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DESCHUTES COUNTY

ZONING ORDINANCE

OF 1979

ORDINANCE NO. PL-15

ENACTED ON THE 1st DAY OF November, 1979.



DESCHUTES COUNTY ORDINANCE NO PL-15

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IN THE BOARD OF COUNTY COMMISSIONERS
OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

AN ORDINANCE PROVIDING FOR THE]
ESTABLISHMENT OF ZONING REGULATIONS] ZONING ORDINANCE
FOR PORTIONS OF THE UNINCORPORATED] NO. PL -15
AREA OF DESCHUTES COUNTY, OREGON]

THE COUNTY OF DESCHUTES, OREGON ORDAINS AS FOLLOWS:

ARTICLE 1.
INTRODUCTORY PROVISIONS

Section 1.010. TITLE. This ordinance shall be known as the Deschutes County Zoning Ordinance of 1979.

Section 1.020. PURPOSE. The intent of purpose of this ordinance is to promote the public health, safety and general welfare and to carry out the Deschutes County comprehensive plan, the provisions of ORS Chapter 215 and the Statewide Planning Goals adopted pursuant to ORS Chapter 197. This ordinance is to establish zoning districts and regulations governing the development and use of land within portions of Deschutes County, Oregon;

; to provide regulations governing non-conforming uses and structures; to establish and provide for the collection of fees; to provide for the administration of this ordinance and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of this ordinance; and to provide for conflicts with other ordinances or regulations.

Section 1.030. DEFINITIONS. As used in this ordinance, the following words and phrases shall mean:

- (1) Accepted Farming Practice. 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.
- (2) Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- (3) Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use

of the property and located on the same lot as the main use.

- (4) Affected Persons. Includes those owners of record of real property located within a minimum distance of 250 feet, exclusive of public street and other rights-of-way, from the property subject to a permit required by this ordinance.
- (5) Agricultural land. 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.
- (6) Aircraft. Any vehicle designed or used for flight through the air and capable of carrying goods or people.
- (7) Airport. 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 and any appurtenant areas, buildings or facilities.
- (8) Alley. A street or right-of-way which affords only a secondary means of access to property.
- (9) Animal Hospital. A place where animals or pets are given medical attention and cared for during the time of such treatment.
- (10) Apartment. See Dwelling, multiple-family.
- (11) Automobile Wrecking Yard. 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.
- (12) Automobile Service Station. A building or portion thereof or land used for the retail sale of automobile fuel, oil and accessories and service.
- (13) Automobile Repair Garage. 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.

- (14) Automobile and Trailer Sales Area. 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.
- (15) Basement. 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 grounds.
- (16) Boarding House. 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.
- (17) Building. A structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
- (18) Camp, Tourist or Trailer Park. Any area or tract of land used or designed to accommodate two or more trailers, or two or more camping vehicles, tents or outfits, including cabins, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee.
- (19) Camping Vehicles. A vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use intended for human occupancy and being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.
- (20) Carrying Capacity. 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.
- (21) Cluster Development. A planned development, at least 5 acres in area, permitting the cluster of single-family residences on one part of the property, with no commercial or industrial uses permitted.
- (22) Commercial Amusement Establishment. A facility supplying refreshments and various forms of entertainment to the general public.
- (23) Commercial Residential Use. 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 or semi-

permanent occupancy such as a duplex or apartment. A mobile home park is not included in this definition.

- (24) Community Water System. 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 municipality water supply systems.
- (25) Community Sewage System. A sewage disposal system serving or designed to serve more than ten 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.
- (25A) Conditional Use. A use that may be permitted or denied at the discretion of the hearings body based on findings of fact as required by this ordinance, and County Ordinance PL-9 and PL-14.
- (26) Contiguous Land. Parcels of land under the same ownership which abut, irrespective of roadways, stream or valley bottom.
- (27) Cross-Section. A profile of the ground surface perpendicular to the center line of a street, stream or valley bottom.
- (28) Destination Resort. A largely self-contained facility offering recreational opportunities for permanent residents and seasonal visitors, catering primarily to members and guests. Minimum area for a destination is 160 acres.
- (29) Dwelling, Multi-Family. A building or portion thereof designed for occupancy by three or more families living independently of each other.
- (30) Dwelling, Single-Family. A detached building containing one dwelling unit and designed for occupancy by one family only.
- (31) Dwelling, Seasonal. A dwelling unit, including a mobile home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one family for recreational or seasonal purposes only.
- (32) Dwelling, Two-Family. A building containing two dwelling units and designed for occupancy by two families.
- (33) Dwelling Unit. One or more rooms in a building designed for occupancy by one family and having not more than one cooking area or kitchen.

(33A) Dude Ranch. 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 non-residents.

- (34) Easement. 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.
- (35) Family. 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.
- (36) Farm Use. 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 of animal husbandry or any combination thereof. Farm use includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees.
- (37) Fire Break. A break in the ground cover fuels intended to prevent the spread of fire.
- (38) Flood, Base. Inundation during periods of higher than normal stream flow, high winds, high intensity storms, or combinations thereof having a one percent chance of being equaled or exceeded in any given year.
- (39) Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source, mudslides which are proximately caused or precipitated by accumulations of water on or under the ground and the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural or man-made body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined herein.
- (40) Flood Hazard Area. The relatively flat area or lowlands adjoining the channel of a river, stream, other watercourse, lake or reservoir which has been or may be covered by a base flood.

- (41) Flood Hazard Boundary Map. An official map of the county furnished by the Federal Insurance Administration, labeled a Flood Hazard Boundary Map and delineating the boundaries of the special hazard areas.
- (42) Flood Plain Profile. An official graph displaying the elevation of base flood at a given point along the stream.
- (43) Floodway, Regulatory. The channels of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood.
- (44) Forest Lands. Lands composed of existing and potential forest lands which are suitable for commercial forest uses; other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation; lands where extreme conditions of climate soil and topography require the maintenance of vegetative cover irrespective of use; and other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.
- (45) Forest Uses. The 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.
- (46) Frontage. All property abutting 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.
- (47) Grade (Ground Level). The average elevation of the finished ground elevation at the centers of all walls of a building walk. The sidewalk elevation nearest the center of the wall shall constitute the ground elevation.
- (48) Guest House. 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.
- (49) Habitable Floor. Any floor useable 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.

- (50) Height of Building. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the center height between the highest and lowest points on other types of roof.
- (51) Historic Area. Lands with sites, structures or objects of local, regional, statewide or national historical significance as indicated in the comprehensive plan resource element.
- (52) Home Occupation. Any lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling, or in an accessory building on the same or adjacent property, with limited retail sales or sales accessory to a service, and employing no full-time employees except members of the immediate family, and not affecting the external appearance of the premises in a way inconsistent with its use as a residence.
- (53) Hog Farm. Any premises where 25 or more hogs are maintained.
- (54) Insure. Guarantee; make sure or certain something will happen.
- (55) 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 Chapter 91.505 or any security interest under a land sales contract, trust 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.
- (56) Junk Yard. Primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off 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.
- (57) Kennel. A lot or building in which four or more dogs, cats or other animals at least four months of age are kept commercially for board, breeding, training or sale.

- (58) Key Facilities. 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.
- (59) Land Development. The division of land into parcels of 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.
- (60) Landing Strip. 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.
- (61) Landscaping. 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.
- (62) Legislative. A planning or zoning action resulting in a general rule or policy which is applicable to an open class of individual or situations.
- (63) Livestock. Domestic animals of types customarily raised or kept on farms.
- (64) Livestock Feeding Yard. An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for commercial slaughter.
- (65) Livestock Sales Yard . An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.
- (66) Loading Space. 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.

(67) Lot. A unit of land created by a subdivision of land.

(A) Lot Area. 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 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.

(B) Lot, Corner. A lot abutting two or more streets, other than alleys, at their intersection provided the angle of intersection of the abutting streets does not exceed 135 degrees.

(C) Lot Depth. The average horizontal distance between the front and rear lot lines.

(D) Lot Line. The property lines bounding a lot.

(E) Lot Line, Front. The lot line separating a lot from a street other than an alley. In the case of a corner lot, the longest lot line along a street other than an alley.

(F) Lot Line, Rear. 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.

(G) Lot Line, Side. Any lot line other than a front or rear lot line bounding a lot.

(H) Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(I) Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

- (68) Mobile Home. a vehicle or structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.
- (69) Mobile Home park. Any place where two or more mobile 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.
- (70) Mobile Home Subdivision. A subdivision intended to be occupied primarily or exclusively by mobile homes.
- (71) Modular Homes. See Prefabricated House.
- (72) Municipal Water Supply System. 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.
- (73) Natural Area. 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.
- (74) Natural Hazard Area. 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.
- (75) Natural Resources. Air, land, water and the elements thereof valued for their existing and potential usefulness to man.
- (76) New Construction. Any structure for which the start of construction commenced on or after the effective date of this ordinance.
- (77) Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereof becomes effective which does not conform to the requirements of the zone in which it is located.
- (78) Nursery, Day. 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; (e) Residential facility licensed under ORS 443.400 to 443.445 and 443.991(2).
- (79) Nursing Home. Any home, institution or other structure maintained or operated for the nursing or care of four or more ill, aged or infirm adults not requiring hospital care or hospital facilities.
- (80) Open Space. Lands used for agricultural or forest uses, and any land area that would, if preserved and continued in its present use conserve and enhance natural or scenic resources; protect air, streams or water supply; promote conservation of soils, wetlands, beaches or marshes; conserve landscaped areas such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring property; enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or other open space; enhance recreation opportunities; preserve historic, geological and archeological sites; promote orderly urban development; and minimize conflicts between farm and non-farm uses.
- (81) Owner. The owner of the title to real property or the authorized agent thereof or the contract purchaser of real property of recorded as shown on the last available

- complete tax assessment roll or county Recorder's records.
- (82) Parcel. A unit of land created by a partitioning of land.
- (83) Parking Space. 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 in accordance with section 4.060.
- (84) Partition. An act of partitioning land or an area or tract of land partitioned as defined in section 1.030(85) of this ordinance.
- (85) Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include divisions of land resulting from lien foreclosures, divisions of land resulting from 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 the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by single owner.
- (86) Person. 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.
- (87) Petroleum Distribution Facility. 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.
- (88) Planned Community. A self-contained complex of residential, commercial and industrial uses in the form of a planned development in conjunction with an interrelated system for transportation, utilities, recreational areas and other public facilities, constituting a separate community within the county and at least 160 acres in size.

- (89) Planned Development. 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 this ordinance, and usually featuring a clustering of residential units.
- (90) Plant Nursery. A place where young trees or other plants are raised for experimental purposes or for transplanting for sale.
- (91) Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (92) Prefabricated House. A house which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on-site; but does not include a mobile home or recreational vehicle.
- (93) Primary or Principal Use. 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.
- (94) Protect. Save or shield from loss, destruction, injury or for future intended use.
- (95) Provide. Prepare, plan for, and supply what is needed.
- (96) Public Use. 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.
- (97) Public Utility Water System. A domestic water supply source and distribution system supplying water for household uses owned and operated by a person subject to regulation by the Public Utility Commission of Oregon and supplying water to a total of 500 or more households.
- (98) Public Water System. 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.

- (99) Quasi-Judicial. A land use action entailing application of a general rule or policy to specific individuals or situations.
- (100) Ranch Hand Residence. A building, structure or mobile home used for residential purpose for an agricultural employee and his family.
- (101) Recreation Camps or Resorts. 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.
- (102) Recreation Parks. 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.
- (103) Recreation Vehicle. A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes having a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.
- (104) Residential. Any dwelling unit or group of units built or used for human occupancy.
- (105) Right-of-way. The area between the boundary lines of a street, road or other public easement.
- (106) Road or Street. A public or private way created to provide ingress or egress to one or more lots, parcels, areas or tracts of land, excluding a private way created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
- (A) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties abutting another street.
- (B) Arterial. A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the County.
- (C) Bicycle Route. A right-of-way for bicycle traffic.

- (D) Collector. A street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterials and local streets and roads within the county.
- (E) Cul-de-Sac. (dead end street) A short street having one end open to traffic and terminated by a vehicle turnaround.
- (F) Half Street. 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. A minor street parallel and adjacent to a major arterial providing access to abutting properties, but protected from through traffic.
- (H) Local Street. A street intended primarily for access to abutting properties.
- (I) Stubbed Streets. 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.
- (107) Roadway. That portion of a street or road right-of-way developed for vehicular traffic.
- (108) Scenic Area. Land and other natural features valued for their aesthetic qualities.
- (109) Semi-Public Use. A structure or use intended or used for both private and public purposes by a church, lodge, club or any other non-profit organization.
- (110) Setback. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
- (111) Setback, Front. 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.
- (112) Setback, Rear. 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.
- (113) Setback, Side. 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.

- (114) Setback, Street Side. 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.
- (115) Sign. 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.
- (116) Sign, Advertising. 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.
- (117) Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.
- (118) Stable, Public. A stable other than a private stable.
- (119) Start of Construction. The first act of permanent construction of a structure other than a mobile 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 mobile 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 mobile homes not within a mobile home park or mobile home subdivision, start of construction means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, start of construction is the date on which construction of facilities for servicing the site on which the mobile 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.
- (120) Story. 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.

- (121) Story, Half. 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.
- (122) Street. 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.
- (123) Structural Alteration. 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.
- (124) Structure. Something constructed or built having a fixed base on, or fixed connection to, the ground or another structure.
- (125) Subdivision and Subdivided Lands. Improved or unimproved area or tract of land divided into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. This section does not apply to divisions of land resulting from lien foreclosures or foreclosures of recorded contracts for the sale of real property.
- (126) Surface Mining. Includes all or any part of the process of mining minerals by the removal of overburden and extraction of natural mineral deposits thereby exposed by any method by which more than 2,500 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open pit mining operations, auger mining operations, production of surface mining refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access roads), and prospecting and exploration activities coming within the quantity or area specification set forth herein or when such activities affect more than one acre of land for each eight acres of land prospected or explored; but excluding excavations of sand, gravel, clay or other similar materials conducted by the landowner or tenant 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 or other on-site construction, or underground mines; and excluding rock, gravel, sand, silt or similar substances removed from the beds or banks of any

waters of this state pursuant to permit issued under ORS 541.605 to 541.660.

- (127) Trailer. 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, mobile home or prefabricated house. Includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial or public offices and accessory uses.
- (128) Trailer Park. 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.
- (129) Trailer, Travel. See Vacation Trailer.
- (130) Trailer, Vacation. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, having sleeping, cooking and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.
- (131) Traveler's Accommodations. 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.
- (132) Tree. Any standing object of wood growth.
- (133) Use. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.
- (134) Utility Facility. Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or byproducts, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, landfills and similar facilities, but excluding local sewer, water gas, telephone and power distribution lines, and similar minor facilities allowed in any zone.
- (135) Variance. 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. 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. A variance which permits a use of land other than that prescribed by the zoning or other applicable ordinances.
- (136) Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no planting, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the grade of the street center line.
- (137) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
- (138) Yard, Front. 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 abutting on a street other than an alley shall be considered a front yard.
- (139) Yard, Rear. A yard 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.
- (140) Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.
- (141) Yard, Street Side. 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.

ARTICLE 2. BASIC PROVISIONSSection 2.010. COMPLIANCE.

- (1) A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits. No new structure shall be constructed on any lot of less area than the minimum for the zone in which it is located, except as provided by this ordinance and ORS 215.203 et. seq.
- (2) No dimensional requirement of this ordinance shall be violated after its terms become effective unless specifically provided for herein.
- (3) No lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or open space for another use.

Section 2.020. EXISTING AGREEMENTS AND ZONING PERMITS.

This ordinance 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, non-conforming use permits, temporary use permits, special exceptions, or building permits.

Section 2.030. TERMINOLOGY AND CONSTRUCTION.

- (1) 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 Officer", "Tax Collector" and "Assessor", shall mean the Planning Director, County Engineer, County Clerk, County Sanitarian, County Surveyor, Hearings Officer, Tax Collector and Assessor of the County of Deschutes.
- (2) 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.

Section 2.040. EXISTING AGREEMENTS AND ZONING PERMITS.

This ordinance 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, non-conforming use permits, temporary use permits, special exceptions, or building permits.

ARTICLE 3. ESTABLISHMENT OF ZONESSection 3.010. ESTABLISHMENT OF ZONES.

For the purpose of this ordinance, the following zones are hereby established:

| <u>Section</u> | <u>Zones</u> | <u>Abbreviated Designations</u> |
|----------------|--------------------------------|---------------------------------|
| 4.010 | Exclusive Farm Use - 320 | EFU-1 |
| 4.030 | Exclusive Farm Use - 40 | EFU-3 |
| 4.040 | Exclusive Farm Use - 20 | EFU-4 |
| 4.050 | Multiple Use Agriculture | MUA |
| 4.060 | Forest Use | FU-1 |
| 4.070 | Forest Use | FU-2 |
| 4.080 | Forest Use | FU-3 |
| 4.090 | Open Space/Conservation | OS/C |
| 4.100 | Surface Mining | SM |
| 4.110 | Surface Mining Reserve | SMR |
| 4.120 | Rural Residential | RR-10 |
| 4.130 | Rural Service Center | RSC |
| 4.140 | Rural Service Residential | RSR-M |
| 4.150 | Rural Service Residential - 5 | RSR-5 |
| 4.160 | Airport Development | A-D |
| 4.170 | Airport Height Combining | A-H |
| 4.180 | Landscape Management Combining | LM |
| 4.190 | Wildlife Area Combining | WA |
| 4.200 | Conventional Housing Combining | CH |
| 4.210 | Flood Plain | FP |
| 4.220 | Rural Industrial | R-I |
| 4.230 | Research and Development | R&D |

Section 3.020. LOCATION OF ZONES. The boundaries for the zones listed in this ordinance are indicated on the Deschutes County Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 3.030. ZONING MAP. A zoning map amendment adopted by Section 3.020 of this ordinance or by an amendment thereto shall be prepared by authority of the Hearings Officer 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.

Section 3.040. 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:

- (1) 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.
- (2) Where a boundary line follows or approximately coincides with a section line or division thereof, lot or property ownership line, it shall be construed as following such line.
- (3) 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.

ARTICLE 4. USE ZONESSection 4.010. EXCLUSIVE FARM USE. EFU-320

- (1) Purpose: The purposes of the Exclusive Farm Use Zone are to preserve and maintain agricultural lands for farm use, particularly range and grazing uses, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the county and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

In an EFU-320 zone the following regulations shall apply:

(2) Uses Permitted Outright:

- (A) Farm use as defined in ORS 215.203(2) .
- (B) Propagation or harvesting of a forest product.
- (C) Utility facility necessary for public services, except landfills, or commercial facilities for the purpose of generating power for public use by sale.
- (D) Dwellings and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a) and mobile homes subject to Section 5.100 of this ordinance.
- (E) Public or private schools.
- (F) Churches
- (G) Livestock feedlot or sales yard.

(3) Conditional Uses Permitted:

- (A) Commercial activities in conjunction with farm uses.
- (B) Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005, or mining of mineral resources for personal or farm use.
- (C) Homestead retention when the entire parcel has been under single ownership for at least the preceding ten consecutive years and the parcel occupies not less than 320 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence and the land underlying

the residence up to a maximum of five acres. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of this section. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.

- (D) Mobile home as an accessory farm dwelling subject to Section 5.100.
- (E) Single-family residential dwellings as defined in ORS 215.213(3).
- (F) Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- (G) Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization.
- (H) Golf Courses.
- (I) Commercial utility facilities for the purpose of generating power for public use by sale.
- (J) Personal-use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural operation. 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) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use.
- (L) A facility for the primary processing of forest products, provided that such a 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 this section, 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 this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(M) The boarding of horses for profit.

(4) Limitations on Conditional Uses: The following limitations shall apply to a conditional use in an EFU-320 zone:

- (A) Conditional uses permitted by subsection (3) of this section may be established on non-productive agricultural lands subject to the criteria set forth in paragraph (B) of this subsection and upon a finding by the Hearings Officer that each such use:
- (a) Is compatible with farm uses described in ORS 215.203(2), the intent and purpose set forth in ORS 215.243, the comprehensive plan and this ordinance.
 - (b) Does not interfere seriously with accepted farming practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm uses.
 - (c) Does not materially alter the stability of the overall land use pattern of the area.
 - (d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
- (B) Criteria to evaluate conditional uses:
- (a) Immediate and future impact on public services, existing road systems and traffic demands.
 - (b) Soil type and its development limitations, including slides, erosion, flooding and drainage.
 - (c) Agricultural productivity including food productivity and the production of any usable agricultural product which requires open space and a non-urban environment.

- (d) Development minimizes potential adverse effects on terrain, slope and ground cover.
- (e) Development is compatible with the existing land use pattern and the character of the overall area.
- (f) An adequate quantity and quality of water, either subsurface or other sanitary disposal system and adequate provisions for solid waste disposal.
- (g) Conversion of agricultural lands to non-farm uses shall be based upon consideration of the following factors:
 1. Environmental, energy, social and economic consequences.
 2. Compatibility of the proposed use with related agricultural land.
 3. The retention of Class I through VI soils in farm use.

(5) Dimensional Standards: In an EFU-320 zone, the following dimensional standards shall apply:

- (A) 320 acres.
- (B) The minimum lot area for all non-farm uses permitted by this section shall be as determined by the Hearings Officer necessary to carry out the intent of this ordinance and the comprehensive plan; in no case shall such minimum lot area be less than one acre.
 - (a) Compliance with applicable comprehensive plan policies.
 - (b) Compatibility with adjoining land uses.
 - (c) Resource carrying capacities.
 - (d) Possible effects on overall land use patterns of the area.
 - (e) Retention of the maximum possible agricultural land for farm uses.
- (C) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet.
- (D) The minimum average lot depth shall be 150 feet.

(6) Yards.

- (A) The minimum yard setback of a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.
- (B) The minimum front yard setback shall be 20 feet for property fronting on a local street right-of-way, 30 feet from a property line on a major 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.
- (C) Each side yard shall be a minimum of 20 feet, except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.
- (D) Rear yards shall be a minimum of 25 feet.

(7) Stream Setback. To permit better light, air, vision, stream 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:

- (A) All sewage disposal installations such as septic tanks and drainfields shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high-water line along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

Section 4.030. EXCLUSIVE FARM USE. EFU-40 Zone.

- (1) Purpose: The purposes of the Exclusive Farm Use Zone are to preserve and maintain agricultural lands for farm use, particularly range and grazing uses, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the county and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

In an EFU-40 zone the following regulations shall apply:

(2) Uses Permitted Outright.

- (A) Farm use as defined in ORS 215.203(2).
- (B) Propagation or harvesting of a forest product.
- (C) Utility facilities necessary for public service, except landfills or commercial facilities for the purpose of generating power for public use by sale.
- (D) Dwellings and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a) and mobile homes subject to sections 5.110, 5.120 and 5.130 of this ordinance.
- (E) Public or private schools.
- (F) Churches.
- (G) Livestock feedlot or sales yard.

(3) Conditional Uses Permitted:

- (A) Landfills when a written tentative approval by the DEQ of the site is submitted with the conditional use application.
- (B) Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- (C) Parks, playgrounds, or community centers owned and

operated by a governmental agency or non-profit community organization.

- (D) Golf Courses.
- (E) Home occupation carried on by residents as an accessory use within their dwelling or other building customarily provided in conjunction with farm use.
- (F) Personal-use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural operations. 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.
- (G) Homestead retention when the entire parcel has been under single ownership for at least the preceding ten consecutive years, and the parcel occupies not less than 40 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to a maximum of two acres. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of this section. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.
- (H) Mobile home as a secondary accessory farm dwelling or other farm use structure subject to the requirement set forth in section 5.120 of this ordinance.
- (I) Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005, or mining of resources for personal on-farm use.
- (J) Commercial activities in conjunction with farm use.
- (K) Commercial utility facilities for the purpose of generating power for public use by sale.
- (L) 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 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 this section, 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 this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- (M) Single-family residential dwellings not provided in conjunction with farm use, including mobile homes subject to sections 5.130 and 5.140 of this ordinance, partitionings and subdivisions in accordance with County Ordinance PL-14, and planned developments.
- (4) Limitations on Specific Conditional Uses. The following limitations shall apply to a conditional use in an EFU-40 zone:
- (A) Conditional uses permitted by subsection (3) of this section must be found by the Hearings Officer to be consistent with the intent and purposes of the comprehensive plan and this ordinance. Such use shall be situated on relatively non-productive land for agriculture, not significantly interfere with accepted farming practices on adjacent agricultural lands and not materially alter the stability of the overall land use pattern of the area.
- (5) Limitations on Non-Farm Residential Uses. In addition to other standards and conditions set forth in this ordinance the following limitations shall be applied in the evaluation of an application for a use permitted by subsection (3)(M) of this section:
- (A) Non-farm residential uses and land divisions therefor may be established on generally non-productive agricultural lands upon a finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm uses and is consistent with the intent and purposes set forth in ORS 215.243, the comprehensive plan and this ordinance.
 - (b) Is situated upon generally unsuitable land for the production of farm crops and livestock considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract, historical cropping patterns and availability of water for irrigation.

- (c) Is not located within 1/4 mile of a dairy farm, feedlot, sales yard, slaughterhouse or poultry, hog or mink farm, unless adequate provisions are provided and approved by the Hearings Officer for a buffer between such uses. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of such proposed use or the agriculture of the area.
- (B) In the consideration of a non-farm development, the following factors shall be taken into consideration:
- (a) Immediate and future impacts on public services, existing road systems and traffic demands, and irrigation distribution systems.
- (b) Assurance of an adequate quantity and quality of water for domestic purposes and either sub-surface or other approved methods of sewage disposal.
- (c) Special consideration shall be given to non-farm developments such as planned developments or other developments that provide protection for open space or other non-developed lands within or adjacent to such developments, and when provided as a buffer and protection for adjoining properties.
- (6) Dimensional Standards. In an EFU-40 zone, the following dimensional standards shall apply:
- (A) 40 acres.
- (B) The minimum lot area for any non-farm use permitted by this section shall be that as determined by the Hearings Officer necessary to carry out the intent and purposes of ORS Chapter 215, the comprehensive plan and this ordinance. In no case shall lot areas be less than one (1) acre except in the case of a planned development with an equivalent density factor.
- (C) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet, except for lots in floodplain or riparian meadows, where, measured parallel to the 100 year floodplain high-water line, as identified in U.S. Housing and Development Flood Hazard Boundary Map Community Panel No. 410055/001-0016 and the U.S. Corps of Engineers Flood Plain Information Study for the Little Deschutes River, the minimum average lot width shall

be 100 yards.

(D) The minimum average lot depth shall be 150 feet.

(7) Yards.

(A) The front yard setback from the property line shall be a minimum of 100 feet if the front property line is adjacent to an intensive agricultural use; otherwise, the front yard shall be 20 feet for property fronting on a local minor collector or marginal access street right-of-way, 30 feet from a property line fronting on a major 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, except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet.

(C) Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet.

(8) Stream Setback. To permit or afford better light, air, vision, stream 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:

(A) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

Section 4.040. EXCLUSIVE FARM USE ZONE, EFU -20.

- (1) Purposes: The purposes of the Exclusive Farm Use Zone are to preserve and maintain agricultural lands for farm use, particularly range and grazing uses, consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of the air, water and land resources of the county and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

In an EFU-20 zone the following regulations shall apply:

(2) Uses Permitted Outright.

- (A) Farm use as defined in ORS 215.203(2).
- (B) Propagation or harvesting of a forest product.
- (C) Utility facilities necessary for public service, except landfills or commercial facilities for the purpose of generating power for public use by sale.
- (D) Dwellings and other buildings customarily provided in conjunction with farm use as defined in ORS 215.203(2)(a), and mobile home subject to section 5.110.
- (E) Public or private schools.
- (F) Churches.
- (G) Livestock feed lot on sales yard.

(3) Conditional Uses Permitted.

- (A) Landfills when a written tentative approval by DEQ is submitted with the conditional use application.
- (B) Commercial activities in conjunction with farm use.
- (C) Mobile home as a secondary accessory farm dwelling or other farm use building located within one-half mile of a resident dwelling not owned by the applicant, subject to the requirements set forth in section 5.120 of this ordinance.
- (D) Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005, or mining of mineral resources for personal on-farm use.
- (E) Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- (F) Parks, playgrounds or community centers owned and operated by a governmental agency or nonprofit community organization.
- (G) Personal-use landing strips for airplanes and

helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural operations. 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.

- (H) Golf Courses.
- (I) Commercial utility facilities for the purpose of generating power for public use by sale.
- (J) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use.
- (K) 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 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 this section, 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 this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- (L) The boarding of horses for profit.
- (M) Single-family residential dwellings not provided in conjunction with farm use, including mobile homes subject to sections 5.100, 5.130 and 5.140 of this ordinance.
- (N) Homestead retention when the entire parcel has been under single ownership for at least the

preceding ten consecutive years, and the parcel occupies not less than 20 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to a maximum of one acre. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of this section. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.

- (4) Limitations on Conditional Uses. The following limitations shall apply to a conditional use in an EFU-20 zone:
- (A) Conditional uses permitted by subsection (3) of this section may be established on non-productive agricultural lands subject to subsection (5) of this section and upon a finding by the Hearings Officer that each such use:
 - (a) Is compatible with farm uses described in ORS 215.203(2) and is consistent with the intent and purposes of ORS 215.243, the comprehensive plan and this ordinance.
 - (b) Does not interfere seriously with accepted farming practices as defined in ORS 215.203 (2)(c) on adjacent lands devoted to farm use.
 - (c) Does not materially alter the stability of the overall land use pattern of the area.
- (5) Limitations on Non-Farm Residential Uses. In addition to other standards and conditions set forth in this ordinance, the following limitations shall be applied in the evaluation of an application for a use permitted in subsection (3)(M) of this section:
- (A) Shall not be located within one-quarter (1/4) mile of a feedlot or sales yard, slaughterhouse, hog or mink farm or agricultural lands capable of being intensively farmed, unless adequate provisions are provided and approved by the Hearings Officer for a buffer between such uses. The establishment of a buffer shall consider such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of such proposed use or the agriculture of the area.
 - (B) Special consideration shall be given to non-farm developments such as planned developments or other developments that provide protection for open space or other non-developed lands within or adjacent to such developments, and when provided as a buffer

and protection for adjoining properties.

- (C) Immediate and future impact on public services, existing road systems and traffic demands and irrigation distribution systems.
 - (D) Soil type and its development limitations, including slides, erosion, flooding and drainage, and provisions to minimize possible adverse effects resulting therefrom
 - (E) Effects on agricultural productivity including food productivity and the production of any other usable agricultural product which requires open space and non-urban environment.
 - (F) Density of development minimizes potential adverse effects on terrain, slope and groundcover and is in compliance with applicable comprehensive plan policies.
 - (G) Development and density shall be compatible with the existing land use pattern providing the comprehensive plan does not indicate a future zone change for the existing pattern.
 - (H) An adequate quantity and quality of water, either subsurface or other sanitary disposal systems, and adequate provisions for solid waste disposal.
 - (I) Provisions to conserve energy or to become energy self-sufficient, considering the application of current and readily available technologies for alternate forms of energy and power generation and recycling, in the structural design.
- (6) Conversion of agricultural lands to non-farm uses shall be based upon consideration of the following factors:
- (A) Environmental, energy, social and economic consequences.
 - (B) Compatibility of the proposed use with related agricultural land.
 - (C) The retention of Soil Classes I-VI in farm use.
- (7) Dimensional Standards. In an EFU-20 zone, the following dimensional standards shall apply:
- (A) 20 acres.
 - (B) The minimum lot area for all uses permitted by subsection (3) of this section shall be that determined by the Hearings Officer necessary to carry out the intent and purposes of ORS Chapter 215, this ordinance and the comprehensive

plan. In no case shall lot areas be less than one (1) acre except in a planned development having an equivalent density factor.

- (C) The minimum average lot width shall be 100 feet with a minimum street frontage of 50 feet.
- (D) The minimum average lot depth shall be 150 feet.

(7) Yards.

- (A) The front yard setback from the property line shall be a minimum of 100 feet if such line is adjacent to an intensive agricultural use; otherwise, front yard shall be 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, except that on corner lots or parcels the side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 30 feet, and for parcels or lots with side yards adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet.
- (C) Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to an intensive agricultural use the rear yards shall be minimum of 100 feet.

(8) Stream Setbacks. To permit better light air, vision, stream 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:

- (A) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

Section 4.060. MULTIPLE USE AGRICULTURAL ZONE. MUA.
In an MUA zone, the following regulations shall apply:

- (1) 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.
- (2) Uses Permitted Outright.
- (A) Uses permitted outright in the EFU-20 zone.
(B) Single-family dwellings.
(C) Mobile homes meeting the condition of section 5.130.
- (3) Conditional Uses Permitted.
- (A) Public Use.
(B) Semi-public use.
(C) Commercial activities in conjunction with farm use.
(D) Dude Ranch.
(E) Kennel or animal hospital.
(F) Guest house.
(G) Mobile home as a secondary accessory farm dwelling subject to the requirements set forth in section 5.120 of this ordinance, or other farm use building.
(H) Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005, or mining mineral resources for personal on-site use.
(I) Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks, rodeo or livestock arenas 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 landing strip other than those owned or controlled by the owner of the landing strip. Exceptions may be granted through waiver action by the Aeronautics Division in specific instances. A 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) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm use.
- (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 this section, 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 this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- (N) Non-farm related single-wide mobile homes as provided in section 5.100.
- (O) Destination resorts.
- (P) Planned developments.
- (Q) Cluster developments.
- (R) Landfills when a written tentative approval by DEQ of the site is submitted with the conditional use application.
- (4) Dimension Standards. In an MUA zone, the following dimensional standards shall apply:
- (A) Ten acres except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres except planned and cluster developments within 1 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.
- (5) Yards
- (A) The front yard setback from the property line shall be a minimum of 100 feet if such line is adjacent to an intensive agricultural use; otherwise, the front yard shall be 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, except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet, and for parcels or lots with side yard adjacent to an intensive agricultural use the adjacent side yard shall be a minimum of 100 feet.
 - (C) Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to an intensive agricultural use rear yards shall be a minimum of 100 feet.
- (6) 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 mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high water or mark.

Section 4.070. FOREST USE FU-1. In an FU-1 Zone, the following regulations shall apply:

- (1) Purpose: The purposes of the Forest Use Zone are to conserve and protect designated lands for forest uses including protection of watershed, fish and wildlife habitat, unusual or unique recreational opportunities as well as timber and to minimize potential hazards or damage from fire, pollution, erosion or urban development.
- (2) Uses Permitted Outright.
 - (A) Management, propagation or harvesting of a forest

product.

(B) Agricultural uses supportive of subsection (1) of this section.

(3) Conditional Uses Permitted.

(A) Parks, campgrounds, group camping or other outdoor recreation facilities owned and operated by a governmental agency.

(4) Limitations on Conditional Uses. The following limitations shall apply to a conditional use permitted in subsection (3) of this section.

(A) Conditional uses permitted by subsection (3) of this section may be established on non-productive agricultural or timber lands upon a finding by the Hearings Officer that each such use:

(a) Is compatible with farm and forest use, is consistent with the intent and purposes set forth in the State Forest Practices Act (ORS 527.610 et seq.), comprehensive plan and this ordinance.

(b) Does not interfere with accepted forest management practices and farming uses on adjacent lands devoted to farm and forest uses.

(c) Does not alter the stability of the overall land use pattern of the area.

(d) Is situated upon generally unsuitable land for timber production and the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract.

(e) Does not constitute an unnecessary fire hazard and provides for at least a minimum of fire safety measures in planning, design, construction, and operation.

(5) Limitations on Non-Forest or Non-Farm Recreational Uses. In addition to other standards and conditions set forth in this section, the following limitations shall be applied in the evaluation of a conditional use application:

(A) Provisions for a buffer between forest lands or agricultural lands and the proposed use.

(D) Immediate and future impact on public services, existing road systems and traffic demands and

fire protection systems.

- (C) Soil type and its development limitations, including slides, erosion, flooding and drainage, and provisions to minimize possible adverse effects resulting therefrom.
 - (D) Effects on timber and forage agricultural productivity including the production of any usable forest or agricultural products which require open space and a non-urban environment.
 - (E) Density of development shall be designed to minimize potential adverse effects on terrain, slope and groundcover and shall be in compliance with applicable comprehensive plan policies.
 - (F) Development and density shall be compatible with the existing land use pattern providing the comprehensive plan does not indicate a future zone change for the existing pattern.
 - (G) An adequate quantity and quality of water, either subsurface or other sanitary disposal systems and adequate provisions for solid waste disposal.
 - (H) Provisions to conserve energy or to become energy self-sufficient, considering the application of current and readily available technologies for alternate forms of energy and power generation and recycling, in the structural designs.
 - (I) Provisions for fire safety measures.
 - (J) Effects on natural resources, habitats and wildlife.
 - (K) Factors set forth in the guide published by the Northwest Inter-Agency Fire Prevention Group entitled "Fire Safety Considerations for Developments in Forested Areas".
- (6) Dimensional Standards. In an FU-1 zone, the following dimensional standards shall apply:
- (A) 160 acres.
 - (B) The minimum average lot width shall be 150 feet.
- (7) State Law Controls
- (A) Whenever a use allowed by this section conflicts with or is prohibited by the Oregon Forest Practices

Act or regulations promulgated thereunder, state law shall control.

- (B) All permit applications shall be accompanied by a letter of compliance from the State Board of Forestry indicating that the proposed use conforms to Board regulations for the affected area.

Section 4.080. FOREST USE - FU -2. In an FU-2 Zone, the following regulations shall apply:

- (1) Purpose: The purposes of the FU-2 Zone are to conserve and protect designated forest lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest-associated uses; to protect scenic values; to provide for agricultural uses; to assure orderly and planned development of public and private recreational and other uses which are compatible with forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban development.
- (2) Uses Permitted Outright.
- (A) Farm use, as defined in ORS 215.203(2).
- (B) Management, propagation or harvesting of a forest product.
- (C) Utility facilities necessary for public service, except landfills or commercial facilities for the purpose of generating power for public use by sale.
- (D) Mobile homes in accordance with section 5.110 of this ordinance.
- (E) Dwellings and other buildings customarily provided in conjunction with forest uses set forth in paragraph (B) of this subsection.
- (3) Conditional Uses Permitted.
- (A) Mobile home as a secondary assessory farm or forest use dwelling or other structure subject to the provisions of section 5.120 of this ordinance.
- (B) Operations conducted for the exploration, mining and processing of geothermal resources as defined

by ORS 522.005 or mining of mineral resources personal on-site use.

- (C) Private parks, playgrounds, hunting and fishing preserves, campgrounds and other commercial recreational facilities serving the general public.
- (D) Parks, playgrounds, group camping, or community centers owned and operated by a governmental agency or non-profit community organizations.
- (E) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. 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.
- (F) Commercial utility facilities for the purpose of generating power for public use by sale.
- (G) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm or forest use.
- (H) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with other forest and farming practices and is compatible with forest and farm uses. 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 this section, means the use of a portable chipper or stud mill or other method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- (I) The boarding of horses for profit, stables and dude ranches.
 - (J) Single-family residential and recreational dwellings, including mobile homes subject to subsection (5)(M) of this section, not provided in conjunction with forest or farm use; partitions, planned developments and subdivisions in accordance with the terms of this ordinance and County Ordinance PL-14 and policies set forth by the comprehensive plan.
 - (K) Destination resorts.
 - (L) Cluster developments.
 - (M) Landfills when a written tentative approval by DEQ is submitted with the conditional use application.
- (4) Limitations on Conditional Uses. The following limitations shall apply to conditional uses permitted by this section:
- (A) Conditional uses permitted by this section may be established on non-productive timber lands upon a finding by the Hearings Officer that each such use:
 - (a) Is consistent with farm and forest uses, and is consistent with the intent and purposes set forth in the State Forest Practices Act, the comprehensive plan and this ordinance.
 - (b) Does not interfere with accepted forest management practices and farming uses on adjacent lands devoted to farm and forest use.
 - (c) Does not alter the stability of the overall land use pattern of the area.
 - (d) Is situated upon generally unsuitable land for timber production and the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and location and size of tract.
 - (e) Does not constitute an unnecessary fire hazard, and provides for at least a minimum of fire safety measures in planning, design, construction, and operation.

- (5) Limitations on Non-Forest Residential and Recreational Uses. In addition to other standards and conditions set forth in this section, the following limitations shall be applied in the evaluation of an application for a use permitted by subsection (3)(J) of this section:
- (A) Shall not be located within one (1) mile of a primary forest product processing facility or within one-quarter (1/4) mile of commercial forest or agricultural lands not owned by the applicant.
 - (B) Provision for a buffer between commercial forest or agricultural lands and the proposed use.
 - (C) Immediate and future impact on public services, existing road systems and traffic demands, and fire protection systems.
 - (D) Soil type and its development limitations, including slides, erosion, flooding, and drainage, and provisions to minimize possible adverse effects resulting therefrom.
 - (E) Effects on forest or timber and forage agricultural productivity including the production of any usable forest or agricultural product which requires open space and a non-urban environment.
 - (F) Density of development shall be designed to minimize adverse effects on terrain, slope and groundcover and shall be in compliance with applicable comprehensive plan policies.
 - (G) Development and density shall be compatible with existing land use pattern providing the comprehensive plan does not indicate a future zone change for the existing pattern.
 - (H) An adequate quantity and quality of water, either subsurface or other sanitary disposal systems and adequate provisions for solid waste disposal.
 - (I) Provisions to conserve energy or to become energy self-sufficient, considering the application of current and readily availability technologies for alternate forms of energy and power generation and recycling, in the structural designs.
 - (J) Provisions for fire safety measures.
 - (K) Effects on natural resources, habitats and wild-life.

- (L) Factors set forth in the guide published by the Northwest Inter-Agency Fire Prevention Group entitled "Fire Safety Considerations for Developments in Forested Areas".
- (M) A mobile home shall not be permitted as a non-farm or non-forest residence except in a duly platted and approved mobile home subdivision or a specifically designated area of a subdivision so designated at the time of approval unless said mobile home is in compliance with the requirements set forth in section 5.130 or approved by the Hearings Officer pursuant to Section 5.140 of this ordinance.
- (6) Dimensional Standards. In an FU-2 zone, the following dimensional standards shall apply:
- (A) Lot Area. Every lot or land parcel approved pursuant to subsection (3)(J) of this section except planned developments, shall have a minimum average width of not less than 150 feet and an area not less than ~~40~~ 40 acres.
- (B) Density Factor. Planned and cluster developments shall be allowed an equivalent density of one unit per 30 acres.
- (C) Except as otherwise required by this section, minimum lot sizes for uses permitted in this section shall be as determined by the Hearings Officer to be necessary for the protection of public health, the objectives of this section and applicable state and comprehensive plan policies.
- (7) Yards and Setback.
- (A) The front yard setback from the property line shall be 40 feet for the property fronting on a local street, 60 feet from a property line fronting on a collector right-of-way and 100 feet from a property line fronting on an arterial.
- (B) Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forest lands the adjacent side yard shall be a minimum of 100 feet.
- (C) Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forest lands said side yard setbacks shall be a minimum of 100 feet.

- (8) Stream Setbacks. All sewage disposal installations, such as outhouses, septic tank and drainfield systems shall be set back from the high-water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
- (9) State Law Controls.
- (A) Whenever a use allowed by this section conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.
- (B) Every permit application shall be accompanied by a letter of compliance from the State Board of Forestry indicating that the proposed use conforms to Board regulations for the affected area.

Section 4.085. FOREST USE. FU-3. In an FU-3 zone, the following regulations shall apply:

- (1) Purpose: The purposes of the FU Zone are to conserve and protect designated forest lands for small commercial woodlot operations; to conserve and protect watersheds, wildlife habitats, and other forest associated uses; to protect scenic values; to provide for agricultural uses; to assure orderly and planned development of public and private recreational and other uses which are compatible with forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban development.
- (2) Uses Permitted Outright.
- (A) Farm use, as defined in ORS 215.203(2).
- (B) Management, propagation or harvesting of a forest product.
- (C) Utility facilities necessary for public service, except landfills or commercial facilities for the purpose of generating power for public use by sale.
- (D) Mobile homes subject to section 5.110 of this ordinance.

- (E) Dwellings and other buildings customarily provided in conjunction with forest uses set forth in paragraph (B) of this subsection.

(3) Conditional Uses Permitted.

- (A) Mobile home as a secondary accessory farm or forest use dwelling or other structure subject to the provisions of section 5.120 of this ordinance.
- (B) Operations conducted for the exploration, mining and processing of geothermal resources as defined by ORS 522.005 or mining of mineral resources for personal on-site use.
- (C) Private parks, playgrounds, hunting and fishing preserves, campgrounds and other commercial recreational facilities serving the general public.
- (D) Parks, playgrounds, campgrounds, group camping or community centers owned and operated by a governmental agency or non-profit community organizations.
- (E) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. 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, 1979 shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- (F) Commercial utility facilities for the purpose of generating power for public use by sale.
- (G) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm or forest use.
- (H) A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with other forest and farming practices and is compatible with forest and farm uses. 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 this section, means the use of a portable chipper or stud mill or other method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- (I) The boarding of horses for profit, stables and dude ranches.
 - (J) Single-family residential and recreational dwellings including mobile homes subject to subsection(5)(M) of this section, not provided in conjunction with forest or farm use; partitions, planned developments and subdivisions in accordance with the terms of this ordinance and County Ordinance PL-14, and policies set forth by the comprehensive plan.
 - (K) Destination resorts.
 - (L) Cluster developments.
 - (M) Landfills when a written tentative approval by the DEQ of the site is submitted with the conditional use application.
- (4) Limitations on Conditional Uses. The following limitations shall apply to conditional uses permitted by this section:
- (A) Conditional uses permitted by this section may be established on non-productive timber lands upon a finding by the Hearings Officer that each such use:
 - (a) Is consistent with farm and forest uses, and is consistent with the intent and purposes set forth in the State Forest Practices Act, the comprehensive plan and this ordinance.
 - (b) Does not interfere with accepted forest management practices and farming uses on adjacent lands devoted to farm and forest use.
 - (c) Does not alter the stability of the overall land use pattern of the area.
 - (d) Is situated upon generally unsuitable land for timber production and the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation and location and size of tract.

- (5) Limitations on Non-Forest Residential and Recreational Uses. In addition to other standards and conditions set forth in this section, the following limitations shall be applied in the evaluation of an application for a use permitted by subsection (3)(J) of this section.
- (A) Shall not be located within one (1) mile of a primary forest product processing facility or within one-quarter (1/4) mile of commercial forest or agricultural lands not owned by the applicant.
 - (B) Provision for a buffer between commercial forest or agricultural lands and the proposed use.
 - (C) Immediate and future impact on public services, existing road systems and traffic demands, and fire protection systems.
 - (D) Soil type and its development limitations, including slides, erosion, flooding, and drainage, and provisions to minimize possible adverse effects resulting therefrom.
 - (E) Effects on forest or timber and forage agricultural productivity including the production of any other usable forest or agricultural product which requires open space and a non-urban environment.
 - (F) Density of development shall be designed to minimize adverse effects on terrain, slope and groundcover and shall be in compliance with applicable comprehensive plan policies.
 - (G) Development and density shall be compatible with the existing land use pattern providing the comprehensive plan does not indicate a future zone change for the existing pattern.
 - (H) An adequate quantity and quality of water, either subsurface or other sanitary disposal systems and adequate provisions for solid waste disposal.
 - (I) Provisions to conserve energy or to become energy self-sufficient, considering the application of current and readily availability technologies for alternate forms of energy and power generation and recycling, in the structural designs.
 - (J) Provisions for fire safety measures.
 - (K) Effects on natural resources, habitats and wildlife.

- (L) Factors set forth in the guide published by the Northwest Inter-Agency Fire Prevention Group entitled "Fire Safety Considerations for Development in Forested Areas".
- (M) A mobile home shall not be permitted as a non-farm or non-forest residence except in a duly platted and approved mobile home subdivision or a specifically designated area of a subdivision so designated at the time of approval unless said mobile home is in compliance with the requirements set forth in section 5.130 or approved by the Hearings Officer pursuant to Section 5.140 of this ordinance.
- (6) Dimensional Standards. In a FU-3 zone, the following dimensional standards shall apply:
- (A) Lot Area. 20 acres, except that destination resorts shall be allowed to proceed according to the density standard contained in Section 8.050 (19) (D).
- (B) Minimum average lot width shall be 150 feet.
- (C) Density Factor. Planned and cluster developments shall be allowed an equivalent density of one unit per 15 acres.
- (D) Except as otherwise required by this section, minimum lot sizes for uses permitted in subsection (6) (C) of this section shall be as determined by the Hearings Officer to be necessary for the protection of public health, safety and welfare, the objectives of this section and applicable state and comprehensive plan policies.
- (7) Yards and Setback.
- (A) The front yard setback from the property line shall be 40 feet for property fronting on a local street 60 feet from a property line fronting on a collector right-of-way and 100 feet from a property line fronting on an arterial.
- (B) Each side yard setback shall be a minimum of 25 feet, and for parcels or lots with side yards adjacent to forest lands the adjacent side yard shall be a minimum of 100 feet.
- (C) Rear yards shall be a minimum of 25 feet, except for parcels or lots with rear yards adjacent to forest lands said rear yard setbacks shall be a minimum of 100 feet.
- (8) Stream Setbacks. All sewage disposal installations, such as outhouses, septic tank and drainfield systems

shall be set back from the high water line or mark along all streams and lakes a minimum of 100 feet, measured at right angles to the high-water line or mark. All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.

(9) State Law Controls.

(A) Whenever a use allowed by this section conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.

(B) Every permit application shall be accompanied by a letter of compliance from the State Board of Forestry indicating that the proposed use conforms to Board regulations for the affected use.

Section 4.090. OPEN SPACE AND CONSERVATION ZONE. OS&C.
In an OS&C Zone, the following regulations shall apply:

(1) Purpose. The purpose of the Open Space and Conservation Zone is to protect designated areas of scenic and natural resources; to restrict development from areas with fragile, unusual, or unique qualities; to protect and improve the quality of the air, water and land resources; and to plan development so as to conserve open space.

(2) Uses Permitted Outright.

(A) Farm use as defined in ORS 215.203(2).

(B) Public and non-profit agencies, museums and exhibits.

(C) Public wildlife reserve or management area.

(D) Public parks, playgrounds and recreational areas.

(3) Conditional Uses Permitted.

(A) Commercial, private picnic or campgrounds.

(B) Commercial, private group camping facility.

(C) Utility facility except landfills.

(D) Public or private golf courses.

(E) Water supply and treatment facility.

(F) Commercial recreation use including marina,

riding stable, destination resort, gun club, recreation camp, and dude ranch.

(G) Public marina, recreation camp or resort.

(H) Public or private rockhound sites.

(4) Dimensional Standards. In an OS&C Zone, the following dimensional standards shall apply:

(A) The minimum lot size shall be that determined by the County Sanitarian to be necessary for the protection of public health and natural resources.

(5) 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 duly platted and recorded subdivision.

(B) The setback from a perennial stream or lake 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 on the street side.

(D) The rear setback shall be 30 feet.

(6) Limitations on Conditional Uses. The following limitations shall apply to a conditional use in a OS&C zone:

(A) An application for a conditional use in a OS&C zone may be denied if, in the opinion of the Hearings Officer, the proposed use is not related to or sufficiently dependent upon the recreational resources of the area.

(B) The Hearings Officer 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.

(C) The Hearings Officer 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, pollution or degradation of the natural attractiveness of the area.

(D) An application for a conditional use in a OS&C

zone shall be denied if, in the opinion of the Hearings Officer, 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 a OS&C zone shall be denied if not in compliance with the comprehensive plan.

Section 4.100 . SURFACE MINING ZONE. SM. In an SM Zone, the following regulations shall apply:

- (1) Purpose: The purpose of the Surface Mining Zone is to allow the extraction of surface mining materials needed by the community while protecting the health and safety of adjoining residents and uses.
- (2) Uses Permitted Outright. In the SM zone, the following uses and their accessory uses are permitted outright, subject to provisions of this chapter:
- (A) Uses, except dwellings, permitted outright in the MUA zone.
 - (B) Extraction of all materials, sand, gravel, rock, cinders, pumice, topsoil, fill material (including select fill) and any other mineral or aggregate material.
 - (C) Stockpiling and storage for mineral or aggregate materials produced from the site.
 - (D) Crushing, processing, washing and sizing located at least one-half mile from a residential area.
 - (E) Caretaker's residence.
 - (F) Other related activities using materials found primarily on the site, such as concrete batching plants, mineral refining plants, hot mix asphalt plants and concrete products plants, except when within one-half mile of residential dwellings.
 - (G) Sale of products produced from the site.
- (3) Conditional Uses Permitted.
- (A) Public use consistent with or dependent upon outright uses allowed in the SM zone.
 - (B) Semi-public use consistent with or dependent upon outright uses allowed in the SM zone.

- (C) Ore smelter.
 - (D) Crushing, processing, washing and sizing when located within one-half mile of a residential dwelling.
 - (E) Other related activities using materials found primarily on the site, such as concrete batching plants, mineral refining plants, hot mix asphalt plants and concrete products plants, when within one-half mile of a residential dwelling.
 - (F) Landfills when a written tentative approval by DEQ is submitted with the conditional use application.
- (4) Dimensional Standards. In a SM zone, the following dimensional standard shall apply:
- (A) The minimum lot size shall be as determined by the Planning Director to be necessary for the protection of the public health, safety and welfare.
- (5) Use Setbacks.
- (A) Uses within an SM zone shall maintain a one hundred (100) foot setback from the property line when adjacent to a residential dwelling.
 - (B) Three hundred (300) foot setbacks shall be maintained from the property lines adjoining roads that are in Landscape Management Areas, as defined in the comprehensive plan, as well as from any stream or lake.
 - (C) Upon an individual basis an operator or affected property owner may require an increase or decrease in setbacks adjoining roads in Landscape Management Areas or residential areas. Such a request shall be reviewed by the Planning Director for general conformance with the comprehensive plan and this ordinance. The matter shall be referred to the Hearings Officer for review in accordance with the terms of County Ordinance PL-9.
- (6) Site Plan Review. In an SM zone a use permitted outright or a conditional use shall be subject to the provisions of this section. Before any new site development may begin or expansion occur after the effective date of this ordinance a site plan shall be approved by the Planning Director.
- (A) Construction and development of the site shall be in full conformance with the approved site plan.

(B) The site plan shall be submitted in conformance with Deschutes County Surface Mining Standards, which shall be the same as the requirements of the Operator's Reclamation Plan promulgated by Department of Geology and Mineral Industries.

(7) Site Plan Requirements. A site plan shall provide for the following:

- (A) A reclamation plan approved by the Oregon Department of Geology and Mineral Industries.
- (B) A maintenance program. All buildings, structures and equipment used for the production and processing of minerals and other materials affected by this ordinance shall be maintained in such a manner as to assure that such buildings, structures, and equipment will not become dilapidated or hazardous. The reclamation plan shall also address disposition of buildings, structures and equipment used in production and processing of minerals and other materials, offices, storage garage and watchman's house or any remains thereof.
- (C) Air, water and noise requirements. Air and water quality and noise level shall be in accordance with the requirements of state and federal laws and regulations.
- (D) A complete description of all planned uses.
- (E) The Planning Director may require the following at the time of site plan approval:
 - (1) An increase in required setbacks.
 - (2) Screening of the proposed use, or parts thereof, by fencing or landscaping.
 - (3) Limitations on lighting.
 - (4) An acceptable plan for phased mining and rehabilitation of the site.
 - (5) Restrictions on the hours of operation.

(8) Special Requirements Relating to Residential Areas.

When located within one half-mile of a residential area the site plan shall also address:

- (A) The time period for which the use will continue. In no case shall a site plan allow usage to exceed three (3) years except following a public hearing.
- (B) Unless the applicant can show that the natural topography of the site offers sufficient screening of the site from public view, the exposed sides

of the site shall be screened with landscaped beams, hedges, walls, fences or similar devices to effectively screen the site from the public.

- (9) Procedure Upon Filing of Site Plan.
- (A) Each application and site plan shall be reviewed by the Planning Director for conformance with this ordinance and the comprehensive plan. The Director shall transmit the application to affected agencies for their review.
- (B) No later than thirty (30) days following receipt of an application the Planning Director shall notify in writing the applicant and interested personal and agencies whether he has recommended approval, conditional approval or denial and his reasons for the decision.
- (C) (1) Hearings Officer review will follow in accordance with County Ordinance PL-9.
- (2) The Hearings Officer's decision shall be based on the impact of the proposed use on nearby uses of land, the impact of traffic on affected streets and roads, economic social and environmental impact on the community.
- (3) The Hearings Officer shall approve a site plan only if in conformance with all applicable regulations, this ordinance and the comprehensive plan.
- (10) Approval of Site Plan. A site plan final approval shall expire 18 months from the date of approval, unless the project has commenced in accordance with the approved site and reclamation plans. Upon petition by the original applicant showing good cause, an extension of an additional 6 months may be granted by the Planning Director. The operating approval shall be valid for a period of time specified by the reclamation plan approval, except as may be specifically limited.
- (11) Bond. A bond or security deposit shall be required by all applicants in accordance with ORS 517.810.
- (12) Failure to Comply.
- (A) If the Planning Director determines that the permittee is not in compliance with the site plan he shall institute enforcement proceedings to require such compliance. Enforcement may include citing the permittee to District Court, injunctive proceedings, or enforcement of the bond provisions.

- (B) If a permittee fails to faithfully perform the reclamation required by his reclamation plan, or if the bond or security deposit required by subsection (11) is not sufficient to compensate the County for all reasonable necessary expenses incurred by it in performing the reclamation required by the reclamation plan, the amount due shall be a lien in accordance with ORS 517.865, in favor of the County, upon all property, whether real or personal, belonging to the permittee.
- (13) Exceptions. This ordinance shall not apply to the following:
- (A) Excavation of sand, gravel, clay, rock soil, cinders, or other similar materials conducted by a landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads or on-site roads, or other construction outside the definition of surface mining, providing that such material is not to be sold.
- (B) Excavation or grading operations conducted in the process of farming or cemetery operations.

Section 4.110. SURFACE MINING RESERVE ZONE. SMR. In a SMR zone, the following regulations shall apply:

- (1) Purpose: The purpose of the Surface Mining Reserve zone is to protect surface mining resources that will be needed by the community in the future while permitting compatible developments during the interim.
- (2) Uses Permitted Outright.
- (A) Farm use, as defined in ORS 215.203(2).
- (B) Propagation or harvesting of a forest product.
- (C) Dwellings and other buildings customarily provided in conjunction with farm use, including mobile homes subject to section 5.140.
- (D) Public and private parks, playgrounds and other outdoor recreation uses not requiring extensive construction.
- (3) Conditional Uses Permitted.
- (A) Private commercial picnic or campgrounds.
- (B) Private commercial group camping facilities.

- (C) Golf courses.
 - (D) Commercial recreation use, including marinas, motorcycle tracks, riding stables, and gun clubs.
 - (E) Public or private rockhound sites.
- (4) Dimensional Standards. In a SMR zone, the following dimensional standards shall apply.
- (A) Minimum lot size shall be that determined by the County Sanitarian and Planning Director to be necessary for the protection of public health, safety and welfare and natural resources.
- (5) Setbacks.
- (A) Minimum setbacks shall be 60 feet from an arterial, collector or road right-of-way and 20 feet setback from a street within a duly platted and recorded subdivision.
 - (B) The minimum setback from a perennial stream or lake mean high-water mark shall be 200 feet and from an intermittent stream 100 feet.
 - (C) Each side setback shall be a minimum of 15 feet, except on a corner lot it shall be 30 feet on the street side.
 - (D) The rear setback shall be 30 feet.
- (6) Limitations on Conditional Uses. The following limitations shall apply to a conditional use in a SMR zone:
- (A) All uses must anticipate eventual use of the land for surface mining. Such conditions necessary to assure future usability of the site for surface mining may be imposed.
 - (B) Application must be in compliance with the comprehensive plan.
- (7) Rezoning to other than SM. In addition to the standards governing rezoning contained elsewhere in this ordinance and in County Ordinance PL-9, the following findings must be made before an SMR zone can be rezoned to other than an SM zone:
- (A) There are no economically significant mineral or aggregate deposits within the area concerned; and

- (B) Such deposits would not be likely to occur in the future if the zone change were not granted.

Section 4.120. RURAL RESIDENTIAL. RR-10. In an RR-10 zone, the following regulations shall apply:

- (1) Purpose; 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 non-residential 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.

(2) Uses Permitted Outright.

- (A) Single-family dwelling, including a mobile home on an individual lot in compliance with section 5.130 of this ordinance.
- (B) Subdivisions, in accordance with the terms of County Ordinance PL-14, for residential purposes, excluding mobile home subdivisions.
- (C) Utility facility necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- (D) Community centers if shown and approved on the original plan or plat of the development.
- (E) Farm use as defined in ORS 215.203(2).

(3) Conditional Uses Permitted.

- (A) Mobile home subdivision or planned development.
- (B) Mobile home as a single-family dwelling on an individual lot not permitted by subsection(2) (A) of this section, subject to the requirements in section 5.140 of this ordinance.
- (C) Public park, school, playground, recreation facility or community center owned and operated by a governmental agency or non-profit community organization.
- (D) Destination resort.
- (E) Dude ranch.
- (F) Home occupations carried on by residents as an

accessory use within their dwelling.

- (G) Personal-use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner, and on an infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. 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.
 - (H) Planned development.
 - (I) Cluster development.
 - (J) Recreation-oriented facilities requiring large acreage such as rodeo grounds, off-road vehicle tracks or race tracks.
 - (K) Landfills when a written tentative approval by DEQ of the site is submitted with the application.
 - (L) Mining mineral resources for personal on-site use.
 - (M) Cemeteries.
- (4) 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 and 50 feet from an arterial right-of-way.
 - (B) There shall be a minimum side yard of 10 feet for all uses, except that a non-residential use adjacent to a residential use shall have a minimum side yard of 20 feet.
 - (C) The minimum rear yard shall be 20 feet.
- (5) 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 mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
- (6) 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 thirty (30) percent of the total lot area.
 - (B) Building Height. No non- agricultural building or structure shall be erected or enlarged to exceed two stories or more than thirty (30) feet in height.
 - (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.
- (7) Limitations on Conditional Uses. The following limitations shall apply to uses allowed by subsection (1) of this section:
- (A) The Hearings Officer may require establishments 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 Hearings Officer 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.

Section 4.130. RURAL SERVICE CENTER ZONE, RSC. In an RSC Zone the following regulations shall apply:

- (1) Purpose: The purpose of the Rural Service Center Zone is to provide standards and review procedures for concentrations of local commercial services to meet the needs of rural residents; as well as limited tourist commercial services consistent with the maintenance of the rural character of the area.
- (2) Uses Permitted Outright. In an RSC zone the following uses and their accessory uses are permitted outright, subject to the terms of subsection (10) of this section.
- (A) Farming, excluding livestock feed or sales yard, subject to the restrictions in subsection (4) of this section, and hog and mink farms.
 - (B) Non-farm single-family residence, including a mobile home subject to the requirements and conditions in section 5.130 of this ordinance.
 - (C) Retail store, office or service establishment.
 - (D) Automobile service station.
 - (E) Agriculturally oriented commercial use.
 - (F) Park, playground or community building.
 - (G) Church, school or cemetery.
 - (H) Utility facility, except landfills.
 - (I) Television or radio station, transmitter or tower.
 - (J) Restaurant or cocktail lounge.
- (3) Conditional Uses Permitted.
- (A) Commercial residential use.
 - (B) Multi-family dwelling.
 - (C) Tourist or travelers accommodations.
 - (D) Mobile home park and travel trailer park.
 - (E) Kennel or animal hospital.
 - (F) Automobile repair garage.

- (G) Commercial amusement or recreation establishment.
- (H) Water supply and treatment facility.
- (I) Hog and mink farms.
- (J) Cluster development.
- (K) Planned development.
- (L) Home occupations.

(4) Limitations on Uses. The following limitations shall apply to uses allowed by subsection (2)(A) of this section:

(A) 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 allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal as listed below:

| | |
|------------------|----------------------|
| Horses | 20,000sq.ft. of area |
| Cows | 20,000sq.ft. of area |
| Goats | 20,000sq.ft. of area |
| Sheep | 20,000sq.ft. of area |

(B) The number of chickens, fowl or rabbits over the age of six months shall not exceed one (1) for each 500 sq.ft. of land.

(C) All livestock shall be located a minimum of 100 feet away from a residential dwelling on an adjacent lot.

(5) Lot Size.

(A) The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewerage system shall not be less than 50 feet with a minimum area of 6,000 sq.ft.

(B) The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewerage system, but not served by both, shall not be less than 100 feet with a minimum area of 15,000 sq. ft.

(C) The minimum average width of lots not served by either an approved community, municipal or public water system or an approved community or public sewerage system shall be 150 feet with a minimum area of one acre.

- (6) Dimensional Standards. The following dimensional standards shall apply in an RSC zone:
- (A) Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than thirty (30) percent of the total lot area.
 - (B) Building Height. No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.
- (7) 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:
- (A) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high water line or mark.
- (8) Yards.
- (A) The minimum front yard shall be 20 feet.
 - (B) The minimum side yard shall be 10 feet, except on the street side of a corner lot it shall be 20 feet.
 - (C) The minimum rear yard shall be 20 feet.
- (9) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Article 5 of this ordinance.

(10) Site Plan Review. In an RSC zone, a use permitted outright shall be subject to the provisions of this subsection.

- (A) Before a building may be constructed, enlarged or substantially altered, a site development plan shall be submitted to the Planning Department.
- (B) In considering a site plan for a proposed use in an RSC zone, the Hearings Officer shall take into account the impact of the proposed use on nearby residential and commercial property, the capacity of the street to carry traffic, and the appearance of the use.
- (C) The Hearings Officer may require as a condition of approval:
 - (1) An increase in the required lot size.
 - (2) Additional off-street parking.
 - (3) Screening of the proposed use by a fence or landscaping.
 - (4) Limitations on signs or lighting.
 - (5) Limitations on the number and location of curb cuts.
 - (6) Any other conditions considered necessary to achieve the purpose of this ordinance.
- (D) Construction and development of the site shall conform to an approved site plan.
- (E) Site plan review procedures shall conform to County Ordinance PL-9.

Section 4.140. RURAL SERVICE RESIDENTIAL-M. RSR-M.
In an RSR-M Zone, the following regulations shall apply:

- (1) Purposes: The purpose of the Rural Service Residential-M Zone is to permit and encourage the development of residential uses in the rural service centers; provide for densities compatible with a higher level of services available; allow the opportunity for people to enjoy life in a more rural environment without impinging on the rural areas and assure development compatible with the rural character of the area.

(2) Uses Permitted Outright.

- (A) Farming, excluding livestock feed or sales yard, subject to the restrictions in subsection (4) of this section, and hog or mink farms.
- (B) The propagation and harvesting of forest products.
- (C) Non-farm single-family residence, including a mobile home subject to the requirements set forth in section 5.130 of this ordinance.
- (D) Park, playground or community building.
- (E) Utility facility.
- (F) Church, public school, cemetery.

(3) Conditional Uses Permitted.

- (A) Two-family dwelling.
- (B) Private schools.
- (C) Mobile homes subject to section 5.140.
- (D) Water supply and treatment facility.
- (E) Medical clinics
- (F) Sewage disposal and treatment facility.
- (G) Cluster development.
- (H) Planned development.
- (I) Home occupations.

(4) Limitations on Uses. The following limitations shall apply to uses permitted by subsection (2)(A) of this section:

(A) Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 sq.ft. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal as listed below:

| | |
|------------------|-----------------------|
| Horses | .20,000 sq.ft.of area |
| Cows | .20,000 sq.ft.of area |
| Goats | .20,000 sq.ft.of area |
| Sheep | .20,000 sq.ft.of area |

- (B) The number of chickens, fowl or rabbits over the age of six months shall not exceed one (1) for each 500 sq.ft. of property.
 - (C) All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.
- (5) Lot Size.
- (A) The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewerage system shall not be less than 50 feet with a minimum lot size of 5,000 sq. ft.
 - (B) The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewerage system, but not served by both, shall not be less than 100 feet with a minimum lot size of 15,000 sq. ft.
 - (C) The minimum average width of lots not served by either an approved community, municipal, or public water system or by an approved community or public sewerage system shall be 150 feet with a minimum lot size of one acre.
- (6) Dimensional Standards. The following dimensional standards shall apply in an RSR-M zone:
- (A) Lot Coverage. The main and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.
 - (B) Building Height. No building or structure shall be erected or enlarged to exceed two (2) stories or more than twenty-five (25) feet in height, except split-level buildings, which may be increased in height to thirty (30) feet.
- (7) Stream Setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas, and 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 and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or mark.

In those cases where practical difficulties preclude the location of facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Hearings Officer may permit the location of these facilities closer to the stream or lake, but in case closer than 25 feet.

- (B) All structures, buildings or similar permanent fixtures shall be set back from the high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high water line or mark.

(8) Yards.

(A) The minimum front yard shall be 20 feet.

(B) The minimum side yard shall be 10 feet, except on the street side of a corner lot it shall be 20 feet.

(C) The minimum rear yard shall be 20 feet.

- (9) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Article 5.

Section 4.150. RURAL SERVICE RESIDENTIAL -5. In an RSR-5 Zone the following regulations shall apply:

- (1) Purpose: The purpose of the Rural Service Residential-5 Zone is to maintain the rural character of the area in the immediate vicinity of a rural service center while allowing for increased density because of that proximity, but assuring densities are compatible with the services available as well as the land and natural resources of the area.
- (2) Uses Permitted Outright.
- (A) Uses permitted outright in an RSR-M zone, subject to the conditions of subsection (4) of this section.
- (3) Conditional Uses Permitted.
- (A) Uses permitted conditionally in a RSR-M zone.
- (4) Limitations on Uses. The following limitation shall apply to uses permitted by subsection (2)(A) of this section:
- (A) Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 sq.ft. The total number of all such animals (other than

their young under the age of six months) allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal as listed below:

| | |
|-----------------|------------------------|
| Horses. | .20,000 sq.ft.of area |
| Cows. | .20,000 sq.ft.of area |
| Goats | .20,000 sq.ft.of area |
| Sheep | .20,000 sq.ft. of area |

(B) The number of chickens, fowl or rabbits over the age of six months shall not exceed one (1) for each 500 sq.ft. of land.

(C) All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

(5) Lot Size.

(A) The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewerage system shall not be less than 50 feet with a minimum lot size of 6,000 sq.ft.

(B) The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewerage system, but not served by both, shall not be less than 100 feet with a minimum lot size of 15,000 square feet.

(C) The minimum average width of lots not served by either an approved community or public sewerage system shall be 150 feet with a minimum lot size of five acres.

(6) Dimensional Standards.

(A) Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of thirty (30) percent of the total lot area.

Section 4.160. AIRPORT DEVELOPMENT ZONE, A-D In an A-D Zone, the following regulations shall apply:

(1) Purpose: The purpose of the Airport Development Zone is to allow for development compatible with ongoing use of designated airports while providing for public review of proposed developments likely to have impacts on the surrounding lands.

This zone is intended to operate as an

interim control until such time as the Board of County Commissioners duly adopt a Bend Airport master or comprehensive plan.

- (2) Uses Permitted Outright.
- (A) Airport and related buildings such as hangars, fuel storage, tie-down areas and parking facilities.
 - (B) Farm use, excluding the keeping of livestock
 - (C) Airport-related commercial uses such as aircraft sales and repair facilities.
- (3) Conditional Uses.
- (A) Farm accessory buildings and uses.
 - (B) Utility facility necessary for public service except landfills.
 - (C) Golf Course.
 - (D) Park, playground, other public recreation site or facility or community service facility owned and operated by a governmental agency or non-profit community organization.
 - (E) Restaurant, bar and cocktail lounge.
 - (F) Warehousing and aviation-related manufacturing.
 - (G) Traveler's accommodation facilities.
 - (H) Residential use to serve as a permanent dwelling for an airport security guard.
- (4) Use Limitations. In an A-D zone, the following limitations and standards shall apply to all uses permitted:
- (A) The height of any structure or part of a structure such as chimneys, towers, antennas, 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 this section shall be accommodated on the subject premises entirely off-street.
 - (D) No use permitted by this section shall require

the backing of traffic onto a public or private street or road right-of-way.

- (E) There shall be only one ingress and one egress from uses permitted by this section per each 800 feet of frontage on an arterial or per each 300 feet of frontage on a collector. If necessary to meet this requirement permitted uses shall provide for shared ingress and egress.
 - (F) No use permitted by this section that generates more than 30 truck-trailer or other heavy equipment trips per day to and from the subject use shall be permitted to locate on a lot adjacent to or across a street from a residential use or lot in a duly platted subdivision, nor shall a residential use or lot be permitted adjacent to or across the street from an existing or planned use that is expected to generate such traffic.
 - (G) No use likely to generate more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be permitted unless served directly by an arterial or collector, or other improved street or road designed to serve such traffic. In no case shall such traffic be permitted to utilize a street or road which passes through a residential area.
 - (H) No power lines shall be located in clear zones and any power line located within an approach zone shall be in conformance with designated approach slope ratios contained in section 4.170 (6) (B) (a), of this ordinance.
 - (I) No use shall be allowed which is likely to attract an unusual quantity of birds, particularly birds which normally fly at high altitudes.
- (5) Dimensional Standards. In an A-D zone, the following dimensional standards shall apply:
- (A) The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading requirements, lot coverage limitations or as deemed necessary by the Planning Director to maintain air, land and water resource quality, protect adjoining and area land uses and to insure resource carrying capacities are not exceeded.
 - (B) No non-residential use located adjacent to or across a street from an existing residential use or platted lot shall exceed 70% lot coverage by all buildings, storage areas and facilities

and required off-street parking and loading areas.

- (C) No residential use permitted by this section shall exceed 30% lot coverage by primary and accessory structures.
 - (D) The minimum setback between any structure and an arterial right-of-way shall be 100 feet. The minimum setback of a non-residential structure from a collector right-of-way shall be 50 feet, and from all local streets the minimum setback shall be 20 feet.
 - (E) The minimum setback between a non-residential structure and a property line abutting a residential use or lot, or for a residential structure and a property line abutting a non-residential use or lot, shall be 50 feet.
 - (F) The minimum lot frontage shall be 50 feet.
 - (G) 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.
 - (H) The minimum rear setback between any structure and a rear property line shall be 25 feet.
- (6) Stream Setback. To permit better light, air, vision, stream or pollution control, protect fish and wild-life areas and preserve natural scenic amenities and vistas along the streams and lakes the following setback shall apply:
- (A) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high water line or mark.
- (7) Off-Street Parking and Loading. Off-street parking

and loading shall be provided in accordance with the provisions of this section and Article 5.

- (8) 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, 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.
- (9) Design and Use Criteria. The Hearings Officer 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 Hearings Officer shall find that:
- (A) The proposal is in compliance with the comprehensive plan.
 - (B) The proposal is in compliance with the intent and provisions of this ordinance.
 - (C) That any adverse social, economical, physical or environmental impacts are minimized.
- (10) Additional Requirements. As a condition of approval of any use proposed within an A-D zone, the Hearings Officer 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 with the intent and purposes of this ordinance and policies of the comprehensive plan.

Section 4.170. AIRPORT HEIGHT COMBINING ZONE. A-H.
 In any zone which is a combining A-H zone, the requirements and standards of this section shall apply in addition to those specified in this ordinance for the underlying zone. If a conflict in regulations or standards occurs, the provisions of this section shall govern.

- (1) Purpose: The purpose of the Airport Height Combining Zone is to restrict the height of trees, buildings, structures, or other items which might intrude into areas used by aircraft.
- (2) Application of Provisions. The provisions of this section shall apply to all areas under airport approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces.
- (3) Uses Permitted Outright. Uses permitted shall be those identified in the underlying zone with which the A-H zone is combined.
- (4) Uses Permitted Conditionally. Uses permitted conditionally shall be those identified as conditional uses in the underlying zone with which the A-H zone is combined, and shall be subject to all conditions of the underlying zone as well as the conditions of the A-H zone.
- (5) Use Limitations. No use in a A-H zone shall be allowed that could reasonably be expected to endanger the safety of persons in aircraft passing over the land or persons and property on the ground. Reasonable conditions to protect the public safety may be imposed by the Planning Director.
- (6) Dimensional Standards. In an A-H zone, the following dimensional standards shall apply:
 - (A) Minimum lot size and setbacks shall be those indicated in the underlying zone with which the A-H zone is combined.
 - (B) Height Limitations. No structure or plant growth shall exceed 35 feet in height in any of the zones established in subsections (6) (B) (1),(2),(3),(4) and (5) of this section.
 - (1) Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - (2) Runway Larger Than Utility with a Visability

Minimum Greater Than 3/4 Mile Non Precision Instrument Approach Zone.

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of an at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

- (3) Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and approach surface, and extending to a height of 150 feet above the airport elevation which is 3,452 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (4) Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 3,602 feet above mean sea level.
- (5) Conical Zone. Slopes twenty (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.
- (6) Where an area is covered by more than one height limitation the more restrictive shall prevail.
- (7) 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 which exceed the height limitations herein established.

Section 4.180. LANDSCAPE MANAGEMENT COMBINING ZONE. LM
 In any LM Combing Zone the requirements and standards of this section shall apply in addition to those specified in this ordinance for the underlying zone. If a conflict in regulation or standards occurs, the provision of this section shall govern.

- (1) Purpose: The purposes of the Landscape Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas important to local economy.

- (2) Application of Provision. The provision of this section shall apply to all areas identified as landscape management corridors in the comprehensive plan or the County zoning map. The limitations in this section shall not unduly restrict accepted agricultural practices.
- (3) Uses Permitted Outright. In a zone with which the LM zone is combined the uses permitted outright shall be those permitted outright by the underlying zone with which the LM zone is combined, subject to subsection (5) of this section.
- (4) Uses Permitted Conditionally. In a zone with which the LM zone is combined, the uses permitted shall be those permitted conditionally by the underlying zone with which the LM zone is combined, subject to subsection (5) of this section.
- (5) Use Limitations. No structure, including agricultural buildings, shall be erected or substantially altered externally within one-quarter mile (measured at right angles from centerline of any identified landscape management roadway or within 200 feet of the mean high-water mark of any identified landscape management corridor along a river) without first obtaining the approval of the Planning Director.
- (6) Dimensional Standards. In an LM zone, the following dimensional standards shall apply:
 - (A) Minimum lot size shall be as established in the underlying zone with which the LM zone is combined.
 - (B) Setbacks shall be those established in the underlying zone with which the LM zone is combined. If upon written recommendation from the Planning Director, the Hearings Officer finds the established setbacks inappropriate to carry out the purpose of the LM zone, he may require more or less restrictive dimensions.
- (7) Zoning Permits. All buildings or structures covered by this section not requiring a building permit shall be required to obtain a zoning permit before beginning construction.
- (8) Design Review. In reviewing application the Planning Director and Hearings Officer shall consider the following:
 - (A) Height, width, color, bulk and texture of the proposed building or structure to assure that the building or structure is visually compatible with the surrounding natural landscape and does not unduly

generate glare or other distracting conditions.

- (B) Retention of existing plant materials and natural features so as to retain as much as possible the natural character of the area.
- (C) Establishment of introduced landscape materials to assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation and 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 proposed site.
- (D) Nothing in this section shall be construed to prevent the use of accepted agricultural practices, crops or equipment or restrict the construction of innovative residences, i.e. "dome" houses, except where their design or siting unduly diminishes the esthetic qualities of the area.

Section 4.190. WILDLIFE AREA COMBINING ZONE. WA.

In any zone which is a Wildlife Area Combining zone (WA), the requirements and standards of this section shall apply in addition to those specified in this ordinance for such underlying zone. If a conflict in regulations or standards occurs the provisions of this section shall govern except that the larger minimum lot size shall always apply.

- (1) 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.
- (2) Application of Provisions. The provisions of this section shall apply to all areas identified in the comprehensive plan as a winter deer range, antelope range or riparian area.
- (3) 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 with which the WA zone is combined.
- (4) Uses Permitted Conditionally. In a zone with which the WA zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone with which the WA zone is combined.
- (5) Use Limitation. All residential commercial or industrial developments within the WA zone shall be a cluster development (residential only), a planned development, or a destination resort and shall conform to the provisions of sections 8.050 (16), (17) or (19) of this ordinance.

- (6) Dimensional Standards. In a WA zone, the following dimensional standards shall apply:
- (A) Minimum lot size shall be 40 acres in the Metolius and North Paulina and Tumalo Deer Winter Ranges, except that planned developments in these areas shall be allowed to conform to the density of the underlying zone.
 - (B) Planned or cluster developments shall have a minimum area of 160 acres. Parcels existing under single ownership at the time of adoption of this ordinance that are at least 40 acres in size which may also be considered for planned or cluster development status.
 - (C) In the Tumalo Deer Winter Range the minimum acreage shall be as designated in the Tumalo Winter Range Study. Planned or cluster developments in this area shall be at least 160 acres in size unless a 40 acre or larger parcel existed under single ownership at the time of the adoption of this ordinance, in which case the parcel may be considered for planned or cluster developments status.
 - (D) In the Antelope Range the minimum lot size shall be 320 acres. Planned or cluster developments shall be 320 acres unless a 40 acre or larger parcel existed under single ownership at the time of the adoption of this ordinance, in which case the parcel may be eligible for planned or cluster development status.
 - (E) In riparian areas the minimum parcel size shall be that determined by the County Sanitarian and Planning Director, with advise from the Oregon Fish & Wildlife Department, necessary to protect the health and safety of the public as well as fish and wildlife resources.
 - (F) Setbacks shall be as described in the underlying zone with which the WA zone is combined.

Section 4.200. CONVENTIONAL HOUSING COMBINING ZONE. CH.
 In a Conventional Housing Combining Zone (CH) the requirements and standards of this section shall apply in addition to those specified in this ordinance for the underlying zone. If a conflict in regulations or standards occurs the provisions of this section shall govern.

- (1) 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.
- (2) 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.

- (3) Use Limitations. All use and dimensional conditions contained in the underlying zones shall apply to the CH zone.

Section 4.210. FLOOD PLAIN ZONE. FP.

- (1) Purpose: The purposes of the Flood Plain Zone are 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.
- (2) Uses Permitted Outright
- (A) Agricultural use conducted without establishing or utilizing a structure except for a boundary fence designed to impede as little as possible the movement of floodwaters and flood-carried material.
- (B) Industrial or commercial use not requiring a structure other than crushed rock or gravel surfacing at ground level for such uses as loading or parking areas or which require only temporary structures that will be removed from the zone during the period of annual flood risk.
- (C) Recreational uses requiring only structures having an insignificant effect on flood waters such as golf course primary buildings, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap or skeet ranges, hunting or fishing areas, or hiking or riding trails.
- (D) Portions of a recreation vehicle park or camping area that are occupied only temporarily and that do not contain buildings.
- (E) Portions of a residential use that do not contain buildings, such as lawn, garden or parking or play areas.
- (3) Conditional Uses Permitted in the Floodway of an FP zone.

- (A) A roadway, bridge or utility structure except a landfill, that will not impede the waters of a base flood.
 - (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 not readily removable, the material or equipment shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall be 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.
- (4) Permit for Use or Development in an FP Zone. No person shall construct, reconstruct expand or install a development or mobile home, or divide land, in an FP zone unless a permit has been received for the work, except for those uses permitted by subsection (2) of this section. Except for improvement of an existing structure which is less than substantial as determined by the County Building Inspector, Planning Director and Hearings Officer, no permit shall be issued unless the work will be reasonably safe from flooding and otherwise complies with this ordinance. The following information shall be submitted with the permit application:
- (A) The location of the property with reference to channel stations and flood profile elevations.
 - (B) The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and for areas immediately adjacent to a stream, two-foot for ground slopes between five and ten percent, and five-foot for greater slopes.
 - (C) The location of existing and proposed diking or revetments, if any.
- (5) Structural Elevation Data Required.
- (A) A building permit application for substantial improvement to an existing structure or for a new installation within a FP zone shall, where the Planning Director determines that the structure may be in the flood plain, contain the following data referenced to mean sea level:
 - (1) The level of the lowest habitable floor and of any basement floor whether or not intended to be habitable.

(2) The level to which the structure is to be floodproofed, if applicable.

(B) A statement shall note whether the structure contains a basement.

(C) The information required by this subsection shall be maintained in the files of the Building Department with the subject building permit.

(6) Regulation of Structures in an FP Zone.

(A) The lowest habitable floor, and any basement floor whether or not the basement is intended to be habitable, of a new or substantially improved residential structure and the floor of a newly installed mobile home shall be elevated at least one foot above the base flood level.

(B) Unless the lowest floor elevation, including a basement floor, is one foot above the base flood elevation, a newly constructed or substantially improved non-residential structure shall be designed so that the structure is substantially impermeable to the passage of water and otherwise flood-proofed, at least to a level of two feet above the base flood level. The structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(C) When floodproofing is utilized for a structure, a registered engineer or licensed architect shall certify that the floodproofing method is adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood and otherwise conforms to the floodproofing standards of the State Structural Specialty Code in effect at the time of construction.

(D) Unless the site on which a mobile home is to be installed is above the base flood level, a mobile home or an addition to a mobile home shall be anchored to resist flotation, collapse, and lateral movement as follows:

(1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations except that a mobile home less than 50 feet long need have only one additional tie per side.

(2) Farm ties shall be provided at each corner of the home with five additional ties per side at

intermediate points except that a mobile home less than 50 feet long need have only four additional ties per side.

- (3) All components of the anchoring system, including ties, shall be capable of carrying a force of 4,800 pounds.

(7) Land Development Standards in a Flood Hazard Area.

- (A) In addition to the terms of subsections (8) and (9) of this section, a subdivision or other land development within an FP zone shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.
- (B) A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood-carrying capacity of the watercourse.
- (C) A proposed land development of greater than either 50 lots or 5 acres shall include data showing the base flood elevation.

(8) Additional Mobile Home Land Development Standards.

- (A) Except in the locations described in subsection (8)(B) below, a mobile home site in an FP zone shall comply with the following:
- (1) The mobile home stand on the site shall be elevated on compacted fill or pilings so that the floor of the mobile home will be one foot above the base flood elevation level.
 - (2) Adequate surface drainage shall be provided.
 - (3) Access for a hauler shall be provided.
 - (4) If the mobile home stand is elevated on pilings, the stand shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than 10 feet apart and lateral reinforcement shall be provided for pilings extending more than six feet above ground level.
- (B) Provisions of subsection (8)(A) are not applicable to a mobile home site in an existing mobile home park or subdivision which by deed restriction limits the use of lots to the installation of mobile homes, provided that the site was originally constructed with the following improvements:

- (1) It abuts a roadway suitable for all-weather travel.
 - (2) It has been leveled to permit a mobile home installation.
 - (3) Connections to a water supply and sewage disposal system exist on the site.
 - (C) A site for a mobile home also shall comply with subsection (8)(A) if it is in an existing mobile home park which has, after the effective date of this ordinance, undergone substantial repair, reconstruction or improvements of streets, utilities and pads.
 - (D) The placement of a mobile home in the floodway is prohibited.
- (9) Facility Standards in a Flood Hazard Area.
- (A) A public utility or facility associated with a land development within a FP zone shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.
 - (B) Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.
 - (C) Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the flood waters.
 - (D) An on-site septic tank system or other individual waste disposal system shall be located to avoid impairment or contamination during flooding.
- (10) Land Grading Standards in a Flood Hazard Area.
- (A) When required by the Building Inspector the application for a grading or excavation permit shall be accompanied by two sets of plans or specifications, and other supporting data considered necessary to act on the application.
 - (B) After review of a grading or excavation permit application, the application shall be denied if it is determined that the proposed excavation, filling or other grading will raise the water elevation in the subject floodway.

- (11) Regulations Not a Guarantee. The degree of flood protection afforded by the provisions of this ordinance is considered reasonable for regulatory purposes and is based upon conventional engineering and scientific methods of study. Larger floods than those anticipated by these provisions may occur on occasion or the flood height may be increased by human or natural causes such as logjams, ice formations or bridge openings restricted by debris. The identification of areas subject to flooding pursuant to the provisions of this ordinance does not imply that lands outside such areas will be free from flooding or flood damage. This ordinance shall not be considered a guarantee against flood damage.
- (12) Technical Variances. A technical variance from the requirements of this section may be granted by the Hearings Officer for new construction and for improvements to existing structures which could not otherwise be authorized, provided the construction or improvements are to be erected or installed on a parcel of land one-half acre or less in size, contiguous to or more or less surrounded by lots with existing structures constructed below the minimum floor elevation established for flood protection purposes. A parcel of land in excess of the one-half acre in single ownership on the effective date of this ordinance is not excluded from the granting of a technical variance, but the burden of proof required for issuing the variance increases as the size of the property under single ownership increases, and the variance shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the parcel for which a variance is sought.
- (13) Historic Variance. A variance for historic preservations may be granted for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places of the State Inventory of Historic Places.
- (14) Other Variances. All other variance applications shall be considered according to the terms of Article 9 of this ordinance and the following criteria:
- (A) The danger that materials may be swept onto others property.
 - (B) The danger to life and property due to flooding or erosion damage.
 - (C) The susceptibility of the proposed facility to flood damage and the effect of such damage on the individual owner.

- (D) The importance of the services provided to the community by the proposed facility.
 - (E) The necessity to the use of a waterfront location, where applicable.
 - (F) The availability of alternative locations not subject to flooding or erosion damage.
 - (G) The relationship of the use to the area flood-plain management program.
 - (H) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (I) The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
 - (J) The cost of providing governmental and utility services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, streets and bridges.
- (15) Applicants for a variance shall include with their application the following information:
- (A) The location of the property with reference to channel station and flood profile elevation.
 - (B) The existing topography and proposed grading plan for the property. Contour interval shall not be more than one foot for ground slopes up to five percent and for areas immediately adjacent to a stream, two feet for ground slopes between five and ten percent, and five feet for greater slopes.
 - (C) The location of existing and proposed diking or revetments if any.
- (16) Granting of Variances.
- (A) If the findings warrant, the Hearings Officer may grant a variance if he finds the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
 - (B) An applicant to whom a variance is granted shall be given written notice that the structure is permitted. The notice shall designate the elevation

of the lowest floor compared to the base flood elevation and shall advise the applicant that the cost of flood insurance will be commensurate with the increased risk resulting from any reduced floor elevation authorized by the variance.

Section 4.220. RURAL INDUSTRIAL ZONE. R-I. In an R-I zone, the following regulations shall apply:

- (1) Purpose: The purposes of the Rural Industrial Zone are to encourage employment opportunities in rural areas and to promote the appropriate economic development of rural service centers which are rapidly becoming urbanized and soon to be full-service incorporated cities, while protecting the existing rural character of the area as well as preserving or enhancing the air, water and land resources of the area.
- (2) Uses Permitted Outright. In a R-I zone, the following uses and their accessory uses are permitted outright except as limited by subsection (4) of this section and unless located within 600 feet from a residential dwelling, a lot within a duly platted subdivision or a residential zone.
 - (A) Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - (B) Farming.
 - (C) Residence for caretaker or night watchman on property.
 - (D) Freight depot.
 - (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) Veterinary clinic or kennel.
 - (J) Laboratory for experiment, research or testing.

- (K) Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries excluding all processes involving refining or rendering of fats and oils.
 - (L) Government buildings including armories and maintenance, repair or storage facilities provided all outside storage is enclosed by sight-obscuring fencing.
 - (M) Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outside storage is involved.
 - (N) Processing, packaging and storage of foods and beverages excluding those requiring distillation, fermentation, rendering of fats or oils, or slaughtering.
 - (O) Lumber manufacturing and wood processing except pulp and paper manufacturing.
 - (P) Electrical substations.
- (3) Conditional Uses.
- (A) Any use permitted by subsection (2) of this section which is located within 600 feet of a residential dwelling, a lot within a duly platted subdivision or a residential zone.
 - (B) Public or semi-public use.
 - (C) Manufacture, repair, rental, sales, servicing, and storage of machinery, implements, equipment, trailers or mobile homes.
 - (D) Any use permitted by subsection (2) of this section which involves open storage.
 - (E) Concrete or ready-mix plant.
 - (F) Petroleum products storage and distribution.
 - (G) Quarry, gravel pit, subsurface or surface mining including crushing, screening or washing of extracted materials.
 - (H) Commercial feedlot, stockyard, salesyard, slaughterhouse and rendering plant.

- (I) Railroad trackage and related facilities.
- (J) Lumber and other wood products manufacturing.
- (K) Agricultural products storage and processing plants.
- (L) Any use permitted by subsection (2) of this section which is expected to exceed the following standards:
 - (1) Lot coverage in excess of 70%,
 - (2) Require more than one (1) acre of land.
 - (3) Generates any odor, dust, fumes, glare, flashing lights or noise which is perceptible 500 feet from the property line of the subject use without instruments.
- (M) Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semi-precious 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.
- (N) Plant nursery or greenhouse.
- (O) Landfill when a written tentative approval by DEQ of the site is submitted with the conditional use application.
- (4) Use Limitations. In an R-I zone, the following limitations and standards shall apply to all permitted uses:
 - (A) No use that requires a lot area exceeding 9,000 square feet shall be permitted to locate adjacent to an existing residential dwelling, a lot in a duly platted subdivision or a lot in a residential 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 duly 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 duly 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 duly 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 this section shall be accommodated on the applicant's premises entirely off-street.
- (F) No use permitted by this section 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 this section 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 this section shall be screened from abutting residential uses by densely planted trees and shrubs or sight-obscuring fencing.
- (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 duly platted subdivision or a residential zone except as approved by the County Sheriff.
- (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 Hearings Officer 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.
- (5) Dimensional Standards. In a R-I zone, the following dimensional standards shall apply:

- (A) The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading, and as deemed necessary by the Hearings Officer to maintain air, water and land resource quality and to protect adjoining and area land uses.
 - (B) No use permitted by this section which is located adjacent to or across the street from a residential use or lot in a duly platted subdivision or residential use or shall exceed 70% lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
 - (C) 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.
 - (D) The minimum setback between a structure and a property line abutting a residential lot or use shall be 50 feet.
 - (E) 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.
 - (F) The maximum building height for any structure shall be 25 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.
 - (G) The minimum lot frontage shall be 50 feet.
- (6) Stream Setbacks. To permit better light, air, vision, stream pollution control, protect fish and wildlife areas and 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 and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
- (7) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of this section and Article 5.
- (8) Site Design. The site design of any 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, 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 development in the immediate vicinity of the proposed use.
- (9) Design and Use Criteria. In the consideration of an application for a proposed use in a R-I zone, the Hearings Officer 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. To approve a proposed use the Hearings Officer shall find that:
- (A) The proposal is in compliance with the comprehensive plan.
 - (B) The proposal is in compliance with the intent and provisions of this ordinance.
 - (C) That any adverse social, economical, physical or environmental impacts are minimized.
- (10) Additional Requirements. As a condition of approval of any use proposed within a R-I zone, the Hearings Officer 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.

Section 4.230. RESEARCH & DEVELOPMENT ZONE. R&D.
 In an R&D zone, the following regulations shall apply:

- (1) Purpose: The purpose of the Research & Development Zone 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.
- (2) Uses Permitted Outright.
 - (A) Farming, except for livestock feed or sales yard, hog or mink farms.
 - (B) Office buildings.
 - (C) Research and development laboratories.
 - (D) Residence for caretaker or night watchman on property with existing research & development use.
- (3) Uses Permitted Conditionally.
 - (A) Manufacturing and assembly of electronic instruments and equipment and electrical devices.
 - (B) Manufacturing and assembly of precision instruments, tools or devices.
 - (C) Manufacturing of medicines and pharmaceuticals.
 - (D) Limited incidental manufacture of a research product.
 - (E) Restaurant and cafeteria facilities for employees.
- (4) Use Limitations. The following limitations and standards shall apply to all permitted uses:
 - (A) Any use on a lot adjacent to or across a street from a residential use or lot in a duly 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.

- (B) All parking demand created by any use permitted by this section shall be accommodated on the applicant's premises entirely off-street.
 - (C) No use permitted by this section shall require the backing of traffic onto a public or private street or road right-of-way.
 - (D) There shall be only one ingress.
 - (E) All uses shall be screened from abutting residential uses by densely planted trees and shrubs or sight-obscuring fencing.
 - (F) 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 duly platted subdivision or residential zone, if the use creates noise in violation of the County Noise Ordinance except as provided by the County Sheriff.
 - (G) 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 Hearings Officer 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.
- (5) Dimensional Standards. In a R&D zone, the following dimensional standards shall apply:
- (A) The minimum lot size shall be determined in accordance with the provisions of this section relative to setback requirements, off-street parking and loading, and as deemed necessary by the Hearings Officer to maintain air, water and land resource quality and to protect adjoining and area land uses.
 - (B) No use which is located adjacent to or across a street from a residential use or lot in a duly platted subdivision or residential zone shall exceed more than 70% lot coverage by all buildings, storage areas or facilities, and required off-street parking and loading areas.
 - (C) 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.

- (D) The minimum setback between a structure and a property line abutting a residential lot or use in a duly platted subdivision or residential zone shall be 50 feet.
 - (E) 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.
 - (F) 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 duly platted subdivision or residential zone and 45 feet on any other lot.
 - (G) The minimum lot frontage shall be 50 feet.
- (6) Stream Setback. To permit better light, air, vision, stream pollution control, protect fish and wildlife areas and to preserve natural scenic amenities and vistas along streams and lakes the following setback shall apply:
- (A) All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the mean high-water line or mark along all streams or lakes a minimum of 100 feet, measured at right angles to the high-water line or 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 Hearings Officer 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 high-water line or mark along all streams or lakes a minimum of 100 feet measured at right angles to the high-water line or mark.
- (7) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of this section and Article 5.
- (8) 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.

- (9) Design and Use Criteria. In the consideration of an application for a proposed use the Hearings Officer 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 Hearings Officer shall find that:
- (A) The proposal is in compliance with the comprehensive plan.
 - (B) The proposal is in compliance with the intent and provisions of this ordinance.
 - (C) That any adverse social, economical, physical or environmental impacts are minimized.
- (10) Additional Requirements. As a condition of approval the Hearings Officer 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.
 - (E) Any other conditions considered necessary to achieve compliance with the intent and purposes of this ordinance and policies of the comprehensive plan.

ARTICLE 5 SUPPLEMENTARY PROVISIONS

Section 5.010. ACCESS-MINIMUM LOT FRONTAGE. Every lot shall abut a street other than alley for at least 50 feet.

Section 5.020. CLEAR-VISION AREAS.

- (1) 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 (3½) 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 (8) feet above the grade.
- (2) A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation or, where lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides. The following measurements shall establish clear-vision areas within the county:
 - (A) In an agricultural, forestry or industrial zone the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.
 - (B) In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

| <u>Right-of-Way Width</u> | <u>Clear-Vision</u> |
|---------------------------|---------------------|
| 80 feet or more | 20 feet |
| 60 feet | 30 feet |
| 50 feet and less | 40 feet |

Section 5.040. OFF-STREET PARKING AND LOADING.

- (1) 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 this ordinance.

(2) 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:

(A) 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 in accordance with the following table:

| <u>Square Feet of Floor Area</u> | <u>Number of Berths Required</u> |
|----------------------------------|----------------------------------|
| Less than 5,000 | 0 |
| 5,000 - 30,000 | 1 |
| 30,000 - 100,000 | 2 |
| 100,000 and over | 3 |

(B) 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 in accordance with the following table:

| <u>Square Feet of Floor Area</u> | <u>Number of Berths Required</u> |
|----------------------------------|----------------------------------|
| Less than 30,000 | 0 |
| 30,000 - 100,000 | 1 |
| 100,000 and over | 2 |

(C) 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.

(D) 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.

(E) Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

(3) OFF-STREET PARKING. Off-street parking spaces shall be

provided and maintained as set forth in this section 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 this ordinance is changed.

- (4) NUMBER OF SPACES REQUIRED. Off-street parking shall be provided as follows:

| <u>Use</u> | <u>Requirement</u> |
|---|--|
| <u>(A) Residential</u> | |
| one, two and three family dwellings: | 2 Spaces per dwelling unit |
| Multi-family dwelling containing four or more dwelling units: | |
| Studio or Efficiency Unit: | .75 space per unit |
| 1 Bedroom Unit | 1.00 Space per unit |
| 2 Bedroom Unit | 1.50 Space per unit |
| 3 Bedroom Unit | 2.25 Space per unit |
| 4 Bedroom Unit | 2.50 Space per unit |
| Apartment-Hotel, Rooming or Boarding House: | .50 space guest parking per dwelling unit |
| Quad or Quint dwelling: | 4.5 Spaces per quad and 5.5 Spaces per quint |
| <u>(B) Commercial Residential</u> | |
| 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. |
| <u>(C) Institutions</u> | |

| Use | Requirement |
|---|--|
| 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 two beds for patients or residents. |
| Hospital: | 1.50 spaces per bed. |
| (D) <u>Places of Public Assembly</u> | |
| Church | 1 space per 4 seats or 8 feet of bench length in the main auditorium |
| Library, reading room, museum, art gallery | 1 space per 400 s.f. of floor area plus 1 space per 2 employees |
| Pre-school nursery or kindergarten: | 2 spaces per teacher |
| Elementary or junior high schools: | 1 space per employee or 1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater. |
| High schools: | 1 space per employee plus 1 space for each 6 students or 1 space per 4 seats of 8 feet of bench length in the main auditorium, whichever is greater. |
| 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 s.f. of floor space. |

| Use | Requirement |
|---|---|
| (E) <u>Commercial Amusements</u> | |
| 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 square feet of floor area plus 1 space per 2 employees. |
| (F) <u>Commercial</u> | |
| Retail store except stores selling bulky merchandise and grocery stores 1,500 square feet gross floor area or less: | 1 space per 300 sq.ft. of gross floor area. |
| Supermarkets, grocery stores 1,501 to 4,000 sq.ft. 4,001 sq. ft. and over: | 1 space per 150 square feet of gross floor area. 1 space per 100 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 spece per 150 sq.ft. of gross floor area. |
| Eating or drinking establishments: | 1 space per 60 sq.ft. of gross floor space. |
| Mortuaries: | 1 space per 4 seats or 8 ft. of bench length in chapels. |
| (G) <u>INDUSTRIAL</u> | |
| Manufacturing establishment: | 1 space per employee on the two largest working shifts. |

| Use | Requirement |
|---|---|
| Storage warehouse, whole-sale establishment, rail or trucking freight terminal: | 1 space per 2,000 sq.ft. of floor area. |
| (H) Other uses not specifically listed above shall be provided with adequate parking as required by the Hearings Officer. The above list shall be used as a guide for determining requirements for said other uses. | |
| (5) <u>GENERAL PROVISIONS - OFF-STREET PARKING.</u> | |
| (A) <u>More Than One Use on One or More Parcels.</u> 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. | |
| (B) <u>Joint Use of Facilities.</u> 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. | |
| (C) <u>Location of Parking Facilities.</u> 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. | |
| (D) <u>Use of Parking Facilities.</u> 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. | |

- (E) Parking, Front Yard. Unless otherwise provided, required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, but such space may be located within a required side or rear yard.

(6) 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:

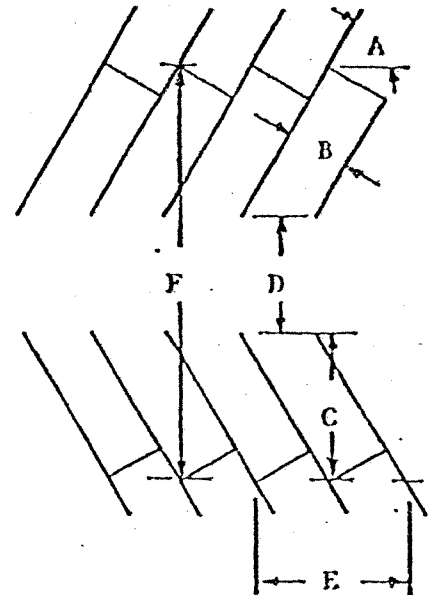
- (A) An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting.
- (B) Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an "R" zone.
- (C) Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
- (D) Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all-weather use and so drained as to contain any flow of water on the site.
- (E) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- (F) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- (G) 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.

(H) 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.

(I) Parking spaces along the other 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.

(7) OFF-STREET PARKING LOT DESIGN. All off-street parking lots shall be designed in accordance with County standards for stalls and aisles as set forth in the following drawings and table:

| 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'-0" | 21.0 | 18.0 | 10.4 | 60.0 |
| | 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

- (A) For one row of stalls use "C" + "D" as minimum bay width.
- (B) 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.
- (C) For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.
- (D) For narrow lots equivalent size stalls and aisles may be approved by the Planning Director.
- (E) 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 8 feet in width and 17 feet in length with appropriate aisle width.

SECTION 5.090. ACCESSORY USES. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

- (1) A side yard or rear yard may be reduced to three 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 sq.ft.
- (2) 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:
 - (A) In a residential zone, parking or storage in a front yard or in a side yard abutting a street other than an alley shall be permitted only on a driveway.
 - (B) Parking or storage shall be at least three feet from an interior side lot line.

SECTION 5.100. MINIMUM STANDARDS FOR A MOBILE HOME ON INDIVIDUAL LOT AS A SINGLE-FAMILY DWELLING. A mobile home permitted as a single-family dwelling on an individual lot shall be in compliance with the following minimum standards and regulations. If standards for the zone where the home is located are more restrictive than those listed below, the more restrictive standards shall govern.

- (1) The mobile home shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device.

- (2) The mobile home shall be provided with a water closet, lavatory, and bathtub or shower which are connected to running water and to an approved subsurface sewage disposal system and which are located in a room or rooms which afford privacy to the occupant.
- (3) The mobile home shall be provided with a kitchen area containing a sink with hot and cold running water which is connected to an approved sewage disposal system.
- (4) The mobile home unit shall have the Oregon "Insignia of Compliance" as provided for by state law.
- (5) Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- (6) The mobile home shall be placed upon and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instructions approved by the State Department of Commerce. All road and transient lights, wheels and the hitch shall be removed.
- (7) The mobile home shall have a continuous perimeter of skirting that shall be composed of the same material and finish as the exterior of the mobile home or of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.
- (8) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- (9) All mobile home accessory buildings and structures shall comply with state and local construction and installation standards. Mobile home accessory structures include porches and steps, awnings, cabanas, carports or any other structure or addition that depends in part on the mobile home for its structural support, or in any manner is immediately adjacent or attached to the mobile home. Such structures or additions shall not total more than 30% of the total living space of the mobile home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complementary to the existing mobile home unit. Ramadas shall not be permitted.
- (10) If the mobile home is removed from its foundation, the owner of the property shall remove the foundation and all accessory structures and additions to the mobile home and permanently disconnect sewer, water and other utilities unless otherwise authorized by the County. In the

event the owner fails to accomplish said work within 30 days from the date on which the mobile home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced on the original foundation, on the original foundation as modified, or by another approved mobile home within 30 days of the original unit's removal.

SECTION 5.110 MOBILE HOME AS A PRIMARY ACCESSORY FARM DWELLING.
A mobile home permitted as a primary accessory farm dwelling, unless provided otherwise in the zone where located, shall meet the following requirements:

- (1) No parcel of less than 20 acres shall be considered a farm unit for the purpose of this use unless it is demonstrated to the Hearings Officer that a smaller land unit is a viable farm unit and the Hearings Officer adopts findings to that effect.
- (2) The mobile home shall be a double wide or wider unit and shall contain a minimum of 950 square feet of living space.
- (3) The mobile home shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instructions approved by the State Department of Commerce and all road and transient lights, wheels and hitch shall be removed.
- (4) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- (5) Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- (6) The mobile home shall have a continuous skirting of concrete or masonry construction extending at least 12 inches into the ground or to an impervious layer, and at no point shall the skirting be exposed more than 8 inches above the ground level. Although such skirting shall be continuous, there shall be provisions for ventilation and access to the space under the unit (said space shall not be less than 18 inches) and such openings shall be secure against the entrance of animals. Unless the mobile home is placed on a basement foundation, any variations to skirting construction shall be approved by the County Building Inspector prior to construction.
- (7) The mobile home unit shall be manufactured after June 15, 1976, and bear the Oregon Department of Commerce

"Insignia of Compliance".

- (8) All mobile home accessory buildings and structures shall comply with state and local construction and installation standards. Mobile home accessory structures include porches and steps, awnings, cabanas, carports, or any other structure or addition that depends in part on the mobile home for its structural support or in any manner is immediately adjacent to or attached to the mobile home. Such structures or additions shall not total more than 30% of the total living space of the mobile home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complementary to the existing mobile home unit. Ramadas shall not be permitted.
- (9) The mobile home shall be provided with a kitchen area containing a sink with hot and cold running water which is connected to an approved sewage disposal system.
- (10) The mobile home shall be provided with a water closet, lavatory and bathtub or shower which are connected to running water and to an approved subsurface sewage disposal system and which are located in a room or rooms which afford privacy to the occupant.
- (11) The owner of the property shall remove the foundation and all accessory structures and additions to the mobile home and permanently disconnect the water, sewer and other utilities if the mobile home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30 days from the date on which the mobile home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced on the original foundation or on the original foundation as modified or by another approved mobile home within 30 days of the original unit's removal.

SECTION 5.120. MOBILE HOME AS A SECONDARY ACCESSORY FARM DWELLING.
 A mobile home permitted as a secondary accessory farm dwelling or other farm use structure shall only be permitted in accordance with the following requirements:

- (1) The unit may only be occupied as a secondary farm accessory dwelling, i.e., there must exist on the subject property an owner-occupied primary conventional dwelling, or a mobile home complying with the conditions set forth in Section 5.110 of this ordinance. There shall not be more than one such secondary unit permitted for each 40 acres in the farm unit.
- (2) No parcel of less than 20 acres shall be considered a farm unit for the purpose of this section unless it is demonstrated to the Hearings Officer that a smaller land unit is a viable farm unit and the Hearings Officer adopts a finding to that

effect.

- (3) The occupant of the mobile home shall be an employee of the owner or an immediate family member engaged in the farm operation.
- (4) The unit shall bear the Oregon Department of Commerce "Insignia of Compliance".
- (5) The unit shall be considered a temporary installation and permits for such units shall be renewable on an annual basis, unless such units are approved in compliance with section 4.140.
- (6) The mobile home shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device.
- (7) The mobile home shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instructions approved by the State Department of Commerce.
- (8) All plumbing, electric and gas service connections shall be made according to instruction approved by the State Department of Commerce.
- (9) Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- (10) No additions or alterations to the mobile home shall be permitted.
- (11) The mobile home shall be provided with a kitchen area containing a sink with hot and cold running water which is connected to an approved sewage disposal system.
- (12) The mobile home shall be provided with a water closet, lavatory, and bathtub or shower which are connected to running water and to an approved subsurface sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant.
- (13) The owner of the property shall remove the foundation and all accessory structures and permanently disconnect sewer, water and other utilities if the mobile home is removed from its site or foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30 days from the date on which the mobile home is moved from its foundation the County may perform such work and place a lien against

the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced on the original foundation, on the original foundation as modified or by another approved mobile home within 30 days of the original unit's removal, unless otherwise approved by the County.

SECTION 5.130. MOBILE HOME AS A SINGLE-FAMILY DWELLING ON AN INDIVIDUAL LOT NOT IN A DULY PLATTED AND APPROVED MOBILE HOME SUBDIVISION, PD OR IN SPECIFIC MOBILE HOME RESIDENTIAL ZONES.

As set forth in specific zones in this ordinance, the following standards shall apply to a mobile home permitted as an outright use on an individual lot not located within a duly platted and approved mobile home subdivision or as otherwise specifically set forth in a particular zone.

- (1) The mobile home shall be a double wide or wider unit and shall contain a minimum of 960 sq. ft. of living space.
- (2) The mobile home shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instructions approved by the State Department of Commerce and all road and transient lights, wheels and hitch shall be removed.
- (3) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- (4) Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- (5) The mobile home shall have a continuous skirting of concrete or masonry construction extending at least 12 inches into the ground or to an impervious layer, and at no point shall the skirting be exposed more than 8 inches above the ground level. Although such skirting shall be continuous there shall be provisions for ventilation and access to the space under the unit (said space shall not be less than 18 inches), and such openings shall be secure against the entrance of animals. Unless the mobile home is placed on a basement foundation, any variations to skirting construction shall be approved by the County Building Inspector prior to construction.
- (6) The mobile home unit shall be manufactured after June 15, 1976 and bear the Oregon Department of Commerce "Insignia of Compliance".
- (7) All mobile home accessory buildings and structures shall comply with state and local construction and installation

standards. Mobile home accessory structures include porches and steps, awning, cabanas, carports or any other structure or addition that depends in part on the mobile home for its structural support, or in any manner is immediately adjacent to or attached to the mobile home. Such structures or additions shall not total more than 30% of the total living space of the mobile home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complementary to the existing mobile home unit. Ramadas shall not be permitted.

- (8) The mobile home shall be provided with a water closet, lavatory, and bathtub or shower which are connected to running water and to an approved subsurface sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant.
- (9) The mobile home shall be provided with a kitchen area containing a sink with hot and cold running water which is connected to an approved sewage disposal system.
- (10) The owner of the property shall remove the foundation and all accessory structures and additions to the mobile home and permanently disconnect sewer, water and other utilities if the mobile home is removed from its foundation unless otherwise authorized by the County. In the event the owner fails to accomplish said work within 30 days from the date on which the mobile home is moved from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced on the original foundation or on the original foundation as modified or by another approved mobile home within 30 days of the original unit's removal.

SECTION 5.140. MOBILE HOME AS A CONDITIONAL USE AS A SINGLE-FAMILY DWELLING ON AN INDIVIDUAL LOT NOT IN A DULY PLATTED AND APPROVED MOBILE HOME SUBDIVISION. As set forth in specific zones in this ordinance, the following standards shall apply to a mobile home permitted as a conditional use as a single-family dwelling on an individual lot:

- (1) The mobile home shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device.
- (2) The mobile home shall be placed on and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer instructions approved by the State Department of Commerce, and all road and transient lights, wheels and the hitch shall be removed.

- (3) All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- (4) Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- (5) The mobile home shall have a continuous perimeter of skirting that shall be composed of the same material and finish as the exterior of the mobile home or of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals but there shall be provisions for ventilation and access to the space under the unit.
- (6) The mobile home unit shall have the Oregon "Insignia of Compliance" as provided by state law.
- (7) All mobile home accessory buildings and structures shall comply with state and local construction and installation standards. Mobile home accessory structures include porches and steps, awning, cabanas, carports, or any other structure or addition that depends in part on the mobile home for its structural support, or in any manner is immediately adjacent to or attached to the mobile home. Such structures or additions shall not total more than 30% of the total living space of the mobile home and such structures or additions combined. Roofing and siding materials shall be of similar material and color and complementary to the existing mobile home unit. Ramadas shall not be permitted.
- (8) The mobile home shall be provided with a water closet, lavatory, and bathtub or shower which are connected to running water and to an improved subsurface sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant.
- (9) The mobile home shall be provided with a kitchen area containing a sink with hot and cold running water which is connected to an approved sewage disposal system.
- (10) The mobile home shall be placed a maximum of 18 inches above the ground level at any point unless the mobile home is placed upon a basement foundation or unless otherwise approved by the Hearings Officer.
- (11) The owner of the property shall remove the foundation and all accessory structures and additions to the mobile home and permanently disconnect sewer, water and other utilities if the mobile home is removed from its foundation unless otherwise authorized by the County. In the event that the owner fails to accomplish said work within 30 days from the date on which the mobile home is moved

from its foundation, the County may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the mobile home is replaced on the original foundation, on the original foundation as modified or by another approved mobile home within 30 days of the original unit's removal.

SECTION 5.150. A MOBILE HOME AS A TEMPORARY RESIDENCE ON AN INDIVIDUAL LOT. A mobile home may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- (1) The mobile home shall be placed upon a lot for which a building permit for a housing unit has been obtained.
- (2) The mobile home 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.
- (3) Electric, water and sewer utility connections shall be made to the mobile home.
- (4) The owner of the lot agrees to remove the mobile home from the lot not later than eighteen months from 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.
- (5) The owner of the lot agrees to remove all evidence that the mobile home has been on the lot within the thirty (30) days after the removal of the mobile home.

SECTION 5.160. BUILDING PROJECTIONS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three (3) feet into a required yard, provided that the projection is not closer than three (3) feet to a property line.

SECTION 5.170 LOT SIZE REDUCTION. No lot area, yard, other open space or off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

SECTION 5.180. FENCES.

- (1) Except as otherwise provided, permitted or required fences, hedges and walls shall not exceed the height limitations of the appropriate zone in this ordinance except as follows:
- (2) Security fencing consisting of chain link fencing or similar material shall be permitted at a height in excess of height limitation with the following exceptions:

- (A) Security fencing shall not exceed height limitations for fences when located in the required front yard.
 - (B) Security fencing shall not be constructed of materials to form a solid barrier.
- (3) Fences enclosing game or play areas constructed of chain link fencing or the like may be permitted in excess of height limitations conditional upon the following:
- (A) Fencing shall not exceed height limitations when located in the required front yard.
 - (B) Fencing shall not be constructed of materials to form a solid barrier.
- (4) Fences constructed of chain link fencing or similar materials enclosing schoolgrounds may be erected at a height in excess of height limitations.

SECTION 5.220. ELECTRICAL SUBSTATIONS. Electrical substations, whether as an outright or conditional use, shall submit a site plan complying with the provisions of this ordinance to the Planning Department.

SECTION 5.230. 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 site).

SECTION 5.240. RIMROCK SETBACKS. Lands along the rimrocks bordering the Crooked and Deschutes Rivers shall be subject to such setback requirements as will assure that structures erected are not visible from the river, viewed from the mean high-water mark on the bank farthest from the rimrock area being considered.

ARTICLE 6. EXCEPTIONS.SECTION 6.010. NONCONFORMING USES.

- (1) Subject to the provisions of this section, a non-conforming use or structure may be continued but may not be extended or latered, unless necessary to comply with a lawful requirement. The extension of a nonconforming use to a portion of a structure for which a building permit or zoning permit has been granted at the time of passage of this ordinance shall not be deemed an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- (2) If a non-conforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- (3) If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.
- (4) If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 50 percent of its fair market value as indicated by the records of the County Assessor the use shall not be re-established.
- (5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued by the county prior to the adoption of the ordinance, provided the structure is completed and in use within two years from the time the permit is issued.
- (6) Non-conforming uses created by this ordinance shall register their status with the Planning Department within two years of the adoption of this ordinance.

SECTION 6.020. NONCONFORMING LOT SIZES.

- (1) Any parcel of land or portion thereof which is to be dedicated to a public or semi-public entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by this ordinance.
- (2) 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 divisions, i.e., 160, 80, 40, 20, etc.; lot sizes, therefore, may be reasonably smaller than set forth by this ordinance 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.
- (3) Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
 - (A) The lot was a lot in a duly platted and recorded subdivision on or before the date of this ordinance, or was a parcel created by an approved land partitioning prior to such date.
 - (B) The use conforms to all other requirements of that zone.
 - (C) If there is an area deficiency, residential use shall be limited to a single dwelling unit.
 - (D) Approval of the County Sanitarian is obtained as applicable.

SECTION 6.040. EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone:

- (1) If there are buildings on both lots abutting an intervening lot which 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 abutting lots.
- (2) Architectural features such as cornices, eaves, sunshades, gutters, chimneys, flues, may project into a required yard. 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 this ordinance and all other applicable ordinances shall be permitted in required yards.
- (3) 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.

SECTION 6.050. BUILDING HEIGHT EXCEPTIONS. The following structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and other similar projections. This exception does not apply to an Airport Development zone or Airport Height Combining Zone.

ARTICLE 7. SITE PLAN REVIEW

SECTION 7.010. PURPOSE. This section 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.

SECTION 7.020. 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, 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.

SECTION 7.030. APPROVAL REQUIRED.

- (1) No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to County Ordinance PL-9.
- (2) The provisions of this section shall apply to all conditional use permits, multiple-family dwellings and community service uses in any zone, and all developments in the following zones:
 - (A) All commercial zones.
 - (B) All industrial zones.
 - (C) All landscape management zones.
 - (D) All planned developments, cluster developments and planned communities.
- (3) Non-compliance with a final approved site plan shall be a zoning ordinance violation.
- (4) The Board of County Commissioners or Hearings Officer may, as a condition of approval of any action in addition to those outlined in subsection (2) of this section require that site plan approval be obtained prior to issuance of any required permit.

SECTION 7.040. CONTENTS AND PROCEDURE.

- (1) 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.

- (2) Prior to filing a site plan, the applicant shall confer with the Planning Director or his representative concerning the requisites of formal application.
- (3) Following the pre-application meeting, the applicant shall file with the Planning Department a site plan which shall contain the items listed in subsection (5) of this section.
- (4) The applicant, after pre-application conference with the Planning Director, shall submit a site development plan, existing natural plant materials inventory of all trees six (6) inches or greater in diameter and other significant species, landscape plan and architectural drawings (indicating floor plans and elevations).
- (5) The site development plan shall indicate the following:
 - (A) Access to site from adjacent rights-of-way, streets and arterials.
 - (B) Parking and circulation areas.
 - (C) Location, dimensions (height and bulk) and design of buildings and signs.
 - (D) Orientation of windows and doors.
 - (E) Entrances and exits.
 - (F) Private and shared outdoor recreation spaces.
 - (G) Pedestrian circulation.
 - (H) Public play areas.
 - (I) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery.
 - (J) Areas to be landscaped.
 - (K) Exterior Lighting.
 - (L) Special provisions for handicapped persons.
 - (M) Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.
 - (N) Signs.
 - (O) Public improvements.
 - (P) Drainfield locations.

- (Q) Other site elements and information which will assist in the elevation of site development.
- (6) The landscape plan shall indicate:
 - (A) 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.
 - (B) Proposed site contouring.
 - (C) An explanation of how drainage and soil erosion is to be dealt with during and after construction.
- (7) Residential and agricultural buildings located within the Landscape Management zone shall be required to furnish only the following information:
 - (A) Locations and dimensions of buildings and property lines.
 - (B) Location, size and species of existing vegetation six (6) inches in caliper or greater.
 - (C) Building elevations of the proposed structure.
 - (D) A drawing of the proposed exterior appearance and a description of materials to be used.

SECTION 7.050. DECISION ON SITE PLAN.

- (1) The Planning Director may recommend approval or denial with such modifications and conditions as may be consistent with the comprehensive plan or the criteria and standards listed in this ordinance.
- (2) The Hearings Officer 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% of the estimated cost of the improvements.
- (3) Hearings Officer review shall be in accordance with County Ordinance PL-9.

SECTION 7.060. APPROVAL CRITERIA. Approval of a site plan shall be based on the following criteria:

- (1) The elements of the site plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.

- (2) The elements of the site plan should promote energy conservation and provide adequate protection from adverse climatic conditions, noise and air pollution.
- (3) Each element of the site plan shall effectively and efficiently serve its function. The elements shall be on a human scale, interrelated and shall provide spatial variety and order.
- (4) The landscape and existing topography shall be preserved to the maximum extent possible, considering development constraints and suitability of the landscape and topography to serve their function. Preserved trees and shrubs shall be protected.
- (5) The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- (6) When appropriate the site plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.
- (7) In the Landscape Management zone , emphasis shall be placed on maintaining the existing landscape close to travel routes as well as any view of distant vistas.
- (8) 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.
- (9) Surface drainage systems shall be designed so as not to adversely affect neighboring properties, streets, or surface and subsurface water quality.
- (10) 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.
- (11) All aboveground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- (12) The location, texture, lighting, movement and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the site plan and surrounding properties.

- (13) Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).

SECTION 7.070

REQUIRED MINIMUM STANDARDS.

- (1) Private or shared outdoor recreation areas in residential developments.
- (A) 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.
- (B) 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 sq. ft. per unit.
- (b) Units with three or more bedrooms: 300 sq.ft. per unit.
- (C) 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.
- (2) Required Landscaped Areas.
- (A) The following landscape requirements are established for multi-family, commercial and industrial developments, subject to site plan approval:
- (a) A minimum of 15% of the lot area shall be landscaped.
- (b) All areas subject to the final site plan and not otherwise improved shall be landscaped.
- (B) In addition to the requirement of subsection (2)(A) (a) of this section, the following landscape requirements shall apply to parking and loading areas:
- (a) A parking or loading area may be required to be improved with defined landscaped areas totaling no less than 25 sq.ft. per parking space.
- (b) In addition to the landscaping required by subsection (2)(B)(a) of this section, 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:
 - (1) Street trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
 - (2) Low shrubs not to reach a height greater than 3'0", spaced no more than 8 feet apart on the average.
 - (3) Vegetative groundcover if required.
- (C) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- (D) The landscaping in a parking area shall have a width of not less than five feet.
- (E) Provision shall be made for watering planting areas where such care is required.
- (F) Required landscaping shall be continuously maintained and kept alive and attractive.
- (G) Maximum height of tree species shall be considered when planting under overhead utility lines.
- (H) "Landscaped" means the improvement of land by means such as contouring, planting and the location of outdoor structures, furniture, walkways and similar features.

ARTICLE 8. CONDITIONAL USESSECTION 8.010. OPERATION.

- (1) A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this ordinance, County Ordinance PL-9 and the comprehensive plan.
- (2) In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance 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.

SECTION 8.030. CONDITIONS. In addition to the standards and conditions set forth in a specific zone or in Article 7 of this ordinance, the Hearings Officer may impose the following conditions upon a finding of which circumstances warrant such additional restrictions.

- (1) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor.
- (2) Establishing a special yard, other open space or lot area or dimension.
- (3) Limiting the height, size or location of a building or other structure.
- (4) Designating the size, number, location and nature of vehicle access points.
- (5) Increasing the required street dedication, roadway width or improvements within the street right-of-way.
- (6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- (7) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (8) Limiting the location and intensity of outdoor lighting and requiring its shielding.
- (9) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.
- (10) Designating the size, height, location and materials for a fence.

- (11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

SECTION 8.040. PERFORMANCE BOND. The Hearings Officer 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.

SECTION 8.050. 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 this section.

- (1) Airports, aircraft landing fields, aircraft charter, rental, service maintenance facilities not located in the A-D Zone: The Hearings officer 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.
- (2) Automobile wrecking yard or junkyard: In considering a conditional use application for an automobile wrecking yard or junkyard, the Hearings Officer shall require that it be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height. If applicable, the proposal shall conform to state regulations.
- (3) Cemeteries: The Hearings Officer 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.
- (4) Church, hospital, nursing home, convalescent home, retirement home:
- (A) Such uses may be authorized as a conditional use only upon a finding that:
- (a) 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 therefor.
- (B) The applicant shall address the following issues in the application:

- (a) Location of the site relative to the service area.
 - (b) Probable growth and needs therefor.
 - (c) Site location relative to land uses in the vicinity.
 - (d) Adequacy of access to and from principal streets and the probable effect of the proposal on the traffic volume of abutting and nearby streets.
- (C) Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
- (D) 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.
- (5) Clinics, clubs, lodges, fraternal organizations, community centers, grange halls, golf courses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs and similar activities, government structures and land uses, parks, playgrounds. In considering the above, the Hearings Officer may authorize the conditional use after assurance that the following is to be provided:
- (A) Adequate access from principal streets.
 - (B) Adequate off-street parking.
 - (C) Adequate building and site design provisions, including landscaping, to minimize noise and glare from the building and site.
- (6) Dog pounds and kennels. The Hearings Officer 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.
- (7) Home occupations. When permitted as a conditional use and conducted as an accessory use, home occupations shall be subject to the following limitation:
- (A) The home occupation is to be secondary to the main use of the property as a residence and shall be conducted only by the resident of such dwelling or immediate family members, within the same dwelling or in an accessory building on the same adjacent property.

- (B) No structural alterations 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 Hearings Officer. Such structural alterations shall not detract from the outward appearance of the building as an accessory structure to a residence.
 - (C) No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.
 - (D) No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer or the parking of customers' vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking.
 - (E) Retail sales shall be limited or accessory to a service.
- (8) Landfill, solid waste disposal site: The Hearings Officer 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.
- (9) 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 abutting or across a street from a lot in a residential zone. In any zone,

a 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 abutting or across a street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:

- (A) A sight-obscuring fence or evergreen hedge may be required by the Hearings Officer 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 Hearings Officer 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 Hearings Officer may limit access to the property.
- (10) 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 of abutting 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.
- (11) Mobile Home Park. A mobile home park shall be built to state standards in effect at the time of construction 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 mobile home shall be provided with piped potable water and electrical sewerage connections.
 - (C) The number of spaces for mobile homes shall not exceed 12 for each acre of the total area in the mobile home park. The Hearings Officer may vary this density

as follows:

- (a) If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
 - (b) If in addition to the requirements in subsection (11)(C)(a) of this section a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided the maximum increase in units per acre may be increased an additional 5%.
 - (c) If in addition to the requirements in subsections (11)(C)(a) and (b) of this section, approved recreation/community building is provided an additional 10% increase of units/acre may be allowed. (Maximum total increase possible through application of subsection (11)(C) of this section = 25%.)
- (D) A mobile home shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the mobile home, exclusive of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways and areas for recreation and landscaping.
- (E) No mobile home in the park shall be located closer than 15 feet from another mobile home or from a general use building in the park. No mobile home accessory building or other building or structure on a mobile home space shall be closer than 10 feet from a mobile home accessory building or other building or structure on another mobile home space. No mobile home or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
- (F) A mobile home permitted in the park shall meet the following standards as determined by an inspection by the Building Inspector:
- (a) It shall have a state insignia indicating compliance with Oregon State Mobile Home Construction Standards in effect at the time of manufacture, including compliance for reconstruction or equipment installation made after manufacture.
 - (b) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the mobile home shall meet state standards for mobile home construction evidenced by the insignia.
 - (c) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the

unit exclusive of any trailer hitch device.

- (d) It shall contain a water closet, lavatory, shower or tub, and a sink in a kitchen or other food preparation space.
- (G) A mobile home permitted in the park shall be provided with continuous skirting. Single-wide units shall be tied down with devices that meet the state standards for tie-down devices.
- (H) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- (I) 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.
- (J) If the park provides spaces for 50 or more mobile 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.
- (K) 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.
- (L) A minimum of at least 2,500 square feet plus 100 square feet per mobile home space shall be provided for recreational play area, group or community activities. The Hearings Officer 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 mobile home park only to satisfy the requirements of this section shall be open to the general public.
- (M) A parking space shall be provided for each mobile home space on the site. Additional guest parking spaces shall be provided in every mobile home park within 200 feet of the mobile home spaces served at a ratio of one parking space for each two mobile home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
- (N) All mobile home parks over 10 acres in area shall be

located so as to have access on a street designated as a collector street.

- (O) All trailer 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.
- (P) Lighting shall be installed along the access ways of the trailer park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and trailer spaces shall be underground.
- (Q) 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.
- (R) All mobile home parks shall have a minimum lot size of one acre.
- (12) 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:
 - (a) If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.
 - (b) If in addition to subsection (12) (A) (a) of this section 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 5%.
 - (c) If in addition to subsections (12) (A) (a) and (b) of this section an approved recreational community building is provided, an additional 10% increase of units may be granted. (Maximum total increase possible through application of subsection (12) of this section is 25%).
 - (B) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
 - (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 at least 2,500 square feet plus 100 square feet per dwelling unit shall be provided for a recreation play area, group or community activities. Such area shall be improved with grass, plantings, surfacing, equipment or building suitable for recreational use. The Hearings Officer may require this area to be protected from streets, parking areas or the like by a fence or equivalent screening. No play area is required if more than 70% of the area is preserved as open space and is sufficiently developed and landscaped.
 - (E) All such complexes with more than 20 dwelling units shall be located so as to have access on a street designated as a collector unless otherwise approved by the Hearings Officer.
 - (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 Hearings Officer.
 - (H) A sight-obscuring fence or evergreen hedge may be required by the Hearings Officer 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 abutting single-family residential lot or use.
 - (J) Sewer and water facilities shall be provided adequate to serve the occupant's requirements.
- (13) Recreation Vehicle Park. A recreation vehicle park shall conform to state standards in effect at the time of construction and the following conditions:
- (A) The space provided for each recreation 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 recreation 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

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 recreation vehicle space.

- (C) A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an access way to the recreation 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 recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation 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 recreation 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 recreation 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, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreation 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 recreation 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 recreation vehicle spaces or any fraction thereof, unless such facilities are available within a distance of 3 miles and are adequate to meet these standards.

- (K) Building spaces required by subsections (14)(I) and (14)(J) of this section 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 (F), 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 hedge or fence not less than six (6) feet in height, unless otherwise approved by the Hearings Officer.
 - (M) The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage or 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.
- (14) 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 gear shall be so located, designed, and installed as to minimize their conflict with scenic values.
- (15) 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 (4) feet but not more than six (6) feet high shall separate the play area from abutting lots.

- (B) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment.
 - (C) Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
- (16) Cluster Development (Single-Family Residential Uses Only).
- (A) Such uses may be authorized as a conditional use only after consideration of the following factors:
 - (a) Need for residential uses in the immediate area of the proposed development.
 - (b) Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.
 - (c) Effect of the development on the rural character of the area.
 - (d) 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:
 - (a) No more than 35 percent of the land will be utilized for the development and 65 percent will be kept in open space uses.
 - (b) All subdivision requirements contained in County Ordinance PL-14 shall be met.
 - (c) The total number of units does not exceed the overall density established by the minimum lot size of the zone in which the development is proposed.
 - (d) The rural character of the area shall not be adversely affected.
 - (C) All applications shall be accompanied by a plan with the following information:
 - (a) A plat map meeting all the subdivision requirements of the County Ordinance PL-14.
 - (b) The area to be preserved for open space clearly designated on the plan and adequate deed restrictions to maintain the land in open space provided.
 - (c) A written agreement establishing an acceptable homeowners association assuring the maintenance of common property in the development.
 - (D) Dimensional Standards:
 - (a) Setbacks and height limitations shall be as prescribed in the zone in which the development is proposed unless adequate justification for reduction

is provided the Hearings Officer, but in no case shall the setbacks be less than 25 feet or the height greater than 40 feet.

(b) Minimum area for a cluster development shall be 5 acres unless otherwise limited by the zone in which it is proposed.

(E) Phased development of the project may be permitted if agreed to by the Hearings Officer at the time of the initial application. Such conditions and performance bonds shall be required to assure completion of the project as are stipulated by the Hearings Officer.

(17) Planned Developments.

(A) Such uses may be authorized as a conditional use only after consideration of the following facts:

- (a) Proposed land uses and densities.
- (b) Building types and intensities.
- (c) Circulation pattern.
- (d) Parks, playgrounds, open spaces.
- (e) Existing natural features.
- (f) Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools, roads, water and sewerage systems, fire protection, etc.
- (g) Effect of the development on the rural character of the area.
- (h) Proposed ownership pattern.
- (i) Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).
- (j) Waste disposal facilities.
- (k) Water supply system.
- (l) Lighting.
- (m) General timetable of development.

(B) The conditional use may be granted upon the following findings:

- (a) All subdivision restrictions contained in County Ordinance PL-14 shall be met.
- (b) The proposed development conforms to the comprehensive plan.
- (c) Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
- (d) The proposal is in harmony with the surrounding area or its potential future use.
- (e) The system of ownership and the means of developing, preserving and maintaining open space is adequate.
- (f) That sufficient financing exists to assure the proposed development will be substantially completed within four (4) years of approval.

- (g) 65 percent of the land is to be maintained in open space.
- (h) Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation and special terrain features.

- (CX1) All applications shall be submitted in the form and with the materials required of subdivisions as required by County Ordinance PL-14 and shall also meet the requirements in this ordinance for the approval of conditional uses.
- (2) Approval for both the conditional use application and the planned development application may be given simultaneously.

(D) Dimensional Standards:

- (a) Setbacks and height limitations shall be as determined by the Hearings Officer upon review of the evidence submitted.
- (b) Densities shall not exceed that established by the underlying zone.
- (c) 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.
- (d) Minimum size for a Planned Development shall be 40 acres.

(E) Any commercial use permitted outright in the RSC Zone will be allowed in a planned development, subject to the following conditions:

- (a) Each use shall be wholly enclosed in a building.
- (b) The total area of such uses shall not exceed 3% of the total area of the planned development.

(18) Planned Communities

- (A) Such uses may be authorized as a conditional use only after consideration of the following factors:
 - (a) Same as subsection (17) (A) of this section.
- (B) The conditional use may be granted upon the following findings:

- (a) Same as subsection (17) (B) of this section, except that in addition there must be a 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 County Ordinance PL-14 and shall also meet the requirements of this ordinance for the approval of conditional uses.
 - (D) Dimension Standards:
 - (a) Same as subsection (17) (D) of this section.
 - (E) Phased development of the project may be permitted if agreed to by the Hearings Officer at the time of the initial application. Such conditions and performance bonds adequate to assure completion of the project shall be required by the Hearings Officer.
- (19) Destination Resorts, Dude Ranches.
- (A) Such uses may be authorized as a conditional use only after consideration of the following factors:
 - (a) Same as subsection (17) (A) of this section.
 - (B) The conditional use may be granted upon the following findings:
 - (a) Same as subsection (18) (B) of this section.
 - (C) All applications shall be submitted in the form and with the materials required of subdivisions by County Ordinance PL-14 and shall also meet the requirements in this ordinance for the approval of conditional uses.
 - (D) Dimension Standards:
 - (a) Same as subsection (17) (D) of this section, except that density may be greater or less than that of the underlying zone upon a finding by the Hearings Officer that particular circumstances warrant a different density does not violate the purpose of the underlying zone or other terms of this ordinance.
 - (E) Phased development of the project may be permitted if agreed to by the Hearings Officer at the time of the initial application. Such conditions and performance bonds adequate to assure the completion of the project shall be required by the Hearings Officer.

SECTION 8.060. 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 biling an application on forms provided by the Planning Department.
- (B) Review of the application shall be conducted according to the terms of County Ordinance PL-9.

SECTION 8.070. TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE.

- (1) Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place or the proposed use has occurred. However, the Hearings Officer may extend authorization for an additional period not to exceed one year.
- (2) If delay in establishing the use is demonstrably due to a delay by a state or federal agency in issuing a required permit, at no fault to the applicant, the Hearings Officer may extend the time limit imposed by section 8.070(1) for a period not to exceed one year following issuance of the state or federal agency permit. The applicant shall establish with the Hearings Officer, that such state or federal permits have not yet been issued, and that the delay has not been caused by the applicant.

SECTION 8.080. OCCUPANCY PERMIT.

The Hearings Officer may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this ordinance. The Hearings Officer 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 Hearings Officer 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 Hearings Officer. 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 Officer at the time of approval of a specific conditional use permit.

SECTION 8.085. TEMPORARY USE PERMIT.

A temporary use permit for a mobile home in a residenital area may be granted by the Hearings Officer when a medical condition exists which requires the temporary location of a mobile home unit on the property in order to provide necessary care for a member of the principal occupants family. Such medical condition must be verified by a Doctor's written statement, which is to accompany the permit applicatio .

ARTICLE 9. VARIANCES

SECTION 9.010 VARIANCE APPLICATION. The Hearings Officer may authorize area or use variances from the requirements of this ordinance. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

SECTION 9.020. AUTHORITY OF HEARINGS OFFICER. A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Hearings Officer 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 subsections A(2), (3) and (4) of this section.

SECTION 9.030. HEARINGS OFFICER ACTION ON VARIANCE. In granting or denying a variance, the Hearings Officer 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.

SECTION 9.040. VARIANCE PROCEDURE. The variance application

shall be processed according to the terms of County Ordinance PL-9.

ARTICLE 10. AMENDMENTSSECTION 10.010 AUTHORIZATION TO INITIATE AMENDMENTS.

An amendment to the text of this ordinance or to a zoning map may be initiated by the Board of County Commissioners or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application on forms provided by the Planning Department.

SECTION 10.020 PROCEDURE FOR ZONING AMENDMENTS. Action on proposed zoning text or map amendments shall proceed according to the terms of County Ordinance PL-9. The Hearings Officer shall conduct the initial hearing on both legislative and quasi-judicial re-zonings.

SECTION 10.030 REZONING TO EFU OR FU CLASSIFICATION.

- (1) For one year after the acknowledgment of this ordinance by the Oregon Land Conservation and Development Commission, any person applying to re-zone at least 20 acres of land, inclusive of roads, rights-of-way to other property, to an EFU or FU classification from some other zone shall, in lieu of any other burden of proof requirement contained in County Ordinance PL-9, Section 11, make the following showing:
- (A) Rezoning to EFU. The applicant must establish that the land which is the subject of the application is currently employed in farm use as defined in ORS 215.203(2). This showing may be made either by establishing that the subject land is currently taxed as unzoned farm land under ORS 308.370(2), or by other evidence establishing that the land is currently in farm use as defined by ORS 215.203(2). Such evidence includes, but is not limited to, current aerial photographs in the County's files or a certificate of the County Assessor or an authorized member of the Assessor's staff. The applicant shall also show conformance of the proposed rezoning with the Comprehensive Plan, and that the site touches or is contiguous with an EFU zone.
- (B) Rezoning to FU. The applicant must establish that the land that is the subject of the application is currently in forest use. This may be done by showing that the subject land is currently receiving a special timber tax assessment or by other evidence showing that the land is currently in forest use. Such evidence of forest use includes, but is not

limited to, current aerial photographs from the County's files or a certificate by the County Assessor or an authorized member of the Assessor's staff. The applicant shall also show conformance of the proposed rezoning with the Comprehensive Plan, and that the site touches or is contiguous with an FU zone.

- (2) The provisions of this section shall not apply to land having a zoning classification of EFU or FU at the time of application.
- (3) All lots for which rezoning is complete under this section shall meet the minimum lot size requirements of the zoning classification being sought.
- (4) For a one-year period following the date that this Ordinance is duly adopted, the rezonings permitted by Subsection (1) of this section may be applied for and processed by the Planning Director. The procedural requirements of PL-9 shall not be imposed on rezoning applications allowed by this Section until one year after the date that this ordinance is duly adopted. If the sufficiency of this evidence submitted in support of a rezoning application allowed by Subsection (1) is questioned by the Planning Director, the issue shall be determined by the Hearings Officer pursuant to County Ordinance PL-9.

SECTION 10.040 REZONING OF EFU LANDS UNSUITABLE FOR FARM USE

- (1) Rezoning of Certain Lands from EFU to MUA-10. Due to the fact that the entire County has not been completely mapped as to soil type, the legislative finding is made that certain lands zoned EFU may not have the potential for agricultural production necessary to afford the owner an economical use if the land is zoned EFU if the units in contiguous ownership are too small to be useful for grazing purposes. It is found that 320 acres of grazing land in contiguous ownership without any water rights or well can provide a minimal economic use. Accordingly, for one year after the acknowledgment of this ordinance by the Oregon Land Conservation and Development Commission, the owner of a parcel or contiguous units of ownership as defined by ORS Chapter 92, West of Range 15, East of the Willamette Meridian totaling less than 320 acres in EFU zoning inclusive of roads and easements of access to other property, may apply for rezoning to MUA-10, and shall be required to satisfy only the following burden of proof in lieu of any other requirement contained in County Ordinance PL-9, Section 11:

- (A) The rezoning is consistent with the Comprehensive Plan; and
- (B) That the rezoning to MUA-10 will not interfere with any existing neighboring agricultural use, regardless of the existing zoning on such neighboring land; and
- (C) That the land has a Soil Conservation Service Capability that is the subject of the application predominantly consists of soils in Classification VI or VII, or is not classified; and
- (D) If Subsection C is satisfied, that the land that is the subject of the application predominantly consists of soils in Agricultural Soil Conservation Survey Classification VI or VII, or is unclassified; and
- (E) If Subsection D is satisfied, and the County Assessor finds that the land subject to the application predominantly consists of soils in Grade VII or VIII, as determined by the Oregon Department of Revenue Methods Manual, Section on Mass Appraisal of Farm and Ranch Properties, or is not graded; and
- (F) The land is not classified under any of C, D or E, a testing method approved by the Planning Director and executed by a certified soil scientist discloses that the soil consists predominantly of Class VII under the Soil Conservation Service Capability Classification System.
- (G) That the land does not have sufficient water rights or existing water supply to allow farm use, as defined in ORS 215.203(2).

SECTION 10.050 RECORD OF AMENDMENTS All amendments to the text or map of this ordinance shall be filed with the county Clerk.

ARTICLE 11. ADMINISTRATIVE PROVISIONS.SECTION 11.010. ADMINISTRATION.

The Planning Director shall have the power and the duty to administer the provisions of this ordinance. The Board may appoint designees to issue zoning permits and to otherwise assist the Planning Director in the processing of applications.

SECTION 11.020. DECISIONS.

Approval or denial of an application for a use permitted by this ordinance 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.

SECTION 11.030. APPEALS.

Appeals shall be as prescribed in Deschutes County Ordinance PL-9.

SECTION 11.040. FORM OF PETITIONS, APPLICATIONS AND APPEALS.

Petitions, applications, and appeals provided for in this ordinance 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 sizes 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 this ordinance.

SECTION 11.050. PUBLIC HEARINGS.

Public hearings shall be as prescribed in County Ordinance PL-9.

SECTION 11.060. COUNTY SANITARIAN 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 Sanitarian.

SECTION 11.070. FILING FEES.

An application required by this ordinance shall be accompanied by a filing fee in the amount set by order of the Board of County Commissioners.

SECTION 11.080. REVOCATION.

The Hearings Officer may revoke or modify any permit granted under the provisions of this ordinance 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 is not being exercised within the time limit set forth by the Hearings Officer or this ordinance.
- (3) 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.
- (4) 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.
- (5) Any permit granted pursuant to this ordinance 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 one year from the date of approval of said permit. The Hearings Officer shall hold a public hearing on any proposed revocation after giving written notice to the permittee and other affected persons as set forth in County Ordinance PL-9. The Hearings Officer shall render his decision within 45 days after the conclusion of the hearing. Appeals from the action of the Hearings Officer shall be filed in the manner provided in County Ordinance PL-9.

11.090. LOT SIZE REQUIREMENTS.

The minimum lot sizes required by this ordinance shall be met for each use established on an area of land.

ARTICLE 12. GENERAL PROVISIONS.SECTION 12.010. INTERPRETATION.

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern.

SECTION 12.020. SEVERABILITY.

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not effect the validity of the remaining portions of the ordinance.

SECTION 12.030. 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 this ordinance, 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.

SECTION 12.040. 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 ordinance is declared a nuisance.

SECTION 12.050. CRIMINAL PENALTIES.

- (1) 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 ordinance is punishable upon conviction by a fine of not more than \$500 for a noncontinuing offense and a fine of not more than \$1000 for a continuing offense.
- (2) Each and every day in which a location, erection, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning or other use of land in violation of this ordinance continues is a separate offense.

SECTION 12.060. REPEAL.

Deschutes County Zoning Ordinance PL-5 and all amendments thereto are hereby repealed.

SECTION 12.070. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES.

The repeal of any ordinance by this ordinance shall not release or extinguish any penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance 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.

SECTION 12.080. CORRECTIONS.

This ordinance may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors.

SECTION 12.090. ENACTMENT, EMERGENCY DECLARED.

An emergency is hereby declared and this ordinance 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.

Enacted this 1st day of November, 1979.

Ray Chapman
CHAIRMAN

Robert Carlson
COMMISSIONER

COMMISSIONER

ATTEST:

Raymond Otis
COUNTY CLERK

November 1, 1979
DATE



