
1 Bedroom	1,000 sq. ft.
2 Bedrooms	1,500 sq. ft.
3 Bedrooms	2,250 sq. ft.
4 Bedrooms	2,500 sq. ft.

- The overall density shall not exceed eight dwelling units per acre.
- b. Lot Width. Every lot shall have a minimum average width of 50 feet.
 - c. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
 - d. Front Yard. The front yard shall be a minimum of 10 feet.
 - e. Side Yard. There shall be a minimum side yard of five feet and the sum of the side yards shall be a minimum of 15 feet. The side yards shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
 - f. Rear Yard. There shall be a rear yard having a depth of not less than five feet. The rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
 - g. Lot Coverage. Maximum lot coverage by buildings and structures shall be 40 percent of the total lot area.
2. Townhouses, condominiums, zero lot line dwellings and apartments:
 - a. There shall be no minimum lot area for apartments, townhouses, condominium developments or planned unit developments provided, however, that the overall density shall not exceed eight dwelling units per acre.
 - b. Setbacks. Yard setbacks, lot widths and lot coverage shall be determined at the time of site plan approval.

3. Single Family Residences.
 - a. Lot widths, yard setbacks and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.
- E. Off-Street Parking. Off-street parking shall be provided for a minimum of two cars per dwelling unit. (Ord. 2004-002 §22, 2004; Ord. 99-036 §1, 1999; Ord. 97-078 §2, 1997)

18.108.050. Commercial - C District.

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
 1. Recreational path.
 2. Ambulance service.
 3. Library.
 4. Church.
 5. Bus stop.
 6. Community center.
 7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail/rental store, office and service establishment.
 - b. Art galleries
 - c. Dry cleaner and/or self-service laundry establishment.
 - d. Radio and television sales and service.
 - e. Radio and television broadcasting studios and facilities, except towers.
 - f. Restaurant, bar and cocktail lounge, including entertainment.
 - g. Automobile service station.
 - h. Technical and business school.
 - i. Catering establishment.
 - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
 - k. Medical and dental clinic, office and laboratory.
 - l. Theater not exceeding 4,000 square feet of floor area.
 8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
 9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
 10. Post Office.
 11. Administrative and office facility associated with a community association or community use.
 12. Police facility.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.
 1. Public buildings and public utility buildings and structures.
 2. Club, lodge or fraternal organization.
 3. Commercial off-street parking lot.
 4. Bus passenger station.
 5. Interval ownership and/or time-share unit or the creation thereof.
 6. Miniature golf.
 7. Bed and breakfast inn.
 8. Inn.
 9. Residential facility.
 10. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Bowling alley.

- b. Car wash.
 - c. Dancing or music school, nursery school, kindergarten and day-care facility.
 - d. Theater exceeding 4,000 square feet in floor area.
 - e. Veterinary clinic or kennel operated entirely within an enclosed building.
 - f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- C. Use Limits.
1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
 - a. No dwelling unit shall have more than three bedrooms.
 - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
 - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
 2. Residential dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
 - a. Residential dwelling units shall be developed above first floor commercial use.
 - b. No dwelling unit shall have more than two bedrooms.
 - c. Individual dwelling units shall not exceed 850 square feet of floor area.
 - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
 3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.
- D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
 2. The use will primarily employ a work force from the community and surrounding rural area; and
 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
 2. Lot Width. No requirements.
 3. Lot Depth. 100 feet.
 4. Front Yard. The front yards shall be a minimum of 10 feet.
 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 7. Lot Coverage. No requirements.
- (Ord. 2003-026 §1, 2003; Ord. 98-016 §1, 1998; Ord. 97-078 §2, 1997)

18.108.060. Resort - R District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District:
1. Resort facility developed in a building or buildings of any size which house any combination of:
 - a. Meeting room, convention and banquet facility.
 - b. Resort recreation facilities.
 - c. Property sales and rental office.
 - d. Hotel, motel and lodging facility with up to 100 units in a single building.
 - e. Maintenance facility associated with resort and recreation operations.
 - f. Storage building necessary for and associated with resort, recreation and/or property development.
 - g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.
 2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
 3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
 4. Interval ownership and/or time-share unit or the creation thereof.
 5. Multiple family residential dwelling units subject to and consistent with the standards of the RM District.
 6. Recreational path.
 7. Residential home.
 8. Residential facility.
 9. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the R District and house any combination of:
 - a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
 - b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
 2. Church, club or fraternal organization.
 3. School.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 40 feet in height.
- D. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
 2. Lot Width. No requirements.
 3. Lot Depth. 100 feet.
 4. Front Yard. The front yard shall be a minimum of 10 feet.
 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.070. Resort Marina - RA District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RA District:
 - 1. Marina.
 - 2. Park, playground and picnic and barbecue area.
 - 3. Recreational path.
 - 4. Restaurant, bar and cocktail lounge existing as of March 31, 1998.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- C. Lot Requirements. The following lot requirements shall be observed:
 - 1. Lot Area. No requirements.
 - 2. Lot Width. No requirements.
 - 3. Lot Depth. 100 feet.
 - 4. Front Yard. The front yard shall be a minimum of 10 feet.
 - 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.080. Resort Golf Course - RG District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RG District:
 - 1. Golf course.
 - 2. Golf course accessory uses.
 - 3. Recreational path.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- C. Lot Requirements. The following lot requirements shall be observed:
 - 1. Lot Area. No requirements.
 - 2. Lot Width. No requirements.
 - 3. Lot Depth. 100 feet.
 - 4. Front Yard. The front yard shall be a minimum of 10 feet.
 - 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 7. Lot Coverage. No requirements.

(Ord. 97-078 § 2, 1997)

18.108.090. Resort Equestrian - RE District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RE District:
 - 1. Equestrian facility.
 - 2. Recreational path.
 - 3. Park, playground and picnic and barbecue area.
 - 4. A building or buildings each not exceeding 8,000 square feet of floor space which house any combination of:
 - a. Retail sales, rental and repair services commonly associated with equestrian facilities.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- C. Lot Requirements. The following lot requirements shall be observed:
 - 1. Lot Area. No requirements.
 - 2. Lot Width. No requirements.
 - 3. Lot Depth. 100 feet.
 - 4. Front Yard. The front yard shall be a minimum of 10 feet.
 - 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - 7. Lot Coverage. No requirements.

(Ord. 97-078 § 2, 1997)

18.108.100. Resort Nature Center - RN District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RN District:
 - 1. Nature center.
 - 2. Recreational path.
 - 3. Observatory.
 - 4. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the RN District and house any combination of:
 - a. Restaurant and food service commonly associated with and customarily appurtenant to the uses permitted outright in the RN District.
 - b. Retail sales, rental and repair services commonly associated with uses permitted outright in the RN District.
- B. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.100(A).
 - 1. All structures shall be sited on those portions of the property which contain mature trees.
 - 2. Mature trees shall be retained to the maximum extent possible considering physical constraints associated with developing the property.
 - 3. Development within the treed area shall occur in a manner whereby a minimum of 50 percent of a finished structure will be screened from surrounding properties and portions of the subject property which do not contain mature trees.
 - 4. The Planning Director or Hearings Body may require the establishment of additional landscape material to ensure that 50 percent of a finished structure will be screened from surrounding properties and portions of the subject property which do not contain mature trees.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

D. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 § 2, 1997)

18.108.110. Business Park - BP District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. Residential uses existing as of March 31, 1997.
2. Administrative, educational and other related facilities in conjunction with a use permitted outright.
3. Library.
4. Recreational path.
5. Post office.
6. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail/rental store, office and service establishment, including but not limited to the following:
 - i. Automobile, motorcycle, boat, recreational vehicle, trailer or truck sales, rental, repair or maintenance business, including tire stores and parts stores.
 - ii. Agricultural equipment and supplies.
 - iii. Car wash.
 - iv. Contractor's office, including but not limited to, building, electrical, plumbing, heating and air conditioning, painter, etc..
 - v. Construction equipment sales, rental and/or service.
 - vi. Exterminator services.
 - vii. Golf cart sales and service.
 - viii. Lumber yard, home improvement or building materials store.
 - ix. Housekeeping and janitorial service.
 - x. Dry cleaner and/or self-service laundry facility.
 - xi. Marine/boat sales and service.
 - xii. Restaurant, bar and cocktail lounge including entertainment.
7. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
 - a. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - b. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials, including but not limited to cloth, paper, leather, precious or semi-precious metals or stones, etc.
 - c. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, or the rendering of fats and oils.
 - d. Warehouse and distribution uses in a building or buildings each less than 10,000 square feet of floor area.

- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Public buildings and public utility structures and yards, including railroad yards.
 2. A dwelling unit for a caretaker or watchman working on a developed property.
 3. Law enforcement detention facility.
 4. Parking lot.
 5. Radio and television broadcast facilities.
 6. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Bowling alley.
 - b. Theater.
 - c. Veterinary clinic and/or kennel.
 7. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
 - a. Warehouses and distribution uses in a building or buildings exceeding 10,000 square feet of floor area.
 - b. Distillery and beer/ale brewing facility, including wholesale sales thereof.
 - c. Self/mini storage.
 - d. Trucking company dispatch/terminal.
 - e. Solid waste/garbage operator, not including solid waste disposal or other forms of solid waste storage or transfer station.
- C. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.110(A) or (B):
1. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across the street from a lot in a residential district.
 2. Storage, loading and parking areas shall be screened from residential zones.
 3. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential lot.
- D. Special Requirements for Large Scale Uses.
- Any of the uses listed in DCC 18.108.110(A)(6) or (B)(6) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.110, the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
 2. The use will primarily employ a work force from the community and surrounding rural area; and
 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.
- F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
 2. Lot Width. No requirements.
 3. Lot Depth. Each lot shall have a minimum depth of 100 feet.
 4. Front Yard. The front yard shall be a minimum of 25 feet.
 5. Side Yard. No side yard required, except when adjoining a lot in an RS or RM District and then the required side yard shall be 50 feet. No side yards are required on the side of a building adjoining a railroad right of way.

6. Rear Yard. No rear yard required, except when adjoining a lot in an RS or RM District and then the rear yard shall be 50 feet. No rear yard is required on the side of a building adjoining a railroad right of way.
7. Lot Coverage. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

(Ord. 97-078 §2, 1997)

18.108.120. Community General - CG District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. School.
2. Utility substation, utility equipment storage and repair yard, and pump station.
3. Golf course.
4. Tennis court.
5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Nature center.
8. Putting green.
9. Recreational path.
10. Equestrian facility.
11. Boat dock.
12. Health and fitness facilities.
13. Amphitheater.
14. Observatory.
15. Administrative and office facility associated with a community association or community use.
16. Police facility.
17. Fire station.
18. Public works facility.
19. Community center.
20. Church.
21. Warehouse and storage facilities accessory to and in conjunction with any use permitted outright in this district.
22. Residential home.
23. Residential facility.
24. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CG District and house any combination of:
 - a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
 - b. Retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the CG District.

B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

C. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.130. Community Recreation - CR District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. Park, playground and, picnic and barbecue area.
2. Swimming pool.
3. Tennis court.
4. Basketball court.
5. Ball fields, including but not limited to, football, baseball, softball and soccer.
6. Running track.
7. Health and fitness facility.
8. Racquetball court.
9. Recreational path.
10. Winter sports facilities, including but not limited to ice skating rink and/or cross country ski center.
11. Facilities developed in conjunction with and which are customarily accessory to any use permitted outright or conditionally in this district, including but not limited to restrooms, storage facilities, parking areas and pavilions/shelters.
12. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CR District and house any combination of:
 - a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
 - b. Retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the CG District.

B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

C. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.140. Community Limited - CL District.

A. Uses Permitted Outright. The following uses are permitted outright:

1. Picnic and barbecue areas, including picnic tables and benches.
2. Recreational path.

B. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.

2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet for bike and pedestrian paths, and picnic tables and benches fixed to the ground.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard for bike and pedestrian paths, and picnic table and benches fixed to the ground shall be a minimum of 10 feet.
6. Rear Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard for bike and pedestrian paths, and picnic table and benches fixed to the ground shall be a minimum of 10 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.150. Community Neighborhood- CN District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. School.
2. Utility substation, pump station and, utility equipment storage and repair yard.
3. Sewage treatment facility.
4. Tennis court.
5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Recreational path.
8. Equestrian facility.
9. Health and fitness facility.
10. Amphitheater.
11. Observatory.
12. Church.
13. Residential home.
14. Residential facility.
15. Daycare facility.
16. Administrative and office facility associated with a community association or community use.
17. Community center.
18. Police facility.

B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

C. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 98-016 §3, 1998; Ord. 97-078 §2, 1997)

18.108.160. Airport - A District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Runway, fuel storage and sales and emergency repair.
 - 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 - 3. Farm use as defined in DCC Title 18.
 - 4. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
 - 1. Farm accessory buildings and uses.
 - 2. Utility facility necessary for public service, except landfills.
 - 3. Golf course.
 - 4. Park, playground, other recreational site or facility or community service facility.
 - 5. 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/or DCC 18.128.270.
- C. Use Limitations. In an A District, the following limitations and standards shall apply to all uses permitted:
 - 1. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, powerlines, etc., shall not exceed 35 feet.
 - 2. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
 - 3. All parking demand created by any use permitted by DCC 18.108.160 shall be accommodated on the subject premises entirely off-street.
 - 4. No use permitted by DCC 18.108.160 shall require the backing of traffic onto a public or private street or road right of way.
 - 5. No power lines shall be located in clear zones.
 - 6. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.
- D. Dimensional Standards. In an A District, the following dimensional standards shall apply:
 - 1. The minimum lot size shall be determined subject to the provisions of DCC 18.108.160 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations or as deemed necessary by the Planning Director or Hearings Body to maintain air, land and water resource quality, protect adjoining and area land uses and to ensure resource carrying capacities are not exceeded.
 - 2. An airport related use or structure located adjacent to or across the street from an existing residential use or platted residential lot shall not exceed 70 percent lot coverage and shall require off-street parking and loading areas.
 - 3. The minimum setback between any structure and an arterial right of way shall be 100 feet. The minimum setback between any structure and a collector right of way shall be 50 feet. The minimum setback between any structure and all local streets shall be 20 feet.
 - 4. The minimum setback between any structure and a property line adjoining a residential use or lot shall be 50 feet.
 - 5. The minimum lot frontage shall be 50 feet.
 - 6. The minimum side setback between any structure and a property line shall be three feet, and the minimum total of both side setbacks shall be 12 feet.
 - 7. The minimum rear setback between any structure and a rear property line shall be 25 feet.
 - 8. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

9. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
10. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary runway surface and approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits beginning at the sides of and at the same elevation as they approach surface and extending to where they intersect the conical surface.
11. Horizontal Zone. Established at 150 feet above the airport elevation.
12. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(Ord. 97-078 §2, 1997)

18.108.170. Utility - U District.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 1. Utility substation, utility equipment storage and repair yard, and pump station.
 2. Sewage treatment facility.
 3. Utility transmission lines.
 4. Water treatment facility.
 5. Wells, pumping equipment and related facilities for the provision of water within the Sunriver UUC.
 6. Public buildings, public utility structures and yards, including railroad yards.
 7. Administrative, office and storage facilities appurtenant to a use permitted outright.
 8. Irrigation systems and irrigation ponds.
 9. Facilities similar to those listed above which are mandated by the Oregon Department of Environmental Quality (DEQ).
 10. Cable television facility, including but not limited to office and equipment buildings, satellite dish, antennas, etc.
 11. Wireless telecommunications facility.
 12. Microwave and radio communication towers.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.
- C. Lot Requirements. The following lot requirements shall be observed:
 1. Lot Area. No requirements.
 2. Lot Width. No requirements.
 3. Lot Depth. 100 feet.
 4. Front Yard. The front yard shall be a minimum of 10 feet.
 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.180. Forest - F District.

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
 2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use.
 3. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. Gravel extraction and processing not covered by DCC 18.108.180 is governed by DCC 18.52.
 4. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
 5. Farm use as defined in ORS 215.203.
 6. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
 7. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
 8. Exploration for mineral and aggregate resources as defined in ORS 517.
 9. Towers and fire stations for forest fire protection.
 10. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
 11. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
 12. Uninhabitable structures accessory to fish and wildlife enhancement.
- B. Conditional uses permitted. The following uses and their accessory uses may be allowed in the Forest District, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
1. Television, microwave and radio communication facilities and transmission towers.
 2. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
 3. Reservoirs and water impoundments.
 4. 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.
 5. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 6. Disposal site for solid waste, not including a land disposal site, for which the Oregon Department of Environmental Quality has granted a permit or a similar approval, together with equipment, facilities or buildings necessary for operation. Uses permitted under this category are limited to commercial composting, subject to DCC 18.128.015 and 18.128.120.
- (Ord. 2001-040 §1, 2001; Ord. 98-016 §2, 1998; Ord. 97-078 §2, 1997)

18.108.190. Flood Plain - FP Combining District.

- A. Designated Areas. The Flood Plain Combining District includes all areas within the Sunriver UUC designated as “Special Flood Hazard Areas” in the report entitled “The Flood Insurance Study for

Deschutes County, Oregon and Incorporated Areas,” dated September 28, 2007, with accompanying flood insurance rate maps.

- B. Conditional Uses. Uses permitted either outright or conditionally in the underlying district with which the FP Combining District is combined shall be allowed as conditional uses in the FP Combining District, subject to the provisions of DCC 18.108.190(C) and DCC 18.128 and other applicable sections of this title.
- C. Use Limits. All uses proposed within the FP Combining District shall be subject to DCC 18.96.060 through 18.96.085 and DCC 18.96.100, 18.96.120 through 18.96.140.
- D. Height Regulations. The height regulations for the FP Combining District shall be those which are established in the underlying district with which the FP Combining District is combined.
- E. Lot Requirements. The lot dimension and yard requirements for the FP Combining District shall be those which are established in the underlying district with which the FP Combining District is combined.

(Ord. 2007-019 §2, 2007; Ord. 97-078 §2, 1997)

Chapter 18.110. RESORT COMMUNITY ZONE

- 18.110.010. Purpose.**
- 18.110.020. Resort District.**
- 18.110.030. Widgi Creek Residential District.**
- 18.110.040. Black Butte Ranch Surface Mining / Limited Use Combining District.**
- 18.110.050. Black Butte Ranch Utility / Limited Use Combining District.**
- 18.110.060. Development Standards.**

18.110.010. Purpose.

The purpose of the Resort Community Zone is to provide standards and review procedures for development in the communities of Black Butte Ranch and The Inn of the Seventh Mountain/Widgi Creek. The provisions of this chapter shall apply to any Resort Community that is planned pursuant to OAR 660 Division 22. (Ord. 2001-048 §2, 2001)

18.110.020. Resort District.

- A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:
 - 1. Single-family dwelling.
 - 2. Residential home.
 - 3. Residential facility.
 - 4. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
 - 5. Timeshare units at the Inn of the Seventh Mountain.
 - 6. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
 - 7. Livestock and horse grazing on common area in Black Butte Ranch.
 - 8. Police or security facility.
- B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - 1. Resort facility, as that term is defined in DCC Title 18.
 - 2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
 - 3. Resort utility facilities, as that term is defined in DCC Title 18.
 - 4. Property sales and rental office.
 - 5. Hotel or motel.
 - 6. Daycare facility.
 - 7. Fire station.
 - 8. Post office.
 - 9. Multiple-family dwellings.
 - 10. Employee housing.
- C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - 1. Church.
 - 2. Wireless telecommunications facility.

(Ord. 2001-048 §2, 2001)

18.110.030. Widgi Creek Residential District.

The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.060:

- A. Single-family dwelling.
- B. Residential home.
- C. Residential facility.
- D. Timeshare units.

(Ord. 2001-048 §2, 2001)

18.110.040. Black Butte Ranch Surface Mining / Limited Use Combining District.

- A. Outright Permitted Uses. The following uses are allowed outright:
 - 1. Mining, processing and storage of aggregate within the 8.6-acre area which has a valid Oregon Department of Geology and Mineral Industries (DOGAMI) exemption.
 - 2. Outdoor equipment storage.
 - 3. Effluent/sludge storage and disposal.
 - 4. Composting activities.
 - 5. Forest uses including woody debris disposal.
- B. Site Plan. The following use is permitted subject to DCC 18.52:
 - 1. Mining, processing and storage of aggregate once mining affects more than five acres outside the 8.6-acre area with a valid DOGAMI exemption.
- C. Uses Permitted Subject to Site Plan Review. The following uses are permitted in an area reclaimed after mining, subject to DCC 18.124:
 - 1. Solid waste transfer station.
 - 2. Equipment repair shop or other maintenance facilities.

(Ord. 2001-048 §2, 2001)

18.110.050. Black Butte Ranch-Utility /Limited Use Combining District.

- A. Uses Permitted Outright. The following uses are permitted outright:
 - 1. Outdoor or enclosed storage, large equipment or general.
 - 2. Effluent/sludge storage and disposal.
 - 3. Composting activities.
 - 4. Forest uses including woody debris disposal.
 - 5. Recreational vehicle or other outdoor equipment storage for resort property owners or visitors.
- B. Uses Permitted Subject to Site Plan. The following uses are permitted west of McCallister Road, subject to DCC 18.124:
 - 1. Telephone communications facility or other utility uses, also subject to DCC 18.128 if applicable.
 - 2. Equipment repair shop or other maintenance facilities.
 - 3. Housekeeping facility.
 - 4. Employee housing, subject to a minimum 250' setback from the surface mining limited use combining district and DCC 18.56.
 - 5. Administration offices.

(Ord. 2001-048 §2, 2001)

18.110.060. Development Standards.

- A. Setbacks.
 - 1. Single-Family Dwelling. The following setbacks shall be maintained for single-family dwellings and accessory uses on residential parcels:

- a. Front Yard. The front yard shall be a minimum of 20 feet at Black Butte Ranch and The Inn of the Seventh Mountain, and 30 feet at Widgi Creek.
 - b. Side Yard. The side yard shall be a minimum of 10 feet, except on the street side of a corner lot the side yard shall be a minimum of 20 feet.
 - c. Rear Yard. The rear yard shall be a minimum of 20 feet.
 - d. In Black Butte Ranch a lesser setback shall be approved based on written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of a lesser setback based on documented ARC approval does not constitute a land use decision by the County.
2. All Other Uses. The following setbacks shall be maintained for buildings and structures used for purposes other than a single-family dwelling and residential accessory uses, unless a greater setback is required pursuant to site plan review or other applicable provisions of DCC Title 18:
- a. Front Yard. The front yard shall be a minimum of 10 feet.
 - b. Side Yard. Zero feet except that, when a side lot line is adjoining a lot used for single-family residential purposes, the side yard shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - c. Rear Yard. Zero feet except that, when a rear lot line is adjoining a lot used for residential purposes, the rear yard shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - d. Perimeter Setback. All uses in the Black Butte Ranch Surface Mining or Utility Limited Use Combining Districts shall maintain a minimum setback of 50 feet from a perimeter boundary adjacent to land zoned for forest uses.
 - e. Forest Zone Setback. New uses adjacent to land zoned Forest shall have a minimum setback of 20 feet from the Forest zone boundary.
- B. Other Setbacks. The following setbacks shall be maintained for buildings and structures, based on the applicable provision(s) of DCC Title 18:
- 1. Solar Setback. The setback from the north lot line shall meet the solar access setback requirements in DCC 18.116.180 for south roof protection.
 - 2. Waterway Setback. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
 - 3. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
 - 4. Rimrock Setbacks. Setbacks from rimrocks shall be maintained as provided in DCC 18.84 or DCC 18.116.160, whichever is applicable.
 - 5. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.
 - 6. Floodplain. The applicable provisions in DCC 18.96 shall be met.
- C. Building Height.
- 1. Resort Facility and Resort Utility Building. No resort facility or resort utility building or structure shall be erected or enlarged to exceed 40 feet, or 30 feet when the provisions in DCC 18.84.080 are applicable, unless a variance for a greater height is approved. For the purposes of DCC 18.110.060(C)(1) an application for a height variance may be granted provided the Planning Director or Hearings Body makes only the following findings:
 - a. The proposed height does not exceed the height limitation of the appropriate fire agency's (either Black Butte Ranch Rural Protection Fire District or City of Bend Fire Department) fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the agency; and
 - b. The proposed additional height will not adversely impact scenic views from adjoining residences or adjoining residential building sites.

- c. Approval of a height variance in a state scenic waterway shall be conditioned upon receipt of approval from the Oregon Parks and Recreation Department.
 - 2. All Other Buildings. No building or structure used for purposes other than a resort facility or resort utility, including a single-family dwelling, shall be erected or enlarged to exceed 30 feet in height, except as provided by DCC 18.120.040.
 - 3. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.
- D. Lot Coverage.
- 1. Single-family dwelling. The maximum lot coverage by a single-family dwelling and accessory structures shall be 40 percent of the total lot. In Black Butte Ranch a greater lot coverage shall be approved based on documentation of written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of greater lot coverage based on documented ARC approval does not constitute a land use decision by the County.
 - 2. All Other Buildings. The maximum lot coverage by buildings and structures used for purposes other than a single-family dwelling shall be determined by the spatial requirements for yard setbacks, landscaping, parking and utilities.
- E. Off-Street Parking and Loading.
- 1. Single-Family Dwelling. Off-street parking shall be provided for a minimum of two motor vehicles per dwelling.
 - 2. All Other Uses. Off-street parking and loading shall be provided subject to the requirements of DCC 18.116.
- F. Outdoor Lighting All outdoor lighting shall be installed in conformance with DCC 15.10.
- G. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or lake, or in a wetland shall be subject to DCC 18.128.040(W), unless the activity meets the exception provisions in DCC 18.120.050.
- H. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.
- I. Lot Requirements.
- 1. Single-Family Dwelling. A new lot for a single-family dwelling served by a community or public sewerage system shall have a minimum area of 6,000 square feet and a minimum average width of 60 feet, except that a corner lot shall have a minimum average width of 70 feet. A new lot for a single-family dwelling served by an on-site septic system shall have a minimum area of 22,000 square feet and a minimum average width of 100 feet. Any new residential lot shall have a minimum width at the street of 50 feet, except for a lot on a cul-de-sac, in which case the minimum width shall be 30 feet.
 - 2. All Other Uses. Every lot created for purposes other than residential use shall have dimensions for lot area, width and depth necessary for yard setbacks, landscaping, parking and utilities for the proposed use.
- (Ord. 2001-048 §2, 2001)
- J. Land Divisions.
- 1. General. Notwithstanding any provision to the contrary contained herein or in other parts of the County Code, roads within the Resort Community Zone may be private roads and new lots or parcels may be created that have access from, and frontage on, private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards of DCC Title 17. An agreement acceptable to the County Road Department and County Legal Counsel shall be required for the maintenance of new private roads.
 - 2. Zero Lot Line Subdivision. Notwith-standing any provision to the contrary contained herein, zero lot line subdivisions for single-family residences shall be allowed in the Resort Community Zone in accordance with the provisions of DCC Chapter 17.20. Zero lot line subdivisions are not subject to the setback provisions of 18.110.060(A), solar setback standards of 18.110.060(B)(1), lot coverage provisions of 18.110.060(D) or lot requirements of 18.110.060(I)(1).
- (Ord 2005-041 §2, 2005; Ord. 2001-048 §2, 2001)

Chapter 18.112. LIMITED USE COMBINING ZONE - LU

18.112.010. Purpose.

18.112.020. Combining Zone Requirements.

18.112.030. Procedures.

18.112.040. Use Limitations.

18.112.050. Adoption.

18.112.060. Official Plan/Zoning Map.

18.112.070. Site Plan Requirement.

18.112.010. Purpose.

- A. The purpose of the LU Zone is to limit the list of permitted uses and general activities allowed in the underlying zone, when a plan amendment and zone change rezones a parcel to that underlying zone through the taking of an exception to a statewide land use planning goal under ORS 197.732.
- B. The LU Zone is an overlay zone which may be applied, where appropriate, to plan amendments/zone changes effected by either a "physically developed" exception under ORS 197.732(1)(a), an "irrevocably committed" exception under ORS 197.732(1)(b), or a "reasons" exception under ORS 197.732(1)(c).
- C. The LU Zone, when adopted, shall carry out the requirement of Oregon Administrative Rule 660-04-018 that where a goal exception is taken, permitted uses shall be limited to those uses justified by the exception statement.

(Ord. 88-022 §1, 1988)

18.112.020. Combining Zone Requirements.

When the LU Zone is applied, the uses permitted in the underlying zone shall be limited to those uses and general activities specifically set forth in the ordinance adopting the underlying zone and the LU Zone. Any change in those uses and general activities must be made through the plan/land use regulation amendment process.

(Ord. 88-022 §1, 1988)

18.112.030. Procedures.

The LU Zone shall be applied through the plan amendment and rezoning process at the time the underlying plan and/or zone designation is being changed.

(Ord. 88-022 §1, 1988)

18.112.040. Use Limitations.

The following limitations shall apply to the underlying zone when the LU Zone is applied: In all cases, the Hearings Body shall establish that:

- A. The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the goal exception taken.
- B. A review of all zones in DCC Title 18 demonstrates that no existing zone adequately limits the uses and general activities.
- C. The LU Zone, when applied to the underlying zone, is consistent with the Comprehensive Plan and other applicable policies of the County.

(Ord. 95-075 §1, 1995; Ord. 88-022 §1, 1988)

18.112.050. Adoption.

The ordinance adopting the underlying zone and the LU Zone shall set forth those specific uses and general activities which will be permitted or conditional uses. The description of the permitted and conditional uses may be qualified as necessary to achieve the purpose of the LU Zone.

(Ord. 88-022 §1, 1988)

18.112.060. Official Plan/Zoning Map.

The official plan/zoning map shall be amended to show an LU suffix on any parcel where the LU Zone has been applied.

(Ord. 88-022 §1, 1988)

18.112.070. Site Plan Requirement.

- A. In addition to limiting the uses in the underlying zone where the LU Zone is applied, the County may also require approval of the location of buildings, access, parking, screening and other site planning considerations in order to assure the compatibility of the permitted uses within the area.
- B. The process for reviewing the site plan shall be described at the time of the LU Zone application. Site plan requirements may be added by specific reference in the LU adopting ordinance. Specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval. Separate site plan approval shall not be required for any uses subject to a conditional use permit.

(Ord. 88-022 §1, 1988)

Chapter 18.113. DESTINATION RESORTS ZONE - DR

- 18.113.010. Purpose.**
- 18.113.020. Applicability.**
- 18.113.025. Application to Existing Resorts.**
- 18.113.030. Uses in Destination Resorts.**
- 18.113.040. Application Submission.**
- 18.113.050. Requirements for Conditional Use Permit and Conceptual Master Plan Applications.**
- 18.113.060. Standards for Destination Resorts.**
- 18.113.070. Approval Criteria.**
- 18.113.075. Imposition of Conditions.**
- 18.113.080. Procedure for Modification of a Conceptual Master Plan.**
- 18.113.090. Requirements for Final Master Plan.**
- 18.113.100. Procedure for Approval of Final Master Plan.**
- 18.113.110. Provision of Streets, Utilities, Developed Recreational Facilities and Visitor-Oriented Accommodations.**

18.113.010. Purpose.

- A. The purpose of the DR Zone is to establish a mechanism for siting destination resorts to ensure compliance with LCDC Goal 8 and the County Comprehensive Plan. The destination resort designation is intended to identify land areas which are available for the siting of destination resorts, but which will only be developed if consistent with the purpose and intent of DCC 18.113 and Goal 8.
- B. The DR Zone is an overlay zone. The DR Zone is intended to provide for properly designed and sited destination resort facilities which enhance and diversify the recreational opportunities and the economy of Deschutes County. The DR Zone will ensure resort development that compliments the natural and cultural attractiveness of the area without significant adverse effect on commercial farming and forestry, environmental and natural features, cultural and historic resources and their settings and other significant resources.
- C. It is the intent of DCC 18.113 to establish procedures and standards for developing destination resorts while ensuring that all applicable County Comprehensive Plan policies are achieved.
- D. It is the intent of DCC 18.113 to ensure that all elements of a destination resort which are proposed are financially secured in a manner which will protect the public's interest should the development not be completed as proposed.
- E. It is not the intent of DCC 18.113 to site developments that are in effect rural subdivisions, whose primary purpose is to serve full-time residents of the area.

(Ord. 92-004 §13, 1992)

18.113.020. Applicability.

- A. The provisions of DCC 18.113 shall apply to proposals for the development of destination resorts, as defined in DCC Title 18, in areas designated DR by the County zoning maps. The provisions of DCC 18.113 shall not apply to any development proposal in an area designated DR other than a destination resort.
- B. When these provisions are applicable, they shall supersede all other provisions of the underlying zone. Other provisions of the zoning ordinance, made applicable by specific map designations, such as the SMIA, AH, CH, FP or LM, or otherwise applicable under the terms of the zoning ordinance text shall remain in full force and effect, unless otherwise specified herein.

C. The provisions of DCC 18.113 apply to destination resorts sited through the Goal 2 exception process. (Ord. 92-004 §13, 1992)

18.113.025. Application to Existing Resorts.

Expansion proposals of existing developments approved as destination resorts shall meet the following criteria:

- A. Meet all criteria of DCC 18.113 without consideration of any existing development; or
- B. Meet all criteria of DCC 18.113 for the entire development (including the existing approved destination resort development and the proposed expansion area), except that as to the area covered by the existing destination resort, compliance with setbacks and lot sizes shall not be required.

If the applicant chooses to support its proposal with any part of the existing development, applicant shall demonstrate that the proposed expansion will be situated and managed in a manner that it will be integral to the remainder of the resort.

(Ord. 92-004 §13, 1992)

18.113.030. Uses in Destination Resorts.

The following uses are allowed, provided they are part of, and are intended to serve persons at, the destination resort pursuant to DCC 18.113.030 and are approved in a final master plan:

- A. Visitor-oriented accommodations designed to provide for the needs of visitors to the resort:
 - 1. Overnight lodging, including lodges, hotels, motels, bed and breakfast facilities, time-share units and similar transient lodging facilities;
 - 2. Convention and conference facilities and meeting rooms;
 - 3. Retreat centers;
 - 4. Restaurants, lounges and similar eating and drinking establishments; and
 - 5. Other similar visitor-oriented accommodations consistent with the purposes of DCC 18.113 and Goal 8.
- B. Developed recreational facilities designed to provide for the needs of visitors and residents of the resort:
 - 1. Golf courses and clubhouses;
 - 2. Indoor and outdoor swimming pools;
 - 3. Indoor and outdoor tennis courts;
 - 4. Physical fitness facilities;
 - 5. Equestrian facilities;
 - 6. Wildlife observation shelters;
 - 7. Walkways, bike paths, jogging paths, equestrian trails;
 - 8. Other similar recreational facilities consistent with the purposes of DCC 18.113 and Goal 8.
- C. Residential accommodations:
 - 1. Single-family dwellings;
 - 2. Duplexes, triplexes, fourplexes and multi-family dwellings;
 - 3. Condominiums;
 - 4. Townhouses;
 - 5. Living quarters for employees;
 - 6. Time-share projects.
- D. Commercial services and specialty shops designed to provide for the visitors to the resort:
 - 1. Specialty shops, including but not limited to delis, clothing stores, bookstores, gift shops and specialty food shops;
 - 2. Barber shops/beauty salons;
 - 3. Automobile service stations limited to fuel sales, incidental parts sales and minor repairs;
 - 4. Craft and art studios and galleries;
 - 5. Real estate offices;
 - 6. Convenience stores;

- 7. Other similar commercial services which provide for the needs of resort visitors and are consistent with the purposes of DCC 18.113 and Goal 8.
 - E. Uses permitted in open space areas generally include only those uses that, except as specified herein, do not alter the existing or natural landscape of the proposed open space areas. No improvements, development or other alteration of the natural or existing landscape shall be allowed in open space areas, except as necessary for development of golf course fairways and greens, hiking and bike trails, lakes and ponds and primitive picnic facilities including park benches and picnic tables. Where farming activities would be consistent with identified preexisting open space uses, irrigation equipment and associated pumping facilities shall be allowed.
 - F. Facilities necessary for public safety and utility service within the destination resort.
 - G. Other similar uses permitted in the underlying zone consistent with the purposes of DCC 18.113.030.
 - H. Accessory Uses in Destination Resorts:
 - 1. The following accessory uses shall be permitted provided they are ancillary to the destination resort and consistent with the purposes of DCC 18.113 and Goal 8:
 - a. Transportation-related facilities excluding airports;
 - b. Emergency medical facilities;
 - c. Storage structures and areas;
 - d. Kennels as a service for resort visitors only;
 - e. Recycling and garbage collection facilities;
 - f. Other similar accessory uses consistent with the purposes of DCC 18.113 and Goal 8.
- (Ord. 92-004 §13, 1992)

18.113.040. Application Submission.

The authorization of a permit for a destination resort shall consist of three steps.

- A. Conceptual Master Plan and Conditional Use Permit for Destination Resort. A conceptual master plan (CMP) shall be submitted which addresses all requirements established in DCC 18.113.040. The CMP application shall be processed as if it were a conditional use permit under DCC Title 22, shall be subject to DCC 18.128.010, 18.128.020 and 18.128.030 and shall be reviewed for compliance with the standards and criteria set forth in DCC 18.113.
- B. Final Master Plan. The applicant shall prepare a final master plan (FMP) which incorporates all requirements of the County approval for the CMP. The Planning Director shall review the FMP to determine if it complies with the approved CMP and all conditions of approval of the conditional use permit. The Planning Director shall have the authority to approve, deny or return the FMP to the applicant for additional information. When interpretations of the Planning Director involve issues which are discretionary, the FMP approval shall be treated as a land use permit in accordance with DCC Title 22.
- C. Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or subdivision process (DCC Title 17). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 18.113 and the FMP.

(Ord. 92-004 §13, 1992)

18.113.050. Requirements for Conditional Use Permit and Conceptual Master Plan Applications.

The CMP provides the framework for development of the destination resort and is intended to ensure that the destination resort meets the requirements of DCC 18.113. The CMP application shall include the following information:

- A. Illustrations and graphics to scale, identifying:
 - 1. The location and total number of acres to be developed as a planned destination resort;
 - 2. The subject area and all land uses adjacent to the subject area;

3. The topographic character of the site;
 4. Types and general location of proposed development uses, including residential and commercial uses;
 5. Major geographic features;
 6. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether streets will be public or private;
 7. Major pedestrian, equestrian and bicycle trail systems;
 8. Important natural features of the site, including habitat of threatened or endangered species, streams, rivers, wetlands and riparian vegetation within 200 feet of streams, rivers and wetlands.
 9. All uses proposed within landscape management corridors identified by the comprehensive plan or zoning ordinance.
 10. The location and number of acres reserved as open space, buffer area, or common area. Areas designated as "open space," "buffer area," or "common area" should be clearly illustrated and labeled as such;
 11. All proposed recreational amenities;
 12. Proposed overall density.
- B. Further information as follows:
1. A description of the natural characteristics of the site and surrounding areas, including a description of resources and the effect of the destination resort on the resources; methods employed to mitigate adverse impacts on resources; analysis of how the overall values of the natural features of the site will be preserved, enhanced or utilized in the design concept for the destination resort; and a proposed resource protection plan to ensure that important natural features will be protected and maintained. Factors to be addressed include:
 - a. Compatibility of soil composition for proposed development(s) and potential erosion hazard;
 - b. Geology, including areas of potential instability;
 - c. Slope and general topography;
 - d. Areas subject to flooding;
 - e. Other hazards or development constraints;
 - f. Vegetation;
 - g. Water areas, including streams, lakes, ponds and wetlands;
 - h. Important natural features;
 - i. Landscape management corridors;
 - j. Wildlife.
 2. A traffic study which addresses (1) impacts on affected County, city and state road systems and (2) transportation improvements necessary to mitigate any such impacts. The study shall be submitted to the affected road authority (either the County Department of Public Works or the Oregon Department of Transportation, or both) at the same time as the conceptual master plan and shall be prepared by a licensed traffic engineer to the minimum standards of the road authorities.
 3. A description of how the proposed destination resort will satisfy the standards and criteria of DCC 18.113.060 and 18.113.070;
 4. Design guidelines and development standards defining visual and aesthetic parameters for:
 - a. Building character;
 - b. Landscape character;
 - c. Preservation of existing topography and vegetation;
 - d. Siting of buildings; and
 - e. Proposed standards for minimum lot area, width, frontage, lot coverage, setbacks and building heights.
 5. An open space management plan which includes:
 - a. An explanation of how the open space management plan meets the minimum standards of DCC 18.113 for each phase of the development;

- b. An inventory of the important natural features identified in the open space areas and any other open space and natural values present in the open space;
 - c. A set of management prescriptions that will operate to maintain and conserve in perpetuity any identified important natural features and other natural or open space values present in the open space;
 - d. Deed restrictions that will assure that the open space areas are maintained as open space in perpetuity.
6. An explanation of public use of facilities and amenities on the site.
 7. A description of the proposed method of providing all utility systems, including the location and sizing of the utility systems;
 8. A description of the proposed order and schedule for phasing, if any, of all development including an explanation of when facilities will be provided and how they will be secured if not completed prior to closure of sale of individual lots or units;
 9. An explanation of how the destination resort has been sited or designed to avoid or minimize adverse effects or conflicts on adjacent lands. The application shall identify the surrounding uses and potential conflicts between the destination resort and adjacent uses within 660 feet of the boundaries of the parcel or parcels upon which the resort is to be developed. The application shall explain how any proposed buffer area will avoid or minimize adverse effects or conflicts;
 10. A description of the proposed method for providing emergency medical facilities and services and public safety facilities and services including fire and police protection;
 11. A study prepared by a hydrologist, engineering geologist or similar professional certified in the State of Oregon describing:
 - a. An estimate of water demands for the destination resort at maximum buildout, including a breakdown of estimated demand by category of consumption, including but not limited to residential, commercial, golf courses and irrigated common areas;
 - b. Availability of water for estimated demands at the destination resort, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of water supply for the destination resort; (3) identification of the area that may be measurably impacted by the water used by the destination resort (water impact area) and an analysis supporting the delineation of the impact area; and (4) a statistically valid sampling of domestic and other wells within the impact area;
 - c. A water conservation plan including an analysis of available measures which are commonly used to reduce water consumption. This shall include a justification of the chosen water conservation plan. The water conservation plan shall include a wastewater disposal plan utilizing beneficial use of reclaimed water to the maximum extent practicable.
For the purposes of DCC 18.113.050, beneficial uses shall include, but are not limited to:
 - i. Irrigation of golf courses and greenways;
 - ii. Establishment of artificial wetlands for wildlife habitation.
 12. An erosion control plan for all disturbed land, as required by ORS 468. This plan shall include storm and melt water erosion control to be implemented during all phases of construction and permanent facilities or practices for the continuing treatment of these waters. This plan shall also explain how the water shall be used for beneficial use or why it cannot be used as such;
 13. A description of proposed sewage disposal methods;
 14. Wildfire prevention, control and evacuation plans;
 15. A description of interim development including temporary structures related to sales and development;
 16. Plans for owners' associations and related transition of responsibilities and transfer of property;
 17. A description of the methods of ensuring that all facilities and common areas within each phase will be established and will be maintained in perpetuity;
 18. A survey of housing availability for employees based upon income level and commuting distance;

19. An economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist(s) or financial analyst(s) shall be provided which includes:
 - a. An analysis which addresses the economic viability of the proposed development;
 - b. Fiscal impacts of the project including changes in employment, increased tax revenue, demands for new or increased levels of public services, housing for employees and the effects of loss of resource lands during the life of the project.
 20. A solid waste management plan;
 21. A description of the mechanism to be used to ensure that the destination resort provides an adequate supply of overnight lodging units to maintain compliance with the 150-unit minimum and 2 to 1 ratio set forth in DCC 18.113.060(D)(2). The mechanism shall meet the requirements of DCC 18.113.060(L);
 22. If the proposed destination resort is in a SMIA combining zone, DCC 18.56 shall be addressed;
 23. If the proposed destination resort is in an LM combining zone, DCC 18.84 shall be addressed;
 24. A survey of historic and cultural resources inventoried on an acknowledged Goal 5 inventory;
 25. Other information as may reasonably be required by the Planning Director to address the effect of the proposed development as related to the requirements of DCC Title 18.
- (Ord. 2007-005 §2, 2007; Ord. 92-004 §13, 1992)

18.113.060. Standards for Destination Resorts.

The following standards shall govern consideration of destination resorts:

- A. The destination resort shall, in the first phase, provide for and include as part of the CMP the following minimum requirements:
 1. At least 150 separate rentable units for visitor-oriented overnight lodging as follows:
 - a. The first 50 overnight lodging units must be constructed prior to the closure of sales, rental or lease of any residential dwellings or lots.
 - b. The resort may elect to phase in the remaining 100 overnight lodging units as follows:
 - i. At least 50 of the remaining 100 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 5 years of the closure of sale of individual lots or units, and;
 - ii. The remaining 50 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 10 years of the closure of sale of individual lots or units.
 - iii. If the developer of a resort guarantees a portion of the overnight lodging units required under subsection 18.113.060(A)(1)(b) through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within 4 years of the date of execution of the surety bond or other equivalent financial assurance.
 - iv. The 2:1 accommodation ratio required by DCC 18.113.060(D)(2) must be maintained at all times.
 - c. If a resort does not chose to phase the overnight lodging units as described in 18.113.060(A)(1)(b), then the required 150 units of overnight lodging must be constructed prior to the closure of sales, rental or lease of any residential dwellings or lots.
 2. Visitor-oriented eating establishments for at least 100 persons and meeting rooms which provide seating for at least 100 persons.
 3. The aggregate cost of developing the overnight lodging facilities, developed recreational facilities, and the eating establishments and meeting rooms shall be at least \$ 7,000,000 (in 1993 dollars).
 4. At least \$ 2,333,333 of the \$7,000,000 (in 1993 dollars) total minimum investment required by DCC 18.113.060(A)(3) shall be spent on developed recreational facilities.
 5. The facilities and accommodations required by DCC 18.113.060(A)(2) through (4) must be constructed or financially assured pursuant to DCC 18.113.110 prior to closure of sales, rental or lease of any residential dwellings or lots or as allowed by DCC 18.113.060(A)(1).

- B. All destination resorts shall have a minimum of 160 contiguous acres of land. Acreage split by public roads or rivers or streams shall count toward the acreage limit, provided that the CMP demonstrates that the isolated acreage will be operated or managed in a manner that will be integral to the remainder of the resort.
- C. All destination resorts shall have direct access onto a state or County arterial or collector roadway, as designated by the Comprehensive Plan.
- D. A destination resort shall, cumulatively and for each phase, meet the following minimum requirements:
 - 1. The resort shall have a minimum of 50 percent of the total acreage of the development dedicated to permanent open space, excluding yards, streets and parking areas. Portions of individual residential lots and landscape area requirements for developed recreational facilities, visitor-oriented accommodations or multi-family or commercial uses established by DCC 18.124.070 shall not be considered open space;
 - 2. Individually-owned residential units that do not meet the definition of overnight lodging in DCC 18.04.030 shall not exceed two such units for each unit of visitor-oriented overnight lodging. Individually-owned units shall be considered visitor-oriented lodging if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through one or more central reservation and check-in service(s) operated by the destination resort or by a real estate property manager, as defined in ORS 696.010.
- E. Phasing. A destination resort authorized pursuant to DCC 18.113.060 may be developed in phases. If a proposed resort is to be developed in phases, each phase shall be as described in the CMP. Each individual phase shall meet the following requirements:
 - 1. Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of DCC 18.113 and Goal 8.
 - 2. The first phase and each subsequent phase of the destination resort shall cumulatively meet the minimum requirements of DCC 18.113.060 and DCC 18.113.070.
 - 3. Each phase may include two or more distinct noncontiguous areas within the destination resort.
- F. Destination resorts shall not exceed a density of one and one-half dwelling units per acre including residential dwelling units and excluding visitor-oriented overnight lodging.
- G. Dimensional Standards:
 - 1. The minimum lot area, width, lot coverage, frontage and yard requirements and building heights otherwise applying to structures in underlying zones and the provisions of DCC 18.116 relating to solar access shall not apply within a destination resort. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP. In determining these standards, the Planning Director or Hearings Body shall find that the minimum specified in the CMP are adequate to satisfy the intent of the comprehensive plan relating to solar access, fire protection, vehicle access, visual management within landscape management corridors and to protect resources identified by LCDC Goal 5 which are identified in the Comprehensive Plan. At a minimum, a 100-foot setback shall be maintained from all streams and rivers. Rimrock setbacks shall be as provided in DCC Title 18. No lot for a single-family residence shall exceed an overall project average of 22,000 square feet in size.
 - 2. Exterior setbacks.
 - a. Except as otherwise specified herein, all development (including structures, site-obscuring fences of over three feet in height and changes to the natural topography of the land) shall be setback from exterior property lines as follows:
 - i. Three hundred fifty feet for commercial development including all associated parking areas;
 - ii. Two hundred fifty feet for multi-family development and visitor-oriented accommodations (except for single-family residences) including all associated parking areas;
 - iii. One hundred fifty feet for above-grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii);
 - iv. One hundred feet for roads;
 - v. Fifty feet for golf courses; and

- vi. Fifty feet for jogging trails and bike paths where they abut private developed lots and no setback for where they abut public roads and public lands.
 - b. Notwithstanding DCC 18.113.060(G)(2)(a)(iii), above-grade development other than that listed in DCC 18.113.060(G)(2)(a)(i) and (ii) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.
 - c. The setbacks of DCC 18.113.060 shall not apply to entry roadways and signs.
- H. Floodplain requirements. The floodplain zone (FP) requirements of DCC 18.96 shall apply to all developed portions of a destination resort in an FP Zone in addition to any applicable criteria of DCC 18.113. Except for floodplain areas which have been granted an exception to LCDC goals 3 and 4, floodplain zones shall not be considered part of a destination resort when determining compliance with the following standards;
 - 1. One hundred sixty acre minimum site;
 - 2. Density of development;
 - 3. Open space requirements.

A conservation easement as described in DCC Title 18 shall be conveyed to the County for all areas within a floodplain which are part of a destination resort.
- I. The Landscape Management Combining Zone (LM) requirements of DCC 18.84 shall apply to destination resorts where applicable.
- J. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be a separate conditional use subject to all pertinent requirements of DCC Title 18.
- K. Time-share units not included in the overnight lodging calculations shall be subject to approval under the conditional use criteria set forth in DCC 18.128. Time-share units identified as part of the destination resort's overnight lodging units shall not be subject to the time-share conditional use criteria of DCC 18.128.
- L. The overnight lodging criteria shall be met, including the 150-unit minimum and the 2 to 1 ratio set forth in DCC 18.113.060(D)(2).
 - 1. Failure of the approved destination resort to comply with the requirements in DCC 18.113.060(L)(2) through (6) will result in the County declining to accept or process any further land use actions associated with any part of the resort and the County shall not issue any permits associated with any lots or site plans on any part of the resort until proof is provided to the County of compliance with those conditions.
 - 2. Each resort shall compile, and maintain, in perpetuity, a registry of all overnight lodging units.
 - a. The list shall identify each individually-owned unit that is counted as overnight lodging.
 - b. At all times, at least one entity shall be responsible for maintaining the registry and fulfilling the reporting requirements of DCC 18.113.060(L)(2) through (6).
 - c. Initially, the resort management shall be responsible for compiling and maintaining the registry.
 - d. As a resort develops, the developer shall transfer responsibility for maintaining the registry to the homeowner association(s). The terms and timing of this transfer shall be specified in the Conditions, Covenants & Restrictions (CC&Rs).
 - e. Resort management shall notify the County prior to assigning the registry to a homeowner association.
 - f. Each resort shall maintain records documenting its rental program related to overnight lodging units at a convenient location in Deschutes County, with those records accessible to the County upon 72 hour notice from the County.
 - g. As used in this section, "resort management" includes, but is not limited to, the applicant and the applicant's heirs, successors in interest, assignees other than a home owners association.
 - 3. An annual report shall be submitted to the Planning Division by the resort management or home owners association(s) each February 1, documenting all of the following as of December 31 of the previous year:
 - a. The minimum of 150 permanent units of overnight lodging have been constructed or that the resort is not yet required to have constructed the 150 units;

- b. The number of individually-owned residential platted lots and the number of overnight-lodging units;
 - c. The ratio between the individually-owned residential platted lots and the overnight lodging units;
 - d. The following information on each individually-owned residential unit counted as overnight lodging.
 - i. Who the owner or owners have been over the last year;
 - ii. How many nights out of the year the unit was available for rent;
 - iii. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 18.113;
 - iv. Documentation showing that these units were available for rental as required.
 - e. This information shall be public record subject to ORS 192.502(17).
 - 4. To facilitate rental to the general public of the overnight lodging units, each resort shall set up and maintain in perpetuity a telephone reservation system..
 - 5. Any outside property managers renting required overnight lodging units shall be required to cooperate with the provisions of this code and to annually provide rental information on any required overnight lodging units they represent to the central office as described in DCC 18.113.060(L)(2) and (3).
 - 6. Before approval of each final plat, all the following shall be provided:
 - a. Documentation demonstrating compliance with the 2 to 1 ratio as defined in DCC 18.113.060(D)(2);
 - b. Documentation on all individually-owned residential units counted as overnight lodging, including all of the following:
 - i. Designation on the plat of any individually-owned units that are going to be counted as overnight lodging;
 - ii. Deed restrictions requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
 - iii. An irrevocable provision in the resort Conditions, Covenants and Restrictions (“CC&Rs”) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
 - iv. A provision in the resort CC&R’s that all property owners within the resort recognize that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(iii) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;
 - v. Inclusion of language in any rental contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation and check-in service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010, and that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(v) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.
- (Ord. 2007-05 §2, 2007; Ord. 92-004 §13, 1992)

18.113.070. Approval Criteria.

In order to approve a destination resort, the Planning Director or Hearings Body shall find from substantial evidence in the record that:

- A. The subject proposal is a destination resort as defined in DCC 18.040.030.
- B. All standards established by DCC 18.113.060 are or will be met.
- C. The economic analysis demonstrates that:
 - 1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by DCC 18.113.
 - 2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved.
 - 3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land.
 - 4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort, will constitute a primary attraction to visitors, based on the economic feasibility analysis.
- D. Any negative impact on fish and wildlife resources will be completely mitigated so that there is no net loss or net degradation of the resource.
- E. Important natural features, including but not limited to significant wetlands, riparian habitat, and landscape management corridors will be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands will be maintained. Alterations to important natural features, including placement of structures, is allowed so long as the overall values of the feature are maintained.
- F. The development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- G. Destination resort developments that significantly affect a transportation facility shall assure that the development is consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:
 - 1. Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;
 - 2. Providing transportation facilities adequate to support the proposed development consistent with Oregon Administrative Rules chapter 660, Division 12; or
 - 3. Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.A destination resort significantly affects a transportation facility if it would result in levels of travel or access that are inconsistent with the functional classification of a facility or would reduce the level of service of the facility below the minimum acceptable level identified in the relevant transportation system plan.
 - a. Where the option of providing transportation facilities is chosen, the applicant shall be required to improve impacted roads to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development as determined by the traffic study or the recommendations of the affected road authority.
 - b. Access within the project shall be adequate to serve the project in a safe and efficient manner for each phase of the project.
- H. The development will not create the potential for natural hazards identified in the County Comprehensive Plan. No structure will be located on slopes exceeding 25 percent. A wildfire management plan will be implemented to ensure that wildfire hazards are minimized to the greatest extent practical and allow for safe evacuation. With the exception of the slope restriction of DCC 18.113.070, which shall apply to destination resorts in forest zones, wildfire management of destination

resorts in forest zones shall be subject to the requirements of DCC 18.40.070, where applicable, as to each individual structure and dwelling.

- I. Adequate public safety protection will be available through existing fire districts or will be provided onsite according to the specification of the state fire marshal. If the resort is located outside of an existing fire district the developer will provide for staffed structural fire protection services. Adequate public facilities to provide for necessary safety services such as police and fire will be provided on the site to serve the proposed development.
- J. Streams and drainage. Unless otherwise agreed to in writing by the adjoining property owner(s), existing natural drainages on the site will not be changed in any manner which interferes with drainage patterns on adjoining property. All surface water drainage changes created by the development will be contained on site in a manner which meets all standards of the Oregon State Department of Environmental Quality (DEQ). The erosion control plan for the subject development will meet all standards of ORS 468.
- K. Adequate water will be available for all proposed uses at the destination resort, based upon the water study and a proposed water conservation plan. Water use will not reduce the availability of water in the water impact areas identified in the water study considering existing uses and potential development previously approved in the affected area. Water sources shall not include any perched water table. Water shall only be taken from the regional aquifer. Where a perched water table is pierced to access the regional aquifer, the well must be sealed off from the perched water table.
- L. The wastewater disposal plan includes beneficial use to the maximum extent practicable. Approval of the CMP shall be conditioned on applicant's making application to DEQ for a Water Pollution Control Facility (WPCF) permit consistent with such an approved wastewater disposal plan. Approval shall also be conditioned upon applicant's compliance with applicable Oregon Administrative Rules regarding beneficial use of waste water, as determined by DEQ. Applicant shall receive approval of a WPCF permit consistent with this provision prior to applying for approval for its Final Master Plan under DCC 18.113.
- M. The resort will mitigate any demands it creates on publicly-owned recreational facilities on public lands in the surrounding area.
- N. Site improvements will be located and designed to avoid or minimize adverse effects of the resort on the surrounding land uses. Measures to accomplish this may include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas and similar types of buffers; and setback of structures and other developments from adjacent land uses.
- O. The resort will be served by an on-site sewage system approved by DEQ and a water system approved by the Oregon State Health Division except where connection to an existing public sewer or water system is allowed by the County Comprehensive Plan, such service will be provided to the resort.
- P. The destination resort will not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents permitted or conditional uses of surrounding properties.
- Q. Commercial, cultural, entertainment or accessory uses provided as part of the destination resort will be contained within the development and will not be oriented to public highways adjacent to the property. Commercial, cultural and entertainment uses allowed within the destination resort will be incidental to the resort itself. As such, these ancillary uses will be permitted only at a scale suited to serve visitors to the resort.

The commercial uses permitted in the destination resort will be limited in type, location, number, dimensions and scale (both individually and cumulatively) to that necessary to serve the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:

 1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort, or the use is necessary for operation, maintenance or promotion of the destination resort; and
 2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.

- R. A plan exists to ensure a transfer of common areas, facilities such as sewer, water, streets and responsibility for police and fire protection to owners' associations or similar groups if contemplated. If such transfer is not contemplated, the owner or responsible party shall be clearly designated. Adequate open space, facility maintenance and police and fire protection shall be ensured in perpetuity in a manner acceptable to the County.
- S. Temporary structures will not be allowed unless approved as part of the CMP. Temporary structures will not be allowed for more than 18 months and will be subject to all use and site plan standards of DCC Title 18.
- T. The open space management plan is sufficient to protect in perpetuity identified open space values. (Ord. 2007-5 §2, 2007; Ord. 92-032 §1, 1992; Ord. 92-004 §13, 1992)

18.113.075. Imposition of Conditions.

The standards made applicable by DCC 18.113 may be met by the imposition of conditions calculated to insure that the standard will be met.
(Ord. 92-004 §13, 1992)

18.113.080. Procedure for Modification of a Conceptual Master Plan.

Any substantial change, as determined by the Planning Director, proposed to an approved CMP shall be reviewed in the same manner as the original CMP. An insubstantial change may be approved by the Planning Director. Substantial change to an approved CMP, as used in DCC 18.113.080, means an alteration in the type, scale, location, phasing or other characteristic of the proposed development such that findings of fact on which the original approval was based would be materially affected.
(Ord. 92-004 §13, 1992)

18.113.090. Requirements for Final Master Plan.

It shall be the responsibility of the applicant to provide a Final Master Plan (FMP) which includes text and graphics explaining and illustrating:

- A. The use, location, size and design of all important natural features, open space, buffer areas and common areas;
- B. The use and general location of all buildings, other than residential dwellings and the proposed density of residential development by location;
- C. Preliminary location of all sewer, water, storm drainage and other utility facilities and materials, and specifications and installation methods for water and waste water systems;
- D. Location and widths of all roads, streets, parking, pedestrian ways, equestrian trails and bike paths;
- E. Methods to be employed to buffer and mitigate potential adverse impacts on adjacent resource uses and property;
- F. Building elevations of visitor-oriented accommodations, recreational facilities and commercial services sufficient to demonstrate the architectural character of the proposed development;
- G. A description of all commercial uses including approximate size and floor area;
- H. The location of or distance to any emergency medical facilities and public safety facilities;
- I. When a phase includes a residential subdivision, a general layout of the subdivision shall include the number of lots, minimum and maximum lot sizes, and approximate location of roadways shall be included;
- J. A description of measures taken, with copies of deed restrictions, CC&R's and rental contracts, to implement the requirements of DCC 18.113.060(L).
- K. A description of measures taken, with copies of deed restrictions and a final management plan, to implement the open space management plan required by DCC 18.113.
- L. The status of all required off-site roadway improvements.
- M. Methods to be employed for managing automobile traffic demand.

N. A copy of a WPCF permit issued by DEQ consistent with the requirements of DCC 18.113.070(L).
(Ord. 2007-005 §2, 2007; Ord. 92-004 §13, 1992)

18.113.100. Procedure for Approval of Final Master Plan.

- A. The FMP shall be submitted in a form approved by the County Planning Director consistent with DCC Title 22 for a development permit. The Planning Director shall review the FMP and if the Planning Director finds that all standards of the CMP have been met, the FMP shall be approved in writing without notice. If approval the FMP involves the exercise of discretion, the FMP shall be treated as a land use action and notice shall be provided in accordance with DCC Title 22;
- B. If the Planning Director finds evidence in the FMP of a substantial change from the CMP, the Planning Director shall advise the applicant to submit an application for modification or amendment of the CMP.
(Ord. 92-004 §13, 1992)

18.113.110. Provision of Streets, Utilities, Developed Recreational Facilities and Visitor-Oriented Accommodations.

- A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor-oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots or units.
- B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor-oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.
(Ord. 92-004 §13, 1992; Ord. 92-003 §1, 1992)

18.113.120. Conservation Easement to Protect Resource Site.

- A. If a tract to be used as a destination resort contains a resource site designated for protection in an acknowledged comprehensive plan pursuant to open spaces, scenic and historic areas and natural resource goals, that tract of land shall preserve the resource site by conservation easement sufficient to protect the resource values of the resource site in accordance with ORS 271.715 to 271.795.
- B. A conservation easement under DCC 18.113.120 shall be recorded with the property records of the tract on which the destination resort is sited.
(Ord. 2007-005 §2, 2007)
(Zoning maps adopted by Ord. 92-031 §1, 1992)

Chapter 18.116. SUPPLEMENTARY PROVISIONS

- 18.116.010. Authorization of Similar Uses.
- 18.116.020. Clear Vision Areas.
- 18.116.030. Off-Street Parking and Loading.
- 18.116.031. Bicycle Parking.
- 18.116.035. Bicycle Commuter Facilities.
- 18.116.040. Accessory Uses.
- 18.116.050. Manufactured Homes.
- 18.116.070. Placement Standards for Manufactured Homes.
- 18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.
- 18.116.090. A Manufactured Home as a Temporary Residence for Medical Condition.
- 18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.
- 18.116.100. Building Projections.
- 18.116.200. Repealed.
- 18.116.120. Fences.
- 18.116.130. Hydroelectric Facilities.
- 18.116.140. Electrical Substations.
- 18.116.150. Endangered Species.
- 18.116.160. Rimrock Setbacks Outside of LM Combining Zone.
- 18.116.170. Solar Height Restrictions.
- 18.116.180. Building Setbacks for the Protection of Solar Access.
- 18.116.190. Solar Access Permit.
- 18.116.200. Repealed.
- 18.116.210. Residential Homes and Residential Facilities.
- 18.116.215. Family Childcare Provider.
- 18.116.220. Conservation Easements on Property Adjacent to Rivers and Streams-Prohibitions.
- 18.116.230. Standards for Class I and II Road Projects.
- 18.116.240. Protection of Historic Sites.
- 18.116.250. Wireless Telecommunications Facilities.
- 18.116.260. Rock Crushing Outside the SM Zone.
- 18.116.270. Conducting Filming Activities in All Zones.
- 18.116.280. Home Occupations.

18.116.010. Authorization of Similar Uses.

- A. The purpose of DCC 18.116.010 is to, consistent with provisions of state law, provide for land uses not specifically listed in any zone, but which are similar in character, scale, impact and performance to a permitted or conditional use specified in a particular zone.
- B. Review Criteria. A similar use may be authorized by the Planning Director or Hearings Body provided that the applicant establishes that the proposed use meets the following criteria:
 - 1. The use is not listed specifically in any zone;
 - 2. The use is similar in character, scale, impact and performance to one or more of the permitted or conditional uses listed for the zone in which it is proposed; and
 - 3. The use is consistent with any applicable requirements of state law with respect to what uses may be allowed in the particular zone in question.

Any similar use authorized by the Planning Director or Hearings Body shall conform to the applicable standards and requirements of the zone in which it is located, including any requirements for conditional use review set forth in DCC 18.128.

C. Procedure:

1. A property owner may initiate a request for authorization of a similar use by filing an application with the Planning Division on forms prescribed by the division.
2. The Planning Director or Hearings Body shall consider a request for authorization of a similar use under the requirements of Title 22, the Deschutes County Uniform Development Procedures Ordinance.

(Ord. 91-038 §3, 1991)

18.116.020. Clear Vision Areas.

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.
- B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B)(1) and (2). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the County:
 1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.
 2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

Right of way Width	Clear vision
80 feet or more	20 feet
60 feet	30 feet
50 feet and less	40 feet

(Ord. 91-020 §1, 1991)

18.116.030. Off-street Parking and Loading.

- A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:
 1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 5,000	0
5,000-30,000	1
30,000-100,000	2
100,000 and Over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.
4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.
- D. Number of Spaces Required. Off-street parking shall be provided as follows:
1. Residential.

Use	Requirements
One, two and three family dwellings	2 spaces per dwelling unit
Multi-family dwelling containing four or more dwelling units:	
Studio or efficiency unit	0.75 space per unit
1 bedroom	1.00 space per unit
2 bedroom	1.50 space per unit
3 bedroom	2.25 space per unit
4 bedroom	2.50 space per unit
Apartment/hotel, rooming or boarding house	0.50 space guest parking per dwelling unit
Quad or quint dwelling	4.50 spaces per quad and 5.50 spaces per quint

2. Commercial Residential.

Use	Requirements
Hotel	1 space per guest room plus 1 space per 2 employees.
Motel	1 space per guest room or suite plus 1 additional space for the owner-manager
Club or lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory	1 space for each 6 student beds

3. Institutions.

Use	Requirements
Welfare or correctional institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, nursing hospital, sanitarium, rest home, home for the aged	1 space per 2 beds for patients or residents
Hospital	1.50 spaces per bed

4. Places Of Public Assembly.

Use	Requirements
Church	1 space per 4 seats or 8 feet of bench length in the main auditorium or 1 space for each 50 sq. ft. of floor area used for assembly
Library, reading room, museum, art gallery	1 space per 400 sq. ft. of floor area plus 1 space per 2 employees
Preschool, nursery or kindergarten	2 spaces per teacher
Elementary or junior high schools	1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater, plus 1 space per employee.
High schools	1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater, plus 1 space per employee

College or commercial school for adults	1 space per 3 seats in classrooms
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor space.

5. Commercial Amusements.

Use	Requirements
Stadium, arena or theater	1 space per 4 seats or 8 feet of bench length
Bowling alley	6 spaces per lane, plus 1 space per 2 employees
Dance hall or skating rink	1 space per 100 sq. ft. of floor area, plus 1 space per 2 employees.

6. Commercial.

Use	Requirements
Grocery stores of 1,500 sq. ft. or less of gross floor area, and retail stores, except those selling bulky merchandise	1 space per 300 sq. ft. of gross floor areas
Supermarkets, grocery stores	1 space per 200 sq. ft. of gross floor area
Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 sq. ft. of gross floor area
Bank or office, except medical or dental	1 space per 300 sq. ft. of gross floor area
Medical and dental office or clinic	1 space per 150 sq. ft. of gross floor area
Eating or drinking establishments	1 space per 100 sq. ft. of gross floor area.
Mortuaries	1 space per 4 seats or 8 ft. of bench length in chapels

7. Industrial.

Use	Requirements
Manufacturing establishment	1 space per employee on the largest working shift
Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space per 2,000 sq. ft. of floor area

8. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.

E. General Provisions. Off-Street Parking.

1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
3. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
4. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.
5. Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the LaPine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.
6. On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
 - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
 - b. Diagonal parking (60 degree), each with 11 feet of curb;
 - c. Perpendicular parking (90 degree), each with 10 feet of curb;

- d. Curb space must be connected to the lot that contains the use;
 - e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.
- F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
- 1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures..
 - 2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.
 - 3. Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.
 - 4. Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:
 - a. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
 - b. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
 - c. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.
 - 5. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 - 6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
 - 7. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.
 - 8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.
- G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:
(SEE TABLE 1 AT END OF CHAPTER 18.116)
- 1. For one row of stalls use "C" + "D" as minimum bay width.
 - 2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.
 - 3. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.

4. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.
(Ord. 2004-013 §12, 2004; Ord. 2003-005 §2, 2003; Ord. 2002-015 §2, 2002, Ord. 2001-044 §4, 2001; Ord. 97-078 §6, 1997; Ord. 96-003 §7, 1996; Ord. 93-063 §2, 1993; Ord. 93-043 §19, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-017 §1, 1990)

18.116.031. Bicycle Parking.

New development and any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.

A. Number and Type of Bicycle Parking Spaces Required.

1. **General Minimum Standard.** All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces. Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.
2. **Special Minimum Standards.**
 - a. **Multi-Family Residences.** Every residential use of four or more dwelling units shall provide at least one bicycle parking space for each unit. In those instances in which the residential complex has no garage, required spaces shall be sheltered.
 - b. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
 - c. **Schools.** Secondary schools, both public and private, shall provide one bicycle parking space for every 10 students, all of which shall be sheltered.
 - d. **Colleges.** One-half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.
3. **Trade Off with Motor Vehicle Parking Spaces.**
 - a. One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking. Any deleted motor vehicle space shall be replaced with at least five bicycle spaces. If such additional parking is to be located in the area of the deleted automobile parking space, it must meet all other bicycle parking standards.
 - b. The Hearings Body or Planning Director may authorize additional bicycle parking in exchange for required motor vehicle parking in areas of demonstrated, anticipated, or desired high bicycle use.
4. **Calculating number of bicycle spaces.**
 - a. Fractional spaces shall be rounded up to the next whole space.
 - b. For facilities with multiple uses (such as a commercial center) bicycle-parking requirements shall be calculated by using the total number of motor vehicle spaces required for the entire development.

B. Bicycle Parking Design.

1. **General Description.**
 - a. **Sheltered Parking.** Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.
 - b. Unsheltered parking may be provided by bicycle racks.

2. Location.
 - a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space. Bicycle parking shall be located in areas of greatest use and convenience to bicyclist. Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.
 - b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.
 - c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.
3. Dimensional Standards.
 - a. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
 - b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
 - c. Each required bicycle parking space shall be accessible without moving another bicycle.
4. Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.
5. Security.
 - a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
 - b. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.
6. Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planning Director.

(Ord. 93-005 §4, 1993)

18.116.035. Bicycle Commuter Facilities.

- A. Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.
- B. This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.

(Ord. 93-005 §5, 1993)

18.116.040. Accessory Uses.

An accessory use shall comply with all requirements for a principal use, except as DCC Title 18 specifically allows to the contrary, and shall comply with the following limitations:

- A. The primary use of the property must be established or applied for prior to issuance of any building or land use permits for an accessory structures.

1. Exception:
 - a. Building permit for a ramada or carport may be issued without establishment or application of primary use if all other criteria for issuance are met.
 - b. Land use, building or environmental health permits or extensions of such permits sought to correct existing code violations for the subject property shall be issued if all other criteria for issuance are met.
 - c. A building permit for an accessory structure or structures not exceeding a combined total of 2,000 square feet in size, with no windows, with only one floor, an operable garage door, no plumbing or stack vents through the roof or walls and not requiring plumbing or mechanical permits.
 - B. A side yard or rear yard may be reduced to five feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.
 - C. Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone provided that:
 1. In a residential zone, parking or storage in a front yard or in a side yard adjoining a street other than an alley shall be permitted only on a driveway.
 2. Parking or storage shall be at least three feet from an interior side lot line.
 - D. A manufactured home may be stored on an individual lot subject to obtaining a zoning approval from the Planning Division and subject to the following:
 1. Storage period shall not exceed one year.
 2. No utilities other than electric may be connected.
 3. The mobile home shall not be inhabited.
 4. The subject lot is not located in a CH, Conventional Housing Combining Zone.
- (Ord. 96-057 §1, 1996; Ord. 95-077 §1, 1995; Ord. 95-075 §1, 1995; Ord. 91-038 §1, 1991)

18.116.050. Manufactured Homes.

Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into the following types:

- A. A Class A manufactured home shall:
 1. Have more than 1,000 square feet of occupied space in a double section or larger multi-section unit;
 2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
 3. Have wheels, axles and hitch mechanisms removed;
 4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications;
 5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
 6. Have roofing materials of a type customarily used on site constructed residences, including wood shakes or shingles, asphalt or fiberglass shingles, corrugated mat finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and
 7. Have siding materials of a type customarily used on site-constructed residences such as clapboard, horizontal vinyl or aluminum lap-siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.
- B. A Class B manufactured home shall:
 1. Have at least 750 square feet of occupied space in a single, double, expand or multi-section unit;
 2. Be placed on a foundation, as specified by the manufacturer. Skirting shall be required;
 3. Have wheels, axles and hitch mechanisms removed;

4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications;
 5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
 6. Have roofing materials of a type customarily used on site constructed residences, including wood shakes or shingles, asphalt or fiberglass shingles, corrugated matte finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and
 7. Have siding materials of a type customarily used on site constructed residences such as clapboard, horizontal vinyl or aluminum lap siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.
- C. A Class C manufactured home shall:
1. Have at least 576 square feet of occupied space, excluding tipouts and hitches;
 2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
 3. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976, or bear the Oregon Department of Commerce "Insignia of Compliance"; and
 4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications.
- D. A Class D manufactured home shall:
1. Have more than 320 square feet of occupied space;
 2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required; and
 3. Have utilities connected subject to requirements of the Building Codes Agency and manufacturer's specifications.

(Ord. 2004-013 §12, 2004; Ord. 2001-013 §1, 2001; Ord. 2000-033 §7, 2000; Ord. 93-043 §§19B-E, 1993; Ord. 91-038 §4, 1991; Ord. 91-017 §§1-3 and 4, 1991; Ord. 91-005 §§38-40 and 41, 1991; Ord. 89-004 §§3 and 5, 1989; Ord. 81-042 §1-3 and 4, 1981)

18.116.070. Placement Standards for Manufactured Homes.

- A. As defined in DCC 18.116.050, Class A and B manufactured homes shall be permitted as follows, subject to the requirements of the underlying zone:
1. In the following zones, except where there is a Conventional Housing Overlay Zone (CH): Any EFU zone, MUA-10, F-1, F-2, RR-10, any area zoned as an unincorporated community (as that term is defined herein), RSR-M, RSR-5, and FP as the primary dwelling, and R-I and SM as a caretaker's residence.
 2. In manufactured home parks and subdivisions.
 3. As permitted in DCC 18.116.080 and 18.116.090.
 4. Class A and B manufactured homes are not permitted in any historic district or on any historic site.
- B. Class C manufactured homes shall be permitted as follows:
1. Except as otherwise allowed in DCC 18.116.070, on parcels 10 acres in size or larger.
 2. As a secondary accessory farm dwelling.
 3. In manufactured home parks and manufactured home subdivisions.
 4. As permitted in DCC 18.116.080 and 18.116.090.
 5. As a replacement to an existing non-conforming manufactured home destroyed by fire or other natural act, or as an upgrade to an existing manufactured home.
 6. In the following subdivisions: Rockview II, Tetherow Crossing, Chaparral Estates, Crystal Acres, Hidden Valley Mobile Estates, Johnson Acres, Seven Peaks, Sun Mountain Ranches, Deschutes River Homesites Rimrock Addition, Happy Acres, Rancho El Sereno, Whispering Pines, Bend

Cascade View Estates, Raintree, Holmes Acres, La Pine Meadows North, Pine Crest Ranchettes, Dora's Acres, Pierce Tracts, Roan Park, South Forty, Tomes, Crooked River Ranch, Dale Acres, Replat/Hillman, Lake Park Estates, Mary K. Falls Estates.

7. Class C manufactured homes are not permitted in any historic district or on any historic site.
- C. An exception may be granted by the Planning Director or Hearings Body to allow a Class C manufactured home to be placed in a subdivision which is not listed in DCC 18.116.070(B)(6), where all of the following conditions exist:
1. The manufactured home is specifically designed or has been substantially modified for wheelchair or disabled access (disabled accessible manufactured home).
 2. There are Class C manufactured homes in the subdivision located within one-quarter mile of the lot upon which the manufactured home will be placed.
 3. The disabled accessible manufactured home and lot upon which the manufactured home is to be placed were purchased by the applicant prior to February 22, 1989.
- D. Class D manufactured homes shall be permitted as follows:
1. In manufactured home parks and subdivisions.
 2. As permitted in DCC 18.116.080 and 18.116.090.
 3. Class D manufactured homes are not permitted in any historic district or on any historic site.
- (Ord. 2000-033 §8, 2000; Ord. 96-003 §8, 1996; Ord. 91-020 §1, 1991; Ord. 91-005 §§42 and 43, 1991; Ord. 89-016 §1, 1989; Ord. 89-014 §1, 1989; Ord. 89-004 §§3 and 5, 1989; Ord. 81-042 §5, 1981)

18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.

A manufactured home of any class or a recreational vehicle may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- A. The manufactured home or recreational vehicle shall be placed upon a lot for which a building permit for a housing unit has been obtained.
- B. The manufactured home or recreational vehicle shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
- C. Electric, water and sewer utility connections shall be made to the manufactured home or recreational vehicle.
- D. The manufactured home shall be removed from the lot not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the date of final building inspection of the housing unit, whichever occurs first. The habitation of the recreational vehicle must cease, and its connection to all utilities other than electric must be discontinued not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever occurs first.
- E. All evidence that the manufactured home has been on the lot shall be removed within the 30 days following the removal of the manufactured home.

(Ord. 93-043 §19F, 1993; Ord. 91-005 §44, 1991; Ord. 89-004 §4, 1989)

18.116.090. A Manufactured Home as a Temporary Residence for Medical Condition.

- A. A temporary use permit for a manufactured home of any class in a residential area may be granted when a medical condition exists which requires the temporary location of a manufactured home on the property in order to provide necessary care for a member of the principal occupant's family. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.
- B. The temporary use permit shall be reviewed annually for compliance with the terms of DCC 18.116.090.

- C. The manufactured home shall be removed not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist.
(Ord. 91-005 §45, 1991; Ord. 89-004 §5, 1989)

18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling and used as a temporary dwelling unit:
1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
- B. All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.
- C. A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on-site.
- D. A recreational vehicle used as a temporary dwelling unit shall meet the same setbacks required of a permanent dwelling on the subject lot.
- E. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.

(Ord. 2007-019 §4, 2007; Ord. 98-062 §1, 1998; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

18.116.100. Building Projections.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet into a required yard, provided that the projection is not closer than three feet to a property line.

(Ord. 91-038 §4, 1991)

18.116.120. Fences.

- A. Fences which form a solid barrier or are sight obstructive shall not exceed three and one-half feet in height when located in a required front yard or in a clear vision area.
- B. Fences in Wildlife Area Combining Zones shall be designed in conformance with the requirements of DCC 18.88.
- C. All fences shall comply with the requirements of the State of Oregon Building Code.

(Ord. 92-042 §3, 1992; Ord. 91-038 §1, 1991)

18.116.130. Hydroelectric Facilities.

- A. No new hydroelectric facilities shall be constructed, and no existing hydroelectric facilities shall be enlarged or expanded in size of area or generating capacity, on the following rivers and streams within Deschutes County:
1. Deschutes River, from its headwaters to River Mile 227, above, but not including Wickiup Dam, and from Wickiup Dam to River Mile 171 below Lava Island Falls;
 2. Crooked River;
 3. Fall River;
 4. Little Deschutes River;
 5. Spring River;
 6. Paulina Creek;

7. Whychus Creek; and
 8. Tumalo Creek..
- B. Hydroelectric facilities are allowed as a conditional use on the Deschutes River at Wickiup Dam, and from River Mile 171 below Lava Island Falls downstream to the northern Deschutes County line. Such conditional use shall be governed by the conditions set forth in DCC 18.128.260.
(Ord. 86-018 §17, 1986)

18.116.140. Electrical Substations.

Electrical substations, whether as an outright or conditional use, shall submit a site plan complying with the provisions of DCC Title 18 to the Planning Department.
(Ord. 91-020 §1, 1991)

18.116.150. Endangered Species.

Developments which occur in areas which may disturb species (plant or animal) listed by the U.S. Environmental Protection Agency or the Department of Fish and Wildlife as endangered shall prepare an acceptable protection plan for use during and after construction (e.g., a nest protection plan for developments in the vicinity of Bald Eagle nesting sites).
(Ord. 91-020 §1, 1991)

18.116.160. Rimrock Setbacks Outside of LM Combining Zone.

All structures, including decks, within 50 feet from the edge of a rimrock, as defined in DCC 18.04.030, shall be subject to site review if visible from the river or stream. Prior to approval of any structure within 50 feet of a rimrock, the Planning Director or Hearings Body shall make the following findings:

- A. All structures, including decks, shall be set back a minimum of 20 feet from the edge of the rimrock.
- B. The height of the structure shall not exceed the setback from the edge of the rimrock.
- C. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
- D. Where multiple structures are proposed on a parcel of land the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the effected area. This shall require a maintenance of at least 65 percent open space along all rimrocks.

(Ord. 92-034 §3, 1992; Ord. 91-020 §1, 1991; Ord. 88-004 §1, 1988; Ord. 86-053 §21, 1986; Ord. 85-016 §2, 1985; Ord. 82-013 §2, 1982; Ord. 81-015 §1, 1981)

18.116.170. Solar Height Restrictions.

No building, structure or nonexempt vegetation may exceed the solar height restriction established on a burdened property by the solar access of a benefited property.
(Ord. 83-037 §25, 1983)

18.116.180. Building Setbacks for the Protection of Solar Access.

- A. Purpose. The purpose of DCC 18.116.180 is to provide as much solar access as practical during the winter solar heating hours to existing or potential buildings by requiring all new structures, excepting lots less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 “lot width,” and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine, to be constructed as far south on their lots as is necessary and feasible.
- B. Standards. Every new structure or addition to an existing structure, excepting lots less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 “lot width,” and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine, shall meet the following standards for a solar setback from the north lot line, except as provided in DCC 18.116.180(B)(3):

1. South Wall Protection Standard. The south wall protection standard is based on an eight-foot solar fence on the subject property's north lot line which allows solar radiation on a neighboring building's south wall above two feet from the ground, assuming a 20-foot setback from the common property line to the neighboring building. Solar setbacks for the south wall protection standards can be calculated with the diagram in Appendix A-1 or estimated with the table in Appendix A-2. Final determination of solar setback distance is made by entering the following variables into the Deschutes County Shadow Length computer program:
 - a. Pole height;
 - b. The eight-foot fence height;
 - c. The scale of the plot plan submitted in feet per inch; and
 - d. Degrees of slope of the land from east to west and from north to south.
 - e. If a setback meeting this requirement is not feasible due to physical constraints of the lot, including, but not limited to, rock outcroppings, septic systems, existing legal restrictions or lot dimensions, as determined by the Planning Director or Hearings Body, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standard set forth in DCC 18.116.180(B)(2).
2. South Roof Protection Standard. The south roof protection standard is based on a 14 foot solar fence on the subject property's north lot line which allows for solar radiation on a neighboring building above eight feet from ground level and assuming a 20 foot setback from the common boundary line to the neighboring building. Solar setbacks for this standard can be calculated using the diagram in Appendix B-1 or estimated using the table in Appendix B-2. Final determination of the setback will be made using the Shadow Length computer program by specifying a 14-foot solar fence and additional site specific information as listed in DCC 18.116.180(B)(1).
3. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:
 - a. That the structure cannot be located on the lot without violating the requirements contained in Appendix B; and
 - b. That the structure is built with its highest point as far to the south as feasible; and
 - i. That the structure is a single family residence with a highest point less than or equal to 16 feet high; or, if not a single family residence;
 - ii. That it is a permitted or conditional use for the lot.
4. Exemptions.
 - a. The governing body may exempt from the provision of DCC 18.116.180 any area where it is determined that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zone in which taller buildings are planned.
 - b. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director or Hearings Body.
 - c. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure is in conformance with a solar height restriction as provided in DCC Title 17, the Subdivision/Partition Ordinance, as amended.

(Ord. 2006-035 §2, 2006; Ord. 2004-013 §12, 2004; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 83-037 §3, 1983)

18.116.190. Solar Access Permit.

- A. Purpose. The purpose of DCC 18.116.190 is to provide solar access to productive solar collectors by establishing limitations, on a case by case basis, for the growth of vegetation on certain lots in the vicinity of a productive solar collector.
- B. Application for Solar Access Permit.

1. Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.
 2. The application for a solar access permit shall be on forms prescribed by the County and shall contain, at a minimum:
 - a. A legal description of the applicant's lot, including a statement that the applicant is the owner of the lot, and a description of the nature of the applicant's interest in the lot;
 - b. Documentation to show that the solar collector is or will be a productive solar collector within one year of application;
 - c. Descriptive drawings of the solar collector showing its dimensions and precise location;
 - d. A sun chart and a statement of the solar heating hours for which solar access is sought;
 - e. A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighboring lot;
 - f. A statement that trimming the vegetation on the applicant's lot will not permit an alternative location that would lessen the burden on a neighboring lot;
 - g. A list of the lots that are within 150 feet to the south, southeast, or southwest of the solar collector, including streets, alleys and other unbuildable areas; a legal description for each such lot; the owner of record and his address; the exempt vegetation located on the lot; and any existing nonexempt vegetation likely to encroach on the protected area;
 - h. A statement that none of the lots impacted is located on a north-facing slope with a grade that exceeds, on average, 15 percent; and
 - i. A plot plan showing the location of and delineating all exempt and nonexempt vegetation as shown on the sunchart photograph as well as any nonexempt vegetation not shown on the sunchart which may encroach on the protected area in the future. The plot plan shall also include:
 - i. The exact site of the solar collector, its height and its orientation.
 - ii. Scale.
 - iii. An indication of true north.
 - iv. A survey of the lot.
 3. The solar access permit application shall be approved if:
 - a. The solar collector is or will be a productive solar collector;
 - b. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under DCC 18.116.190(B)(3)(b) if the applicant could trim his own vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot. A solar access permit shall also be denied under DCC 18.116.190(B)(3)(b) if there is an alternate location that would impose a lesser burden on a neighboring lot or lots;
 - c. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21;
 - d. The solar access provided by the permit does not burden any lot with a north facing slope with a grade that exceeds, on average, 15 percent; or which is more than 150 feet from the solar collector; and
 - e. The application is accurate and complete.
- C. Solar Access Permit Issuance and Recordation.
1. Upon the approval of an application, the County shall issue and acknowledge a solar access permit creating the solar access requested in the application.
 2. Upon receiving such a permit, the County Clerk shall:
 - a. Record the solar access permit in the chain of title of the applicant's lot and of each neighboring lot identified in the application; and
 - b. Keep a copy of the approved application on file in County records.
 3. The form of the solar access permit shall be as prescribed by the County and shall contain, at a minimum:

- a. A legal description of the applicant's lot and each neighboring lot to be burdened by the solar access created by the solar access permit; and
 - b. A complete description of the solar access restrictions applicable to each neighboring lot, including the solar heating hours during which solar access is provided, and a sun chart showing the plotted skyline, including vegetation and structures, and a scaled drawing showing the size and location of the protected area and its orientation with respect to true south; and
 - c. A reference to where the approved application may be obtained.
- D. **Obligation Created by Solar Access Permit.** The owner of any lot burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot that shades the protected area created by the solar access permit, provided that there is no vegetation on the lot benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot if the vegetation existed at the time of permit application as shown on the plot plan; and for all other vegetation, by the owner of the burdened lot. Before any trimming is required, the collector owner must certify that the collector is still productive.
- E. **Termination of Solar Access Permit.**
- 1. The Planning Director or Hearings Body shall terminate the solar access permit with respect to all or part of the neighboring lots burdened by the solar access permit if a petition for termination is submitted by the applicant or the applicant's successor in interest, or the collector is not productive for 12 consecutive months.
 - 2. The County Clerk shall record the termination of the solar access permit in the chain of title of each lot affected by the termination.
- (Ord. 93-043 §19G, 1993; Ord. 91-020 §1, 1991; Ord. 83-037 §3, 1983)

18.116.200. (Repealed by Ord. 98-062, 1998)

18.116.210. Residential Homes and Residential Facilities.

- A. Residential homes and residential facilities shall be permitted in the same manner that single-family dwellings are permitted under DCC Title 18. For the purposes of DCC Title 18, the term "dwelling" or "single-family dwellings" shall be synonymous with the terms "residential home" or "residential facility."
 - B. In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.
- (Ord. 91-038 §3, 1991)

18.116.215. Family Childcare Provider.

- A. A family childcare provider's home shall be considered a residential use of property, permitted in all areas zoned for residential and commercial purposes, including areas zoned for single-family dwellings.
 - B. The family childcare provider's home is subject to the same restrictions imposed on any residential dwelling in the same residential or commercial zone.
- (Ord. 97-003 §3, 1997)

18.116.220. Conservation Easements on Property Adjacent to Rivers and Streams-Prohibitions.

- A. As a condition of approval of all land use actions involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Paulina Creek, Whychus Creek and Tumalo Creek, the property owner shall convey to the County a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," affecting all property on the subject lot which is within 10 feet of the ordinary high water mark of the river or stream.

- B. The form of the conservation easement shall be as prescribed by the County and may contain such conditions as the County deems necessary to carry out the purposes described in DCC 18.04.030, "Conservation Easement."
 - C. Any public access required as part of a conservation easement shall be subject to the following conditions:
 - 1. Public access shall be limited to foot traffic for recreational purposes and the putting in or taking out of boats.
 - 2. Unless otherwise permitted by the affected property owner, public access does not allow public passage through other private property to gain access to the property subject to the conservation easement.
 - 3. Unless otherwise permitted by state law, County ordinance or the property owner, no person on the subject property as a result of a public access requirement of a conservation easement shall deposit solid waste, damage or remove any property, (including wildlife and vegetation) maintain or ignite fires or fireworks, discharge firearms or camp.
- (Ord. 91-020 §1, 1991; Ord. 89-004 §3, 1989; Ord. 86-054 §2, 1986)

18.116.230. Standards for Class I and II Road Projects.

Class I and II road or street projects shall be reviewed against the applicable Comprehensive Plan Transportation Plan element, shall be consistent with applicable road standards and shall meet the following criteria:

- A. Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.
 - B. Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).
 - C. Retention of scenic quality, including tree preservation.
 - D. Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.
 - E. In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.
 - F. Consideration of the potential developmental impact created by the facility.
 - G. Cost effectiveness.
- (Ord. 93-043 §19H, 1993)

18.116.240. Protection of Historic Sites.

Historic sites listed and described on the County's Goal 5 inventory, contained in the Resource Element of the comprehensive plan, shall be protected or not protected in accordance with programs set forth in the ESEE determinations for each individual site, adopted as part of the Resource Element of the comprehensive plan and any comprehensive plan policies specifically applicable to the site. The uses allowed and dimensional standards prescribed by the underlying zoning designations for designated historic sites are not otherwise affected by the historic designation.

(Ord. 94-030 §1, 1994)

18.116.250. Wireless Telecommunications Facilities.

- A. Tier 1 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize natural wood colors or muted tones from amongst colors approved by Ordinance 97-017, that utilize a radio equipment cabinet or shelter that is less than 120 square feet in area and less than 10 feet in height, and that meet the following standards are allowed outright in any zone other than the Exclusive Farm Use, the Surface Mining Zone, and the Forest Zones and shall not be subject to any other provision of the zone:

1. Facilities established by co-locating an additional set of antennas on an existing wireless telecommunications tower or monopole that do not exceed the County approved height of the tower or monopole, and do not add ground based equipment outside the existing lease area. Notwithstanding any provision of DCC 18.116.250(A), facilities established under DCC 18.116.250(A)(1) are permitted outright in any zoning district.
 2. Facilities that make use of existing vertical structures, including but not limited to power or telephone utility poles or towers, parking lot or street lighting standards or flagpoles. For the purposes of DCC 18.116.250(A), a vertical structure is “existing” if it was constructed after receiving all required land use and/or building permits on or before November 12, 1997, the date of adoption of Ordinance 97-063. A pole location in a public right of way shall not be fenced. Antennas established on an existing vertical structure shall be installed so that they do not exceed the height of the existing vertical structure by more than 15 feet. New structures in this category are limited to equipment shelters that do not require a building permit. Walk-in equipment shelters shall be set back out of any road right of way at least 20 feet back from the pole location. Any necessary road right of way permits shall be obtained from the Deschutes County Road Department. Equipment cabinets shall be subject only to the road right of way setback requirements.
 3. Facilities that are established by attaching or placing an antenna or set of antennas on an existing building not designated as an historic structure, where the antenna array does not exceed the height of the building by more than 15 feet. All equipment shall be stored inside a building. For the purpose of DCC 18.116.250(A), a building exists if it was constructed after receiving all required land use and/or building permits and was occupied on or before November 12, 1997, the date of adoption of Ordinance 97-063.
 4. Facilities that include installation of a new wood monopole that does not exceed the height limit of the underlying zone, and does not exceed 45 feet in height. All equipment shall be stored in a building that has a roof area that does not exceed 120 square feet in area or 10 feet in height. The monopole, and any building, shall be set back from adjacent property lines according to the setbacks of the underlying zone. Any microwave dishes installed on the monopole shall not exceed a diameter of three feet. No more than two dishes shall be installed on a monopole or tower. The perimeter of a lease area for a facility established under DCC 18.116.250(A) shall be landscaped with shrubs eight feet in height and planted a maximum of 24 inches on center.
- B. Tier 2 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize a wood monopole for supporting antennas and/or microwave dishes and that meet the criteria in DCC 18.116.250 are allowed outright, subject to site plan review under DCC 18.116.250(B) (and not DCC 18.124.060) in the following zones: La Pine Commercial District (LPCD), La Pine Industrial District (LPID), Rural Industrial (RI), Rural Service Center (RSC), Rural Service Center-Wickiup Junction (RSC-WJ), Terrebonne Commercial District (TeC), and Tumalo Commercial District (TuC). Lattice towers or metal monopoles are not permitted with a Tier 2 facility.
1. An application for site plan review for a Tier 2 wireless telecommunications facility shall meet the following criteria:
 - a. Maximum Monopole Height. In the LPCD, LPID, RSC, RSC-WJ, TeC, and TuC zones, the maximum height of a monopole that supports antennas and/or microwave dishes for a wireless telecommunications facility shall be 60 feet from finished grade. In the RI Zone, the maximum height of a monopole that supports antennas and/or microwave dishes for a wireless telecommunications facility shall be 75 feet from finished grade.
 - b. Setbacks. All equipment shelters shall be set back from property lines according to the required setbacks of the underlying zone. A monopole shall be set back from any adjacent dwelling a distance equal to the height of the monopole from finished grade, or according to the setbacks of the underlying zone, whichever is greater.
 - c. Shelters. Any equipment shelter shall be finished with natural aggregate materials or from colors approved with Ordinance 97-017.

- d. Landscaping. The perimeter of a lease area shall be landscaped with plant materials appropriate for its location. The lessee shall continuously maintain all installed landscaping and any existing landscaping used to screen a facility.
 - e. Cabinets. Any equipment cabinets shall be finished with colors from amongst those colors approved with Ordinance 97-063. Such colors shall be non-reflective and neutral.
 - f. Fences. A sight obscuring fence, as defined by DCC Title 18, shall be installed around the perimeter of the lease area. The sight obscuring fence shall surround the monopole and the equipment shelter.
- C. Tier 3 Facilities. Wireless telecommunications facilities (or their equivalent uses described in the EFU, Forest, and SM Zones) not qualifying as either a Tier 1 or 2 facility may be approved in all zones, subject to the applicable criteria set forth in DCC 18.128.330 and 18.128.340.
- 1. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 shall be submitted to the County in writing and accompanied by a site plan and proposed schematics of the facility. If the County can issue a written determination without exercising discretion or by making a land use decision as defined under ORS 197.015(10), the County shall respond to the request in writing.
 - 2. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 that involves exercising discretion or making a land use decision shall be submitted and acted upon as a request for a declaratory ruling under DCC 22.40.
- (Ord. 2000-19 §1, 2000; Ord. 97-063 §1, 1997; Ord. 97-017 §7, 1997)

18.116.260. Rock Crushing Outside the SM Zone.

- A. The following standards apply to all on-site rock crushing activity outside the SM zone:
 - 1. The subject property has received site plan, tentative plat or final plat approval for the construction or maintenance activity for which on-site rock crushing occurs;
 - 2. Rock crushing equipment has a valid Oregon Department of Environmental Quality air contaminant discharge permit;
 - 3. The volume of material excavated on-site does not exceed the amount necessary to complete on-site construction and maintenance;
 - 4. Rock crushing equipment and all activity directly associated with crushing such as truck traffic is located at least 500 feet from the nearest noise-sensitive or dust-sensitive use or structure, unless an exception to this standard is allowed pursuant to DCC 18.116.260(F);
 - 5. No off-site material is brought on site for crushing;
 - 6. Rock crushing equipment is removed from the site within 30 days of completing the crushing activity; and
 - 7. Excavated and crushed material not used for on-site construction or landscaping is removed from the site prior to occupancy, where a site plan is approved, or within 60 days of completing all road, utility or other improvements where a tentative or final plat is approved.
- B. On-site rock crushing for on-site construction and maintenance is permitted outright in any zone, except Flood Plain (FP), or in any combining zone, except Wildlife Area (WA), Landscape Management (LM), or Sensitive Bird And Mammal Habitat (SBMH), if the requirements of DCC 18.116.260(A) and the following standards are met:
 - 1. Rock crushing activity, including set up and crushing, occurs for no more than 60 consecutive days on a site within any one-year period;
 - 2. Rock crushing occurs Monday through Friday, between 7:00 a.m. and 5:00 p.m., and not on legal holidays; and
 - 3. Water is available on-site to provide dust control.
- C. Except for the activity allowed outright as set forth under DCC 18.116.260(B), a temporary use permit for rock crushing for on-site construction and maintenance may be permitted in any zone or combining

zone subject to approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.260(D).

- D. Use limitations. On-site rock crushing provided for in DCC 18.116.260(C) may be approved upon satisfaction of the requirements in DCC 18.166.260(A) and the following:
 - 1. The site under consideration is suitable for rock crushing and rock crushing is compatible with the existing uses within 500 feet of the rock crushing equipment, based upon the proposed duration of use of the equipment and the natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values;
 - 2. An engineer registered in Oregon verifies in writing that the operation of the rock crushing equipment will meet applicable DEQ noise standards; and
 - 3. Sufficient water is available on-site to provide approved methods of dust control.
- E. Application requirements. An application for a temporary use permit for on-site rock crushing shall contain the following:
 - 1. A detailed explanation of the proposed construction and rock crushing activities, including the duration and operating characteristics of rock crushing;
 - 2. A map drawn to scale showing the location of property boundaries, setbacks to the rock crushing activity and any topographic features in the immediate vicinity of the proposed rock crusher;
 - 3. A written explanation describing how each of the requirements in DCC 18.116.260(D) will be met; and
 - 4. Any additional information which will assist in the evaluation of the proposed rock crushing.
- F. Setback exceptions. An exception to the setback requirement in DCC 18.116.260(A) shall be allowed pursuant to a notarized written agreement for a lesser setback made between the owner of the noise sensitive or dust-sensitive use or structure located within 500 feet of the proposed rock crushing activity and the owner or operator of the rock crusher.

(Ord. 97-006 §2, 1997)

18.116.270. Conducting Filming Activities in All Zones.

Any use of land or activity involving on-site filming and accessory and supporting activities as those terms are defined in DCC 18.116.270 shall be governed by the provisions of DCC 18.116.270 and shall govern in any conflict with other provisions of DCC Title 18 or DCC Title 22.

- A. On-site filming and activities accessory to on-site filming are permitted outright in any zone or combining zone of the County if:
 - 1. The activity would involve no more than 45 days on any site within any one-year period; or
 - 2. The activity does not involve erection of sets that remain in place for filming longer than any 45-day period and does not involve fill and removal activities regulated by DCC Title 18, involve activities within a sensitive habitat area governed by DCC 18.90 or involve activities, improvements or structures covered by DCC 18.96; and
 - 3. All evidence of filming activity and sets is removed from the site and the site is restored to its previous condition within 15 days after the filming is complete.
- B. Except for the activities allowed outright as set forth under DCC 18.116.270(A), on-site filming and activities accessory to and/or supporting on-site filming may be conducted in any zone or combining zone subject to the approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.270(C). For the purposes of DCC 18.116.270(B) only, "support activities" shall include office administrative functions such as payroll and scheduling; the use of campers, truck trailers and similar temporary facilities; and temporary facilities used for housing of security personnel.
- C. Use Limitations. Any use of land or activity involving on-site filming and activities accessory to and/or supporting on-site filming provided for under DCC 18.116.270(B) may be approved upon satisfaction of the following criteria:
 - 1. General Limitations.

- a. The site under consideration is suitable for the proposed filming or accessory activity based upon the following factors:
 - i. The design, operating characteristics and duration of the use;
 - ii. Adequacy of transportation access to the site; and
 - iii. The natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values.
 - b. The proposed use will be compatible with the existing uses on surrounding properties based upon the factors listed in DCC 18.116.270(C)(1)(a)(i), (ii) and (iii).
2. Special Limitations. In addition to the general limitations set forth under DCC 18.116.270(C)(1)(a) and (b), the following additional special limitations shall be applied, where applicable:
- a. Filming and accessory or supporting activities proposed for a site designated as exclusive farm use by the zoning ordinance shall be subject to applicable provisions of ORS 215.296.
 - b. Filming and accessory or supporting activities involving structures or improvements regulated under DCC 18.96 (flood plain zone) shall be subject to the applicable provisions of DCC 18.96 unless the Federal Emergency Management Agency authorizes a waiver of the provisions of DCC 18.96.
 - c. Filming and accessory or supporting activities necessitating fill or removal activities shall comply with the applicable provisions of DCC 18.128.270, except that no conservation agreement shall be required where the fill is associated with a temporary structure or improvement and such fill would be removed along with the temporary structure or improvement under a fill and removal permit required by the County.
 - d. Filming and accessory or supporting activities shall not be allowed in any sensitive habitat area designated under DCC 18.90 during the nesting period identified in the ESEE for each site.
3. At the completion of filming, any structure or improvement for which land use approval would otherwise be required shall obtain the required approvals or the structure or improvement shall be removed. The County may require the applicant to post a bond in an amount sufficient to cover the cost of removal for any such structure or improvement.
4. The standards of DCC 18.116.270(B) may be met by the imposition of conditions calculated to ensure that this standard will be met.
- D. Procedures for review. All applications subject to DCC 18.116.270 shall be processed in accordance with DCC Title 22 with the exception that the Board of County Commissioners shall be the initial hearings body.
- E. Definitions.
1. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" means:
 - a. Filming and site preparation, construction of sets, staging, make-up and support services customarily provided for on site filming.
 - b. Production of advertisements, documentaries, feature films, television series and other film productions that rely on the qualities of the zone in which the filming is to be located in more than an incidental way.
 2. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" do not include:
 - a. Facilities for marketing, editing and other such activities that are allowed only as a home occupation; or
 - b. Construction of new structures that require a building permit.

(Ord. 97-007 §1, 1997)

18.116.280. Home Occupations.

- A. Home Occupations Permitted Outright In All Zones.
 - 1. Home occupations that operate from within a dwelling, have characteristics that are indistinguishable from the residential use of a dwelling, and meet the criteria in paragraph (A)(2) shall be considered uses accessory to the residential use of a dwelling.
 - 2. Home occupations under this subsection that meet the following criteria are uses permitted outright under Title 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance, in all zones:
 - a. Is conducted within a dwelling only by residents of the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not occupy more than 25 percent of the floor area of the dwelling;
 - d. Does not produce odor, dust, glare, flashing lights, noise smoke or vibrations in excess of that created by normal residential use.
 - e. Does not include the on-site advertisement, display or sale of stock in trade.
- B. Types. In addition to the home occupations allowed in Section A above, three Types of home occupations maybe allowed with limitations on location and intensity of allowed uses. Type 1 allows low intensity uses and Types 2 and 3 allow progressively greater intensity of uses.
- C. Type 1. Where permitted outright, a Type 1 home occupation does not require a land use permit but shall be subject to the following criteria. A Type 1 home occupation:
 - 1. Does not require a minimum parcel size.
 - 2. Is conducted within a dwelling or a residential accessory structure only by residents of the dwelling
 - 3. Does not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
 - 4. Creates no more than five (5) trips to the site per day for customers or clients, including parcel delivery services;
 - 5. May include employees or contractors that work off-site;
 - 6. Does not produce prolonged odor, dust, glare, flashing lights or noise smoke, and vibrations in excess of that created by normal residential use
 - 7. Does not involve the on-site advertisement display or sale of stock in trade, other than vehicle or trailer signage.
 - 8. Does not include building or ground mounted signs.
 - 9. Does not include outsides storage of equipment or materials used in the operation of the home occupation.
 - 10. Has adequate access and on-site parking for not more than one (1) customer, or delivery vehicle at any given time.
 - 11. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled equipment (trailer) which shall not exceed 3,000 pounds gross vehicle weight.
 - 12. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
 - 13. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
 - 14. Does not involve any external changes to the dwelling in which the home occupation will be established that would give the dwelling an outward appearance of a business.
 - 15. Allows for servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling, attached garage or accessory structure.
- D. Type 2. A Type 2 home occupation may be allowed as a conditional use with an approved conditional use permit subject to the approval criteria below. A Type 2 home occupation is not subject to the approval criteria for a conditional use permit in DCC Chapter 18.128.015 or a site plan review under

DCC Chapter 18.124. Type 2 home occupations are subject to the standards of the zone in which the home occupation will be established A Type 2 home occupation :

1. Is conducted from a property that is at least one-half (1/2) acre in size.
2. Is conducted within a dwelling and/or an accessory structure by residents of the dwelling and no more than two (2) employees who report to the property for work.
3. May include employees or contractors that work off site.
4. Does not occupy more than 25 percent, up to a maximum of 1,500 square feet, of the combined floor area of the dwelling, including attached garage and one (1) accessory structure. 5. May include on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
5. Creates no more than ten (10) business-related vehicle trips to the site per day by employees, customers or clients, and parcel delivery services.
6. Has adequate access and on-site parking for not more than four (4) customer and employee, or delivery vehicles at any given time.
7. Is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for operation.
8. Does not involve any external changes to the dwelling or the accessory structure in which the home occupation will be established that would give any building an outward appearance of a business.
9. Does not produce prolonged odor, dust, glare, flashing lights, noise, smoke, or vibrations in excess of that created by normal residential use.
10. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
11. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support shall not exceed 6 feet in height and is located on the property from which the home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
12. May be subject to an annual inspection, as a condition of an approval, to ensure compliance with the requirements of this section and the conditions of an approved conditional use permit.
13. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled trailer which shall not exceed 10,000 pounds gross vehicle weight.
14. Does not include outside storage of equipment or materials used in operation of the home occupation.
15. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
16. All employee, customer and delivery vehicle parking spaces shall be on-site and shall be located outside of the required zone setbacks.
17. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located.
18. Does not include structural alterations affecting the residential appearance of a building to accommodate the home occupation except when otherwise required by law, and, then, only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
19. Allows servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling, attached garage or accessory structure.
20. Does not include the following activities:
 - a. Repair, towing, or storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, trailers, recreational vehicles, and boats.
 - b. Detailing, painting, and upholstery of motorized vehicles.

- c. Businesses that store and use vehicles with a gross vehicle weight rating of greater than or equal to 15,000 pounds or equipment with an operating weight greater than or equal to 10,000 pounds.
 - d. Appliance repair.
 - e. Welding or machine shop.
- E. Type 3. Type 3 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established, in DCC Section 18.128.015, and the following limitations.
- A Type 3 home occupation:
1. Is conducted from a property that is at least one-half (1/2) acre in size.
 2. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
 3. Is conducted within a dwelling and/or an accessory structure by residents of the dwelling and no more than two (2) employees who report to the property for work. May have a maximum of five (5) employees at the home occupation located on property in an EFU, MUA10, or RR10 zone and that is at least 10 acres in size.
 4. May include employees or contractors that work off site.
 5. Does not occupy more than 35 percent of the combined floor area of the dwelling, including an attached garage and one (1) accessory structure.
 6. May include on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
 7. Creates no more than twenty (20) business-related vehicle trips to the site per day by employees, customers or clients, including parcel delivery services.
 8. Has adequate access and on-site parking for not more than five (5) customer, employee, or delivery vehicles at any given time.
 9. Is limited to the hours and days of operation proposed by an applicant and approved with a conditional use permit.
 10. Does not involve any external changes to the dwelling or accessory structure in which the home occupation will be established that would give the dwelling an outward appearance of a business.
 11. Does not produce prolonged odor, dust, glare, flashing lights, noise smoke, or vibrations in excess of that created by normal residential use.
 12. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
 13. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support structure shall not exceed 6 feet in height and is located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
 14. May include outside storage of equipment and materials on parcels approved for a home occupation, not to be included in the 35 percent of combined floor area.
 15. Allows for servicing, inspecting, loading, and or dispatching vehicles and equipment incidental to the home occupation and stored within the buffered and screened outside area.
 16. Requires review of the home occupation approval every 12 months by the planning division to ensure compliance with the requirements of this section and the conditions required for approval of the use.
 17. Conducts all home occupation activities within one or more structures on the property that are of a type normally associated with the zone where it is located.
 18. Locates all employee, customer and delivery vehicle parking spaces on-site and outside of the required zone setbacks.

19. Parks all vehicles used by the operator to conduct the home occupation that have a gross vehicle weight of 15,000 or more pounds in a garage, an accessory structure, or within a screened area according to the requirements of DCC 18.116.280(E)(21)(a) through (e).
20. No structural alteration affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
21. Includes no outside storage unless the subject property is 10 or more acres in size and the storage is setback a minimum of 20 feet from all property lines, and is maintained to screen materials and equipment from residences on adjacent properties. The form of screening may include, but is not limited to:
 - a. A sight-obscuring fence, as defined in DCC 18.04.030.
 - b. Intervening tree cover.
 - c. Topography.
 - d. Existing buildings on site.
 - e. Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.

(Ord 2007-021 §1, 2007; Ord 2004-002 §24, 2004)

TABLE 1
DCC Section 18.116.030
OFF-STREET PARKING LOT DESIGN

A	B	C	D	E	F
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0

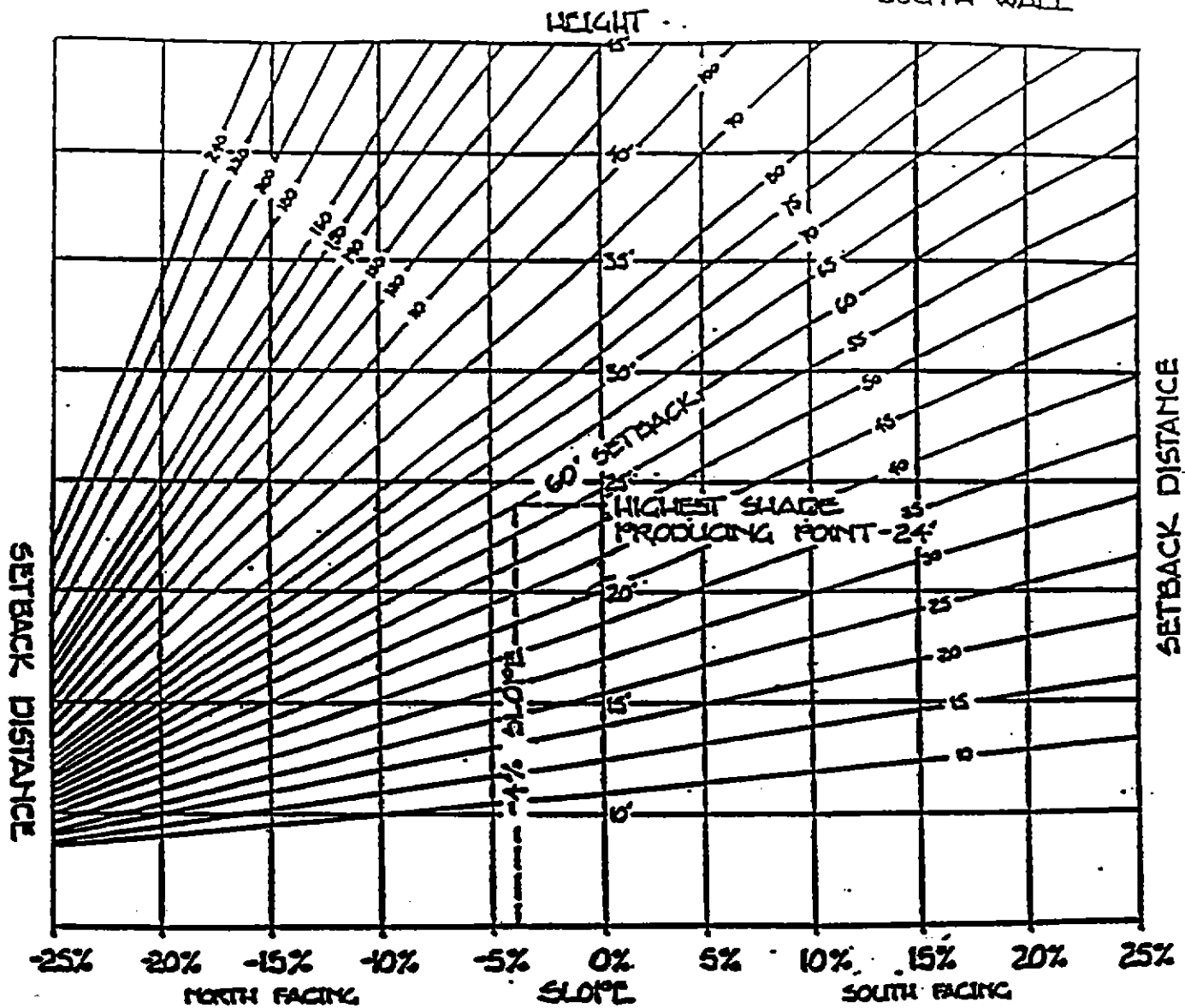
- A. Parking Angle
- B. Stall Width
- C. 20' Stall
- D. Aisle Width-One Way*
- E. Curb Length Per Car
- F. Bay Width

* 24' Minimum for Two-Way Traffic

APPENDIX A-1
DCC Section 18.116.180

SOLAR SETBACK CALCULATOR

SOUTH WALL



APPENDIX A-2
DCC Section 18.116.180

ESTIMATED SOLAR SETBACKS

SOUTH WALL PROTECTION

8-Foot Fence

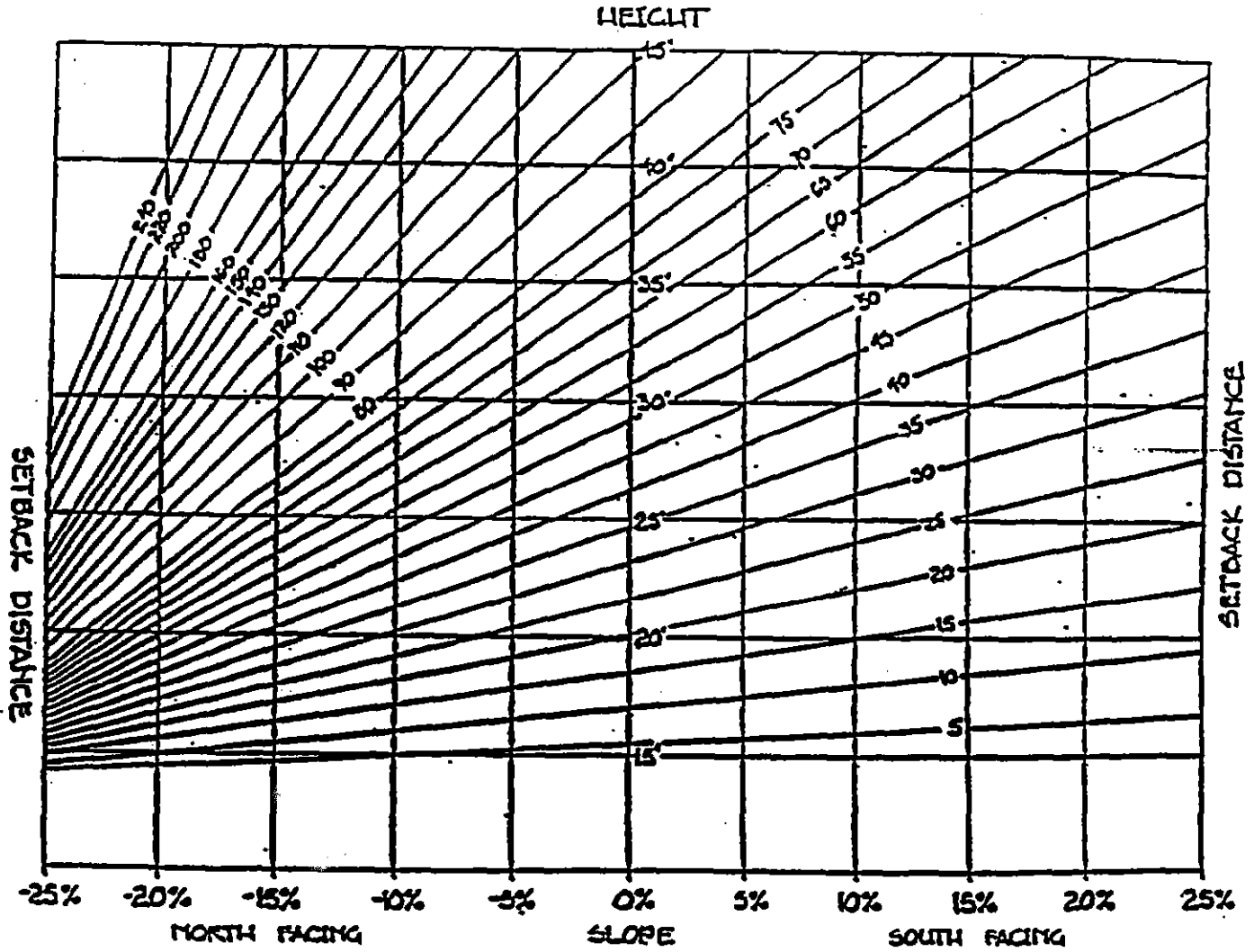
		HIGHEST SHADE PRODUCING POINT							
		16'	18'	20'	22'	24'	26'	28'	30'
SLOPE									
North Facing	15°	42.2	52.8	63.4	73.9	84.5	95.0	105.6	116.2
	10°	34.6	43.3	51.9	60.6	69.3	77.9	86.6	95.2
	5°	29.5	36.9	44.3	51.6	59.0	66.4	73.8	81.1
Level	0°	25.8	32.3	38.7	45.2	51.7	58.1	64.6	71.0
South Facing	5°	23.1	28.8	34.6	40.4	46.1	51.9	57.6	63.4
	10°	20.9	26.1	31.3	36.6	41.8	47.0	52.2	57.4
	15°	19.1	23.9	28.7	33.5	38.3	43.1	47.9	52.7

NOTE: These are solar setback lines, calculated 29° east (and west) of north for a lot with no slope gradient (0°) or a slope gradient towards the north (north facing) or south (south facing). Solar setbacks will vary if the property slopes in any other direction. The building setback line, measured perpendicular from the north property line to the structure, will normally be less than the solar setback distance indicated in the table above.

APPENDIX B-1
DCC Section 18.116.180

SOLAR SETBACK CALCULATOR

SOUTH ROOF



APPENDIX B-2
DCC Section 18.116.180

ESTIMATED SOLAR SETBACKS

SOUTH ROOF PROTECTION

14-Foot Fence

		HIGHEST SHADE PRODUCING POINT							
		16'	18'	20'	22'	24'	26'	28'	30'
SLOPE									
North Facing	15°	10.6	21.1	31.7	42.2	52.8	63.4	73.9	84.5
	10°	8.7	17.3	26.0	34.6	43.3	51.9	60.6	69.3
	5°	7.4	14.8	22.1	29.5	36.9	44.3	51.6	59.0
Level	0°	6.5	12.9	19.4	25.8	32.3	38.7	45.25	51.7
South Facing	5°	5.8	11.5	17.3	23.1	28.8	34.6	40.4	46.1
	10°	5.2	10.4	15.7	20.9	26.1	31.3	36.6	41.8
	15°	4.8	9.6	14.4	19.1	23.9	28.7	33.5	38.3

NOTE: These are solar setback lines, calculated 29° east (and west) of north for a lot with no slope gradient (0°) or a slope gradient towards the north (north facing) or south (south facing). Solar setbacks will vary if the property slopes in any other direction. The building setback line, measured perpendicular from the north property line to the structure, will normally be less than the solar setback distance indicated in the table above.

Chapter 18.120. EXCEPTIONS

- 18.120.010. Nonconforming Uses.**
- 18.120.020. Nonconforming Lot Sizes.**
- 18.120.030. Exceptions to Yard Requirements.**
- 18.120.040. Building Height Exceptions.**
- 18.120.050. Fill and Removal Exceptions.**

18.120.010. Nonconforming Uses.

Except as otherwise provided in DCC Title 18, the lawful use of a building, structure or land existing on the effective date of DCC Title 18, any amendment thereto or any ordinance codified therein may be continued although such use or structure does not conform with the standards for new development specified in DCC Title 18. A nonconforming use or structure may be altered, restored or replaced subject to DCC 18.120.010. No nonconforming use or structure may be resumed after a one-year period of interruption or abandonment unless the resumed use conforms with the provisions of DCC Title 18 in effect at the time of the proposed resumption.

A. Expansion or Replacement of a Nonconforming Structure.

1. **Nonconforming Structure.** For the purposes of DCC 18.120.010, a nonconforming structure is one that was lawfully established and violates current setbacks of DCC Title 18 but conforms with respect to use.
2. **Replacement or Expansion without Additional Encroachment in Setback Area.** A nonconforming structure may be replaced with a new structure of the same size on the same footprint as the preexisting nonconforming structure or may be expanded with an addition that does not project into the required setback area at any point, subject to all other applicable provisions of DCC Title 18.
3. **Replacement or Expansion with Additional Encroachment in Setback Area.** Replacement or expansion of a nonconforming structure that would involve an additional projection into the front, side or rear yard setback area at any point along the footprint of the existing or preexisting structure may be allowed provided such additional projection into the setback area (1) does not exceed 900 square feet; (2) does not exceed the floor space of the existing or preexisting structure; (3) does not cause the structure to project further toward the front, side or rear property lines than the closest point of the existing or preexisting structure; and (4) meets the variance approval standards set forth in DCC 18.132.025(A)(1) through (4).

Such replacements or expansions must conform with all other applicable provisions of DCC Title 18.

B. Verification of Nonconforming Use.

1. Subject to the procedures set forth in DCC 18.120.010 and in DCC Title 22 for processing declaratory rulings, the planning division will verify whether or not a use constitutes a valid nonconforming use in accordance with the provisions of DCC 18.120.010 and applicable state law. Verification of the existence of a nonconforming use is required prior to or concurrent with any application to alter or restore the use.
2. Subject to DCC 18.120.010(F)(2), the applicant shall demonstrate all of the following:
 - a. The nonconforming use was lawfully established on or before the effective date of the provisions of the zoning ordinance prohibiting the use or had proceeded so far toward lawful completion as of the date it became nonconforming that a right to complete and maintain the use would be vested;

- b. The nonconforming use as it existed on the date it became nonconforming, considering the nature and the extent of the actual use of the property, has continued without abandonment or interruption; and
 - c. Any alteration in the nature and extent of the nonconforming use was done in compliance with applicable zoning ordinance standards governing alterations of non-conforming uses.
- 3. For purposes of determining whether an abandonment or interruption of use has occurred, the following shall apply:
 - a. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be one year.
 - b. An abandonment or interruption in a use or portion thereof may arise from the complete cessation of actual use of a property for a one-year period or may arise from a change in the nature or extent of the use made of the property for a one-year period or more.
 - c. An interruption or abandonment that constitutes less than full cessation of the use or a portion thereof may, in accordance with DCC 18.120.010(F)(4), result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued.
 - d. Absent an approved alteration, a change in the nature of the use may result in a determination that the use has been abandoned or has ceased if there are no common elements between the activities of the previous use and the current use.
 - e. Change of ownership or occupancy shall not constitute an interruption or abandonment, provided that, absent an approved alteration, the continuing use made of the property falls within the allowed scope of use made of the property by previous owners or occupants.
 - f. Factors to be considered in determining whether there has been a change in the nature and/or extent of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated with the use (including off-site impacts of those activities), the frequency of use, the hours of operation, changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.
- C. Maintenance of a nonconforming use. Normal maintenance of a verified nonconforming use or structure shall be permitted. Maintenance does not include alterations which are subject to DCC 18.120.010(E).
- D. Restoration or replacement of a nonconforming use. A verified nonconforming use may be restored or replaced if all of the following criteria are met:
 - 1. Restoration is made necessary by fire, natural disaster or other casualty;
 - 2. The nonconforming use is restored or replaced on the same location and is the same size or smaller than it was prior to the damage or destruction; and
 - 3. The restoration or replacement of the nonconforming use is commenced within one year of the damage or destruction.
- E. Alteration of a nonconforming use.
 - 1. The alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement.
 - 2. Any other alteration to a nonconforming use may be permitted subject to all applicable provisions of DCC Title 18, including site plan review and upon a finding that the alteration will have no greater adverse impact on the neighborhood.
 - 3. For the purposes of DCC 18.120.010(E)(2), an “alteration of a nonconforming use” shall include any change in the use of the property that would constitute a change in the nature or extent of the use of the property.

F. Procedure.

1. Any application for verification of a nonconforming use or to expand, alter, restore or replace a nonconforming use shall be processed in conformance with the applicable procedures set forth in DC 18.120.010 and the applicable procedures of DCC Title 22, the Deschutes County Uniform Development Procedures Ordinance.
2. Notwithstanding DCC 22.20.010, the initial decision on an application for an alteration of a nonconforming use shall be made administratively, without a public hearing. The Planning Director may give prior notice of the pending application pursuant to DCC 22.20.020.
3. Except as allowed by DCC 18.120.010(F)(3)(a), the burden of proof shall be on a verification applicant to prove the existence, continuity, nature and extent of the use.
 - a. Notwithstanding DCC 22.24.050, if an applicant demonstrates by a preponderance of the evidence that the nature and extent of the use sought to be verified is of the same nature and extent as the use of the property for the ten-year period immediately preceding the application, without interruption or abandonment, it shall be presumed that the nonconforming use, as proven, lawfully existed at the time the use became nonconforming and has continued without interruption or abandonment until the date of application.
 - b. The presumption may be rebutted by a preponderance of evidence showing that the use was unlawful prior to the time it became nonconforming, or that the use prior to the ten-year period was of a different nature or different in extent than the use, as proven, or that the use prior to the ten-year period was interrupted or abandoned. If the presumption is so rebutted, the presumption shall disappear and be of no further aid to the applicant.
4. If the proof demonstrates the continued existence of a valid non-conforming use, but of a different nature or extent than that claimed by the applicant, the Hearings Body may declare there to be a valid nonconforming use to the extent proven.
5. An approval of a verification, replacement or restoration of a nonconforming use verification shall not be conditioned; an approval shall be sufficiently detailed to describe the allowed parameters of the verified use. However, an approval of an alteration of a nonconforming use may be conditioned in a manner calculated to ensure mitigation of adverse impacts so that the change has no greater adverse impact to the neighborhood.
6. After a decision has been rendered on an application for a verification of a nonconforming use (including any appeals provided for under DCC Title 22 and under state law), the applicant shall not be entitled to reapply under DCC 22.28.040 for another verification determination involving the same use of the property.

(Ord. 2004-013 §13, 2004; Ord. 98-037 §1, 1998; Ord. 95-050 §1, 1995; Ord. 93-043 §20, 1993; Ord. 91-038 §1, 1991)

18.120.020. Nonconforming Lot Sizes.

- A. Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 18.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes, where applicable, shall be considered as standard metes and bounds land section division, (i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.); lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 18 if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control.
- C. Any lot that is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
 1. The lot or parcel is a lot of record, as defined in DCC 18.04.030(J), Lot of record.
 2. The use conforms to all other requirements of that zone.

3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
 4. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right of way created after June 30, 1993, shall be exempt from the minimum lot dimension of 10 acres in size. Such parcels may be partitioned only as separated by the right of way and shall not be smaller than one acre. (Ord. 93-034 §2, 1993; Ord. 87-015 §§1 and 2, 1987)

18.120.030. Exceptions to Yard Requirements.

The following exceptions to yard requirements are authorized for a lot in any zone:

- A. If there are buildings on both lots adjoining an intervening lot that are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the adjoining lots.
- B. Architectural features such as cornices, eaves, sunshades, gutters, chimneys and flues may project into a required yard in accordance with DCC 18.116.100. Also, steps, terraces, platforms, porches having no roof covering and fences not interfering with the vision clearance requirements may project into a required yard. Signs conforming to the requirements of DCC Title 18 and all other applicable ordinances shall be permitted in required yards.
- C. Canopies: The yard between a canopy and any lot line shall be a minimum of 10 feet, except that a smaller setback may be permitted if specifically allowed in a given zone.
- D. An addition to an existing residential dwelling which is within 100 feet from the ordinary high water mark along a stream or lake may be constructed provided that the addition is for residential dwelling purposes, no part of the addition is closer to the stream or lake than the existing residential structure, the addition is 900 square feet in area or smaller and does not exceed the area of floor space of the existing structure and the addition conforms with all other setbacks and building limitations.
- E. Dwellings on parcels created prior to November 1, 1979, may be granted an exception to the 100-foot setback from the ordinary high water mark along a stream or lake subject to DCC Title 22, the Uniform Development Procedures Ordinance, and the following conditions:
 1. An application shall be filed which includes:
 - a. A detailed explanation of the planned development.
 - b. An explanation of why an exception is necessary.
 - c. A site plan, drawn to scale, and accompanied by such drawings, sketches and descriptions necessary to describe and illustrate the proposed development. The site plan shall, at a minimum, include:
 - i. An inventory of existing vegetation, including trees on the lot located within 200 feet of the ordinary high water mark along the stream or lake. The inventory shall be in sufficient detail to allow the review and evaluation of the impacts of the proposed development.
 - ii. Proposed modifications of the vegetation on the lot within 200 feet of the ordinary high water mark along the stream or lake, including the size, species and approximate locations of existing vegetation to be retained and new vegetation proposed to be placed upon the site.
 - iii. Existing and proposed site contours.
 - iv. The locations and dimensions of all structures, property lines, easements, high water lines or marks, utilities and uses.
 - v. Other site elements and information that will assist in the evaluation of the proposed development.
 - d. An explanation of how the proposed development will satisfy each of the exception criteria set forth in DCC 18.120.030(E)(4)(b).

2. An exception may be granted only upon findings that:
 - a. The structure to be sited is a dwelling that is no greater than 40 feet in depth (including garages, carports and decks);
 - b. Adherence to the 100-foot setback would create a hardship, as defined in DCC 18.120.030(E)(3), preventing such a dwelling from being sited on the lot;
 - c. The site plan protects and enhances the vegetative fringe between the dwelling and the stream or lake to the degree necessary to meet the requirements set forth in the applicable goals and policies of the Comprehensive Plan; and
 - d. A conservation easement providing that the elements of the site plan will be carried out and maintained as approved, in perpetuity, for the area between the ordinary high water mark and the dwelling has been conveyed to the County.
3. For the purposes of DCC 18.120.030, a hardship exists in one or more of the following situations:
 - a. Adherence to setbacks required by the zoning ordinance in effect at the time of the application made under DCC 18.120.030 would prevent the dwelling from being sited on the lot, if the 100-foot setback were observed;
 - b. The siting of a legal on-site disposal system, placed on the lot prior to November 1, 1979 makes it impossible for the dwelling to meet the 100-foot setback;
 - c. Any approved initial on-site sewage disposal system and replacement system other than a sand filter system cannot be sited on the lot in a manner that will allow the dwelling to meet the 100-foot setback requirement;
 - d. If the only initial on-site sewage disposal system for which approval can be obtained is a sand filter system and such a system and its replacement system cannot be sited on the lot in a manner that will allow the dwelling to meet the 100-foot setback requirement; or
 - e. Dwellings exist on both adjoining lots that are closer to the stream or lake than the proposed dwelling and such existing dwellings are located within 40 feet of the proposed dwelling. If utilization of a sand filter system as a replacement system will allow such a dwelling to meet the 100-foot setback, no exception shall be granted for reasons of on-site sewage disposal constraints.
4. Dwellings qualifying for a setback exception under the criteria set forth above shall be located as follows:
 - a. Except as set forth in DCC 18.120.030(E)(4)(b), the dwelling must be located as far as possible from the ordinary high water line of the stream or lake, allowing for the hardship constraints identified for the property.
 - i. In instances where use of a sand filter system for a replacement system would allow the dwelling to be located further from the stream or lake than if another type of replacement system were utilized, the dwelling shall be sited in a manner to allow only enough room for the approved initial on-site sewage disposal system and a sand filter system as a replacement system.
 - b. Where a dwelling qualifies for a setback by virtue of DCC 18.120.030(E)(3)(e), the dwelling may be set back at a distance from the ordinary high water mark consistent with the adjoining houses, but in no case shall any part of such dwelling be located closer to the ordinary high water line than a line extending between the points of the adjoining houses that are closest to the river.

(Ord. 2004-013 §13, 2004; Ord. 95-075 §1, 1995; Ord. 93-043 §§20A and B, 1993; Ord. 91-020 §1, 1991; Ord. 90-020 §2, 1990; Ord. 86-032 §1, 1986; Ord. 84-002 §1, 1984; Ord. 81-005 §1, 1981; Ord. 81-003 §1, 1981)

18.120.040. Building Height Exceptions.

- A. The following structures or structural parts are not subject to the building height limitations of DCC Title 18: chimneys, not more than three feet six inches above the highest point of the roof, vertical support structures for telephone and power transmission lines in utility easements or public rights-of-way, not requiring a site plan review as defined in DCC 18.124.060, flagpoles not exceeding 40 feet, and agricultural structures as defined in DCC 18.04.030 not exceeding 36 feet. This exception does not apply to an Airport Development Zone, Airport Safety Combining Zone or Landscape Management Combining Zone.
- B. The following structures or structural parts may receive exceptions to the building height limitations of DCC Title 18 if approved as part of a Site Plan Review, as defined in DCC 18.124.060 and subject to the criteria contained therein, public schools, vertical support structures for telephone and power transmission lines requiring a site plan, structures that are necessary for public safety and flagpoles. This exception does not supercede the more restrictive requirements that are found in the Airport Safety Combining Zone or Landscape Management Combining Zone.
- C. An exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by DCC 18.120.040(A) may be approved upon findings that:
 - 1. The structure is not located in a Landscape Management Zone, except when the structure is a single-family dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flagpoles or other projections from the roof of the structure;
 - 2. The structure is not located within 100 feet of any rimrock, as defined in DCC 18.04.030;
 - 3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department; and
 - 4. The proposed additional height will not adversely impact scenic views from existing nearby residences.
 - 5. The proposed structure shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- D. An exception to building height limitations for agricultural structures may be approved upon findings that the applicant meets the criteria listed in DCC 18.120.040(C)(1) through (3) and demonstrates that the proposed structure is:
 - 1. An agricultural structure as defined in DCC 18.04.030;
 - 2. Located in an EFU or Forest zone; and
 - 3. Necessary to conduct generally accepted farming practices that are typical or customary of Deschutes County farmers who are regularly involved in the proposed type of agriculture. The applicant shall document satisfaction of this criterion by submitting evidence or testimony from an authorized representative of the Deschutes County Farm Bureau.

(Ord. 2001-033 §1, 2001; Ord. 2001-004 §3, 2001; Ord. 98-035 §1, 1998; Ord. 96-035 §1, 1996; Ord. 93-043 §20C, 1993; Ord. 92-055 §10, 1992; Ord. 92-036 §1, 1992)

18.120.050. Fill and Removal Exceptions.

- A. Fill and removal activities involving the removal of vegetation are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume and such fill or removal activities are undertaken for the purpose of:
 - 1. Removal of diseased or insect-infested trees or shrubs or of rotten or damaged trees that present safety hazards, or
 - 2. Normal maintenance and pruning of trees and shrubs.

- B. The following fill and removal activities may be authorized by the Planning Director or Hearings Body upon a finding that no adverse impacts will occur to the water resources of Deschutes County:
1. Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.
 2. Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities and similar public and semipublic facilities, provided such fill or removal does not alter the existing characteristics of the stream, river or wetland.
 3. Fill or removal for maintenance and repair of nonconforming structures or boat docks.
 4. Emergency actions taken to mitigate fill and removal violations when such emergency actions are intended to have a beneficial impact on fish and wildlife habitat and are determined to be the actions with the least overall impacts on the surrounding area, considering hydrologic factors; impact on water quality, on aquatic life and habitat and wildlife and habitat; the recreational, aesthetic and economic values of the affected water resources; and existing stream bank stabilization problems.
 5. Fish and wildlife habitat enhancement projects approved or sponsored by the Oregon Department of Fish and Wildlife.
- C. Fill and removal activities conducted by an Irrigation District involving piping work in existing canals and ditches within wetlands are permitted outright.

(Ord. 2001-039 §13, 2001; Ord. 2001-016 §2, 2001; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 86-056 §3, 1986)

Chapter 18.124. SITE PLAN REVIEW

- 18.124.010. Purpose.**
- 18.124.020. Elements of Site Plan.**
- 18.124.030. Approval Required.**
- 18.124.040. Contents and Procedure.**
- 18.124.050. Decision on Site Plan.**
- 18.124.060. Approval Criteria.**
- 18.124.070. Required Minimum Standards.**
- 18.124.080. Other Conditions.**
- 18.124.090. Right of Way Improvement Standards.**

18.124.010. Purpose.

DCC 18.124.010 provides for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

(Ord. 91-020 §1, 1991)

18.124.020. Elements of Site Plan.

The elements of a site plan are: The layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, bicycle parking, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures and street furniture.

(Ord. 93-043 §22D, 1993; Ord. 93-005 §6, 1993)

18.124.030. Approval Required.

- A. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.
- B. The provisions of DCC 18.124.030 shall apply to the following:
 - 1. All conditional use permits where a site plan is a condition of approval;
 - 2. Multiple-family dwellings with more than three units;
 - 3. All commercial uses that require parking facilities;
 - 4. All industrial uses;
 - 5. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, landfills, schools, utility facilities, churches, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and
 - 6. As specified for Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).
- C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.
- D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.
- E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.

(Ord. 2003-034 §2, 2003; Ord. 94-008 §14, 1994; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986)

18.124.040. Contents and Procedure.

- A. Any site plan shall be filed on a form provided by the Planning Department and shall be accompanied by such drawings, sketches and descriptions necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
 - B. Prior to filing a site plan, the applicant shall confer with the Planning Director or his representative concerning the requirements for formal application.
 - C. After the pre-application conference, the applicant shall submit a site development plan, an inventory of existing plant materials including all trees six inches in diameter or greater and other significant species, a landscape plan and architectural drawings including floor plans and elevations.
 - D. The site plan shall indicate the following:
 - 1. Access to site from adjacent rights of way, streets and arterial.
 - 2. Parking and circulation areas.
 - 3. Location, dimensions (height and bulk) and design of buildings and signs.
 - 4. Orientation of windows and doors.
 - 5. Entrances and exits.
 - 6. Private and shared outdoor recreation spaces.
 - 7. Pedestrian circulation.
 - 8. Public play areas.
 - 9. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.
 - 10. Areas to be landscaped.
 - 11. Exterior lighting.
 - 12. Special provisions for disabled persons.
 - 13. Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.
 - 14. Signs.
 - 15. Public improvements.
 - 16. Drainfield locations.
 - 17. Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long term parking facilities.
 - 18. Any required bicycle commuter facilities.
 - 19. Other site elements and information which will assist in the evaluation of site development.
 - E. The landscape plan shall indicate:
 - 1. The size, species and approximate locations of existing natural plant materials proposed to be retained and new plant materials proposed to be placed on site.
 - 2. Proposed site contouring.
 - 3. An explanation of how drainage and soil erosion is to be dealt with during and after construction.
- (Ord. 2003-034 §2, 2003; Ord. 93-005 §7, 1993; Ord. 91-020 §1, 1991)

18.124.050. Decision on Site Plan.

- A. The Planning Director or Hearings Body may deny the site plan or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in DCC Title 18.
- B. The Planning Director or Hearings Body as a condition of approval may require that the applicant file with the County a performance bond or other security approved by the governing body to assure full and faithful performance of any required improvements. The bond shall be for the dollar amount plus 10 percent of the estimated cost of the improvements.

- C. Planning Director or Hearings Body review shall be subject to DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986)

18.124.060. Approval Criteria.

Approval of a site plan shall be based on the following criteria:

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
- F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.
- H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
- J. All exterior lighting shall be shielded so that direct light does not project off-site.
(Ord. 93-043 §§21, 22 and 22A, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

18.124.070. Required Minimum Standards.

- A. Private or shared outdoor recreation areas in residential developments.
 - 1. Private Areas. Each ground-level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
 - 2. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:
 - a. Units with one or two bedrooms: 200 square feet per unit.
 - b. Units with three or more bedrooms: 300 square feet per unit.
 - 3. Storage. In residential developments, convenient areas shall be provided for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.
- B. Required Landscaped Areas.
 - 1. The following landscape requirements are established for multi-family, commercial and industrial developments, subject to site plan approval:
 - a. A minimum of 15 percent of the lot area shall be landscaped.
 - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.

2. In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:
 - a. A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.
 - c. A landscaped strip separating a parking or loading area from a street shall contain:
 - i. Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
 - ii. Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.
 - iii. Vegetative ground cover.
 - d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - e. The landscaping in a parking area shall have a width of not less than five feet.
 - f. Provision shall be made for watering planting areas where such care is required.
 - g. Required landscaping shall be continuously maintained and kept alive and attractive.
 - h. Maximum height of tree species shall be considered when planting under overhead utility lines.
- C. Nonmotorized Access.
1. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.
 2. Pedestrian Access and Circulation:
 - a. Internal pedestrian circulation shall be provided in new commercial, office and multi-family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.
 - b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.
 - c. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.
 - d. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
 - e. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.
- D. Commercial Development Standards:
1. New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.
 2. To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the interior, rear or non-street side of the complex may be located and oriented toward private interior streets within the development if consistent with

all other standards of paragraph (1) above and this paragraph. Interior streets used to satisfy this standard may have on-street parking and shall have sidewalks along the street in front of the building. Such sidewalks shall connect to existing or future sidewalks on public streets accessing the site. The master plan for the shopping complex shall demonstrate that at least one half of the exterior perimeter of the site that abuts each public street, will be developed with buildings meeting the standards of paragraphs (D)(1) or (D)(3) of this subsection.

3. An increase in the front yard setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it desirable to site the new building beyond the minimum street setback:
 - a. Existing development on the site;
 - b. Lot configuration;
 - c. Topography of the lot;
 - d. Significant trees or other vegetative features that could be retained by allowing a greater setback;
 - e. Location of driveway access. Such an increase in the front yard shall be the minimum necessary to accommodate the reason for the increase.
 - f. Architectural features, driveways, landscaping areas equal to or greater than the depth of the structure, and outdoor commercial areas, when at least one half of the structure meets the minimum street setback.
4. Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the Sunriver UUC Business Park (BP) District. Off-street parking proposed with a shopping complex, as defined by this title, and intended to serve buildings located in the interior or rear of the complex may have parking in front of the building provided the overall master plan for the site satisfies paragraph (2) of this subsection.

(Ord. 2006-008 §8, 2006; Ord. 2002-033 §1, 2002; Ord. 2001-044 §5, 2001; Ord. 97-078 §7, 1997; Ord. 93-063 §3, 1993; Ord. 93-043 §22B, 1993; Ord. 93-005 §8, 1993)

18.124.080. Other Conditions.

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- A. An increase in the required yards.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, type, location, orientation and number of lights.
- E. Limitations on the number and location of curb cuts.
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- I. Landscaping of the site.
- J. Traffic Impact Study as identified in Title 17.16.115.
- K. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.

(Ord. 2006-005 §1, 2006; Ord. 95-075 §1, 1995; Ord. 93-043 §22C, 1993)

18.124.090. Right of Way Improvement Standards.

Any dedications or improvements to the road right of way required under DCC 18.124 shall meet the standards for road right of way improvements set forth in DCC Title 17 and any standards for right-of-way improvements set forth in DCC Title 18 for the particular zone in question.
(Ord. 97-003 §4, 1997)

Chapter 18.128. CONDITIONAL USE

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- 18.128.420. Building Permit for an Approved Conditional Use.**

18.128.010. Operation.

- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.
- B. In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.
(Ord. 86-032 §1, 1986)

18.128.015. General Standards Governing Conditional Uses.

Except for those conditional uses permitting individual single-family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

- A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:
 - 1. Site, design and operating characteristics of the use;
 - 2. Adequacy of transportation access to the site; and
 - 3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.
- B. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).
- C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.
(Ord. 92-047 §1, 1992; Ord. 91-038 §3, 1991)

18.128.020. Conditions.

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

- A. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.
- B. Require a special yard or other open space or a change in lot area or lot dimension.
- C. Require a limitation on the height, size or location of a structure.
- D. Specify the size, number, location and nature of vehicle access points.
- E. Increase the required street dedication, roadway width or require additional improvements within the street right of way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- G. Limit or specify the number, size, location, height and lighting of signs.
- H. Limit the location and intensity of outdoor lighting and require shielding.
- I. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.

- J. Specify the size, height and location of any materials to be used for fencing.
- K. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Require that a site plan be prepared in conformance with DCC 18.124.
(Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 83-037 §24, 1983)

18.128.030. Performance Bond.

The Planning Director or Hearings Body may require the applicant to furnish the County with a performance bond or other adequate form of assurance to guarantee development in accordance with the standards and conditions attached in granting a conditional use permit.
(Ord. 91-020 §1, 1991)

18.128.040. Specific Use Standards.

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045 through DCC 18.128.370.
(Ord. 2000-033 §9, 2000; Ord. 94-053, §6, 1994; Ord. 94-008 §15, 1994; Ord. 91-020 §1, 1991; Ord. 91-005 §§46 and 47, 1991; Ord. 90-014 §§39 and 40, 1990; Ord. 89-008 §1, 1989; Ord. 87-032 §1, 1987; Ord. 86-056 §§3 and 4, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §9, 1985; Ord. 84-023 §4, 1984; Ord. 84-015 §3, 1984; Ord. 80-206 §4, 1980)

18.128.050. Airports, Aircraft Landing Fields, Aircraft Charter, Rental, Service Maintenance Facilities Not Located in the A-D Zone.

The Planning Director or Hearings Body shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
(Ord. 95-075 §1, 1995; Ord. 93-043 §23, 1993; Ord. 91-020 §1, 1991)

18.128.060. Automobile Wrecking Yard or Junkyard.

Before being issued a conditional use permit, an automobile wrecking yard or junkyard shall meet the following requirements:

- A. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.
- B. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside of the enclosed area while at the establishment or business.
- C. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall occur from an enclosed building or within the fenced area.
- D. If applicable, the proposal shall conform to state regulations.

(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.070. Cemeteries.

The Planning Director or Hearings Body shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect on groundwater sources or domestic water supplies in the area of the proposed use.
(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.080. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.

- A. Such a use shall be authorized as a conditional use only upon finding that sufficient area is provided for the building, required yards and off-street parking. Related structures and uses such as a manse, parochial school or parish house are considered separate uses and additional lot areas shall be required therefore.
- B. The applicant shall address the following issues in the application:
 - 1. Probable growth and needs thereof.
 - 2. Site location relative to land uses in the vicinity.
 - 3. Conformity with Deschutes County Road Department standards for proposed access to and from principal streets and the probable effect of the proposal on the traffic volume of adjoining and nearby streets.
- C. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
- D. Except as provided in Section 18.80.028 of the A-S zone, such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
- E. Churches in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.
(Ord. 2006-008 §9, 2006; Ord. 2004-013 §14, 2004; Ord. 98-013 §2, 1998; Ord. 95-075 §1, 1995; Ord. 93-043 §23A, 1993; Ord. 91-020 §1, 1991)

18.128.090. Medical Clinic, Veterinary Clinic, Club, Lodge, Fraternal Organization, Community Center, Grange Hall, Golf Course, Horse Stable and Horse Events Requiring Conditional Uses, Grounds and Buildings For Games or Sports, Country Club, Swimming, Boating, Tennis Clubs and Similar Activities, Government Structures and Land Uses, Parks, Playgrounds.

In considering the above, the Planning Director or Hearings Body may authorize the conditional use after it has been determined that the following will be provided:

- A. Access from principal streets subject to Deschutes County Road Department standards.
- B. Off-street parking subject to DCC 18.116.030.
- C. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise, glare, odor and other adverse impacts.
- D. Playgrounds, recreation facilities and community centers in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.
(Ord. 98-013 §§3, 1998; Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.100. Dog Pounds and Kennels.

The Planning Director or Hearings Body may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Hearings Officer may require a sight-obscuring fence or hedge and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.
(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.110. Home Occupations.

(Repealed by Ord. 2004-002 §25, 2004)

18.128.120. Landfill, Solid Waste Disposal Site.

The Planning Director or Hearings Body may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

- A. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.
- B. The proposed site shall be located in or as near as possible to the area being served.
- C. The proposed site shall be located at least one-quarter mile from any existing dwelling, home or public road (except the access road).
- D. The proposed site shall be provided with a maintained all-weather access road.
- E. Applications for a conditional use permit to establish a commercial composting facility under this category shall also meet the following criteria:
 - 1. The proposed facility shall be effectively screened from adjacent residential uses and scenic roadways. The proposed facility may use existing topography and trees and/or introduced landscaped material.
 - 2. The proposed facility shall employ practices of material handling and processing that prevent noise and odors from impacting residences at least one-quarter mile from the site.
 - 3. The proposed facility shall employ practices of material handling and processing that control debris and dust and ensure material is contained on site.

(Ord. 2001-040 §2, 2001; Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.130. Commercial Use or Accessory Use Not Wholly Enclosed Within A Building, or a Retail Establishment, Office, Service Commercial Establishment, Financial Institution, or Personal or Business Service Establishment on a Lot Adjoining or Across a Street From a Lot in a Residential Zone.

In any zone, these uses may be permitted conditionally subject to the following standards:

- A. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when he finds such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
- B. In addition to the requirements of the applicable zone, the Planning Director or Hearings Body may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
- C. In order to avoid unnecessary traffic congestion and hazards, the Planning Director or Hearings Body may limit access to the property.

(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.140. Commercial Amusement Establishment.

A commercial amusement establishment may be authorized after consideration of the following factors:

- A. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
- B. Adequacy of off-street parking.
- C. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.150. Manufactured Home Park.

A manufactured home park shall be built to state standards in effect at the time of construction, or in the case of pre-existing parks in MUA-10 and RR-10 zones, at the time of permitting under DCC 18.128.150, and the following provisions:

- A. Evidence that the park will be eligible for a certificate of sanitation as required by state law.
- B. The space provided for each manufactured home shall be provided with piped potable water and electrical sewerage connections.

- C. The number of spaces for manufactured homes shall not exceed 12 for each acre of the total acres in the manufactured home park. The Planning Director or Hearings Body may vary this density as follows:
 - 1. If dedicated open space equals 50 percent or more of the total area of the park, a 10 percent increase in units per acre may be granted.
 - 2. If, in addition to the amenity in DCC 18.128.150(C)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, an additional 5 percent increase in units per acre may be granted.
 - 3. If, in addition to the amenities in DCC 18.128.150(C)(1) and (2), a recreation/community building is provided, an additional 10 percent increase in units per acre may be granted. (Maximum total increase of units through application of DCC 18.128.150(C) = 25 percent.)
- D. A manufactured home pad shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the home, exclusive of space provided for the common use of tenants, such as roadways, general use structure, parking spaces, walkways and areas for recreation and landscaping.
- E. No manufactured home pad in the park shall be located closer than 15 feet from another manufactured home pad or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 10 feet from a manufactured home accessory building or other building or structure on another manufactured home space. No manufactured home pad or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
- F. Facilities shall be provided to assure that there will be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the management of the park.
- G. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.
- H. If the park provides spaces for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
- I. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way.
- J. A minimum of at least 2,500 square feet plus 100 square feet per manufactured home space shall be provided for recreational play area, group or community activities. The Planning Director or Hearings Body may require this area to be protected from streets, parking areas or the like by a fence or the equivalent that conforms to fence regulations, but is at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreational use. No recreation facility created within a manufactured home park only to satisfy the requirements of DCC 18.128.150 shall be open to the general public.
- K. A parking space shall be provided for each manufactured home space on the site. Additional guest parking spaces shall be provided in every manufactured home park within 200 feet of the manufactured home spaces served, at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
- L. All manufactured home parks over 10 acres in area shall be located with access on a street designated as a collector street.
- M. All manufactured home parks containing a total site area of five acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- N. Lighting shall be installed along the access ways of the manufactured home park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and manufactured home spaces shall be underground.

- O. Roadways within the park shall be improved with an all-weather dustless surface and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.
- P. All manufactured home parks shall have a minimum lot size of one acre.
- Q. When expanding an existing manufactured home park in MUA-10 or RR-10 zones, the park shall satisfy all of the criteria of DCC 18.128.150 as to the existing developed areas as well as in the expansion area. (Ord. 2006-008 §9, 2006; Ord. 96-038 §3, 1996; Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.160. Multi-family Dwelling Complex.

A multi-family dwelling complex shall comply with the following provisions prior to occupancy:

- A. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:
 - 1. If dedicated open space which is developed and landscaped equals 50 percent or more of the total area of the site, a maximum of 10 percent increase in the number of units may be granted.
 - 2. If in addition to open space as provided in DCC 18.128.160(A)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, the number of units permitted may be increased an additional five percent.
 - 3. If in addition to open space and playgrounds as provided in DCC 18.128.160(A)(1) and (2), an approved recreational community building is provided, an additional 10 percent increase of units may be granted.
 - 4. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25 percent of the number of units otherwise allowed.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex. Bicycle storage shall be allowed in the provided sheltered bicycle parking facilities (one parking space per unit for complexes of four units or more).
- C. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the nearest city.
- D. A minimum of 2,500 square feet plus 100 square feet per dwelling unit shall be provided for recreation, including but not limited to, playgrounds, playing fields and facilities for group and community activities. The area shall be improved with grassy areas, landscaping, surfacing, equipment or buildings suitable for recreational use. The Hearings Body may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70 percent of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
- E. All such complexes with more than 20 dwelling units shall be located to have access on a street designated as a collector unless otherwise approved by the Planning Director or Hearings Body.
- F. All such complexes shall provide both an ingress and egress.
- G. All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the Planning Director or Hearings Body.
- H. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity and provide security for occupants of the subject complex.
- I. All accessory structures associated with such a complex shall be set back 50 feet from the property line of an adjoining single-family residential lot or use.

J. Sewer and water facilities shall be provided according to Oregon Department of Environmental Quality standards.

(Ord. 95-075 §1, 1995; Ord. 93-005 §9, 1993; Ord. 91-020 §1, 1991)

18.128.170. Recreational Vehicle Park.

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following conditions:

- A. The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
- B. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- C. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- D. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- E. A recreational vehicle space shall be provided with electrical service.
- F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- G. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.
- H. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- J. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.
- K. Building spaces required by DCC 18.128.170(I) and (J) shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
- L. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the Planning Director or Hearings Body.
- M. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
- N. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

O. Access to the recreational vehicle park shall be from an arterial or collector street.
(Ord. 95-075 §1, 1995; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

18.128.180. Radio, Television Tower, Utility Station or Substation.

- A. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
 - B. The use may be required to be fenced and landscaped.
 - C. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
 - D. Transmission towers, posts, overhead wires, pumping stations and similar installations shall be located, designed and installed to minimize conflicts with scenic values.
- (Ord. 95-075 §1, 1995; Ord. 93-043 §23B, 1993; Ord. 91-020 §1, 1991)

18.128.190. Schools.

- A. Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.
 - B. Secondary schools shall provide a site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
 - C. Notwithstanding DCC 18.128.190(B), private academic secondary schools with an enrollment of fewer than 50 students shall provide a minimum site area of one acre for every 10 students of predicted ultimate enrollment, with a minimum site area of not less than two acres.
 - D. Schools in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.
- (Ord. 98-013 §4, 1998; Ord. 97-022 §1, 1997; Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.200. Cluster Development (Single-Family Residential Uses Only).

- A. Such uses may be authorized as a conditional use only after consideration of the following factors:
 - 1. Need for residential uses in the immediate area of the proposed development.
 - 2. Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.
 - 3. Effect of the development on the rural character of the area.
 - 4. Effect of the development on agricultural, forestry, wildlife or other natural resource uses in the area.
- B. The conditional use shall not be granted unless the following findings are made:
 - 1. All development and alterations of the natural landscape, will be limited to 35 percent of the land and at least 65 percent shall be kept in open space. In cases where the natural landscape has been altered or destroyed by a prior land use, such as surface mining, dam construction or timber removal, the County may allow reclamation and enhancement of the open space area if enhancement creates or improves wetlands, creates or improves wildlife habitat, restores native vegetation or provides for agricultural or forestry use of the property after reclamation.
 - 2. The area not dedicated to open space or common use may be platted as residential dwelling lots or parcels that are a minimum of two acres and a maximum of three acres in size. Their use shall be restricted to single-family use. Single-family use may include accessory uses and County authorized home occupations. Uses permitted in the open space area may include the management of natural resources, trail systems or other outdoor uses that are consistent with the character of the natural landscape.

3. In the Wildlife Area Combining Zone, in addition to compliance with the WA zone development restrictions, uses and activities must be consistent with the required Wildlife Management Plan. The Plan shall be approved if it proposes all of the following in the required open space area:
 - a. Preserves, protects and enhances wildlife habitat for WA zone protected species as specified in the County Comprehensive Plan (DCC Title 23); and
 - b. Prohibits golf courses, tennis courts, swimming pools, marinas, ski runs or other developed recreational uses of similar intensity. Low intensity recreational uses such as properly located bicycle, equestrian and pedestrian trails, wildlife viewing areas and fitness courses may be permitted; and
 - c. Provides a supplemental, private open space area on home lots by imposing special yard setback of 100 feet on yards adjacent to required open space areas. In this yard, no structures other than fences consistent with DCC 18.88.070 may be constructed. The size of the yard may be reduced during development review if the County finds that, through the review of the wildlife management plan, natural landscape protection or wildlife values will achieve equal or greater protection through the approval of a reduced setback. In granting an adjustment, the County may require that a specific building envelope be shown on the final plat or may impose other conditions that assure the natural resource values relied upon to justify the exception to the special yard requirements will be protected.
 - d. Off-road motor vehicle use shall be prohibited in the open space area.
 - e. Adequate corridors on the cluster property to allow for wildlife passage through the development.
4. All lots within the development shall be contiguous to one another except for occasional corridors to allow for human passage, wildlife travel, natural features such as a stream or bluff or development of property divided by a public road which shall not be wider than the average lot width, unless the Planning Director or Hearings Body finds that special circumstances warrant a wider corridor.
5. All applicable subdivision or partition requirements contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
6. The total number of units shall be established by reference to the lot size standards of the applicable zoning district and combining zones.
7. The open space of the proposed development shall be platted as a separate parcel or in common ownership of some or all of the clustered lots or parcels. For any open space or common area provided as a part of the cluster development, the owner shall submit proof of deed restrictions recorded in the County records. The deed restrictions shall preclude all future rights to construct a residential dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an urban growth boundary. The deed shall also assure that the use of the open space shall be continued in the use allowed by the approved cluster development plan, unless the whole development is brought inside an urban growth boundary. If open space is to be owned by a homeowner's association or if private roads are approved, a homeowner's association must be formed to manage the open space and/or road areas. The bylaws of the association must be recorded prior to or concurrent with the filing of the final plat. If the open space is located within the Wildlife Area Combining Zone, the management plan for the open space must be recorded with the deed restrictions or bylaws of the homeowner's association.
8. Notwithstanding any provision to the contrary in other parts of the County's land use regulations, roads within a cluster development may be private roads and lots or parcels may be created that front on private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards under DCC Title 17. An agreement acceptable to the Road Department and County Legal Counsel shall be required for the maintenance of private roads. Public roads may be required where street continuation standards of DCC Title 17 call for street connections and the County finds that the benefits of street extension are significant and needed in the future, given the established pattern of street development on adjoining properties and transportation distribution needs. The area dedicated for public road rights of way within or

adjacent to a planned or cluster development or required by the County during cluster development review shall be subtracted from the gross acreage of the cluster development prior to calculating compliance with open space requirements.

9. All service connections shall be the minimum length necessary and underground where feasible.
 10. The number of new dwelling units to be clustered does not exceed 10.
 11. The number of new lots or parcels to be created does not exceed 10.
 12. The development is not to be served by a new community sewer system or by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.
 13. The development will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use, and will not significantly increase the cost of accepted farm or forest practices there.
 14. All dwellings in a cluster development must be setback a minimum of 100 feet from the boundary line of an adjacent lot zoned Exclusive Farm Use that is receiving special assessment for farm use.
- C. All applications shall be accompanied by a plan with the following information:
1. A plat map meeting all the subdivision requirements of DCC Title 17, the Subdivision/Partition Ordinance.
 2. A draft of the deed restrictions required by DCC 18.128.200(B)(7).
 3. A written document establishing an acceptable homeowners association assuring the maintenance of common property, if any, in the development. The document shall include a method for the resolution of disputes by the association membership, and shall be included as part of the bylaws.
 4. In the WA Combining Zone, the applicant shall submit an evaluation of the property with a Wildlife Management Plan for the open space area, prepared by a wildlife biologist that includes the following:
 - a. A description of the condition of the property and the current ability of the property to support use of the open space area by wildlife protected by the applicable WA zone during the periods specified in the comprehensive plan; and
 - b. A description of the protected species and periods of protection identified by the comprehensive plan and the current use of the open space area; and
 - c. A management plan that contains prescriptions that will achieve compliance with the wildlife protection guidelines in the comprehensive plan. In overlay zones that are keyed to seasons or particular times of the year, restrictions or protections may vary based on the time of year. The management plan may also propose protections or enhancements of benefit to other types of wildlife that may be considered in weighing use impacts versus plan benefits.
 5. Photographs and a narrative description of the natural landscape features of the open space areas of the subject property. If the features are to be removed or developed, the applicant shall explain why removal is appropriate.
 6. A description of the forestry or agricultural uses proposed, if any.
- D. Dimensional Standards:
1. Setbacks and height limitations shall be as prescribed in the zone in which the development is proposed unless adequate justification for variation is provided the Planning Director or Hearings Body.
 2. Minimum area for a cluster development shall be determined by the zone in which it is proposed.
- E. Conditions for phased development shall be specified and performance bonds shall be required by the Planning Director or Hearings Body to assure completion of the project as stipulated, if required improvements are not completed prior to platting.
- F. Developments with private roads shall provide bicycle and pedestrian facilities that comply with the private road requirements of Title 17.
- G. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., in the following situations. Connections shall have a 20-foot right of way, with at

least a 10-foot wide useable surface, shall be as straight as possible, and shall not be more than 400 feet long.

1. Where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 400 feet and by at least 50 percent over other available routes.
2. For schools or commercial uses where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 200 feet or by at least 50 percent over other available routes.
3. For cul-de-sacs or dead end streets where a street connection is determined by the Hearings Officer or Planning Director to be unfeasible or inappropriate provided that a bicycle or pedestrian connection is not required where the logical extension of the road that terminates in a cul de sac or dead end street to the nearest boundary of the development would not create a direct connection to an area street, sidewalk or bikeway.

The County may approve a cluster development without bicycle or pedestrian connections if connections interfere with wildlife passage through the subdivision, harm wildlife habitat or alter landscape approved for protection in its natural state.

H. A Conditions of Approval Agreement for the cluster development shall be recorded prior to or concurrent with the final plat for the development.

(Ord. 2004-024 §2, 2004; Ord. 95-075 §1, 1995; Ord. 93-005 §11, 1993; Ord. 91-020 §1, 1991)

18.128.210. Planned Development.

- A. Such uses may be authorized as a conditional use only after consideration of the following factors:
1. Proposed land uses and densities.
 2. Building types and densities.
 3. Circulation pattern, including bicycle and pedestrian circulation, and a demonstration of how those facilities connect to the County transportation facilities. Private developments with private roads shall provide bicycle and pedestrian facilities.
 4. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., wherever the addition of such a connection would reduce the walking or cycling distance to a connecting street by 400 feet and by at least 50 percent over other available routes. These connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, and should not be more than 100 feet long if possible.
 5. Parks, playgrounds, open spaces.
 6. Existing natural features.
 7. Environmental, social, energy and economic impacts likely to result from the development, including impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
 8. Effect of the development on the rural character of the area.
 9. Proposed ownership pattern.
 10. Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).
 11. Waste disposal facilities.
 12. Water supply system.
 13. Lighting.
 14. General timetable of development.
- B. The conditional use may be granted upon the following findings:
1. All subdivision restrictions contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
 2. The proposed development conforms to the Comprehensive Plan.
 3. Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.

4. The proposal is in harmony with the surrounding area or its potential future use.
 5. The system of ownership and the means of developing, preserving and maintaining open space is adequate.
 6. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
 7. Sixty-five percent of the land is to be maintained in open space.
 8. Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation and special terrain features.
- C. All applications for planned developments shall include the materials and information required for approval of a subdivision as specified in DCC Title 17, the Subdivision/Partition Ordinance and the materials and information required for approval of a conditional use as specified in DCC Title 18.
1. Approval for the conditional use application and the planned development application may be given simultaneously.
- D. Dimensional Standards:
1. Setbacks and height limitations shall be as determined by the Planning Director or Hearings Body upon review of the evidence submitted.
 2. Densities shall not exceed that established by the underlying zone.
 3. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. An equivalent overall density factor may be utilized in lieu of the appropriate minimum lot area.
 4. Minimum size for a planned development shall be 40 acres.
- E. Any commercial use permitted outright in an area zoned as an unincorporated community as that term is defined herein will be allowed in a planned development, subject to the following conditions:
1. Each use shall be wholly enclosed in a building.
 2. The total area of such uses shall not exceed three percent of the total area of the planned development.

(Ord. 96-003 §9, 1996; Ord. 95-075 §1, 1995; Ord. 93-005 §11, 1993; Ord. 91-020 §1, 1991)

18.128.220. Planned Communities.

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.210(B), except that there must be an additional finding that the planned community will actually function as an independent community.
- C. All applications shall be submitted in the form and with the materials required of subdivisions as required by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements of DCC Title 18 for the approval of conditional uses.
- D. Dimensional standards shall be determined as specified in DCC 18.128.210(D), except that the minimum size for a planned community shall be 640 acres.
- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the Planning Director or Hearings Body to assure completion of the project as stipulated.

(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.230. Dude Ranches.

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.220(B).

- C. All applications shall be submitted in the form and with the materials required of subdivisions by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements in DCC Title 18 for the approval of conditional uses.
 - D. Dimensional standards are the same as those in DCC 18.128.210(D), except that the density of a dude ranch may be greater or less than the density of the underlying zone upon findings by the Planning Director or Hearings Body that the change is warranted and that the proposed density does not violate the purpose of the underlying zone or other terms of DCC Title 18.
 - E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the Planning Director or Hearings Body to assure completion of the project as stipulated.
- (Ord. 95-075 §1, 1995; Ord. 92-004 §12, 1992; Ord. 91-020 §1, 1991)

18.128.240. Shopping Complex.

Such uses may be authorized as a conditional use only after a determination is made by the Planning Director or Hearings Body.

- A. That the public interest will be served by approval of the proposal based on analysis of environmental, social and economic and energy impacts likely to result from the development. Analysis may include, but not be limited to, consideration of impacts on public facilities such as roads, water supplies, sewer systems and police and fire protection.
 - B. That the entire complex shall be completed within two years or a master plan shall be submitted that explains the phased development of the project. The master plan shall specify a timetable of completion for all phases of the project. The master plan shall be fully implemented within five years or an extension shall be sought subject to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.
 - C. That there is adequate area for the buildings, landscaping, parking, septic systems and access to serve the proposed development.
 - D. That the use is consistent with the character of the area and is not detrimental to the land use pattern of the area.
 - E. That the proposed shopping complex is to be developed and managed as a total entity, with a plan for maintenance of all elements of the site plan.
 - F. The proposed shopping complex is appropriate for serving the needs of rural residents in the area.
 - G. The proposed shopping complex will not attract residents outside the rural area to be serviced.
- (Ord. 95-075 §1, 1995; Ord. 95-018 §3, 1995; Ord. 91-020 §1, 1991)

18.128.250. High-temperature Geothermal Wells and Small-Scale Geothermal Energy Facilities.

- A. Applicants shall provide the following information:
 - 1. Project Description. A detailed narrative which describes the applicant’s plan of operations for exploration, production, utilization, and/or injection. This description shall include estimated starting and completion dates for each activity or phase of the project. It shall also include a concise but comprehensive discussion of the project’s expected environmental impacts. This narrative shall also include as an exhibit a statement describing the applicability of all local, state or federal inventories of Statewide Planning Goal 5 resources in the project vicinity.
 - 2. Maps. As may be required by the Planning Director or Hearings Body, maps shall be submitted on readily reproducible transparencies as follows:
 - a. A topographic map, of a scale not less than one inch to one-half mile, on which the following are shown: All pertinent property ownership and geothermal lease boundaries; the location of all proposed, existing and abandoned geothermal wells and/or energy facilities; all existing and planned access roads; major drainage patterns of the project’s operational area; and significant environmental features and natural resource locations, including but not limited to: Mineral or

- aggregate deposits, fish and wildlife habitats, ecologically or scientifically notable natural area, outstanding scenic views, wetlands, surface water bodies, wilderness areas, historic and cultural sites and recreation trails and facilities.
- b. A map of the project site, of a scale not less than one inch to 50 feet, on which is shown a detailed layout of all drilling pads, sumps, equipment, buildings, pipelines, power lines and related facilities.
 - c. Other specialized maps, plans or drawings as may be required by the Planning Director or Hearings Body, including but not limited to: A larger-scale map to show any of the foregoing information if details cannot be satisfactorily indicated on the smaller scale map; detailed engineering drawings for any construction at a location on steep terrain, potentially unstable ground or other geologically or environmentally sensitive areas; and engineering drawings of new road construction or existing road modification when such roads are in rugged terrain, or pass through or near environmentally sensitive areas.
3. Emergency Contingency Plan. A detailed emergency contingency plan which addresses prevention or control of fires, blow-outs, pollution incidents, accidents, injuries and adverse weather conditions. This plan shall describe the following:
 - a. How the emergency will or might affect the applicant's operations; or endanger personnel, public health, safety or the environment.
 - b. Measures proposed to prevent, control, mitigate or minimize the possible negative effects of emergency incidents.
 - c. Procedures for training and instructing personnel as to proper procedures for preventing, controlling or minimizing the impacts of emergency incidents.
 - d. Where and how stand-by emergency control equipment and services are to be obtained in the event of an emergency incident.
 - e. Notification list with order of notification, including names, telephone numbers and addresses of the applicant's responsible officials and those of applicable emergency service agencies.
 - f. Where and how first aid, and minor and major medical aid will be obtained if needed during work on the project.
 4. For drilling applications, a narrative and diagrammatic description of the following:
 - a. The type and capacity of drilling equipment to be used.
 - b. The expected drilling schedule.
 - c. The drilling method to be used; type of circulating media to be used, (e.g., water, mud, foam, air or combination thereof); chemical additives to be used; circulating media cooling measures to be employed; and amounts of reserve circulating media and water to be kept on the drill site. If toxic materials are to be used, protective measures must be explained in detail.
 - d. The number and type of workers to be employed during drilling.
 - e. The safety provisions and emergency shutdown procedures to be used for protection of the public health and environment.
 - f. The planned use, source, quality and consumption rate for any outside water supply.
 - g. The method and locations for disposal of wastes.
 - h. A description of the intended site restoration procedures to be used after completion of drilling.
 - i. When approved by the Planning Director or Hearings Body, applications for prospect wells, as defined by ORS 522.005(15), may satisfy the information requirements of DCC 18.128.250(A)(1) through (4), above by submission of a copy of the applicant's prospect well permit application to the Oregon Department of Geology & Mineral Industries.
 5. For energy facility applications, a narrative and diagrammatic description of the following:
 - a. The structures, equipment and support facilities to be used in the project and their manner of operation.
 - b. A description of the purpose and operational characteristics of the major components in the energy facility, including schematic flow diagrams.

- c. An artist's rendering which illustrates the visual appearance of the facility and its immediate environs after completion.
 - d. A time schedule for the installation and start-up of the facility.
 - e. The number and type of construction and permanent workers to be employed at the facility.
 - f. The safety provisions and emergency shutdown procedures to be used in the facility for protection of the public health and environment, including a schedule for testing and maintaining safety devices.
 - g. The planned use, source, quality and consumption rate for any outside water supply.
 - h. The method and locations for disposal of wastes.
 - i. A description of facility monitoring to assure continuing compliance with applicable noise, air and water quality standards and regulations and for other potentially significant environmental impacts.
 - j. A description of the intended abandonment and site restoration procedures to be used if and when the facility is permanently taken out of operation.
- B. The siting, drilling, operation and abandonment of wells and energy facilities shall comply with the following standards:
1. Excluded Areas. No activity shall be permitted in inventoried natural resource areas, as defined by Oregon Statewide Planning Goal 5, which the County has determined to be unsuitable for any use other than the inventoried natural resource pursuant to Geothermal Policy 4(f) of the Comprehensive Plan.
 2. Scenic Protection. Activities shall be designed and conducted to be as compatible as practical with surrounding scenic and visual characteristics. Energy facilities shall be designed to minimize their visual profile and they shall be painted or prepared to be nonreflective and of colors which blend with and reduce contrast with surrounding landscape colors.
 3. Fish and Wildlife Protection. Activities shall be designed, conducted and monitored, so as to assure protection of surrounding fish and wildlife resources. Activities shall not encroach upon or jeopardize habitat areas which are necessary to sustain local or migratory populations of fish and wildlife determined by the County to be significant.
 4. Protection of Historic and Cultural Resources. Activities shall be designed and conducted to avoid disturbance of historic and cultural resources. If such resources are discovered, the applicant shall cease construction or operations and inform the County of the discovery within 48 hours. Thereafter, the applicant shall submit a plan for preservation and interpretation of such resources and implement the plan before resumption of construction or operations.
 5. Access Roads. Activities shall be designed and constructed to utilize existing roads as much as practical.
 6. Signs. All well and facility sites shall have a sign of not less than three, nor more than six, square feet in surface area prominently erected, which displays the site's name or identification number; the operator's name, address and phone number; the name and phone number of the operator's representative to be contacted in the event of an emergency.
 7. Earth Work. Drill pads, pipeline routes, facility sites and roads shall be designed and constructed as follows:
 - a. Plans for drill pads, pipelines, facility sites and roads shall be prepared by a registered civil engineer.
 - b. Upon commencement of site work, topsoil shall be removed and stockpiled for later resspreading over disturbed areas prior to revegetation in accordance with DCC 18.128.250©. Except for large stumps, vegetation removed during initial site work shall be chipped, stockpiled and resspread with topsoil. Stumps shall be buried outside of fills. Vegetation beyond the site perimeter shall not be disturbed; the clearing limits for the site shall be specified in plans submitted to the County. Buffer zones of undisturbed soil and vegetation shall be maintained for 500 feet on either side of stream courses. Roads and pipelines crossing riparian areas shall

- be designed and constructed at minimum widths and in consideration of maximum erosion control.
- c. Fills shall be compacted to a minimum of 90 percent relative density (ASTM D-1557) to minimize erosion. If significant erosion occurs, the applicant shall take prompt remedial action.
 - d. Fill slopes shall not exceed a gradient of 2:1. The toes of all fills shall be stabilized with rock or keyed into stable soil and placed to reduce erosion potential to an absolute minimum. Revegetation of fill slopes shall be carried out subject to DCC 18.128.250(C). Cut slopes shall not exceed a gradient of 1.5:1. Modification of these slope gradients may be made upon written approval of the Deschutes County Public Works Director.
 - e. Subdrains shall be provided under all fills where natural drainage courses and seepage are evident.
 - f. No drill pads, pipelines, facility sites or access roads shall be allowed on potentially active landslides.
 - g. Grading and filling shall be designed to channel storm runoff to existing natural drainages. Energy dissipaters and collection devices to reduce the erosion force of unnatural runoff shall be provided.
 - h. Sumps shall be designed to withstand both static loads and dynamic loads imposed by potential seismic events. Sumps shall be constructed of material compacted to a minimum of 90 percent relative density (ASTM D1557), and shall be lined with either clay or an equivalent impermeable membrane. Safety fencing may be required.
 - i. Sumps shall be operated in a way that will preclude overtopping. Three feet of free board shall be maintained at all times when sumps are in use. Upon completion of drilling and testing, sumps shall be purged of environmentally harmful chemicals and precipitates and backfilled immediately.
8. Pipelines. All pipelines shall be designed and constructed in accordance with applicable state standards. Pipelines shall be subsurface at road crossings, unless it is demonstrated that no significantly adverse visual impacts will result from above-ground crossings. In no case shall pipelines impede vehicular traffic. Catch basins and drainages to acceptable receptacles shall be installed and continuously maintained in order to contain condensate.
 9. Noise. Activities shall be conducted in compliance with Oregon Department of Environmental Quality noise standards. Noise from drilling and facility operation shall be muffled and times of operation limited to prevent a public nuisance as defined by DEQ. The County may require noise monitoring and reporting over and above that required by the Department of Environmental Quality.
 10. Fire Protection. Activities shall be designed and conducted to provide fire protection measures acceptable to the County, any adjacent land management agency and any fire district in which the project is located.
 11. Waste Disposal. All wastes generated by a project, including but not limited to refuse, drilling fluids, drill cuttings, sand, precipitates and other solids shall be disposed of in a manner and at a location in conformance with Oregon Department of Environmental Quality standards.
 12. Public Safety. Activities shall be designed and conducted to prevent access by unauthorized persons to unattended equipment and operational areas.
 13. Air Quality. Activities shall be designed and conducted to comply with the air quality standards of the Oregon Department of Environmental Quality. Operational areas and access roads shall be regularly sprinkled with clean water to control dust. Except for prospect drilling, as defined by ORS 522.005(15), the County may require establishment of a meteorological station and meteorological monitoring at the site.
 14. Water Quality. Activities shall be designed and conducted to comply with the water quality standards of the Oregon Department of Environmental Quality. The equipment service and fuel transfer areas, and the area occupied by drilling rigs shall drain into sumps. No fluids of any type shall be allowed to enter stream courses.

15. Subsidence and Induced Seismicity. Activities shall be designed and conducted to minimize the potential for land subsidence or induced seismicity which could result from the withdrawal and/or injection of geothermal fluids. Except for prospect drilling, as defined by ORS 522.005(15), the County may also require establishment of a monitoring program to gauge such impacts during operations. If either subsidence or induced seismicity is determined by the County to present a significant hazard, the County may require remedial action including, but not limited to, reduced production rates, increased injection of waste water or other nontoxic fluids or suspension of production.
 16. Clean-up. Upon completion of each phase of a project, the site shall be promptly cleared of all trash, refuse and other waste material. All drilling equipment shall be removed from well pads within 60 days of the completion of a well.
 17. Well Drilling Completion Notice. Applicants shall notify the County in writing of completed well drilling and testing within seven days of said completion. Applicants shall notify the County in writing of suspended drilling within seven days of said suspension, when such suspension is expected to last longer than 180 days.
 18. Standby Wells. Wells which have encountered geothermal resources and which are awaiting connection to a pipeline or energy facility shall be maintained at a minimum steam-bleeding rate in compliance with Oregon Department of Geology and Mineral Industry standards. The area surrounding the wellhead pads of standby wells and producing wells shall be subject to the revegetation requirements of DCC 18.128.250(C).
 19. Re-Entry of Wells. Applicants may redrill or otherwise re-enter the same well-bore of any well for which a conditional use permit has already been issued as long as all conditions for the use permit continue to be met.
 20. Site Abandonment and Restoration. When a well or facility is permanently abandoned, the applicant shall remove all equipment, structures and other related material within 180 days from the date operations cease. Thereafter, the applicant shall regrade the area of operations to match original land contours as closely as practical and shall revegetate the area subject to DCC 18.128.250(C).
- C. Revegetation. Following the completion of well drilling, or the permanent abandonment of a well or facility, the applicant shall revegetate the area of operations as follows:
1. Previously stockpiled topsoil and chipped vegetation shall be respread over disturbed areas prior to reseeding.
 2. Disturbed areas shall be reseeded with native plants and grasses in the first fall following completion of drilling or site abandonment. Temporary fencing of reseeded areas may be required to facilitate revegetation. The revegetation shall be evaluated by the County during the first spring following initial reseeding, and if determined to have resulted in less than a 75 percent survival rate, additional revegetation shall be required in the immediately succeeding fall season.
- (Ord. 95-075 §1, 1995; Ord. 93-043 §23C-G, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

18.128.260. Hydroelectric Facilities.

- A. The criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Planning Director or Hearings Body that the proposal meets each of the following criteria, where applicable:
1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
 2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
 3. The facility will maintain or enhance to the greatest extent possible the existing scenic, visual, environmental and aesthetic qualities of the affected stretch of the river.

4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
 5. The facility will maintain or enhance existing fish and wildlife habitat and will have no adverse impact upon any threatened or endangered fish, wildlife or plant species or their habitat.
 6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river except during construction of the facility when adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
 - a. Deposit or create a zone for the deposit of sediments in the river at or adjacent to the site;
 - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in streamflow; or
 - c. Create the potential for or result in spillage, leakage or discharge of oil, waste products, chemicals or other substances which could reach the river.
 7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site except during construction of the facility, during which time soil or bank erosion and destruction of bank habitat will be minimized.
 8. The facility and its operation will maintain existing public access to the affected stretch of the river.
 9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area or U. S. Forest Service Special Interest Area.
 10. The facility will not be located on any stretch of the river that is being studied or recommended for inclusion in either the Federal Wild and Scenic Rivers Program or the State Scenic Waterways Program, unless location of the facility at that site would not preclude inclusion of the stretch in the state or federal program.
 11. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
 12. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features including building elevations of the powerhouse and other structures, excavation plans, a narrative describing where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
 2. Detailed plans for meeting the criteria set forth in DCC 18.128.260(B)(1).
 3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
 4. A cash deposit, performance bond or other security acceptable to Deschutes County in an amount equal to 100 percent of the estimated cost of river enhancement.
 5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:
 - a. A program timetable;
 - b. Projected gross revenues from the proposed facility;
 - c. Projected program expenditures and the percentage of gross revenues they represent;
 - d. Projected water savings and the percentage of known current water losses they represent;
 - e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;
 - f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the

minimum streamflow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and

- g. A declaration that the applicant will enter into an agreement with the County to fulfill all of the requirements in DCC 18.128.260(B)(1) through (5) before beginning construction.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.270. Fill and Removal.

Except as otherwise provided in DCC Title 18, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland, unless such fill or removal is approved as a conditional use subject to the following standards:

- A. An application shall be filed containing a plan with the following information:
 - 1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 - 2. An explanation of why the fill or removal is necessary.
 - 3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of property lines, easements and high water marks.
 - e. Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
 - 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - 2. That the public facility and service uses and related facilities cannot, as a practical matter, be located outside of the wetland or bed and banks of the stream or river.
 - 3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream or river.
 - 4. That erosion will be adequately controlled during and after construction.
 - 5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - 6. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:
 - 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
 - 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 - 3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 - 4. That such construction and maintenance is designed to minimize the adverse impact on the site.
 - 5. That erosion will be adequately controlled during and after construction.

6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 7. That the specific location of a site for a public park, recreation area, natural and outdoor education area, historic and scientific area, wildlife refuges, public boat launching ramps, public docks and walkways will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
- D. Except for uses identified in DCC 18.128.270(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:
1. Shall be granted only after consideration of the following factors:
 - a. The effects on public or private water supplies and water quality.
 - b. The effects on aquatic life and habitat, and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - c. Recreational, aesthetic and economic values of the affected water resources.
 - d. Effects on the hydrologic characteristics of the water body such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank and flood hazards.
 - e. The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.
 2. Shall not be granted unless all of the following conditions are met:
 - a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - d. That erosion will be adequately controlled during and after the project.
 - e. That the essential character, quality, and density of existing vegetation will be maintained. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, aesthetic resources and to prevent erosion.
 - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
 - g. That a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," shall be conveyed to the County, which provides, at a minimum, that all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot, within 10 feet of any wetland, river or stream.

(Ord. 95-075 §1, 1995; Ord. 93-043 §23H-J, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

18.128.280. Surface Mining of Non-Goal 5 Mineral and Aggregate Resources.

These uses are subject to the following standards:

- A. An application shall be filed containing the following information:
 1. A detailed explanation of the project and why the surface mining activity is necessary.
 2. A site plan drawn to scale and accompanied by any drawings, sketches and descriptions necessary to describe and illustrate the proposed surface mining.
- B. A conditional use permit shall not be issued unless the applicant demonstrates at the time of site plan review that the following conditions are or can be met:
 1. The surface mining is necessary to conduct or maintain a use allowed in the zone in which the property is located.
 2. Erosion will be controlled during and after the surface mining.

3. The surface mining activity can meet all applicable DEQ noise control standards and ambient air quality and emission standards.
 4. Sufficient water is available to support approved methods of dust control and vegetation enhancement.
 5. The surface mining does not adversely impact other resources or uses on the site or adjacent properties, including, but not limited to, farm use, forest use, recreational use, historic use and fish and wildlife habitat as designed or through mitigation measures required to minimize these impacts.
- C. If the surface mining actively involves the maintenance or creation of man-made lakes, water impoundments or ponds, the applicant shall also demonstrate, at the time of site plan review, that the following conditions are or can be met:
1. There is adequate water legally available to the site to maintain the water impoundment and to prevent stagnation.
 2. The soil characteristics or proposed lining of the impoundment are adequate to contain the proposed water and will not result in the waste of water.
 3. Where the impoundment bank slope is steeper than three feet horizontal to one foot vertical, or where the depth is six feet or deeper, the perimeter of the impoundment is adequately protected by methods such as fences or access barriers and controls.
 4. The surface mining does not adversely affect any drainages, all surface water drainage is contained on site, and existing watercourses or drainages are maintained so as not to adversely affect any surrounding properties.
- D. Limitations
1. Excavation does not include crushing or processing of excavated material.
 2. A permit for mining of aggregate shall be issued only for a site included on the County's non-significant mineral and aggregate resource list.
 3. Hours of operation shall be 7:00 a.m. to 6:00 p.m. - Monday through Saturday. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

(Ord. 2001-039 §14, 2001; Ord. 2001-016 §2, 2001; Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.290. Storage, Crushing and Processing of Minerals in Conjunction With the Maintenance or Construction of Public Roads or Highways.

A conditional use permit for these uses shall be subject to the following standards:

- A. An application shall be filed containing the following information:
 1. A detailed explanation of the project, including the duration and operation characteristics of the site.
 2. A site plan drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed project.
- B. A conditional use permit for storage, crushing and processing of minerals to be used in conjunction with maintenance and construction of public roads and highways shall be subject to all applicable general operation standards established by DCC 18.52.110, except DCC 18.52.110(J), (K) and (L).

(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.128.300. Mini-Storage Facility.

- A. Each individual space for rent or sale shall be less than 1000 square feet.
- B. Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles and similar vehicles placed within designated spaces on an all-weather surfaced area which is surrounded by a sight-obscuring fence at least six feet in height.
- C. Yards shall be permanently landscaped.
- D. Yard dimensions adjacent to residential zones shall be the same as required yards within the residential zone.

- E. Parking shall be provided for office space associated with the mini-storage facility at one (1) space for every 300 square feet of office space. A minimum of two (2) parking spaces shall be provided for all mini-storage facilities regardless of office size.
 - F. All structures shall be fenced and visually screened.
 - G. Traffic lanes shall be 12 feet wide with an additional 10-foot parking lane, except where the traffic lane does not serve the storage units. All areas provided for vehicle access, parking and movement shall be improved to minimum public road standards.
 - H. A residence for a caretaker or 24-hour on-site manager is permitted.
 - I. There shall be only one access from each adjacent street.
 - J. Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes.
- (Ord. 2008-008 §2, 2008; Ord. 2001-025 §1, 2001; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

18.128.310. Bed and Breakfast Inn.

- A. Bed and breakfast inns shall be restricted to owner-occupied single-family residences.
 - B. Bed and breakfast inns located in farm or forest zones shall utilize existing dwellings or dwellings conforming to the requirements of those zones relating to single-family dwellings.
 - C. No more than three sleeping rooms shall be available for the accommodation of inn visitors.
 - D. No more than eight guests shall be accommodated at any one time.
 - E. Occupancies shall be limited to not more than 30 consecutive days.
 - F. Breakfast shall be the only meal provided to inn guests.
 - G. The exterior of the building shall maintain a residential appearance.
 - H. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.
 - I. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.
 - J. Approval shall be conditioned upon compliance with all applicable state building code requirements and state sanitation requirements.
 - K. Bed and breakfast inns in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.
- (Ord. 98-013 §5, 1998; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

18.128.320. Campgrounds.

A conditional use permit for a campground may be issued only when the following criteria are met:

- A. Campgrounds shall provide patrons with opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding and other similar activities. Outdoor recreation does not include commercial uses such as miniature golf courses, go-cart tracks or rental of equipment or animals.
- B. Street access shall be provided as follows:
 1. The campground shall obtain direct access from a street or road designated as an arterial or collector by the Deschutes County Comprehensive Plan.
 2. Access to the campground shall be adequate to handle the anticipated traffic generated by the use.
 3. The Deschutes County Public Works Department or the State Highway Division may require refuge lanes for left-hand turns and deceleration lanes for right-hand turns where necessary for public safety.
- C. Water supply and sewage disposal shall be provided as follows:
 1. Applicant shall demonstrate that there is adequate potable water available at the site to serve the campground. When the water is to be supplied from a well, a well log is required to show that an ample supply of water will be available for the campground it will serve.

2. Plans for water supply and sewage disposal improvements must be approved by the State Health Division and the Department of Environmental Quality.
 3. Evidence shall be provided to demonstrate that the campground will be eligible for a certificate of sanitation as required by the Oregon Department of Environmental Quality.
- D. A campground shall conform to state standards specified in OAR Chapter 918, Division 650 and the following:
1. Sixty-five percent of a parcel developed as a campground shall be retained as open space. Natural vegetation shall be maintained in open space areas to the fullest extent possible. Walkways, roadways, parking spaces, structures, service areas and campsites shall not be considered open space.
 2. The space provided for each campsite shall be not less than 1600 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, landscaped areas and parking spaces other than those assigned to particular campsites.
 3. Campgrounds shall provide potable water, toilet and shower facilities, lighting, picnic tables and garbage collection sites for the convenient use of campers as specified in ORS 918.650. Water and electric lines shall be placed underground.
 4. Campgrounds shall not provide campsite hookups for sewage disposal or electricity. A centralized sewage dump station that meets state standards may be provided.
 5. Roadways permitting one-way traffic shall be not less than 10 feet wide and those permitting two-way traffic shall not be less than 20 feet wide. Where parking is allowed on the margin of the road, an additional 10 feet shall be added for each parking lane. Roadways shall be improved with an all-weather, dustless surface.
 6. Except for the access roadway serving the campground, no vehicular or pedestrian access shall be allowed out of the campground. Fences shall be provided which prevent trespass to property not under the control of the campground owner.
 7. Each campsite shall be provided with at least one parking space which shall be paved or covered with crushed gravel and designed to promote drainage of surface runoff.
 8. Campgrounds shall be surrounded by buffer strips of existing vegetation or landscaping.
 9. To promote privacy and preserve the integrity of the natural setting, campgrounds shall retain existing vegetation to the fullest extent practical.
 10. Yards and Setbacks.
 - a. Campsites or parking spaces shall not be located within the yard and setback areas required by the County for permanent buildings in the zone in which the campground is located.
 - b. No developed portion of the campground shall be located within 100 feet of the right of way of any road or property line of a lot not part of the campground.
 - c. No developed portion of the campground shall be located closer than 300 feet from a road in a Landscape Management overlay zone.
 - d. Setback requirements in DCC 18.128.320(D)(10)(b) and (c) may be waived upon a finding by the Planning Director or Hearings Body that the developed portion of the campground will be sufficiently screened and buffered from neighboring properties or the protected landscape area.
 11. Tent campers and recreational vehicles shall not remain in the campground for more than 30 days in any 60-day period.
 12. The campground shall be licensed as a tourist facility by the State Department of Health as specified in ORS 446, unless operated by a public entity, timber company or private utility.
 13. One dwelling may be allowed for a resident caretaker or proprietor.
- (Ord. 2004-013 §14, 2004; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

18.128.330. Microwave and Radio Communication Towers in the SM Zone.

A conditional use permit for siting of a microwave or radio communication tower and accessory equipment structures in the SM Zone shall be subject to the criteria of DCC 18.128.340 and the following criteria:

- A. Towers shall be limited to monopole towers of under 150 feet and lighted only as prescribed by aviation safety regulations.
- B. Towers and accessory equipment structures shall be located only on portions of an SM-Zoned site that do not overlay economically viable mineral or aggregate deposits and that minimize conflicts with mining operations at the site.
- C. Such facilities proposed in an SM Zone where the underlying or surrounding comprehensive plan designation is for forest use must demonstrate compliance with the criteria set forth in DCC 18.36.040.
- D. No new parcels or lots shall be created for siting of the proposed tower.
- E. Such facilities must not conflict with any site plan which has been previously approved by the County. (Ord. 97-017 §8, 1997; Ord. 95-075 §1, 1995; Ord. 95-046 §3, 1995)

18.128.340. Wireless Telecommunications Facilities.

An application for a conditional use permit for a wireless telecommunications facility or its equivalent in the EFU, Forest, or Surface Mining Zones shall comply with the applicable standards, setbacks and criteria of the base zone and any combining zone and the following requirements. Site plan review under DCC 18.124 including site plan review for a use that would otherwise require site plan review under DCC 18.84 shall not be required.

- A. Application Requirements. An application for a wireless telecommunications facility shall comply with the following meeting, notice, and submittal requirements:
 - 1. Neighborhood Meeting. Prior to scheduling a pre-application conference with Planning Division staff, the applicant shall provide notice of and hold a meeting with interested owners of property nearby to a potential facility location. Notice shall be in writing and shall be mailed no less than 10 days prior to the date set for the meeting to owners of record of property within:
 - a. One thousand three hundred twenty feet for a tower or monopole no greater than 100 feet in height, and
 - b. Two thousand feet for a tower or monopole at least 100 feet and no higher than 150 feet in height. Such notice shall not take the place of notice required by DCC Title 22.
 - 2. Pre-Application Conference. Applicant shall attend a scheduled pre-application conference prior to submission of a land use application. An application for a wireless telecommunications facility permit will not be deemed complete until the applicant has had a pre-application conference with Planning Division staff.
 - 3. Submittal Requirements. An application for a conditional use permit for a wireless telecommunications facility shall include:
 - a. A copy of the blank lease form.
 - b. A copy of the applicant's Federal Communications Commission license.
 - c. A map that shows the applicant's search ring for the proposed site and the properties within the search ring, including locations of existing telecommunications towers or monopoles.
 - d. A copy of the written notice of the required neighborhood meeting and a certificate of mailing showing that the notice was mailed to the list of property owners falling within the notice area designated under DCC 18.128.340(A)(1).
 - e. A written summary of the neighborhood meeting detailing the substance of the meeting, the time, date and location of the meeting and a list of meeting attendees.
 - f. A site plan showing the location of the proposed facility and its components. The site plan shall also identify the location of existing and proposed landscaping, any equipment shelters, utility connections, and any fencing proposed to enclose the facility.
 - g. A copy of the design specifications, including proposed colors, and/or elevation of an antenna array proposed with the facility.
 - h. An elevation drawing of the facility and a photographic simulation of the facility showing how it would fit into the landscape.

- i. A copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Transportation - Aeronautics Division as to whether or not aviation lighting would be required for the proposed facility.
- B. Approval Criteria: An application for a wireless telecommunication facility will be approved upon findings that:
1. The facility will not be located on irrigated land, as defined by DCC 18.04.030.
 2. The applicant has considered other sites in its search area that would have less visual impact as viewed from nearby residences than the site proposed and has determined that any less intrusive sites are either unavailable or do not provide the communications coverage necessary. To meet this criterion, the applicant must demonstrate that it has made a good faith effort to co-locate its antennas on existing monopoles in the area to be served. The applicant can demonstrate this by submitting a statement from a qualified engineer that indicates whether the necessary service can or cannot be provided by co-location within the area to be served.
 3. The facility is sited using trees, vegetation, and topography to the maximum extent practicable to screen the facility from view of nearby residences.
 4. A tower or monopole located in an LM Zone is no taller than 30 feet. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
 5. In all cases, the applicant shall site the facility in a manner to minimize its impact on scenic views and shall site the facility using trees, vegetation, and topography in order to screen it to the maximum extent practicable from view from protected roadways. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
 6. Any tower or monopole is finished with natural wood colors or colors selected from amongst colors approved by Ordinance 97-017.
 7. Any required aviation lighting is shielded to the maximum extent allowed by FAA and/or ODOT-Aeronautics regulations.
 8. The form of lease for the site does not prevent the possibility of co-location of additional wireless telecommunication facilities at the site.
 9. Any tower or monopole shall be designed in a manner that it can carry the antennas of at least one additional wireless carrier. This criterion may be satisfied by submitting the statement of a licensed structural engineer licensed in Oregon that the monopole or tower has been designed with sufficient strength to carry such an additional antenna array and by elevation drawings of the proposed tower or monopole that identifies an area designed to provide the required spacing between antenna arrays of different carriers.
 10. Any approval of a wireless telecommunication facility shall include a condition that if the facility is left unused or is abandoned by all wireless providers located on the facility for more than one year the facility shall be removed by the landowner.

(Ord. 2000-019 §2, 2000; Ord. 97-063 §2, 1997; Ord. 97-017 §8, 1997)

18.128.350. Guest Lodge.

- A. The exterior of the building shall maintain a residential appearance.
- B. One off-street parking space shall be provided for each guest room in addition to parking to serve the residents.
- C. The lodge shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- D. Occupancies for individuals shall be limited to not more than 30 consecutive days.
- E. Meals shall be served to registered overnight lodge guests only and shall not be provided to the public at large.

(Ord. 97-029 §3, 1997)

18.128.360. Guest Ranch.

A guest ranch established under DCC 18.128.360 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360©, the lodge, bunkhouses or cottages cumulatively shall:
 - 1. Include not less than four nor more than 10 overnight guest rooms exclusive of kitchen areas, rest rooms, storage and other shared indoor facilities, and;
 - 2. Not exceed a total of 12,000 square feet in floor area.
- B. The guest ranch shall be located on a lawfully created parcel that is:
 - 1. At least 160 acres in size;
 - 2. The majority of the lot or parcel is not within 10 air miles of an urban growth boundary containing a population greater than 50,000;
 - 3. The parcel containing the dwelling of the person conducting the livestock operation; and
 - 4. Not classified as high value farmland as defined in DCC 18.04.030.
- C. For each doubling of the initial 160 acres required under DCC 18.128.360(B), up to five additional overnight guest rooms and 3,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.
- D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding or swimming. Intensively developed recreational facilities such as a golf course or campground as defined in DCC Title 18, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.
- E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch. The cost of meals provided to the guests shall be included as part of the fee to visit or stay at the guest ranch. The sale of individual meals to persons who are not guests of the guest ranch shall not be allowed.
- F. The exterior of the buildings shall maintain a residential appearance.
- G. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.
- H. All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.
- I. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- J. Occupancies shall be limited to not more than 30 days.
- K. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.
- M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.

(Ord. 2004-020 §2, 2004; Ord. 2004-001 §3, 2004; Ord. 2001-043 §1, 2001; Ord. 98-056 §2, 1998)

Note: DCC 18.128.360 is repealed January 2, 2010 (Ord. 2006-017 §2, 2006).

18.128.370. Time-Share Unit.

A time-share unit established under this subsection shall meet the following conditions:

- A. Any time-share unit project shall have its primary access on an arterial or collector street.
- B. New time-share units may be developed in vacant areas in the applicable zoning districts provided that such developments comply with DCC 18.128.370(A), and the following:
 - 1. That such development has a minimum site size of 10 acres, except within the UUC-Sunriver Zone.

2. That such development is appropriately buffered by the use of yards, landscaping, etc., from adjoining properties as determined during site plan review considering the need for privacy and the effects of noise.
- C. The Planning Director or Hearings Body may require bonds to assure installation and maintenance of landscaping, parking and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners' association, that will assure maintenance of such facilities.
- D. No structure shall be utilized as a time-share unit unless all the units in the structure or particular phase of the development are used as time-share units for this purpose.
(Ord. 2000-033 §9, 2000)

18.128.380. Procedure for Taking Action on Conditional Use Application.

The procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application on forms provided by the Planning Department.
- B. Review of the application shall be conducted according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 86-032 §1, 1986)

18.128.390. Time Limit on a Permit for a Conditional Use.

Duration of permits issued under DCC 18.128 shall be as set forth in DCC 22.36.
(Ord. 95-018 §4, 1995; Ord. 91-020 §1, 1991)

18.128.400. Occupancy Permit.

The Planning Director or Hearings Body may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of DCC Title 18. The Planning Director or Hearings Body shall consider such a requirement for any use authorized by a conditional use permit for which the ordinance requires on-site or off-site improvements or where such conditions have been established by the Planning Director or Hearings Body upon approval of such use. The requirement of an occupancy permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Planning Director or Hearings Body. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated to the Planning Director or the building inspector by the Hearings Body at the time of approval of a specific conditional use permit.
(Ord. 91-020 §1, 1991)

18.128.410. Time-share unit. (Repealed by Ord. 2000-033, 2000)

18.128.420. Building Permit for an Approved Conditional Use.

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Director or Hearings Body. Any substantial change in the approved plan shall be submitted to the Planning Director or the Hearings Officer as a new application for a conditional use.
(Ord. 91-038 §3, 1991; Ord. 91-020 §1, 1991; Ord. 89-004 §3, 1989)

Chapter 18.132. VARIANCES

18.132.010. Variance Application.

18.132.020. Authority of Hearings Body.

18.132.025. Minor Variances.

18.132.030. Hearings Body Action on Variance.

18.132.040. Variance Procedure.

18.132.010. Variance Application.

The Planning Director or Hearings Body may authorize area or use variance from the requirements of DCC Title 18. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

(Ord. 91-020 §1, 1991)

18.132.020. Authority of Hearings Body.

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:

A. Area variance.

1. That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

B. Use variance.

1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
2. Each of the findings listed in DCC 18.132.020(A)(1), (2) and (4).

(Ord. 93-043 §24, 1993; Ord. 91-020 §1, 1991)

18.132.025. Minor Variances.

A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.

A. In the case of a setback or size variance, the applicant shall show that the approval will result in:

1. More efficient use of the site;
2. Preservation of natural features where appropriate;
3. Adequate provision of light and privacy to adjoining properties; and
4. Preservation of topographic, vegetative and drainage features which would be adversely affected by application of the standards otherwise required by DCC Title 18.

B. A parcel that is smaller than the minimum lot size at the time of application may not be reduced by more than 10 percent from its current size without a variance.

(Ord. 2004-013 §15, 2004; Ord. 91-038 §3, 1991)

18.132.030. Hearings Body Action on Variance.

In granting or denying a variance, the Planning Director or Hearings Body shall make a written record of his findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The Planning Department shall keep the findings on file, and a copy of the variance granted and the condition thereof shall be recorded with the County Clerk.

(Ord. 91-020 §1, 1991)

18.132.040. Variance Procedure.

The variance application shall be processed according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

(Ord. 91-020 §1, 1991)

Chapter 18.136. AMENDMENTS

18.136.010. Amendments.

18.136.020. Rezoning Standards.

18.136.030. Resolution of Intent to Rezone.

18.136.040. Record of Amendments.

18.136.010. Amendments.

DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

(Ord. 95-050 §2, 1995; Ord. 91-020 §1, 1991)

Procedure for zoning amendments (Repealed by Ord. 95-050, 1995)

18.136.020. Rezoning Standards.

The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:

- A. That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.
- B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.
- C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:
 1. The availability and efficiency of providing necessary public services and facilities.
 2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.
- D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.

(Ord. 95-050 §4, 1995; Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986; Ord. 83-065 §1, 1983)

18.136.030. Resolution of Intent to Rezone.

- A. If from the facts presented and findings and the report and recommendations of the Hearings Officer, as required by DCC 18.136.030, the County Commission determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the County Commission may indicate its general approval in principal of the proposed rezoning by the adoption of a "resolution of intent to rezone." This resolution shall include any conditions, stipulations or limitations which the County Commission may feel necessary to require in the public interest as a prerequisite to final action, including those provisions that the County Commission may feel necessary to prevent speculative holding of property after rezoning. Such a resolution shall not be used to justify "spot zoning" or to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning.
- B. The fulfillment of all conditions, stipulations and limitations contained in the resolution on the part of the applicant shall make such a resolution a binding commitment on the Board of County Commissioners. Upon completion of compliance action by the applicant, the Board shall, by ordinance, effect such rezoning. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent, including any time limit placed in the resolution, shall

render the resolution null and void automatically and without notice, unless an extension is granted by the Board.

- C. Content of Site Plan. Where a site plan is required pursuant to DCC 19.92, it shall include location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping; existing and proposed topography; mechanical roof facilities, if subject property is so oriented as to become part of the view from adjacent properties; architectural perspective, layout and all elevations drawn without exaggerations, except where noted, including locations, area and design of signs and all landscaping.

(Ord. 95-050 §5, 1995)

18.136.040. Record of Amendments.

All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.

(Ord. 91-020 §1, 1991)

Chapter 18.140. ADMINISTRATIVE PROVISIONS

- 18.140.010. Administration.**
- 18.140.020. Decisions.**
- 18.140.030. Appeals.**
- 18.140.040. Forms of Petitions, Applications and Appeals.**
- 18.140.050. Public Hearings.**
- 18.140.060. County Environmental Health Approval.**
- 18.140.070. Filing Fees.**
- 18.140.080. Revocation.**
- 18.140.090. Repealed.**

18.140.010. Administration.

The Planning Director or Hearings Body shall have the power and the duty to administer the provisions of DCC Title 18. The Board may appoint designees to issue zoning permits and to otherwise assist the Planning Director or Hearings Body in the processing of applications.
(Ord. 91-020 §1, 1991)

18.140.020. Decisions.

Approval or denial of an application for a use permitted by DCC Title 18 shall be based upon and accompanied by a statement that explains the criteria and standards relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.
(Ord. 95-075 §1, 1995; Ord. 91-020 §1, 1991)

18.140.030. Appeals.

Appeals shall be as prescribed in DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 86-032 §1, 1986)

18.140.040. Forms of Petitions, Applications and Appeals.

Petitions, applications and appeals provided for in DCC Title 18 shall be made on forms provided by the County. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the size and locations on the lot of all existing and proposed structures, the intended use of each structure, the number of individuals, if any, to be accommodated thereon, the relationship of the property to the surrounding area and such other information as needed to determine conformance with DCC Title 18.
(Ord. 91-020 §1, 1991)

18.140.050. Public hearings.

Public hearings shall be as prescribed in DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 86-032 §1, 1986)

18.140.060. County Environmental Health Approval.

No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system from the County Environmental Health Division.

(Ord. 91-020 §1, 1991)

18.140.070. Filing Fees.

An application required by DCC Title 18 shall be accompanied by a filing fee in the amount set by order of the Board of County Commissioners.

(Ord. 91-020 §1, 1991)

18.140.080. Revocation.

A. The Hearings Body may revoke or modify any permit granted under the provisions of DCC Title 18 on one or more of the following grounds:

1. A permit may be revoked on the basis of fraud, concealment, misrepresentation or inaccurate information supplied on the application or offered by the applicant or his representative at a public hearing.
2. A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for one year or more.
3. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner as to constitute a nuisance.
4. A permit may be revoked or modified on the basis that the conditions or terms of such permit have been substantially violated.
5. Any permit granted pursuant to DCC Title 18 shall become null and void if not exercised within the time period specified in such permit or, if no time period is specified in the permit, within two years from the date of approval of said permit.

B. Procedures for revocations shall be as set forth in DCC Title 22.

(Ord. 95-050 §6, 1995; Ord. 95-018 §5, 1995; Ord. 91-038 §4, 1991; Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986; Ord. 84-023 §5, 1984)

18.140.090 Lot size requirement (Repealed by Ord. 91-038, 1991)

Chapter 18.144. GENERAL PROVISIONS

18.144.010. Interpretation.

18.144.020. Severability.

18.144.030. Remedies.

18.144.040. Violation Declared a Nuisance.

18.144.050. Violation.

18.144.060. Repeal.

18.144.070. Repeal of Ordinances as Affecting Existing Liabilities.

18.144.080. Corrections.

18.144.090. Enactment, Emergency Declared.

18.144.010. Interpretation.

Where the conditions imposed by a provision of DCC Title 18 are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern. (Ord. 91-020 §1, 1991)

18.144.020. Severability.

The provisions of DCC Title 18 are severable. If any section, sentence, clause or phrase of DCC Title 18 is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the ordinance. (Ord. 91-020 §1, 1991)

18.144.030. Remedies.

In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or any land is or is proposed to be used in violation of DCC Title 18, the Board of County Commissioners or a person whose interest in real property in the County is or may be affected by the violation may, in addition to other remedies provided by law, institute injunction, mandamus abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under state law, the person shall furnish an undertaking as provided in ORS 32.010 to 32.060. (Ord. 91-020 §1, 1991)

18.144.040. Violation Declared a Nuisance.

The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning or other use of land in violation of this title or of any permit, land use approval or status determination issued or made under this title is declared a nuisance. (Ord. 93-043 §25, 1993)

18.144.050. Violation.

The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning or other use of land in violation of any provision of DCC Title 18 or any permit, land use approval or status determination issued or made under DCC Title 18 is a Class A violation. (Ord. 2003-021 §39, 2003; Ord. 93-043 §26, 1993; Ord. 83-026 §1, 1983)

18.144.060. Repeal.

Deschutes County Zoning Ordinance PL-15 and all amendments thereto are hereby repealed.
(Ord. 91-020 § 1, 1991)

18.144.070. Repeal of Ordinances as Affecting Existing Liabilities.

The repeal of any ordinance by DCC Title 18 shall not release or extinguish any penalty, forfeiture or liability incurred under such ordinance, unless a provision of DCC Title 18 shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.
(Ord. 91-020 §1, 1991)

18.144.080. Corrections.

DCC Title 18 may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors.
(Ord. 91-020 §1, 1991)

18.144.090. Enactment, Emergency Declared.

An emergency is hereby declared and DCC Title 18 shall be and is hereby declared to be in full force and effect on and after the date of its enactment by the Board of County Commissioners.
(Ord. 91-020 §1, 1991)