



## COMMUNITY DEVELOPMENT

### DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, FEBRUARY 12, 2026

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St - Bend  
(541) 388-6575 | [www.deschutes.org](http://www.deschutes.org)

### AGENDA

#### MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<https://bit.ly/dcpzoom>

**Passcode:** 764609

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 824 8646 7893 and Passcode: 764609. Written comments can also be provided for the public comment section to [planningcommission@deschutes.org](mailto:planningcommission@deschutes.org) by 5:00 p.m. on February 12. They will be entered into the record.

#### I. CALL TO ORDER

#### II. APPROVAL OF MINUTES - January 22

#### III. PUBLIC COMMENT

#### IV. ACTION ITEMS

1. Public Hearing: 2026 Housekeeping Text Amendments (*Kyle Collins, Senior Planner*)

#### V. PLANNING COMMISSION AND STAFF COMMENTS

#### VI. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.

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## COMMUNITY DEVELOPMENT

## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Kyle Collins, Senior Planner  
Will Groves, Planning Manager  
Nicole Mardell, Principal Planner

**DATE:** February 5, 2026

**SUBJECT:** Public Hearing: 2026 Housekeeping Text Amendments

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The Deschutes County Planning Commission (Commission) will conduct a public hearing on February 12, 2026 at 5:30 p.m. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider housekeeping amendments (file no. 247-26-000007-TA). Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~. The public hearing will be conducted in-person, electronically, and by phone.<sup>1</sup>

All record materials can be found on the project website: [bit.ly/00007TA](https://bit.ly/00007TA)

## I. BACKGROUND

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as Housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and allows for less substantive code changes to continue efficient County operations.

The last time Deschutes County adopted housekeeping amendments occurred in October 2024<sup>2</sup>.

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<sup>1</sup> See Deschutes County Planning Commission February 12, 2026 Agenda for more information: <https://www.deschutes.org/meetings>

<sup>2</sup> Ordinances 2024-008.

## II. OVERVIEW OF AMENDMENTS

As summarized in the attached staff report and exhibits, the proposed text amendments will affect the following chapters of the Deschutes County Code:

### Title 18, County Zoning

- Chapter 18.16. EXCLUSIVE FARM USE ZONES
- Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA
- Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10
- Chapter 18.65. RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE
- Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS
- Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS
- Chapter 18.74. RURAL COMMERCIAL ZONE
- Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER
- Chapter 18.110. RESORT COMMUNITY ZONE
- Chapter 18.116. SUPPLEMENTARY PROVISIONS
- Chapter 18.128. CONDITIONAL USE

### Title 19, Bend Urban Growth Boundary Zoning Ordinance

- Chapter 19.04. TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS
- Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10
- Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 ½
- Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ
- Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS
- Chapter 19.80. OFF-STREET PARKING AND LOADING
- Chapter 19.88. PROVISIONS APPLYING TO SPECIAL USE STANDARDS
- Chapter 19.92. INTERPRETATIONS AND EXCEPTIONS
- Chapter 19.116. AMENDMENTS, APPEALS AND PROCEDURES

## III. AGENCY AND PUBLIC COMMENT

Staff has received one agency comment to date. The Deschutes County Senior Transportation Planner reviewed the proposed amendments for potential Transportation Planning Rule (TPR) effects and found that the proposed amendments appear to comply with TPR provisions.

No public comments have been received to date.

## IV. NEXT STEPS

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

Attachments:

- 1) Staff Report & Proposed Text Amendments



## FINDINGS HOUSEKEEPING TEXT AMENDMENTS

### I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

### II. **BACKGROUND:**

The Planning Division regularly proposes amendments to the Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), maintains compliance with federal law, and allows for less substantive code changes to facilitate continuation of efficient County operations.

The last time Deschutes County adopted housekeeping amendments occurred in October 2024<sup>1</sup>.

### III. **BASIC FINDINGS:**

The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements. These changes include less substantive code alterations, incorporate changes to state and federal law, and correct errors found in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on January 8, 2026 (File no. 247-26-000007-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

### IV. **FINDINGS:**

#### **CHAPTER 22.12, LEGISLATIVE PROCEDURES**

Section 22.12.010.

***Hearing Required***

<sup>1</sup> Ordinances 2024-008.

**No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.**

**FINDING:** This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on February 12, 2026 and a public hearing was held before the Board of County Commissioners (Board) on XX, 2026.

Section 22.12.020, Notice

**Notice**

**A. Published Notice**

1. *Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*
2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

**FINDING:** This criterion is met as notice was published in *The Bulletin* newspaper on January 30, 2026 for the Commission public hearing and on XX, 2026 for the Board public hearing.

**B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.**

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

**C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.**

**FINDING:** The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

**D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.**

**FINDING:** Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

**A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.**

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
  - 1. *The Planning Commission.***
  - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** This criterion is met as the Commission held a public hearing on February 12, 2026. The Board held a public hearing on XX, 2026.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-26-000007-TA will be implemented by ordinances upon approval and adoption by the Board.

**V. PROPOSED TEXT AMENDMENTS:**

The proposed text amendments are detailed in the referenced ordinance with additional text identified by underline and deleted text by ~~strikethrough~~. Below are summary explanations of the proposed changes.

**Section 18.16.050. Standards For Dwellings In The EFU Zones**

The proposed amendments correct a state statute reference error concerning the appropriate data and methodology when determining tract sizes and gross incomes to satisfy income standards for farm-related dwellings on non-high value farmland. The current statutory references have been changed from OAR 660-033-0135(3) and OAR 660-033-0135(4), to OAR 660.033.0135(2) respectively.

**Section 18.116.030. Off-Street Parking And Loading**

The proposed amendments correct a scrivener's error to the "Street Parking Lot Design Table" column and row identifiers to accurately conform with listed standards under DCC 18.116.030(G).

## **Temporary Natural Disaster Dwelling Amendments**

### **Section 18.116.095. Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel**

### **Section 19.88.310. Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel**

Natural disaster hardship dwellings were originally established as a lawful use statewide pursuant to House Bill (HB) 2809 (2021). This bill allows the temporary establishment of a recreational vehicle as a dwelling unit if a primary dwelling unit on a property is damaged due to a natural disaster event. Previously this use was permitted for a period of twenty-four months from the date of a qualifying event, however HB 2898 (2023) extended this approval window to five years. Additionally, this use was not included within Title 19 areas when the provision was initially adopted in Deschutes County, and the proposed amendments now clarify that this is a use allowed within Title 19 zones.

## **Residential Homes And Residential Facilities**

### **Section 18.116.210. Residential Homes And Residential Facilities**

### **Section 19.88.330. Residential Homes And Residential Facilities**

The most recent housekeeping amendments (Ordinance 2024-008) modified previous Deschutes County standards regarding residential homes and residential facilities across all zones to match the state statutory standards of ORS 197.665 and 197.667, respectively.

The intent of these previous amendments was to continue allowing residential homes and residential facilities in all areas where they were previously allowed, except those specific zoning districts which are now precluded by statute. However, residential facilities were unintentionally excluded from certain zones which previously would have allowed the use. The proposed amendments would reinstate those uses in the relevant zones, and establish a consistent summary table of zones where residential homes and facilities are allowed in Deschutes County to reduce confusion from citizens and planning staff.

The proposed amendments also remove all chapter-specific references to residential homes and facilities within the respective zoning districts, correct references associated with renumbering uses, and add a new residential homes and facilities chapter to Title 19 (DCC 19.88.330), matching the framework outlined in Title 18.

## **Spectrum Act Amendments**

### **Section 18.116.250. Wireless Telecommunication Facilities**

### **Section 19.88.300. Wireless Telecommunication Facilities**

In 2012, the Middle Class Tax Relief and Job Creation Act, or "Spectrum Act," was passed. This large omnibus bill addressed multiple issues, including reducing barriers for wireless telecommunication facilities. Expanding wireless infrastructure promotes economic development, provides service to rural residents, and helps build resiliency within communication networks. In addition, improving these networks will benefit first responders and other public services that rely on them. Section 6409(a) of the Spectrum Act specifically prohibited local jurisdictions from denying an "eligible facilities request," which is colocation of equipment or minor modifications to existing towers and base stations.

In 2014, the Federal Communications Commission (FCC) adopted rules to clarify section 6409(a) of the Spectrum Act of 2012. These rules provided guidance for local jurisdictions on how to implement the Spectrum Act, particularly for jurisdictions that had existing, more restrictive criteria for wireless facilities. Perhaps most importantly, the 2014 rules provided the following definition of an "eligible facilities request."

...any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.

The guidelines provided clarity to cities and counties regarding the types of wireless telecommunications applications that must be approved. The rules adopted in 2014 also included a new 60-day 'shot clock,' in which the County must approve an "eligible facilities request." The 2014 order from the FCC states that if a jurisdiction does not approve or deny a request within 60 days, it "shall be deemed granted." This timeline is significant because requests for wireless telecommunications facilities were previously subject to a 90-day 'shot clock,' per federal law.

The review process outlined in the Spectrum Act does not align with Deschutes County Code, which reviews wireless telecommunications facilities pursuant to DCC 18.116.250. The proposed amendments will update Deschutes County Code so it is consistent with federal regulations. The County may be vulnerable to appeals, and other types of legal action, if it denies a request for an eligible facilities request, and therefore violates the Spectrum Act. The proposed amendments also add a new section with Title 19 (DCC 19.88.300) detailing the requirements for wireless telecommunication facilities and the Spectrum Act within Title 19 zones.

### **Section 18.116.290. Amateur Radio Facilities**

The proposed amendments correct a misaligned reference dealing with height limitation exceptions for amateur radio facilities from DCC 18.120.040(A)(1) to DCC 18.120.040(A)(5).

## **Section 18.128.170. Recreational Vehicle Park**

In accordance with ORS 197.493.1.b.A, local governments may not impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling if the recreational vehicle is located in a manufactured dwelling park, mobile home park, or recreational vehicle park. The current Deschutes County Code includes a limitation that no recreational vehicle may remain in a recreational vehicle park for longer than 30 days in any 60-day period. The proposed amendments strike this standard to maintain alignment with state statute.

## **Temporary Hardship Dwelling Amendments**

### **Section 19.12.020 Permitted Uses**

### **Section 19.20.020 Permitted Uses**

### **Section 19.22.020 Permitted Uses**

## **Section 19.88.320 Manufactured Dwelling Or Recreational Vehicle As A Temporary Hardship Dwelling**

A recent set of text amendments (file no. 247-25-000078-TA) updated the requirements for temporary hardship dwellings to conform with state law and provide consistency for the review of hardship dwellings across multiple county zones. Staff determined late in the adoption process that updates to Title 19 were required, but not included in the original scope of the amendment package.

The proposed amendments herein will update sections DCC 19.12, DCC 19.20, and DCC 19.22 to explicitly list a temporary hardship dwelling as a permitted use. Additionally, a new chapter is proposed (DCC 19.88.320) which enumerates and clarifies the requirements for temporary hardship dwellings in Title 19 to match the current standards in Title 18.

## **Title 19 Review Body Amendments**

### **Section 19.04.040 Definitions**

### **Section 19.80.040 Number of Spaces Required**

### **Section 19.88.070 Keeping of Livestock**

### **Section 19.88.170 Housing For The Elderly**

### **Section 19.92.060 Authorization For Similar Uses**

### **Section 19.92.100 Mines, Quarries, Gravel Pits Or Gravel Removal Sites**

### **Section 19.116.010 Amendments**

There is confusion within Title 19 zones regarding who the appropriate review body should be for both quasi-judicial and legislative matters. In certain cases, there is reference to the "Planning Commission," which in Title 19 is currently defined as "the Planning Commission of the Bend Urban Area." However, staff notes that the Planning Commission of the Bend Urban Area is no longer a functional review body, and thus it is unclear who should perform reviews under those particular cases.

The proposed amendments replace "Planning Commission" references within Title 19 to the "Planning Director or Hearings Body." This language matches current standards within Title 18 and aligns review body procedures across both Title 18 and 19. Finally, given the defunct status of the Planning Commission of the Bend Urban Area, the definition for "Planning Commission" has been removed from Title 19.

## **VI. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make minor changes necessary to clarify existing standards and procedural requirements, incorporate changes to state and federal law, and to correct errors in the Deschutes County Code.

## **CHAPTER 18.16 EXCLUSIVE FARM USE ZONES**

- [18.16.010 Purpose](#)
- [18.16.020 Uses Permitted Outright](#)
- [18.16.023 Lawfully Established Dwelling Replacement](#)
- [18.16.025 Uses Permitted Subject To The Special Provisions Under DCC Section 18.16.038 Or DCC Section 18.16.042 And A Review Under DCC Chapter 18.124 Where Applicable](#)
- [18.16.030 Conditional Uses Permitted; High Value And Non-High Value Farmland](#)
- [18.16.031 Conditional Uses On Non-High Value Farmland Only](#)
- [18.16.033 Conditional Uses On High Value Farmland Only](#)
- [18.16.035 Destination Resorts](#)
- [18.16.037 Guest Ranch](#)
- [18.16.038 Special Conditions For Certain Uses Listed Under DCC 18.16.025](#)
- [18.16.040 Limitations On Conditional Uses](#)
- [18.16.042 Agri-Tourism And Other Commercial Events Or Activities Limited Use Permit](#)
- [18.16.043 Single Permit](#)
- [18.16.050 Standards For Dwellings In The EFU Zones](#)
- [18.16.055 Land Divisions](#)
- [18.16.060 Dimensional Standards](#)
- [18.16.065 Subzones](#)
- [18.16.067 Farm Management Plans](#)
- [18.16.070 Setbacks](#)
- [18.16.080 Ordinary High Water Mark Setbacks](#)
- [18.16.090 Rimrock Setback](#)

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### **18.16.030 Conditional Uses Permitted; High Value And Non-High Value Farmland**

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

- A. Nonfarm dwelling.
- B. Lot of record dwelling.
- ~~C. Subject to the standards of ORS 215.296, residential home in existing dwellings.~~
- ~~D.C. A hardship dwelling, as described in DCC 18.16.050(H).~~

E.D. Commercial activities that are in conjunction with farm use, but not including the processing of farm crops as described in DCC 18.16.025.

F.E. Operations conducted for: Mining and processing of geothermal resources as defined by ORS 522.005, and Mining and processing of natural gas or oil as defined by ORS 520.005, not otherwise permitted under DCC 18.16.020.

G.F. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.

H.G. Public park and playground consistent with the provisions of ORS 195.120, and including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.

H.H. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

1. A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006.
2. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

J.I. Transmission towers over 200 feet in height.

K.J. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260, and OAR 660-033-0130), for the purpose of generating power for public use by sale, not including wind power generation facilities.

L.K. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.

M.L. Home Occupation, subject to DCC 18.116.280.

1. The home occupation shall:

- a. be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
- b. be operated by a resident or employee of a resident of the property on which the business is located; and
- c. employ on the site no more than five full-time or part-time persons.

2. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.

**N.M.** A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 213.203(2).

- 1. The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.
- 2. Forest products, as used in DCC 18.16.030, means timber grown upon a lot or parcel of land or contiguous land where the primary processing facility is located.

**O.N.** Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land lots or parcels.

**P.O.** Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land lots or parcels.

**Q.P.** Improvement of public road and highway-related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right of way is required, but not resulting in the creation of new land lots or parcels.

**R.Q.** The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.

- 1. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
- 2. The county shall provide notice of all applications under this section to the State Department of Agriculture.

3. Notice shall be provided in accordance with DCC Title 22, but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

S.R. Room and board arrangements for a maximum of five unrelated persons in an existing residence. If approved, this use is subject to the recording of the statement listed in DCC 18.16.020(J)(1).

T.S. Fill or removal within the bed and banks of a stream or river or in a wetland.

U.T. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law. Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.

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

W.V. A living history museum.

X.W. Operations for the extraction and bottling of water.

Y.X. Transportation improvements on rural lands allowed by OAR 660-012-0065.

Z.Y. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

AA.Z. Extended outdoor mass gatherings, subject to DCC 8.16.

ABAA. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

ACAB. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130.

ADAC. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130. On high-value farmland only, photovoltaic solar power generation facilities are subject to the provisions in ORS 215.447.

**AEAD.** Commercial dog boarding kennel, or dog training classes or testing trials that exceed the standards under DCC 18.16.025(K), subject to DCC 18.16.040(A)(1 and 2).

**AFAE.** Equine and equine-affiliated therapeutic and counseling activities, provided:

1. The activities are conducted in existing buildings that were lawfully constructed on the property before the effective date of January 1, 2019 or in new buildings that are accessory, incidental, and subordinate to the farm use on the tract; and
2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [83-028](#) §1 on 6/1/1983

Amended by Ord. [86-018](#) §3 on 6/30/1986

Amended by Ord. [87-013](#) §1 on 6/10/1987

Amended by Ord. [90-018](#) §1 on 5/16/1990

Amended by Ord. [90-014](#) §§23 and 31 on 7/12/1990

Amended by Ord. [91-005](#) §5 on 3/4/1991

Amended by Ord. [91-014](#) §1 on 3/13/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §2 on 9/30/1991

Amended by Ord. [92-065](#) §3 on 11/25/1992

Amended by Ord. [94-008](#) §9 on 6/8/1994

Amended by Ord. [95-007](#) §11 on 3/1/1995

Amended by Ord. [95-025](#) §1 on 3/3/1995

Amended by Ord. [98-030](#) §1 on 5/13/1998

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §1 on 12/12/2001

Amended by Ord. [2004-001](#) §2 on 7/14/2004

Amended by Ord. [2008-001](#) §2 on 5/6/2008

Amended by Ord. [2009-014](#) §1 on 6/22/2009

Amended by Ord. [2012-007](#) §2 on 5/2/2012

Amended by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2018-006](#) §5 on 11/20/2018

Amended by Ord. [2021-013](#) §4 on 4/5/2022

*Amended by Ord. [2024-008](#) §3 on 1/7/2025*

*Amended by Ord. [2025-002](#) §4 on 3/28/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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#### **18.16.040 Limitations On Conditional Uses**

- A. Conditional uses permitted by DCC 18.16.030, 18.16.031, and 18.16.033 may be established subject to ORS 215.296, applicable provisions in DCC 18.128, and upon a finding by the Planning Director or Hearings Body that the proposed use:
  1. Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on surrounding lands devoted to farm or forest uses; and
  2. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
  3. That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.
- B. A commercial activity allowed under DCC 18.16.030(**ED**) shall be associated with a farm use occurring on the lot or parcel where the commercial use is proposed. The commercial activity may use, process, store, or market farm products produced outside of Deschutes County.
- C. A power generation facility that is part of a commercial utility facility for the purpose of generating power for public use by sale identified in DCC 18.16.030(**KJ**) and:
  1. That is located on high-value farmland, the permanent features of which shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and Oregon Administrative Rules 660, Division 004.
  2. That is located on non-high-value farmland, the permanent features of which shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and Oregon Administrative Rules 660, Division 4.
  3. A power generation facility may include on-site and off-site facilities for temporary workforce housing as allowed under OAR 660-033-0130(17) and (22).

D. A wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to OAR 660-033-0130(5) and shall have no effect on the original approval. A proposal for a wind power generation facility shall be subject to the following provisions:

1. For high value farmland soils described in ORS 195.300(10), that all of the following are satisfied:
  - a. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
    - 1) Technical and engineering feasibility;
    - 2) Availability of existing rights of way; and
    - 3) The long term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under OAR 660-033-0130(37)(a)(B);
  - b. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any component thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;

- c. Costs associated with any of the factors listed in OAR 660-033-0130(37)(a)(A) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
  - d. The owner of a wind power generation facility approved under OAR 660-033-0130(37)(a) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this section shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
  - e. The criteria of OAR 660-033-0130(37)(b) are satisfied.
2. For arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designated must find that:
  - a. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
  - b. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
  - c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and

county approval of a plan prepared by an adequately qualified individual, show unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

- d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.
- 3. For nonarable lands, meaning lands that are not suitable for cultivation, the governing body or its designate must find that the requirements of OAR 660-033-0130(37)(b)(D) are satisfied.
- 4. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in OAR 660-033-0130(37)(b) and (c) the approval criteria of OAR 660-033-0130(37)(b) shall apply to the entire project.

E. No aircraft may be based on a personal-use airport identified in DCC 18.16.030(~~HK~~) other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

F. The facility for the primary processing of forest products identified in DCC 18.16.030 is intended to be portable or temporary in nature. Such a facility may be approved for a one-year period which is renewable.

G. Batching and blending mineral and aggregate into asphaltic cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date of the application for bat

H. Accessory uses for golf courses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be

located in the clubhouse rather than in separate buildings. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to service only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

- I. An expansion of an existing golf course as allowed under DCC 18.16.033(C) shall comply with the definition of "golf course" set forth in DCC Title 18 and the provisions of DCC 18.16.040(A).
- J. An applicant for a nonfarm conditional use may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.
- K. For purposes of approving a conditional use permit for a lot of record dwelling under DCC 18.16.030, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
  1. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
  2. Submits a report from a soils scientist whose credentials are acceptable to the Oregon Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
  3. Submits a statement from the Oregon Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in 2 above and finds the analysis in the report to be soundly and scientifically based.
  4. The soil classes, soil ratings or other soil designations used in or made pursuant to this definition are those of the NRCS in its most recent publication for that class, rating or designation before November 4, 1993, except for changes made pursuant to subsections 1-3 above.
  5. For the purposes of approving a land use application under OAR 660-033-0090, 660-033-0120, 660-033-0130 and 660-033-0135, soil classes, soil

ratings or other soil designations used in or made pursuant to this definition are those of the NRCS in its most recent publication for that class, rating or designation.

- L. Except on a lot or parcel contiguous to a lake or reservoir, a private campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.
  - 1. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.
  - 2. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
  - 3. As used in this paragraph, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
  - 4. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites.
- M. A living history museum shall be related to resource based activities and be owned and operated by a governmental agency or a local historical society.
  - 1. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities, or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary.
  - 2. As used in this paragraph, a “living history museum” means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and “local historical society” means the local historic society recognized by the County and organized under ORS Chapter 65.
- N. Pre-Application Conference

1. Before an applicant may submit an application under DCC Chapter 22.08 and DCC 18.16.031(C), for land use approval to establish or modify a disposal site for composting that requires a permit issued by the Oregon Department of Environmental Quality, the applicant shall:
  - a. Request and attend a pre-application conference described in DCC 18.16.040(N)(3);
  - b. Hold a pre-application community meeting described in DCC 18.16.040(N)(6).
2. DCC 18.16.040(N)(1)(a) and (b) apply to an application to:
  - a. Establish a disposal site for composting that sells, or offers for sale, resulting product; or
  - b. Allow an existing disposal site for composting that sells, or offers for sale, resulting product to:
    - 1) Accept as feedstock non-vegetative materials, including dead animals, meat, dairy products and mixed food waste; or
    - 2) Increase the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
3. During the pre-application conference:
  - a. The applicant shall provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations;
  - b. The County and other representatives described in DCC 18.16.040(N)(5) shall inform the applicant of permitting requirements to establish and operate the proposed disposal site for composting and provide all application materials to the applicant.
4. The applicant shall submit a written request to the County to request a pre-application conference.
5. A representative of the Planning Division and a representative of the Oregon Department of Environmental Quality shall attend the conference along with representatives, as determined necessary by the County, of the following entities:

- a. Any other state agency or local government that has authority to approve or deny a permit, license or other certification required to establish or operate the proposed disposal site for composting;
- b. A state agency, a local government or a private entity that provides or would provide one or more of the following to the proposed disposal site for composting:
  - 1) Water systems;
  - 2) Wastewater collection and treatment systems, including storm drainage systems;
  - 3) Transportation systems or transit services;
- c. A city or county with territory within its boundaries that may be affected by the proposed disposal site for composting;
- d. The Department of Land Conservation and Development;
- e. The State Department of Agriculture;

6. The County shall:

- a. Provide notice of the pre-application conference to entities described in DCC 18.16.040(N)(5) by mail and, as appropriate, in any other manner that ensures adequate notice and opportunity to participate;
- b. Hold the pre-application conference at least 20 days and not more than 40 days after receipt of the applicant's written request; and
- c. Provide pre-application notes to each attendee of the conference and other entities described above for which a representative does not attend the pre-application conference.

7. After the pre-application conference and before submitting the application for land use approval, the applicant shall:

- a. Hold a community meeting within 60 days after the pre-application conference:
  - 1) In a public location in the county with land use jurisdiction; and
  - 2) On a business day, or Saturday, that is not a holiday, with a start time between the hours of 6:00 p.m. and 8 p.m.

- b. Provide notice of the community meeting to:
  - 1) The owners of record, on the most recent property tax assessment roll, of real property located within one-half mile of the real property on which the proposed disposal site for composting would be located;
  - 2) The resident or occupant that receives mail at the mailing address of the real property described above, if the mailing address of the owner of record is not the mailing address of the real property;
  - 3) Neighborhood and community organizations recognized by the governing body of the County if a boundary of the organization is within one-half mile of the proposed disposal site for composting;
  - 4) A newspaper that meets the requirements of ORS 193.020 for publication;
  - 5) Local media in a press release; and
  - 6) The entities described in 18.16.040(N)(5) above.
- 8. During the community meeting, the applicant shall provide information about the proposed disposal site for composting and proposed operations for composting and respond to questions about the site and operations.
- 9. The applicant's notice provided under DCC 18.16.040(N)(6)(b) above must include:
  - a. A brief description of the proposed disposal site for composting;
  - b. The address and the location of the community meeting; and
  - c. The date and time of the community meeting.

(Ord. 91-011 §1, 1991)

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991

Amended by Ord. [92-065](#) §3 on 11/25/1992

Amended by Ord. [95-007](#) §14 on 3/1/1995

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

*Amended by Ord. [98-030](#) §1 on 5/13/1998*

*Amended by Ord. [2004-001](#) §2 on 7/14/2004*

*Amended by Ord. [2006-008](#) §3 on 8/29/2006*

*Amended by Ord. [2008-001](#) §2 on 5/6/2008*

*Amended by Ord. [2009-014](#) §1 on 6/22/2009*

*Amended by Ord. [2012-007](#) §2 on 5/2/2012*

*Amended by Ord. [2014-010](#) §1 on 4/28/2014*

*Amended by Ord. [2015-016](#) §2 on 3/28/2016*

*Amended by Ord. [2018-006](#) §5 on 11/20/2018*

*Amended by Ord. [2020-007](#) §9 on 10/27/2020*

*Amended by Ord. [2025-002](#) §4 on 3/28/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

### **18.16.050 Standards For Dwellings In The EFU Zones**

Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

A. Farm-related dwellings on non-high value farmland. A dwelling customarily provided in conjunction with farm use, as listed in DCC 18.16.025(A), may be approved if it satisfies any of the alternative tests set forth below:

1. Acreage test.

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

1) The lot or parcel on which the dwelling will be located is at least:

A. One hundred sixty acres and not in the Horse Ridge East subzone; or

B. Three hundred twenty acres in the Horse Ridge East subzone;

- 2) The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan;
- 3) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;
- 4) There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001;

2. Median acreage/gross sales test.

- a. On land not identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:
  - 1) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile of the perimeter of the subject tract;
  - 2) The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in DCC 18.16.050(A)(2)(a)(1);
  - 3) The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan, at a level capable of producing the annual gross sales required in DCC 18.16.050(A)(2)(a)(2). If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to establishment of the farm use capable of meeting the median income test.

- 4) The subject lot or parcel on which the dwelling is proposed is at least 20 acres in size;
- 5) There is no other dwelling on the subject tract(1), except as allowed under DCC 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001; and
- 6) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

b. For the purpose of calculating appropriate tract sizes and gross incomes to satisfy DCC 18.16.050(A)(2)(a)(1) and (2), the County will utilize the methodology contained in Oregon Administrative Rules 660-~~033-0135(3)~~ using data on gross sales per acre tabulated by LCDC pursuant to Oregon Administrative Rules 660-~~033-0135(4)~~.

3. Gross annual income test.
  - a. On land not identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:
    - 1) The subject tract is currently employed for a farm use, and that the farm operator earned \$40,000 in gross annual revenue in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years.
    - 2) There is no other dwelling on the subject tract, except as allowed under 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001;
    - 3) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in DCC 18.16.050(A)(3)(a)(1); and
  - b. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract.

- c. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross revenue requirements.
- d. Only gross revenue from land owned, not leased or rented, shall be counted; and gross farm revenue earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- e. Prior to a dwelling being approved under this section that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm revenue requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16, has been recorded with the county clerk or counties where the property subject to the covenants, conditions and restrictions is located.
  - 1) The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:
    - A. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed under ORS Chapter 215; and
    - B. The use of any gross farm revenue earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling;
    - C. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;
    - D. The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required by this section.

B. Farm related dwellings on high value farmland. On land identified as high-value farmland, a dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:

1. The subject lot or parcel is currently employed for the farm use as defined in DCC 18.04.030, and that the farm operator earned at least \$80,000 in gross annual revenue from the sale of farm products in the last two years, three of the last five years, or based on the average farm revenue earned by the farm operator in the best three of the last five years. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract;
2. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K) and except for seasonal farmworker housing approved prior to 2001;
3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the revenue under DCC 18.16.050(B)(1);
4. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross revenue requirements.
5. When a farm or ranch operation has lots or parcels in both “western” and “eastern” Oregon as defined in OAR 660-033-0020, lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
6. Only gross revenue from lots or parcels owned, not leased or rented, shall be counted; and gross farm revenue earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
7. Prior to a dwelling being approved under this section that requires one or more contiguous or noncontiguous lots or parcels of a farm or ranch operation to comply with the gross farm revenue requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16 has been recorded with the county clerk. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:

- a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
- b. The use of any gross farm revenue earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

C. Accessory dwelling. A dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, is considered to be an accessory farm dwelling customarily provided in conjunction with farm use when:

1. The accessory dwelling meets the following criteria:
  - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and
  - b. The accessory farm dwelling will be located:
    - 1) On the same lot or parcel as the primary farm dwelling; or
    - 2) On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single lot or parcel with all other contiguous lots and parcels in the tract; or
    - 3) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured dwelling and a deed restriction substantially in compliance with the form set forth in [Exhibit A](#) to DCC 18.16 is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is reapproved under DCC 18.16.050; or
    - 4) On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under DCC 18.16.065 and the lot or parcel complies with the

gross farm income requirements in DCC 18.16.050(A)(3) or (B)(1), whichever is applicable; and

- c. There is no other dwelling on land zoned EFU owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

2. The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:
  - a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use and produced \$40,000 in gross annual sales in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract; or
  - b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, and produced at least \$80,000 in gross annual revenue from the sale of farm products in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years. Gross revenue shall be calculated by deducting the cost of purchased livestock from the total gross revenue attributed to the tract; and
3. A lot or parcel approved for an accessory farm dwelling under DCC 18.16.050 shall not be approved for a division of land except as provided for in DCC 18.16.055(B).
4. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a nonfarm dwelling pursuant to DCC 18.16.050(G).

D. Relative farm help dwelling.

1. A dwelling listed in DCC 18.16.025(B) is allowed when:
  - a. The subject tract is a commercial farming operation.

- b. The dwelling is a manufactured dwelling and is sited in accordance with DCC 18.116.070, or is a site-built dwelling;
- c. The dwelling is located on the same lot or parcel as the dwelling of the farm operator, and is occupied by a relative of the farm operator or farm operator's spouse, including a grandparent, step-grandparent, grandchild, parent, step-parent, child, sibling, step-sibling, niece, nephew, or first cousin of either, if the farm operator does, or will, require the assistance of the relative in the management of the farm use.
  - 1) Notwithstanding ORS 92.010 to 92.190 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this subsection obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new lot or parcel.
  - 2) Prior conditions of approval for the subject land and dwelling remain in effect.
  - 3) For purposes of this subsection, "Foreclosure" means only those foreclosures that are exempt from partition under ORS 92.010(9)(a).
- d. The farm operator plays the predominant role in the management and farm use of the farm and will continue to do so after the relative farm help dwelling is approved.
- e. Any approval granted under DCC 18.16.050 shall be conditioned with a requirement that the farm operator annually submit a report to the Planning Division identifying the resident(s) of the dwelling, their relationship to the farm operator, the assistance the resident provides to the farm operator, and verifying the farm operator's continued residence on the property and the predominant role the farm operator continues to play in the management and farm use of the farm.

2. A manufactured dwelling permitted under DCC 18.16.050 shall be considered to be a temporary installation, and permits for such home shall be renewable and renewed on an annual basis. The manufactured dwelling

shall be removed from the property if it no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.

3. A dwelling approved under DCC 18.16.050 shall be removed or converted to an allowable use within one year of the date the relative farm help dwelling no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
4. Upon approval of a dwelling under DCC 18.16.050, a Conditions of Approval Agreement shall be recorded with the Deschutes County Clerk prior to issuance of any building or placement permit for the new dwelling on the property.
5. For the purposes of DCC 18.16.050(D), a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

E. Lot of record dwelling on non-high value farmland.

1. A lot of record dwelling may be approved on a pre-existing lot or parcel on non-high value farmland when all of the following requirements are met:
  - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:
    - 1) Prior to January 1, 1985; or
    - 2) By devise or by intestate succession from a person who acquired and owned continuously the lot or parcel prior to January 1, 1985.
  - b. The tract on which the dwelling will be sited does not include a dwelling.
  - c. For lots or parcels located within a wildlife area (WA) combining zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
  - d. If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.

- e. The County Assessor shall be notified of any approval of a dwelling under DCC 18.16.050.
- f. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of the tract;
2. For purposes of DCC 18.16.050(E), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or a business entity owned by any one or a combination of these family members.
3. For purposes of DCC 18.16.050(E), the date of creation and existence means that, when a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

F. Lot of record dwelling on high-value farmland.

1. A lot of record dwelling on a pre-existing lot or parcel will be approved on high value farmland when all of the following requirements are met:
  - a. The requirements set forth in DCC 18.16.050(E)(1)(a) through (f), as determined by the County; and
  - b. The requirements of Oregon Administrative Rules 660-33-130(3)(c)(C), as determined by the County hearings officer.
2. Applicants under DCC 18.16.050(F) shall make their application to the County. The County shall notify the State Department of Agriculture at least 20 calendar days prior to the public hearing under DCC 18.16.050(F)(1)(b).
3. Applicants under DCC 18.16.050(F) shall be subject to such other procedural requirements as are imposed by the Oregon Department of Agriculture.
4. For purposes of DCC 18.16.050(F), the date of creation and existence means that, when a lot, parcel, or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel, or tract

for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel, or tract.

G. Nonfarm dwelling.

1. One single-unit dwelling, including a manufactured dwelling in accordance with DCC 18.116.070, not provided in conjunction with farm use, may be permitted on an existing lot or parcel subject to the following criteria:

- a. The Planning Director or Hearings Body shall make findings that:
  - 1) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices, as defined in ORS 215.203(2)(c), or accepted forest practices on nearby lands devoted to farm or forest use.
  - 2) The proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated, by applying the standards under OAR 660-033-0130(4)(a)(D), and whether creation of the lot or parcel will lead to creation of other nonfarm lots or parcels, to the detriment of agriculture in the area.
  - 3) The proposed nonfarm dwelling is situated on an existing lot or parcel, or a portion of a lot or parcel that is generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the tract.
  - 4) The proposed nonfarm dwelling is not within one-quarter mile of a dairy farm, feed lot, or sales yard, unless adequate provisions are made and approved by the Planning Director or Hearings Body for a buffer between such uses. The establishment of a buffer shall be designed based upon consideration of such factors as prevailing winds, drainage,

expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of the nonfarm-dwelling or the agriculture of the area.

- 5) Road access, fire and police services, and utility systems (i.e., electrical and telephone) are adequate for the use.
- 6) The nonfarm dwelling shall be located on a lot or parcel created prior to January 1, 1993, or was created or is being created as a nonfarm lot or parcel under the land division standards in DCC 18.16.055(B) or (C).

2. For the purposes of DCC 18.16.050(G) only, "unsuitability" shall be determined with reference to the following:

- a. A lot or parcel or a portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location, and size of the lot or parcel.
- b. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented, or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the lot or parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself.
- c. If a lot or parcel under forest assessment can be sold, leased, rented, or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soil capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or

parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

3. Loss of tax deferral. Pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the lot or parcel upon which the dwelling is proposed has been disqualified under ORS 308A.050 to 308A.128 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

#### H. Temporary hardship dwelling.

1. A temporary hardship dwelling listed in DCC 18.16.030 is allowed subject to DCC 18.116.090, and the requirements of this chapter.
2. A temporary hardship dwelling approved under this section is not eligible for replacement under DCC 18.16.020(J).

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991

Amended by Ord. [92-065](#) §3 on 11/25/1992

Amended by Ord. [94-026](#) §1 on 5/11/1994

Amended by Ord. [95-007](#) §15 on 3/1/1995

Amended by Ord. [98-030](#) §1 on 5/13/1998

Amended by Ord. [98-033](#) §1 on 12/2/1998

Amended by Ord. [2004-001](#) §2 on 7/14/2004

Amended by Ord. [2004-013](#) §2 on 9/21/2004

Amended by Ord. [2004-020](#) §1 on 10/13/2004

Amended by Ord. [2008-001](#) §2 on 5/6/2008

Amended by Ord. [2009-014](#) §1 on 6/22/2009

Amended by Ord. [2012-007](#) §2 on 5/2/2012

Amended by Ord. [2014-010](#) §1 on 4/28/2014

Amended by Ord. [2018-006](#) §5 on 11/20/2018

*Amended by Ord. [2021-013](#) §4 on 4/5/2022*

*Amended by Ord. [2025-002](#) §4 on 3/28/2025*

*Amended by Ord. [2025-005](#) §1 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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## **CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA**

[18.32.010 Purpose](#)

[18.32.020 Uses Permitted Outright](#)

[18.32.030 Conditional Uses Permitted](#)

[18.32.035 Destination Resorts](#)

[18.32.040 Dimensional Standards](#)

[18.32.050 Setbacks](#)

[18.32.060 Ordinary High Water Mark Setbacks](#)

[18.32.070 Rimrock Setback](#)

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### **18.32.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.
 Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. A historic accessory dwelling unit, subject to DCC 18.116.350.
- K. A residential accessory dwelling unit, subject to DCC 18.116.355.

**L. Residential Home:**

**M.L.** A recreational vehicle as a rental dwelling, subject to DCC 18.116.095(D).

**N.M.** Temporary Hardship Dwelling, subject to DCC 18.116.090.

**HISTORY**

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [91-002](#) §6 on 2/6/1991*

*Amended by Ord. [91-005](#) §18 on 3/4/1991*

*Amended by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [91-038](#) §1 on 9/30/1991*

*Amended by Ord. [93-001](#) §1 on 1/27/1993*

*Amended by Ord. [93-043](#) §4 on 8/25/1993*

*Amended by Ord. [94-008](#) §10 on 6/8/1994*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §2 on 12/12/2001*

*Amended by Ord. [2004-002](#) §3 on 4/28/2004*

*Amended by Ord. [2019-009](#) §1 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §1 on 9/3/2019*

*Adopted by Ord. [2023-014](#) §1 on 12/1/2023*

*Amended by Ord. [2024-008](#) §4 on 1/7/2025*

*Amended by Ord. [2025-002](#) §6 on 3/28/2025*

*Amended by Ord. [2025-004](#) §2 on 5/7/2025*

*Amended by Ord. [2025-005](#) §2 on 8/19/2025*

***Amended by Ord. [2026-0XX](#) §X on X/X/2026***

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## **CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10**

[18.60.010 Purposes](#)

[18.60.020 Uses Permitted Outright](#)

[18.60.030 Conditional Uses Permitted](#)

[18.60.035 Destination Resorts](#)

[18.60.040 Setback Requirements](#)

[18.60.050 Ordinary High Water Mark Setbacks](#)

[18.60.060 Dimensional Standards](#)

[18.60.070 Limitations On Conditional Uses](#)

[18.60.080 Rimrock Setbacks](#)

[18.60.090 Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone](#)

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### **18.60.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright.

- A. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days. Incidental musical programs are not included in this definition.

Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.

- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.
- K. A historic home accessory dwelling unit, subject to DCC 18.116.350.
- L. A residential accessory dwelling unit, subject to DCC 18.116.355.

**M.-Residential Home:**

**N.M.** A recreational vehicle as rental dwelling, subject to 18.116.095(D).

**O.N.** Temporary Hardship Dwelling, subject to DCC 18.116.090.

**HISTORY**

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [91-005](#) §§30 & 31 on 3/4/1991*

*Amended by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-043](#) §8 on 8/25/1993*

*Amended by Ord. [94-008](#) §12 on 6/8/1994*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §5 on 12/12/2001*

*Amended by Ord. [2004-002](#) §7 on 4/28/2004*

*Amended by Ord. [2019-009](#) §2 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §2 on 9/3/2019*

*Adopted by Ord. [2023-014](#) §2 on 12/1/2023*

*Amended by Ord. [2024-008](#) §7 on 1/7/2025*

*Amended by Ord. [2025-002](#) §12 on 3/28/2025*

*Amended by Ord. [2025-004](#) §3 on 5/7/2025*

*Amended by Ord. [2025-005](#) §5 on 8/19/2025*

***Amended by Ord. [2026-0XX](#) §X on X/X/2026***

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## **CHAPTER 18.65 RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE**

### **18.65.010 Purpose**

**18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)**

**18.65.021 Alfalfa RSC; Commercial/Mixed Use District**

**18.65.022 Alfalfa RSC; Residential District**

**18.65.023 RSC; Open Space District**

**18.65.030 Standards For All Districts**

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### **18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:

1. A single-unit dwelling, or a manufactured dwelling, subject to DCC 18.116.070.

2. Type 1 Home Occupation, subject to DCC 18.116.280.

~~3. Residential home.~~

~~4.3.~~ A duplex.

~~5.4.~~ Agricultural uses, as defined in DCC Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.

~~6.5.~~ Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.

~~7.6.~~ Class III road and street project.

~~8.7.~~ Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~9.8.~~ Temporary Hardship Dwelling, subject to DCC 18.116.090.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:

1. Retail store, business office, and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
2. A permitted commercial use in conjunction with a dwelling unit permitted outright or conditionally.
3. Park or playground.
4. Community building.
5. Public or semipublic building or use.
6. Highway maintenance facility.
7. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
8. Religious institutions or assemblies.

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Multi-unit dwelling.
2. School.
3. Cemetery.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Medical clinic or veterinary clinic.
6. Community Center.
7. Manufactured dwelling park.
8. Recreational vehicle or trailer park.
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
10. Marijuana retailing, subject to the provisions of DCC 18.116.330.
11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

**12. Residential facility:****D. Setback Requirements.**

1. The front setback shall be a minimum of 20 feet from a lot with street frontage on a local street right of way and 50 feet from a lot line with street frontage on an arterial right of way.
2. The minimum side setback shall be 10 feet.
3. The minimum rear setback shall be 20 feet.
4. The minimum side and rear setbacks for lot lines that are abutting land zoned exclusive farm use shall be 50 feet.

**E. Lot Requirements.**

1. General Standards:
  - a. The minimum lot area in Brothers, Hampton, and Millican is 2.5 acres.
  - b. Each lot or parcel shall have a minimum lot width of 200 feet.
  - c. Each lot or parcel must be served by an on-site well.
  - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
  - e. Lot coverage for dwelling units and related accessory buildings shall not exceed twenty-five (25) percent of the lot area. Lot coverage for structures used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, setbacks, and any other elements under site plan review.
2. Commercial and Public Uses.
  - a. The minimum lot area in Brothers, Hampton, Millican, Whistlestop, and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the lot area necessary to accommodate the use.
  - b. Each lot or parcel shall have a minimum lot width of 150 feet.

- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

## HISTORY

*Adopted by Ord. [2002-002](#) §2 on 6/5/2002*

*Amended by Ord. [2002-028](#) §1 on 7/24/2002*

*Amended by Ord. [2004-002](#) §11 on 4/28/2004*

*Amended by Ord. [2015-004](#) §2 on 4/22/2015*

*Amended by Ord. [2016-015](#) §4 on 7/1/2016*

*Amended by Ord. [2018-006](#) §8 on 11/20/2018*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

*Amended by Ord. [2022-014](#) §2 on 4/4/2023*

*Amended by Ord. [2024-008](#) §8 on 1/7/2025*

*Amended by Ord. [2025-002](#) §14 on 3/28/2025*

*Amended by Ord. [2025-005](#) §6 on 8/19/2025*

*Amended by Ord. 2026-0XX §X on XX/2026*

## **18.65.021 Alfalfa RSC; Commercial/Mixed Use District**

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

### A. Uses Permitted Outright.

1. A single-unit- dwelling, or a manufactured dwelling, subject to DCC 18.116.070.
2. Type 1 Home Occupation, subject to DCC 18.116.280.

~~3.—Residential home.~~

~~4.—Residential facility.~~

~~5.3.~~ A duplex.

~~6.4.~~ Agricultural uses, as defined in DCC Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.

~~7.5.~~ Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.

~~8.6.~~ Class III road and street project.

9.7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

10.8. Temporary Hardship Dwelling, subject to DCC 18.116.090.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review, of this title:

1. Retail store, business office, and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
2. A permitted commercial use in conjunction with a dwelling unit permitted outright or conditionally.
3. Park or playground.
4. Community building.
5. Public or semipublic building or use.
6. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
7. Religious institutions or assemblies.

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. School.
2. Cemetery.
3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
4. Medical clinic or veterinary clinic.
5. Community Center.
6. Recreational vehicle or trailer park.
7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

8. Marijuana retailing, subject to the provisions of DCC 18.116.330.
9. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

**D. Setback Requirements.**

1. The front setback shall be a minimum of 20 feet from a lot line with street frontage on a local street right of way and 50 feet from a lot line with street frontage on an arterial right of way.
2. The minimum side setback shall be 10 feet.
3. The minimum rear setback shall be 20 feet.
4. The minimum side and rear setbacks for property that is abutting land zoned exclusive farm use shall be 50 feet.

**E. Lot Requirements.** The minimum lot area shall be the lot area necessary to accommodate the use, but not less than one acre.

**HISTORY**

*Adopted by Ord. [2002-002](#) §2 on 6/5/2002*

*Amended by Ord. [2018-006](#) §8 on 11/20/2018*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

*Amended by Ord. [2022-014](#) §2 on 4/4/2023*

*Amended by Ord. [2024-008](#) §8 on 1/7/2025*

*Amended by Ord. [2025-002](#) §14 on 3/28/2025*

*Amended by Ord. [2025-005](#) §6 on 8/19/2025*

*Amended by Ord. 2026-0XX §X on XX/2026*

**18.65.022 Alfalfa RSC; Residential District**

**A. Uses Permitted Outright.** The following uses and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:

1. Agricultural uses, as defined in DCC Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
2. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
3. A duplex.

4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
6. Class III road or street project.
7. Type 1 Home Occupation, subject to DCC 18.116.280.

~~8. Residential home.~~

9.8. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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

1. Park or playground.
2. Community building.
3. Utility facility.
4. Religious institutions or assemblies.
5. Child care facility and/or preschool.

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Schools.
2. Medical clinic or veterinary clinic.
3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
4. Bed and breakfast inn.
5. Public use.
6. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

D. Setback Requirements.

1. The front setback shall be a minimum of 20 feet from a lot line with street frontage on a local street right of way and 50 feet from a lot line with street frontage on an arterial right of way.
2. The minimum side setback shall be 10 feet.
3. The minimum rear setback shall be 20 feet.

**E. Lot Requirements.**

1. The minimum lot area is 5 acres.
2. The minimum lot width shall be 200 feet.
3. Each lot or parcel must be served by an on-site well.
4. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
5. Lot coverage for dwelling units and related accessory structures shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for structures used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, setbacks, and any other elements under site plan review.

**F. Limitations on uses – RSC-Residential District.** The following limitation shall apply to uses permitted in the RSC – Residential District:

1. Cows, horses, goats, or sheep cannot be kept on lots or parcels having a lot area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the lot area divided by 20,000 square feet, which is the minimum area required per animal.
2. The number of chickens, fowl, or rabbits over the age of six months shall not exceed one for each 500 square feet of lot area.
3. All livestock shall be located a minimum of 100 feet away from a dwelling unit on an abutting lot or parcel.

**HISTORY**

*Adopted by Ord. [2002-002](#) §2 on 6/5/2002*

*Amended by Ord. [2002-028](#) §1 on 7/24/2002*

*Amended by Ord. [2004-002](#) §12 on 4/28/2004*

*Amended by Ord. [2020-001](#) §6 on 4/21/2020*

*Amended by Ord. [2020-010](#) §2 on 7/3/2020*

*Amended by Ord. [2024-008](#) §8 on 1/7/2025*

*Amended by Ord. [2025-002](#) §14 on 3/28/2025*

*Amended by Ord. [2025-005](#) §6 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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## **CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS**

18.66.010 Purpose

18.66.020 Residential (TeR) District

18.66.030 Residential-5 Acre Minimum (TeR5) District

18.66.040 Commercial (TeC) District

18.66.050 Commercial-Rural (TeCR) District

18.66.060 Standards For All Districts

18.66.070 Right-Of-Way Development Standards

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### **18.66.020 Residential (TeR) District**

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

A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124:

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

**8.—Residential home.**

**9.8.** Temporary Hardship Dwelling, subject to 18.116.090.

B. **Uses Permitted Subject to Site Plan Review.** The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Child care facility and/or preschool.

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

1. Manufactured dwelling park.

2. Multi-unit dwelling.

3. Retirement center or nursing home.

4. Religious institutions or assemblies.

5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.

6. Public or private school.

7. Park.

8. Public or semi-public building.

9. Utility facility.

10. Water supply or treatment facility.

11. Veterinary clinic.

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

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

**14.—Residential facility.**

D. **Lot Area and Lot Width Requirements.**

1. **Partitions:**

- a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum lot width of 150 feet with a minimum lot area of one acre.
- b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall have minimum lot area as follows:
  - 1) For a single-unit dwelling, a parcel shall have a minimum lot width of 100 feet and a minimum lot area of 22,000 square feet.
  - 2) For a duplex, a parcel shall have a minimum lot width of 100 feet and a minimum lot area of 33,000 square feet.
- c. For parcels served by an approved community, municipal, or public water and sewer system, the minimum parcel sizes shall be as follows:
  - 1) For a single-unit dwelling, the parcel shall have a lot minimum width of 75 feet and a minimum lot area of 7,500 square feet.
  - 2) For a duplex, the parcel shall have a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet.

2. Subdivisions:

- a. For subdivisions involving multi-unit dwellings, a manufactured dwelling park, a retirement center or a nursing home, all new lots shall be connected to a DEQ permitted wastewater pollution control facility.
- b. For subdivisions involving only single-unit and duplexes the standards set forth in DCC 18.66.020(D)(1) shall apply.

E. Setback Standards

- 1. Front Setback. The front setback shall be 20 feet for a lot line with street frontage on a local street right-of-way, 30 feet for a lot line with street frontage on a collector right-of-way, and 80 feet for a lot line with street frontage on an arterial right-of-way. .

2. Side Setback. A side setback shall be a minimum of five feet and the sum of the side setbacks shall be a minimum of 15 feet, subject to DCC 18.66.020(E)(4). Setback Standards.
3. Rear Setback. The minimum rear setback shall be 20 feet, subject to DCC 18.66.020(E)(4).
4. Exception to Setback Standards. Any new structure requiring a building permit, on a lot or parcel abutting EFU-zoned land receiving special assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.
5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

## HISTORY

*Adopted by Ord. [97-003](#) §2 on 6/4/1997*

*Amended by Ord. [97-063](#) §3 on 11/12/1997*

*Amended by Ord. [2004-002](#) §13 on 4/28/2004*

*Amended by Ord. [2020-001](#) §7 on 4/21/2020*

*Amended by Ord. [2020-010](#) §3 on 7/3/2020*

*Amended by Ord. [2024-008](#) §9 on 1/7/2025*

*Amended by Ord. [2025-002](#) §15 on 3/28/2025*

*Amended by Ord. [2025-009](#) §5 on 7/1/2025*

*Amended by Ord. [2025-005](#) §7 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on XX/2026*

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

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

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124:

1. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
2. A duplex.
3. Type 1 Home Occupation, subject to DCC 18.116.280.

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

**8.—Residential home.**

**9.8.** Temporary Hardship Dwelling, subject to DCC 18.116.090.

B. **Uses Permitted Subject to Site Plan Review.** The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Child care facility and/or preschool.

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

1. Manufactured dwelling park.
2. Multi-unit dwelling.
3. Retirement center or nursing home.
4. Religious institutions or assemblies.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
6. Public or private school.
7. Park.
8. Public or semi-public building.

9. Utility facility.
10. Water supply or treatment facility.
11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

**~~13. Residential facility.~~**

- D. Lot Area Requirements. The minimum lot area in the TeR5 District is five acres regardless of the availability of approved community, non-community, municipal, or public water system and public sewer system.
- E. Setback Standards.
  1. Front Setback. The front setback shall be 20 feet for a lot line with street frontage on a local street right-of-way, 30 feet for a lot line with street frontage on a collector right-of-way, and 80 feet for a lot line with street frontage on an arterial right-of-way.
  2. Side Setback. A side setback shall be a minimum of five feet and the sum of the side setbacks shall be a minimum of 15 feet, subject to DCC 18.66.030(E)(4).
  3. Rear Setback. The minimum rear setback shall be 20 feet, subject to DCC 18.66.030(E)(4).
  4. Exception to Setback Standards. Any new structure requiring a building permit, on a lot or parcel abutting EFU-zoned land receiving special assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.
  5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 of shall be met.

#### HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2004-002](#) §14 on 4/28/2004

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2020-010](#) §3 on 7/3/2020

Amended by Ord. [2024-008](#) §9 on 1/7/2025

Amended by Ord. [2025-002](#) §15 on 3/28/2025

Amended by Ord. [2025-005](#) §7 on 8/19/2025

*Amended by Ord. 2026-0XX §X on XX/2026*

### **18.66.040 Commercial (TeC) District**

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

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124:

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

~~7. Residential home on a lot or parcel existing on June 4, 1997.~~

8.7. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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

1. A building or buildings not exceeding 4,000 square feet of floor area to be used by any combination of the following uses:
  - a. Retail or service business.

- b. Eating or drinking establishment.
- c. Offices.
- d. Veterinary clinic and kennel entirely within an enclosed building.
- e. A dwelling unit permitted outright or conditionally, in the same building as a use permitted by DCC 18.66.040(B)(1).
- f. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.

2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
3. Child care facility and/or preschool.

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

1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
2. Recreational vehicle park.
3. Religious institutions or assemblies.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Public or private school.
6. Park.
7. Public or semi-public building.
8. Medical center in a building or buildings not exceeding 4,000 square feet of floor area.
9. Utility facility.
10. Water supply or treatment facility.
11. Vehicle and trailer sales, service, repair, or rental in a building or buildings not exceeding 4,000 square feet of floor area.

12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor area with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
  - a. Manufacturing and production.
  - b. Wholesale sales.
  - c. Mini-storage.
13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
15. Marijuana retailing, subject to the provisions of DCC 18.116.330.
16. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).

1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

E. Requirements for Large Scale Uses.

1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(12) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
  - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and

- c. It is not practical to locate the use in a building or buildings with a floor area of 4,000 square feet or less.
2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

**F. Design Standards.**

**Ground Floor Windows.** The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.

1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

**G. Lot Area Requirements.** The minimum lot area is 10,000 square feet. In addition, the lot area requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas, and off-street parking.

**H. Lot Coverage.** No lot coverage requirements, provided spatial requirements for parking, sewage disposal, and landscaping are satisfied.

**I. Setback Standards.**

1. **Front Setbacks.** The front setback shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3). The front setback for buildings may be reduced, but not increased, to the average building setback distance of buildings on abutting lots or parcels.
2. **Side Setback.** No requirement, subject to DCC 18.66.040(I)(4).
3. **Rear Setback.** No specific requirements, subject to DCC 18.66.040(I)(4).
4. **Exceptions to Setback Standards.**

- a. Lot lines abutting a residential district. Any new structure requiring a building permit, sited on a lot or parcel abutting a residential district, shall have a minimum setback of 15 feet from any shared lot line. The required setback shall be increased by one foot for each foot by which the structure height exceeds 20 feet.
- b. Lot lines abutting an EFU zone. Any new structure requiring a building permit, on a lot or parcel abutting EFU-zoned land receiving special assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.

## HISTORY

*Adopted by Ord. [97-003](#) §2 on 6/4/1997*

*Amended by Ord. [97-063](#) §3 on 11/12/1997*

*Amended by Ord. [2004-002](#) §15 on 4/28/2004*

*Amended by Ord. [2015-004](#) §3 on 4/22/2015*

*Amended by Ord. [2016-015](#) §5 on 7/1/2016*

*Amended by Ord. [2020-001](#) §7 on 4/21/2020*

*Amended by Ord. [2020-010](#) §3 on 7/3/2020*

*Amended by Ord. [2021-004](#) §3 on 5/27/2021*

*Amended by Ord. [2022-014](#) §3 on 4/4/2023*

*Amended by Ord. [2024-008](#) §9 on 1/7/2025*

*Amended by Ord. [2025-002](#) §15 on 3/28/2025*

*Amended by Ord. [2025-005](#) §7 on 8/19/2025*

*Amended by Ord. 2026-0XX §X on X/X/2026*

## **18.66.050 Commercial-Rural (TeCR) District**

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

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124:

1. A single-unit dwelling on a lot or parcel existing on June 4, 1997.
2. A manufactured dwelling on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.

4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

~~7. Residential home on a lot or parcel existing on June 4, 1997.~~

8.7. Temporary Hardship Dwelling, subject to DCC 18.116.090.

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

1. A building or buildings not exceeding 4,000 square feet of floor area to be occupied by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating or drinking establishment.
  - c. Office.
  - d. A dwelling unit permitted outright or conditionally, in the same building as a use listed in DCC 18.66.050.
  - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).

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

1. Religious institutions or assemblies.
2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
3. Park.
4. Public or semi-public building.

5. Utility facility.
6. Water supply or treatment facility.
7. Vehicle and trailer sales, service, repair, and rental in a building or buildings not exceeding 4,000 square feet of floor area.
8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor area to be occupied by any combination of the following uses:
  - a. Manufacturing or production.
  - b. Wholesale sales.
  - c. Mini-storage.
  - d. Truck terminal.
  - e. Farm or contractor equipment storage, sales, service, or repair.
  - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
11. Marijuana retailing, subject to the provisions of DCC 18.116.330.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).

1. Sewer and Water Requirements.
  - a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
  - b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

2. Compatibility.

- a. Any use on a lot or parcel abutting a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot or parcel.
- b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel abutting or across a local or collector street from a lot or parcel in a residential district.
- c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance, or a court of competent jurisdiction.
- d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located abutting or across a local or collector street from a lot or parcel in a residential district.

3. Traffic and Parking.

- a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity, and level of service of the affected transportation facility.
- b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
- c. Site design shall not require backing of traffic onto a public or private road right-of-way.

4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:

- a. An increased setback requirement.
- b. Additional off-street parking and loading facilities.
- c. Limitations on signs, lighting, hours of operation, and points of ingress and egress.

- d. Additional landscaped buffering and screening improvements.

**E. Requirements for Large Scale Uses.**

1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
  - a. The use is intended to serve the community and surrounding rural area, or the traveling needs of people passing through the area;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and
  - c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code, and north into Jefferson County to include Crooked River Ranch.

**F. Design Standards. Ground Floor Windows.** The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.

1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

**G. Lot Area Requirements.** The minimum lot area is 10,000 square feet. In addition, lot area requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas, and off-street parking.

**H. Lot Coverage Standards.**

1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal, and landscaping are satisfied.
2. No use listed in DCC 18.66.050(C)(8) that is located abutting or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage, including outside storage, and off-street parking and loading areas.

#### I. Setback Standards.

1. Front Setback. The front setback shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b). The front setback for structures may be reduced, but not increased, to the average building setback distance of existing structures on abutting lots or parcels.
2. Side Setback. No requirement, subject to DCC 18.66.050(I)(4).
3. Rear Setback. No specific requirement, subject to DCC 18.66.050(I)(4).
4. Exceptions to Setback Standards.
  - a. Lot line abutting a residential zone. For all new structures requiring a building permit on a lot or parcel abutting a residential district, the setback shall be a minimum of 15 feet from any shared lot line. The required setback will be increased by one foot for each foot by which the new structure height exceeds 20 feet.
  - b. Lot line abutting an EFU zone. Any structure requiring a building permit on a lot or parcel abutting EFU-zoned land receiving special assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.

#### HISTORY

Adopted by Ord. [97-003](#) §2 on 6/4/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §7 on 12/12/2001

Amended by Ord. [2004-002](#) §16 on 4/28/2004

Amended by Ord. [2015-004](#) §4 on 4/22/2015

Amended by Ord. [2016-015](#) §5 on 7/1/2016

Amended by Ord. [2020-001](#) §7 on 4/21/2020

Amended by Ord. [2021-004](#) §3 on 5/27/2021

Amended by Ord. [2024-008](#) §9 on 1/7/2025

*Amended by Ord. 2025-002 §15 on 3/28/2025*

*Amended by Ord. 2025-005 §7 on 8/19/2025*

*Amended by Ord. 2026-0XX §X on X/X/2026*

## **CHAPTER 18.67 TUMALO RURAL COMMUNITY ZONING DISTRICTS**

18.67.010 Purpose

18.67.020 Residential (TuR) District

18.67.030 Residential-5 Acre Minimum (TuR5) District

18.67.040 Commercial (TuC) District

18.67.050 Research And Development (TuRE) District

18.67.060 Industrial (Tul) District

18.67.070 Flood Plain (TuFP) District

18.67.080 Standards For All Districts

18.67.090 Right-Of-Way Development Standards

### **18.67.020 Residential (TuR) District**

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

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124.

1. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
2. A duplex.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC Title 18, involving:
  - a. Keeping of cows, horses, goats, sheep, or similar farm animals, provided that the total number of such animals over the age of six months is limited to the lot area divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits, or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of lot area.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision, or subject to the standards of DCC 18.67.080 and 18.116.230.
6. Class III road or street project.

7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

**8. Residential home:**

**9.8. Temporary Hardship Dwelling**, subject to DCC 18.116.090.

B. **Uses Permitted Subject to Site Plan Review.** The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Child care facility and/or preschool.
- C. **Conditional Uses.** The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:
  1. Multi-unit dwelling.
  2. Retirement center or nursing home.
  3. Religious institutions or assemblies.
  4. Cemetery.
  5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  6. Public or private school.
  7. Park.
  8. Public or semi-public building.
  9. Utility facility.
  10. Water supply or treatment facility.
  11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

**13. Residential facility:**

D. **Lot Area and Lot Width Requirements.**

1. Partitions:

- a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community, or municipal water system shall have a minimum lot width of 150 feet with a minimum lot area of one acre.
- b. Subject to DCC 17.36.170(A), parcels served by an approved community, non-community, municipal, or public water system, shall have a minimum lot area as follows:
  - 1) For a single-unit dwelling the parcel shall have a minimum lot width of 100 feet and a minimum lot area of 22,000 square feet.
  - 2) For a duplex the parcel shall have a minimum lot width of 100 feet and a minimum lot area of 33,000 square feet.

2. Subdivisions:

- a. For subdivisions involving multi-unit dwellings, a manufactured dwelling park, or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
- b. For subdivisions involving only single-unit dwellings or duplexes the standards set forth in DCC 18.67.020(D)(1) shall apply.

E. Setback Standards.

- 1. Front Setback. The front setback shall be 20 feet for a lot line with street frontage on a local street right-of-way, 30 feet for a lot line with street frontage on a collector right-of-way, and 80 feet for a lot line with street frontage on an arterial right-of-way.
- 2. Side Setback. A side setback shall be a minimum of five feet and the sum of the side setbacks shall be a minimum of 15 feet, subject to DCC 18.67.020(E)(4).
- 3. Rear Setback. The minimum rear setback shall be 20 feet, subject to DCC 18.67.020(E)(4).
- 4. Exception to Setback Standards. Any new structure requiring a building permit, on a lot or parcel abutting EFU-zoned land receiving special

assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.

## HISTORY

*Adopted by Ord. [97-033](#) §2 on 6/25/1997*

*Amended by Ord. [97-063](#) §3 on 11/12/1997*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §8 on 12/12/2001*

*Amended by Ord. [2004-002](#) §17 on 4/28/2004*

*Amended by Ord. [2020-001](#) §8 on 4/21/2020*

*Amended by Ord. [2020-010](#) §4 on 7/3/2020*

*Amended by Ord. [2021-013](#) §8 on 4/5/2022*

*Amended by Ord. [2024-008](#) §10 on 1/7/2025*

*Amended by Ord. [2025-002](#) §16 on 3/28/2025*

*Amended by Ord. [2025-005](#) §8 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

## **18.67.030 Residential-5 Acre Minimum (TuR5) District**

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

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124.
  - 1. A single-unit dwelling, or a manufactured dwelling subject to DCC 18.116.070.
  - 2. Type 1 Home Occupation, subject to DCC 18.116.280.
  - 3. Agricultural uses as defined in DCC 18.04, involving:
    - a. Keeping of cows, horses, goats, sheep, or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the lot area divided by 20,000 square feet.
    - b. Keeping of chickens, fowl, rabbits, or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of lot area.

4. Class I and II road or street project subject to approval as part of a land partition, subdivision, or subject to the standards of DCC 18.67.080 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

**7. Residential home:**

**8.7. Temporary Hardship Dwelling**, subject to DCC 18.116.090.

B. **Uses Permitted Subject to Site Plan Review.** The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:

1. Child care facility and/or preschool.

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

1. Religious institutions or assemblies.
2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
3. Public or private school.
4. Park.
5. Public or semi-public building.
6. Utility facility.
7. Water supply or treatment facility.
8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
9. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. **Lot Area Requirements.** The minimum lot area is five acres.

E. **Setback Standards.**

1. **Front Setback.** The front setback shall be 20 feet for a lot line with street frontage on a local street right-of-way, 30 feet for a lot line with street frontage on a collector right-of-way, and 80 feet for a lot line with street frontage on an arterial right-of-way.
2. **Side Setback.** A side setback shall be a minimum of five feet and the sum of the side setbacks shall be a minimum of 15 feet, subject to DCC 18.67.030(E)(4).
3. **Rear Setback.** The minimum rear setback shall be 20 feet, subject to DCC 18.67.030(E)(4).
4. **Exception to Setback Standards.** Any new structure requiring a building permit, on a lot or parcel abutting EFU-zoned land receiving special assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.

#### HISTORY

*Adopted by Ord. [97-033](#) §2 on 6/25/1997*

*Amended by Ord. [97-063](#) §3 on 11/12/1997*

*Amended by Ord. [2000-033](#) §11 on 12/6/2000*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §8 on 12/12/2001*

*Amended by Ord. [2004-002](#) §18 on 4/28/2004*

*Amended by Ord. [2020-001](#) §8 on 4/21/2020*

*Amended by Ord. [2020-010](#) §4 on 7/3/2020*

*Amended by Ord. [2024-008](#) §10 on 1/7/2025*

*Amended by Ord. [2025-002](#) §16 on 3/28/2025*

*Amended by Ord. [2025-005](#) §8 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

#### **18.67.040 Commercial (TuC) District**

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

- A. **Permitted Uses.** The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124.
  1. A single-unit dwelling or duplex.

2. A manufactured dwelling subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision, or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

**7. Residential home:**

**8.7.** Temporary Hardship Dwelling, subject to DCC 18.116.090.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, and 18.124:

1. A building or buildings, none of which exceeds 4,000 square feet of floor area to be used by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating and/or drinking establishment.
  - c. Offices.
  - d. A dwelling unit permitted outright or conditionally, in the same building as a use permitted in DCC 18.67.040.
  - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).
3. Child care facility and/or preschool.

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

1. Religious institutions or assemblies.

2. Bed and breakfast inn.
3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
4. Park.
5. Public or semi-public building.
6. Utility facility.
7. Water supply or treatment facility.
8. Manufactured dwelling/RV park on a lot or parcel in use as a manufactured dwelling park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured dwelling park or recreational vehicle park, including any expansion of such uses on the same lot or parcel as configured on June 12, 1996.
9. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor area.
  - a. Farm equipment, sales, service, or repair.
  - b. Trailer sales, service, or repair.
  - c. Vehicle service or repair.
  - d. Veterinary clinic.
10. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor area:
  - a. Manufacturing or production.
  - b. Wholesale sales.
  - c. Marijuana retailing, subject to the provisions of DCC 18.116.330.
11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
13. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(10).

1. Compatibility.

- a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel abutting or across a local or collector street from a lot or parcel in a residential district.

2. Traffic and Parking.

- a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity, and level of service of the affected transportation facility.
- b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.

E. Requirements for Large Scale Uses.

- 1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
  - a. The use is intended to serve the community and surrounding rural area, or the traveling needs of people passing through the area;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and
  - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
- 2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
- 3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.

F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.

1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.
2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.

G. Lot Area Requirements. The minimum lot area is 10,000 square feet. In addition, lot area requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas, and off-street parking.

H. Lot Coverage Standards.

1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal, and landscaping are satisfied.
2. No use listed in DCC 18.67.040(C)(10) that is abutting or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage, including outside storage, and off-street parking and loading areas.

I. Setback Standards.

1. Front Setback. The front setback shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 (D)(3). The front setback for structures may be reduced, but not increased, to the average setback distance of existing structures on abutting lots or parcels.
2. Side Setback. No requirement, subject to DCC 18.67.040(I)(4).
3. Rear Setback. No specific requirement, subject to DCC 18.67.040 (I)(4).
4. Exceptions to Setback Standards.
  - a. Lot line(s) abutting a residential zone. For all new structures or substantial alterations of a structure requiring a building permit, on a lot or parcel abutting a residential district, the setback shall be a

minimum of 15 feet. The required setback will be increased by one foot for each foot by which the structure height exceeds 20 feet.

- b. Lot line(s) abutting an EFU zone. Any structure requiring a building permit, on a lot or parcel abutting EFU-zoned land receiving special assessment for farm use, shall have a minimum setback of 100 feet from any shared lot line.

#### HISTORY

*Adopted by Ord. [97-033](#) §2 on 6/25/1997*

*Amended by Ord. [97-063](#) §3 on 11/12/1997*

*Amended by Ord. [2000-033](#) §11 on 12/6/2000*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

*Amended by Ord. [2001-039](#) §8 on 12/12/2001*

*Amended by Ord. [2004-002](#) §19 on 4/28/2004*

*Amended by Ord. [2004-013](#) §7 on 9/21/2004*

*Amended by Ord. [2015-004](#) §5 on 4/22/2015*

*Amended by Ord. [2016-015](#) §6 on 7/1/2016*

*Amended by Ord. [2020-001](#) §8 on 4/21/2020*

*Amended by Ord. [2020-010](#) §4 on 7/3/2020*

*Amended by Ord. [2021-004](#) §4 on 5/27/2021*

*Amended by Ord. [2021-013](#) §8 on 4/5/2022*

*Amended by Ord. [2022-014](#) §4 on 4/4/2023*

*Amended by Ord. [2024-008](#) §10 on 1/7/2025*

*Amended by Ord. [2025-002](#) §16 on 3/28/2025*

*Amended by Ord. [2025-005](#) §8 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

## **CHAPTER 18.74 RURAL COMMERCIAL ZONE**

### **18.74.010 Purpose**

### **18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store**

### **18.74.025 Uses Permitted; Spring River**

### **18.74.027 Uses Permitted; Pine Forest And Rosland**

### **18.74.030 Development Standards**

### **18.74.050 Maps**

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### **18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store**

A. **Uses Permitted Outright.** The following uses and their accessory uses are permitted outright and do not require site plan review under DCC 18.124:

1. A single-unit dwelling.
2. A manufactured dwelling subject to DCC 18.116.070.
3. A duplex.
4. Type 1 Home Occupation, subject to DCC 18.116.280.
5. Agricultural uses.
6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
7. Class III road or street project.
8. A lawfully established use existing as of 11/05/2002, the date this chapter was adopted, not otherwise permitted by this chapter.

#### **9.—Residential home.**

#### **10.9.\_\_\_\_\_ Temporary Hardship Dwelling, subject to DCC 18.116.090.**

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

1. A building or buildings not exceeding 2,500 square feet of floor area to be used by any combination of the following uses.
  - a. Restaurant, café, or delicatessen.

- b. Grocery store.
- c. Tavern.
- d. Retail sporting goods and guide services.
- e. Barber and beauty shop.
- f. General store.
- g. Video store.
- h. Antique, art, craft, novelty, and second hand sales if conducted completely within an enclosed building.

2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet of floor area or 25 percent of the floor area of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor area to be used by any combination of the following uses.
  - a. Retail sales of agricultural or farm products.
  - b. Farm machinery sales and repair.
  - c. Kennel.
  - d. Veterinary clinic.
  - e. Automobile service station and repair garage, towing service, fuel storage, and sales.
  - f. Public or semi-public use.
  - g. A dwelling unit permitted outright or conditionally, in the same building as a use permitted by this chapter.
  - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet of floor area or 25 percent of the floor area of the building as of said date, whichever is greater.

C. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:

1. Child care facility and/or preschool.

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

1. A building or buildings not exceeding 3,500 square feet of floor area to be used by any combination of the following uses.
  - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
  - b. Utility facility.
  - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  - d. Religious institutions or assemblies.
  - e. School.
2. Recreational vehicle park
3. Mini-storage facilities limited to 35,000 square feet in size.
4. Marijuana retailing, subject to the provisions of DCC 18.116.330.
5. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

## HISTORY

*Adopted by Ord. [2002-019](#) §2 on 8/7/2002*

*Amended by Ord. [2004-002](#) §20 on 4/28/2004*

*Amended by Ord. [2008-008](#) §1 on 3/18/2008*

*Amended by Ord. [2015-004](#) §7 on 4/22/2015*

*Amended by Ord. [2016-015](#) §7 on 7/1/2016*

*Amended by Ord. [2020-001](#) §9 on 4/21/2020*

*Amended by Ord. [2020-010](#) §5 on 7/3/2020*

*Amended by Ord. [2021-013](#) §9 on 4/5/2022*

*Amended by Ord. [2022-014](#) §5 on 4/4/2023*

*Amended by Ord. [2024-008](#) §11 on 1/7/2025*

*Amended by Ord. [2025-002](#) §17 on 3/28/2025*

*Amended by Ord. [2025-005](#) §9 on 8/19/2025*

*Amended by Ord. 2026-0XX §X on X/X/2026*

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## **CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER**

- [18.108.010 Purpose](#)
- [18.108.020 Standards For All Districts](#)
- [18.108.030 Single Unit Residential; RS District](#)
- [18.108.040 Multiple Unit Residential; RM District](#)
- [18.108.050 Commercial; C District](#)
- [18.108.055 Town Center; TC District](#)
- [18.108.060 Resort; R District](#)
- [18.108.070 Resort Marina; RA District](#)
- [18.108.080 Resort Golf Course; RG District](#)
- [18.108.090 Resort Equestrian; RE District](#)
- [18.108.100 Resort Nature Center; RN District](#)
- [18.108.110 Business Park; BP District](#)
- [18.108.120 Community General; CG District](#)
- [18.108.130 Community Recreation; CR District](#)
- [18.108.140 Community Limited; CL District](#)
- [18.108.150 Community Neighborhood; CN District](#)
- [18.108.160 Airport; A District](#)
- [18.108.170 Utility; U District](#)
- [18.108.175 Utility; U District/Limited Use Combining District](#)
- [18.108.180 Forest; F District](#)
- [18.108.190 Flood Plain; FP Combining District](#)

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### **18.108.030 Single Unit Residential; RS District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
  - 1. Single-unit dwelling.
  - 2. Recreational path.
  - 3. Residential home.**
  - 4.3. Temporary Hardship Dwelling, subject to DCC 18.116.090.**
- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
  - 1. Park, playground, and picnic and barbecue area.

2. Fire station.
3. Library.
4. Museum.
5. Health and fitness facility.
6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
7. Temporary subdivision sales office.
8. Community building.
9. Religious institutions or assemblies.

C. Height Regulations. No structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.

D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots or parcels approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots or parcels are internal to the subdivision or after a hearing if they are located on the edge of the new plat.

1. Lot Area. A lot or parcel shall have a minimum lot area of 6,000 square feet..
2. Lot Width. A lot or parcel shall have a minimum lot width of 60 feet, except that a lot or parcel with more than one front lot line shall have a minimum lot width of 70 feet.
3. Street Frontage. Every lot or parcel shall have a minimum street frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
4. Front Setback. The front setback shall be a minimum of 20 feet.
5. Side Setback. A side setback shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side setback of 7.5 feet, including additions thereto.
6. Rear Setback. The rear setback for properties which do not have a common area abutting the rear lot line shall be a minimum of 25 feet. The rear setback is zero for properties with a rear lot line which abuts a common area that is

50 feet or greater in depth. The rear setback for properties with a rear lot line which abuts a common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area abutting the rear lot line shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear lot line.

7. Lot Coverage. Lot coverage shall not exceed 35 percent of the lot area.

## HISTORY

*Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997*

*Amended by Ord. [98-035](#) §2 on 6/10/1998*

*Amended by Ord. [2004-013](#) §11 on 9/21/2004*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2024-008](#) §13 on 1/7/2025*

*Amended by Ord. [2025-002](#) §26 on 3/28/2025*

*Amended by Ord. [2025-005](#) §10 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on XX/2026*

## **18.108.040 Multiple Unit Residential; RM District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright subject to the applicable provisions of DCC 18.116, DCC 18.124, and DCC Title 17:

1. A duplex.
2. Multi-unit dwellings and dwelling unit groups, including townhouses and condominiums.
3. Uses permitted outright in the RS District.
4. Recreational path.

~~5. Residential home.~~

~~6. Residential facility.~~

~~7.5. Type 1 Home Occupation, subject to DCC 18.116.280.~~

- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.116, 18.124, and 18.128:

1. Park, playground, and picnic and barbecue area.

2. Fire station.
3. Library.
4. Museum.
5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
6. Off-street parking lots when abutting a less restrictive zoning district.
7. Community center.
8. Religious institutions or assemblies.
9. Temporary sales office for on-site dwelling units.
10. Interval ownership and/or time-share unit or the creation thereof.
11. Health and fitness facility. Height Regulations. No structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

C. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:

1. Duplexes and multi-unit dwellings
  - a. Lot Area. Every lot or parcel shall have a minimum lot area of 5,000 square feet for the first dwelling unit, plus the following minimum lot area based upon the number of bedrooms per additional dwelling unit in the following table:

Studio or Efficiency	750 sq. ft.
1 Bedroom	1,000 sq. ft.
2 Bedrooms	1,500 sq. ft.
3 Bedrooms	2,250 sq. ft.
4 Bedrooms	2,500 sq. ft.

  - b. The overall density shall not exceed eight dwelling units per acre.
  - c. Lot Width. Every lot or parcel shall have a minimum lot width of 50 feet.

- d. **Frontage.** Every lot or parcel shall have a minimum street frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
- e. **Front Setback.** The front setback shall be a minimum of 10 feet.
- f. **Side Setback.** There shall be a minimum side setback of five feet and the sum of the side setbacks shall be a minimum of 15 feet. The side setbacks shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- g. **Rear Setback.** The rear setback shall not be less than five feet. The rear setback shall be increased by one-half foot for each foot by which the structure height exceeds 15 feet.
- h. **Lot Coverage.** Lot coverage shall not exceed 40 percent of the total lot area..

2. Townhouses, condominiums, and zero lot line dwelling units:

- a. There shall be no minimum lot area for townhouse, condominium, and zero lot line dwelling unit developments, provided, however, that the overall density shall not exceed eight dwelling units per acre.
- b. **Setbacks.** Setbacks, lot widths, and lot coverage shall be determined at the time of site plan approval.

3. Single-Unit Dwellings:

- a. Lot widths, setbacks, and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.

D. **Off-Street Parking.** Off-street parking shall be provided for a minimum of two cars per dwelling unit.

#### HISTORY

*Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997*

*Amended by Ord. [99-036](#) §1 on 12/15/1999*

*Amended by Ord. [2004-002](#) §22 on 4/28/2004*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2025-002](#) §25 on 3/28/2025*

*Amended by Ord. [2025-009](#) §9 on 7/1/2025*

*Amended by Ord. 2026-0XX §X on X/X/2026*

### **18.108.050 Commercial; C District**

A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district, subject to the applicable provisions of DCC 18.116 and DCC 18.124.

1. Recreational path.
2. Ambulance service.
3. Library.
4. Religious institutions or assemblies.
5. Bus stop.
6. Community center.
7. A building or buildings each not exceeding 8,000 square feet of floor area including any combination of:
  - a. Retail/rental store, office, and service establishment.
  - b. Art galleries
  - c. Dry cleaner and/or self-service laundry establishment.
  - d. Radio and television sales and service.
  - e. Radio and television broadcasting studios and facilities, except towers.
  - f. Restaurant, bar and cocktail lounge, including entertainment.
  - g. Automobile service station.
  - h. Technical and business school.
  - i. Catering establishment.
  - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
  - k. Medical and dental clinic, office and laboratory.
  - l. Theater not exceeding 4,000 square feet of floor area.

- m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
- 8. Multi-unit dwellings, subject to the provisions of DCC 18.108.050(C)(1).
- 9. Dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
- 10. Post Office.
- 11. Administrative and office facility associated with a community association or community use.
- 12. Police facility.

**13. Residential facility.**

- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.116, 18.124, and 18.128.
  - 1. Public buildings and public utility buildings and structures.
  - 2. Club, lodge, or fraternal organization.
  - 3. Commercial off-street parking lot.
  - 4. Bus passenger station.
  - 5. Interval ownership and/or time-share unit or the creation thereof.
  - 6. Miniature golf.
  - 7. Bed and breakfast inn.
  - 8. Inn.
  - 9. A building or buildings each not exceeding 8,000 square feet of floor area including any combination of:
    - a. Bowling alley.
    - b. Car wash.
    - c. Dancing or music school, nursery school, kindergarten, and day-care facility.
    - d. Theater exceeding 4,000 square feet in floor area.

- e. Veterinary clinic or kennel operated entirely within an enclosed building.
- f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- g. Marijuana retailing, subject to the provisions of DCC 18.116.330.

10. Psilocybin service centers. subject to the provisions of DCC 18.116.380.

C. Use Limits.

- 1. Multi-unit dwellings, allowed on the nine acres vacant as of December 31, 1997, in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
  - a. No dwelling unit shall have more than three bedrooms.
  - b. Individual dwelling units shall not exceed 2,250 square feet of floor area.
  - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
- 2. Dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
  - a. Dwelling units shall be developed above first floor commercial use.
  - b. No dwelling unit shall have more than two bedrooms.
  - c. Individual dwelling units shall not exceed 850 square feet of floor area.
  - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
- 3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor area if the Planning Director or Hearings Body finds:

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
2. The use will primarily employ a work force from the community and surrounding rural area; and
3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor area.

E. Height Regulations. No structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

F. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. Minimum of 100 feet.
3. Front Setback. The front setback shall be a minimum of 10 feet.
4. Side Setback. None, except when a side lot line is abutting a lot or parcel in an RS or RM District, and then the side setback shall be a minimum of 10 feet. The required side setbacks shall be increased by one-half foot for each foot by which the structure height exceeds 20 feet.
5. Rear Setback. None, except when a rear lot line is abutting a lot or parcel in an RS or RM District, and then the rear setback shall be a minimum of 10 feet. The required rear setback shall be increased by one-half foot for each foot by which the structure height exceeds 20 feet.
6. Lot Coverage. No requirements.

## HISTORY

*Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997*

*Amended by Ord. [98-016](#) §1 on 3/11/1998*

*Amended by Ord. [2003-026](#) §1 on 7/9/2003*

*Amended by Ord. [2015-004](#) §9 on 4/22/2015*

*Amended by Ord. [2016-015](#) §9 on 7/1/2016*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2022-014](#) §7 on 4/4/2023*

Amended by Ord. [2024-008](#) §13 on 1/7/2025

Amended by Ord. [2025-002](#) §26 on 3/28/2025

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

### **18.108.055 Town Center; TC District**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the TC District, subject to the applicable provisions of DCC 18.116 and DCC 18.124.

1. Park or plaza.
2. Library.
3. Community center.
4. Visitors center.
5. A building, or buildings each not exceeding 8,000 square feet of floor area, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including any of the following uses:
  - a. Retail/rental store, office, civic and service establishment.
  - b. Grocery store.
  - c. Art gallery.
  - d. Restaurant, bakery, delicatessen, pub, cocktail lounge, including entertainment.
  - e. Health care service including medical and dental clinic, office, pharmacy, and laboratory but excluding nursing homes.
  - f. Health & fitness facility.
  - g. Barber, beauty shop or spa.
  - h. Child care center, preschool, and daycare facility.
  - i. Bank.
  - j. Post office.
  - k. Veterinary clinic (without animal boarding facilities).

- l. Crafts in conjunction with retail sales (occurring on premises such as sculpture, stained glass, pottery, etc.).
- m. Meeting room, convention and banquet facility.
- n. Property sales, mortgage, management or rental office.
- o. Movie theater.

6. Multi-Unit Dwelling, subject to paragraphs (E)(1) and (2).

7. Developed recreational facilities, outdoors or in a building or buildings each not exceeding 8,000 square feet of floor area, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including, but not limited to the following facilities:

- a. Indoor and outdoor swimming pools.
- b. Ice skating rink.
- c. Indoor and outdoor tennis courts.
- d. Indoor and outdoor basketball court or other ball field.
- e. Physical fitness facilities.
- f. Park, playground, and picnic and barbecue area.
- g. Walkways, bike paths, jogging paths.
- h. Bowling alley.
- i. Arcade.

8. Hotel with up to 100 hotel units in a single building.

9. Mixed Use Structure, subject to the rules of DCC 18.108.055(E)(3) and a limit of 8,000 square feet of floor area for commercial uses listed in DCC 18.108.055(A)(5) or recreational uses listed in DCC 18.108.055(A)(7), unless said uses are approved as large scale uses pursuant to DCC 18.108.055(C).

**10. Residential Facility:**

**11.10.** Senior housing/assisted living or active adult development, excluding nursing homes.

**12.11.** Townhomes, subject to paragraphs (E)(1) and (2).

13.12. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.

14.13. Similar uses to those allowed outright, provided they are approved by the County in the decision approving the Conceptual Site Plan described in DCC 18.108.055(K).

15.14. Religious institutions or assemblies.

B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.116, 18.124, and 18.128.

1. Public buildings and public utility buildings and structures.
2. Bed and breakfast inn.
3. Ambulance service.
4. Fire station.
5. Police station.
6. Bus passenger station.
7. Live/work dwelling units.
8. Stand-alone parking structure.
9. Accessory uses to the above-listed conditional uses.
10. Marijuana retailing, subject to the provisions of DCC 18.116.330.
11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

C. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.055(A)(5) or (A)(7) may be allowed in a building or buildings each exceeding 8,000 square feet of floor area if the Planning Director or Hearings Body finds:

1. That the intended customers for the proposed use will come from the Sunriver community and surrounding rural area. The surrounding rural area is the area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community; and/or
2. The use will meet the needs of the people passing through the area.

D. Form of Ownership/List of Uses.

1. Any lawful form of ownership is allowed in the TC District.
2. The listing of uses permitted in the TC District is not intended to prohibit other uses allowed elsewhere in Sunriver.
3. When a general use listed in the TC District includes a use or type of ownership that is more specifically described in another zone in Sunriver, the specific listing elsewhere does not prohibit that use from being conducted in the TC District.

#### E. Use Limits.

1. Commercial uses, except for Type 1 home occupations as defined in DCC 18.116.280, are not allowed in Multi-Unit Dwellings or Townhomes..
2. Notwithstanding subsection (E)(1), above, the following uses are allowed in Multi-Unit Dwellings or Townhomes:
  - a. Live/work dwelling units.
  - b. Lock-off areas.
  - c. Accessory uses to the residential use of the building, such as parking and storage areas.
3. In a Mixed Use Structure, any ground floor unit that has primary frontage along a public plaza approved as part of a Conceptual Site Plan shall be used only for commercial, recreational, or community/governmental uses, but not for hotel units.
4. A live/work dwelling unit is subject to the following conditions.
  - a. One or more walls of the dwelling unit abut another residential or commercial building.
  - b. The first floor above the garage is the ground floor, where a parking garage is provided below a dwelling unit, below the average finished grade and is completely obscured from view on at least one side of the building.
  - c. The commercial area of the live/work dwelling unit may not exceed fifty percent (50%) of the square footage of the entire unit, excluding the garage.

- d. The commercial area shall not exceed 8,000 square feet of floor area in combination with other commercial uses in the same building unless the building has been approved as a part of a Large Scale Use pursuant to DCC 18.108.055(C).

#### F. Height Regulations.

1. Except as provided in subsection (2), below, no Mixed Use Structure shall be erected, enlarged, or structurally altered to exceed 60 feet in height.
2. One Mixed Use Structure shall be permitted with a maximum height not to exceed 75 feet in height, so long as the building footprint of that portion of said structure that exceeds 60 feet in height is not greater than 40,000 square feet of the structural footprint.
3. Townhomes may not exceed 40 feet in height.
4. Multi-Unit Dwellings that are not Mixed Use Structures may not exceed 50 feet in height.
5. The height of all other structures for uses other than those described in subsections (F)(1)-(4), above, may not exceed 45 feet in height.
6. Where a parking garage is provided beneath buildings or structures described in subsection (F)(1) and (2), above, the height of the structure shall be measured from the highest point of the roof to one of the following points:
  - a. A point equal to the elevation of the highest abutting sidewalk or finished grade within a five foot horizontal distance of the exterior wall of the building when such sidewalk or finished grade is not more than 10 feet above the lowest elevation adjacent to the building; or
  - b. A point equal to the elevation that is 10 feet higher than the lowest finished grade from the sidewalk or ground surface described in subsection (a), above, when the sidewalk or ground surface described in subsection (a) is more than 10 feet above lowest finished grade adjacent to the building.
7. Projections and architectural elements such as chimneys, spires, clock towers, skylights, atriums, flag poles, mechanical equipment, and screens and other similar items that do not add habitable interior floor area may be allowed to exceed the height limit by a maximum of 10 feet.

8. Structures that comply with the height limitations of this subsection also comply with the view protection requirement imposed by DCC 18.124.060(A).

G. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed.

1. Front setback: the front setback shall be a minimum of 10 feet.
  - a. Where a lot or parcel has more than one front lot line, only one front setback area must meet the 10 feet minimum.
  - b. Below-grade parking structures that are built under private streets do not need to meet front setback requirements.
2. Side setback: 0 feet.
3. Rear setback: 0 feet.
4. Street Frontage: 0 feet.
5. Road Access.
  - a. Each lot or parcel shall have access to any required parking areas and driveways, and to a private road, via a perpetual easement recorded for the benefit of the subject lot or parcel.

H. District Setback.

1. All development, including structures and sight-obstructing fences over three feet in height, shall be set back from exterior TC District boundaries by the following distances:
  - a. Where the TC District boundary borders an RS or RM District, the minimum setbacks will be:
    - 1) 15 feet from the TC District boundary for any portion of a structure that is 45 feet or lower.
    - 2) 20 feet from the TC District boundary for any portion of a structure that is over 45 feet in height and that does not exceed 50 feet in height.
    - 3) 50 feet from the TC District boundary for any portion of a structure that is over 50 feet in height.

b. Where the TC District boundary borders a CL District, the minimum setbacks will be:

- 1) Five feet from the TC District boundary for any portion of a structure that is 45 feet or lower.
- 2) 10 feet from the TC District boundary for any portion of a structure that is over 45 feet in height and that does not exceed 50 feet in height.
- 3) 20 feet from the TC District boundary for any portion of a structure that is over 50 feet in height and that does not exceed 60 feet in height.
- 4) 50 feet from the TC District boundary for any portion of a structure that is over 60 feet in height.

c. Where the TC District boundary borders any other zoning district, the minimum setback will be:

- 1) 10 feet from the TC District boundary for any portion of a structure that is 45 feet in height or lower.
- 2) 15 feet from the TC District boundary for any portion of a structure that is over 45 feet in height and that does not exceed 50 feet in height.
- 3) 20 feet from the TC District boundary for any portion of a structure that is over 50 feet in height.

2. Items allowed in the District Setback include, but are not limited to, parking, roads, signage, pedestrian pathways, street trees, planters, driveways, landscaping, and outdoor seating.

#### I. Floor Area Ratio.

1. The maximum Floor Area Ratio in the TC District is 1.0.
2. Floor Area Ratio is determined by dividing the floor area of all floors of all buildings that are proposed by a Conceptual Site Plan by the land area to be bound by the Conceptual Site Plan.
3. The following areas are not a part of the “floor area of all buildings”:

- a. Below-grade parking garages and mechanical rooms and storage areas located on the same floor as the parking garage.
- b. Crawl spaces and attics that are not suited to human occupancy.

J. Zone Coverage.

1. The total square footage of the structural footprints of buildings and enclosed structures is limited to fifty percent (50%) of the gross acreage bound by a Conceptual Site Plan in the TC District.
2. The total square footage of the structural footprints of Multi-Unit Dwellings and Townhome buildings allowed by DCC 18.108.055(A)(6) and (12) is limited to a maximum of twenty percent (20%) of the gross acreage of the TC District.
3. When calculating the structural footprint, buildings and enclosed structures include any deck that is more than 12 inches above finished grade and all areas within any screened enclosure permanently affixed to the ground.
4. The following are not included as building or structures for purposes of calculating structural footprint:
  - a. Eaves and any driveway, road, walkway, deck, patio, plaza, or porch that is 12 inches or less above finished grade (except with affixed improvements that exceed 12 inches); and
  - b. Parking areas on or below finished grade.

K. Conceptual Site Plan.

1. Prior to or concurrent with approval of a site plan or conditional use permit, an applicant must file for approval of a Conceptual Site Plan.
2. A Conceptual Site Plan shall provide a master plan that depicts the approximate location of all of the applicant's proposed land uses.
3. All land owned or controlled by the applicant in the TC District must be shown on and will be bound by the applicant's Conceptual Site Plan.
4. A Conceptual Site Plan application must include all of the following information:
  - a. Types of uses.
  - b. Site circulation.

- c. Pedestrian Facilities.
- d. Traffic impact study, as described in DCC 17.16.115.
- e. The following additional information:
  - 1) An analysis of site access points to Abbott Drive and Beaver Drive by a registered professional engineer who specializes in traffic analysis work that describes operational, capacity and sight distance issues of those access points and the impact of Conceptual Site Plan development on those access points.
  - 2) Identification of street system improvements needed to support the proposed development based on the information provided by the reviews required by this subsection (d).
  - 3) A schedule for the construction of needed street improvements, if any, keyed to development benchmarks.
- f. Approximate location of phase boundaries, if phased development is proposed, and notation of the phasing sequence.
- g. The projected location and projected range of building or structure size, in square feet, for commercial uses.
- h. The projected location and projected range of the number of dwelling units for residential use.
- i. The projected location and approximate size, in square feet, of plazas and public gathering areas.
- j. Elevations throughout the site that represent general elevations of each use.
  - 1) Examples of uses for which such elevations should be shown on the Conceptual Site Plan are residential, hotel or commercial structures, pedestrian plazas, parking areas, road intersections, and at length along all roadways.
  - 2) Such elevations must show existing and projected finished elevations.
- k. The projected structural footprint and location of new buildings or parking areas. The exact structural footprints and locations of

buildings and parking areas shall be determined during site plan review.

- l. Existing uses on lands owned or controlled by persons other than the applicant.
5. A Conceptual Site Plan shall be approved if it demonstrates that future development is located on the subject property so that, in addition to the requirements of DCC 18.108.055, the following standards can be met at the time of site plan review:
  - a. DCC 23.40.025; and
  - b. DCC 18.124.060 (A) - (E) and (I); interpreted as described in DCC 23.40.025(E)(1)(d)(3).
6. Approval of a Conceptual Site Plan does not authorize uses or development.
7. An applicant shall commence development within five years of the date of final approval of the Conceptual Site Plan unless an extension of the duration of approval of the Conceptual Site Plan has been granted pursuant to DCC 22.36.010(C).
8. Substantial construction of a Conceptual Site Plan development, for purposes of DCC 22.36.020(A)(2), occurs when the first building authorized by the Plan has been substantially constructed, as defined by DCC 22.36.020(B).

L. Application and approval process.

1. A site plan or conditional use application shall be consistent with the Conceptual Site Plan with the following exceptions.
  - a. Existing structures or features can be used or altered to meet the requirements of subsections (5) and (10)-(13) of this subsection.
  - b. If the existing structures or features were included in a site plan approval under DCC 18.108.055 and the existing structures or features are proposed to be altered by subsequent site plan, that subsequent site plan must demonstrate compliance with the requirements of subsections (5) and (10)-(13) of this subsection.
2. A site plan application shall include the number of all uses by type, their ITE code and their pm peak hour trips.

3. Each site plan, cumulatively with any previously approved site plan, shall demonstrate that the development will not generate traffic at a rate that will exceed the number of pm peak hour vehicle trips for residential and commercial uses assumed in the traffic study required by subsection (K)(4) above.
4. Adjustments may be made to building locations, sizes, structural footprints, unit counts and phase boundaries shown on the Conceptual Site Plan during site plan review if such adjustments do not constitute a change requiring modification of approval of the Conceptual Site Plan pursuant to DCC 22.36.040.
5. An applicant seeking site plan approval shall demonstrate that, when the development that is subject to the site plan approval is complete, a ratio of 150 square feet of commercial space to one dwelling unit will be met.
6. The term “dwelling unit” used in subsection (5), above, includes:
  - a. All hotel units and residential dwelling units, including Multi-Unit Dwellings and Townhomes.
  - b. Lock-off Areas shall be counted as a half dwelling unit for purposes of calculating the ratio described in subsection (5), above.
7. The development in the TC District, cumulatively with any previously approved site plan, must meet the ratio in subsection (5) above.
8. When a second or subsequent site plan is approved a commercial area shown on a prior site plan may be counted toward meeting the required ratio in Subsection (5) above only if construction of the commercial area approved on a prior site plan has been commenced.
9. The site plan shall include the projected finished and existing grade elevations of the site indicating every foot of elevation change on the subject property.
10. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the fifteen percent (15%) lot area landscaping requirement of DCC 18.124.070(B)(1)(a).
  - a. Landscape areas existing as of the adoption of Ordinance 2008-105 may be used to determine compliance with the fifteen percent (15%) rule as long as the existing landscaping is included in the site plan.

- b. In the TC District, plazas available to the public may be included to demonstrate compliance with the fifteen percent (15%) landscaping requirement.

11. Each site plan, cumulatively with all previous site plans, shall demonstrate compliance with the FAR requirements of DCC 18.108.055(I).

12. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the recreation space requirements of DCC 18.124.070(A)(2).

13. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the zone coverage requirements of DCC 18.108.055(J).

14. Where improved bike paths cross land proposed for site plan development, the applicant shall retain or relocate and rebuild the bike path.

M. Any application for a zone change to the Town Center District shall include a copy of a signed development agreement between the property owner, the applicant, if different than the property owner, and the homeowners association.

#### HISTORY

*Adopted by Ord. [2008-015](#) §2 on 6/30/2008*

*Amended by Ord. [2015-004](#) §9 on 4/22/2015*

*Amended by Ord. [2016-015](#) §9 on 7/1/2016*

*Amended by Ord. [2020-001](#) §12 on 4/21/2020*

*Amended by Ord. [2022-014](#) §7 on 4/4/2023*

*Amended by Ord. [2025-002](#) §26 on 3/28/2025*

*Amended by Ord. [2026-0XX](#) §X on XX/2026*

#### **[18.108.060 Resort; R District](#)**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District, subject to the applicable provision of DCC 18.116 and DCC 18.124:

1. Resort facility developed in a building or buildings, without any floor area limitations, which include any combination of:
  - a. Meeting room, convention, and banquet facility.
  - b. Resort recreation facilities.

- c. Property sales and rental office.
- d. Hotel, motel and lodging facility with up to 100 units in a single building.
- e. Maintenance facility associated with resort and recreation operations.
- f. Storage building necessary for and associated with resort, recreation, and/or property development.
- g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.

2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
4. Interval ownership and/or time-share unit or the creation thereof.
5. Multi-unit dwellings subject to and consistent with the standards of the RM District.
6. Recreational path.

**7.—Residential facility.**

**8-7.** A building or buildings each not exceeding 8,000 square feet of floor area which conform with the height regulations and lot or parcel requirements of the R District and include any combination of:

- a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
- b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.116, DCC 18.124, and 18.128:

1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
2. Religious institutions or assemblies, club, or fraternal organization.
3. School.

C. Height Regulations. No structure shall be hereafter erected, enlarged, or structurally altered to exceed 40 feet in height.

D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. Minimum of 100 feet.
3. Front Setback. The front setback shall be a minimum of 10 feet.
4. Side Setback. None, except when a side lot line is abutting a lot or parcel in an RS or RM District, and then the side setbacks shall be a minimum of 10 feet. The required side setbacks shall be increased by one half foot for each foot by which the structure height exceeds 20 feet.
5. Rear Setback. None, except when a rear lot line is abutting a lot or parcel in an RS or RM District, and then the rear setback shall be a minimum of 10 feet. The required rear setback shall be increased by one half foot for each foot by which the structure height exceeds 20 feet.
6. Lot Coverage. No requirements.

#### HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [2020-001](#) §12 on 4/21/2020

Amended by Ord. [2024-008](#) §13 on 1/7/2025

Amended by Ord. [2025-002](#) §26 on 3/28/2025

*Amended by Ord. 2026-0XX §X on X/X/2026*

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## **CHAPTER 18.110 RESORT COMMUNITY ZONE**

18.110.010 Purpose

18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts

18.110.030 Widgi Creek Residential District

18.110.040 Black Butte Ranch Surface Mining/Limited Use Combining District

18.110.050 Black Butte Ranch-Utility/Limited Use Combining District

18.110.060 Development Standards

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### **18.110.020 Seventh Mountain/Widgi Creek And Black Butte Ranch Resort Districts**

A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:

1. A single-unit dwelling.

~~2. Residential home.~~

3.2. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.

4.3. Timeshare units at the Inn of the Seventh Mountain.

5.4. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.

6.5. Livestock and horse grazing on common area in Black Butte Ranch.

7.6. Police or security facility.

8.7. Temporary Hardship Dwelling, subject to DCC 18.116.090.

B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

1. Resort facility, as that term is defined in DCC Title 18.

2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).

3. Resort utility facilities, as that term is defined in DCC Title 18.

4. Property sales and rental office.

5. Hotel or motel.

6. Daycare facility.
7. Fire station.
8. Post office.
9. Multiple-unit dwellings.
10. Employee housing.

**~~11. Residential facility:~~**

C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

1. Religious institutions or assemblies.
2. Wireless telecommunications facility.

**HISTORY**

*Adopted by Ord. [2001-048](#) §2 on 12/10/2001*

*Amended by Ord. [2014-009](#) §1 on 8/6/2014*

*Amended by Ord. [2014-025](#) §1 on 9/15/2014*

*Amended by Ord. [2020-001](#) §13 on 4/21/2020*

*Amended by Ord. [2024-008](#) §14 on 1/7/2025*

*Amended by Ord. [2025-002](#) §27 on 3/28/2025*

*Amended by Ord. [2025-005](#) §11 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

**18.110.030 Widgi Creek Residential District**

The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.060:

A. A single-unit dwelling.

**~~B. Residential home:~~**

**~~C. Residential facility:~~**

**D.B. Timeshare units.**

**E.C. Temporary Hardship Dwelling, subject to DCC 18.116.090.**

## HISTORY

*Adopted by Ord. [2001-048](#) §2 on 12/10/2001*

*Amended by Ord. [2025-002](#) §27 on 3/28/2025*

*Amended by Ord. [2025-005](#) §11 on 8/19/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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## **CHAPTER 18.116 SUPPLEMENTARY PROVISIONS**

- [18.116.010 Authorization Of Similar Uses](#)
- [18.116.020 Clear Vision Areas](#)
- [18.116.030 Off-Street Parking And Loading](#)
- [18.116.031 Bicycle Parking](#)
- [18.116.035 Bicycle Commuter Facilities](#)
- [18.116.036 Special Parking Provisions For The Sunriver Town Center \(TC\) District](#)
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- [18.116.050 Manufactured Dwellings](#)
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- [18.116.095 Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel](#)
- [18.116.100 Building Projections](#)
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- [18.116.140 Electrical Substations](#)
- [18.116.150 Endangered Species](#)
- [18.116.160 Rimrock Setbacks Outside Of LM Combining Zone](#)
- [18.116.170 Solar Height Restrictions](#)
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- [18.116.200 \(Repealed\)](#)
- [18.116.210 Residential Homes And Residential Facilities](#)
- [18.116.215 Family Child Care Provider](#)
- [18.116.220 Conservation Easements On Property Abutting Rivers And Streams; Prohibitions](#)
- [18.116.230 Standards For Class I And II Road Projects](#)
- [18.116.240 Protection Of Historic Sites](#)
- [18.116.250 Wireless Telecommunications Facilities](#)
- [18.116.260 Rock Crushing Outside The SM Zone](#)
- [18.116.270 Conducting Filming Activities In All Zones](#)
- [18.116.280 Home Occupations](#)

[18.116.290 Amateur Radio Facilities](#)

[18.116.300 Wind Energy Systems That Generate Less Than 100 KW](#)

[18.116.310 Traffic Impact Studies](#)

[18.116.320 Medical Marijuana Dispensary](#)

[18.116.330 Marijuana Production, Processing, Retailing, And Wholesaling](#)

[18.116.340 Marijuana Production Registered By The Oregon Health Authority \(OHA\)](#)

[18.116.350 Historic Home Accessory Dwelling Units In RR-10 And MUA Zones](#)

[18.116.355 Accessory Dwelling Units In The RR-10 And MUA Zones](#)

[18.116.360 Nursery Schools](#)

[18.116.380 Psilocybin Manufacturing, Service Centers, And Testing Laboratories](#)

[18.116.390 Identification Of Certain Features For Clear And Objective Applications Pursuant To DCC 22.08.040](#)

[18.116.400 Land Divisions](#)

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### **18.116.030 Off-Street Parking And Loading**

A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.

B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

1. Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 5,000	0
5,000-30,000	1

30,000-100,000	2
100,000 and Over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use which has a gross floor area of 30,000 square feet or more shall provide off street truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.

4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.

D. Number of Spaces Required. Off-street parking shall be provided as follows:

1. Residential.

Use	Requirements
Single-Unit Dwelling, Duplex, and Three-Unit Dwelling	2 spaces per dwelling unit
Multi-unit dwelling containing four or more dwelling units: Studio or efficiency unit	0.75 space per unit
1 bedroom	1.00 space per unit
2 bedroom	1.50 space per unit
3 bedroom	2.25 space per unit
4 bedroom	2.50 space per unit
Hotel	0.50 space guest parking per dwelling room

2. Commercial Lodging.

Use	Requirements
Hotel	1 space per guest room plus 1 space per 2 employees.
Motel	1 space per guest room or suite plus 1 additional space for the owner-manager
Club or lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory	1 space for each 6 student beds

3. Institutions.

Use	Requirements

Welfare or correctional institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, nursing hospital, sanitarium, rest home, home for the aged	1 space per 2 beds for patients or residents
Hospital	1.50 spaces per bed

4. Places Of Public Assembly.

Use	Requirements
Religious institutions or assemblies	1 space per 4 seats or 8 feet of bench length in the main auditorium or 1 space for each 50 sq. ft. of floor area used for assembly
Library, reading room, museum, art gallery	1 space per 400 sq. ft. of floor area plus 1 space per 2 employees
Preschool, nursery or kindergarten	2 spaces per teacher
Elementary or junior high schools	1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater, plus 1 space per employee.
High schools	1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater, plus 1 space per employee
College or commercial school for adults	1 space per 3 seats in classrooms
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor area

5. Commercial Amusements.

Use	Requirements

Stadium, arena or theater	1 space per 4 seats or 8 feet of bench length
Bowling alley	6 spaces per lane, plus 1 space per 2 employees
Dance hall or skating rink	1 space per 100 sq. ft. of floor area, plus 1 space per 2 employees.

6. Commercial.

Use	Requirements
Grocery stores of 1,500 sq. ft. or less of gross floor area, and retail stores, except those selling bulky merchandise	1 space per 300 sq. ft. of gross floor area
Supermarkets, grocery stores	1 space per 200 sq. ft. of gross floor area
Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 sq. ft. of gross floor area
Bank or office, except medical or dental	1 space per 300 sq. ft. of gross floor area
Medical and dental office or clinic	1 space per 150 sq. ft. of gross floor area
Eating or drinking establishments	1 space per 100 sq. ft. of gross floor area
Mortuaries	1 space per 4 seats or 8 ft. of bench length in chapels

7. Industrial.

Use	Requirements

Manufacturing establishment	1 space per employee on the largest working shift
Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space per 2,000 sq. ft. of floor area

8. Airport Uses.

Use	Requirements
Hangars or tie-downs	1 space per 4 private aircraft occupying a hangar or tie-down space
Office	1 space per 300 sq. ft. of gross floor area
Aircraft maintenance	1 space per 1,000 sq. ft. of gross floor area
Manufacturing, assembly, research	1 space per 500 sq. ft. of gross floor area

9. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.

E. General Provisions. Off-Street Parking.

1. More Than One Use on One or More Lot or Parcels. In the event several uses occupy a single structure, lot, or parcel, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures, lots, or parcels 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, lots, or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures, lots, or parcels are under separate ownership, the right to joint use of the parking space must be evidence by a deed, lease, contract, or other appropriate written document to establish the joint use.
3. Location of Parking Facilities. Off-street parking spaces for dwelling units shall be located on the same lot or parcel with the dwelling unit. Other

required parking spaces shall be located on the same lot or parcel or another lot or parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.

4. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.
5. Parking, Front Setback Area. Required parking and loading spaces for multi-unit dwellings or commercial and industrial uses shall not be located in a required front setback area, except in the Sunriver UUC Business Park (BP) District, Airport Development (AD) Zone, and properties fronting Spring River Road in the Spring River Rural Commercial Zone, but such space may be located within a required side or rear setback area.
6. On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space abutting a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
  - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
  - b. Diagonal parking (60 degree), each with 11 feet of curb;
  - c. Perpendicular parking (90 degree), each with 10 feet of curb;
  - d. Curb space must be connected to the lot or parcel that contains the use;

- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.

F. Development and Maintenance Standards for Off-Street Parking Areas. Every lot or parcel hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

- 1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence when abutting residential uses, unless effectively screened or buffered by landscaping or structures.
- 2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any abutting property in a residential zone.
- 3. Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.
- 4. Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:
  - a. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
  - b. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
  - c. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.

5. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
7. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line, and a straight line joining said lines through points 30 feet from their intersection.
8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an abutting lot line or a street right of way.

G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:

1. For one row of stalls use "C" + "D" as minimum bay width.
2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.
3. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.
4. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.

## OFF-STREET PARKING LOT DESIGN

(A) Parking Angle	(B) Stall Width	(C) 20' Stall	(D) Aisle Width- One Way*	(E) Curb Length Per Car	(F) Bay Width
0°	9'-0" 9'-6" 10'-0"	9.0 9.5 10.0	12.0 12.0 12.0	22.0 22.0 22.0	30.0 31.0 32.0
45°	9'-0" 9'-6" 10'-0"	19.8 20.1 20.5	13.0 13.0 13.0	12.7 13.4 14.1	52.5 53.3 54.0
60°	9'-6" 10'-0"	21.2 21.5	18.0 18.0	11.0 11.9	60.4 61.0
70°	9'-0" 9'-6" 10'-0"	21.0 21.2 21.2	19.0 18.5 18.0	9.6 10.1 10.6	61.0 60.9 60.4
90°	9'-0" 9'-6" 10'-0"	20.0 20.0 20.0	24.0 24.0 24.0	9.0 9.5 10.0	64.0 64.0 64.0
*24' Minimum for Two-Way Traffic					

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [90-017](#) §1 on 4/11/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [93-043](#) §19 on 8/25/1993

Amended by Ord. [93-063](#) §2 on 12/15/1993

Amended by Ord. [96-003](#) §7 on 3/27/1996

Amended by Ord. [97-078](#) §6 on 12/31/1997

Amended by Ord. [2001-044](#) §4 on 10/10/2001

Amended by Ord. [2002-015](#) §2 on 6/19/2002

Amended by Ord. [2003-005](#) §2 on 3/5/2003

Amended by Ord. [2004-013](#) §12 on 9/21/2004

Amended by Ord. [2010-018](#) §1 on 6/28/2010

Amended by Ord. [2020-001](#) §14 on 4/21/2020

Amended by Ord. [2020-017](#) §2 on 1/29/2021

Amended by Ord. [2020-018](#) §2 on 3/30/2021

Amended by Ord. [2025-002](#) §30 on 3/28/2025

*Amended by Ord. 2026-0XX §X on X/X/2026*

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### **18.116.095 Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel**

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel in a manufactured dwelling park, manufactured dwelling subdivision, mobile home park, or recreational vehicle park, consistent with ORS 197.493(1), provided that:
  1. The recreational vehicle is occupied as a dwelling; and
  2. The recreational vehicle is lawfully connected to water and electrical supply systems and a sewage disposal system.
- B. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling unit and not within a manufactured dwelling park, mobile home park, or recreational vehicle park and used as a temporary dwelling:
  1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
  2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
- C. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel containing a manufactured dwelling or single-unit dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding, or storms until no later than the date:
  1. The single-unit dwelling or manufactured dwelling has been repaired or replaced and an occupancy permit has been issued;
  2. The local government makes a determination that the owner of the single-unit dwelling or manufactured dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
  3. **Twenty-four months**~~Five years~~ after the date the single-unit dwelling or manufactured dwelling first became uninhabitable.

D. In the RR-10 and MUA-10 Zones, a single recreational vehicle, as defined in DCC Title 18, may be established as a rental dwelling provided the following requirements are met:

1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:
  - a. The subject lot or parcel contains a single-unit dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;
    - 1) As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling; and
    - 2) As used in this section, “primary residence” means a dwelling unit occupied by the property owner on a long-term or permanent basis.
  - b. The lot area is at least two acres, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres;
  - c. There are no other dwelling units, guest houses, or occupied recreational vehicles on the lot or parcel and no portion of the single-unit dwelling or manufactured dwelling is rented for residential tenancy. This prohibition does not apply to a recreational vehicle under 18.116.095(C).
  - d. The lot or parcel is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
  - e. The recreational vehicle shall maintain a setback of at least 10 feet from any structure and must be located no farther than 100 feet from the single-unit dwelling. This distance shall be measured from the

closest wall of the single-unit dwelling existing on May 7, 2025 to the closest wall of the recreational vehicle;

- f. The property owner will provide essential services to the recreational vehicle space including:
  - 1) Sewage disposal, listed frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes; and
  - 2) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy;
- g. At the time of application, the property owner must demonstrate an application has been made to the Onsite Wastewater Division for any necessary onsite wastewater disposal permits.
- h. At the time of application, a letter confirming that the supplier of water is "Willing and Able to Serve" the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.
- i. At the time of application, the property owner must demonstrate an application has been made to the Deschutes County Address Coordinator for an address for the recreational vehicle.
- j. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4", concrete with a minimum thickness of 3.5", or asphalt with a minimum thickness of 3";
- k. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides;
- l. The property owner shall demonstrate compliance with one of the following defensible space requirements:
  - 1) The property owner shall maintain a 20-foot radius of non-combustible ground cover consisting of gravel, concrete,

asphalt, grass mowed to less than four inches, or a combination of these; or

2) Prior to the siting of a recreational vehicle on the property, the property owner shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the recreational vehicle on land that is owned or controlled by the owner.

m. The property owner shall demonstrate compliance with one of the following emergency access requirements:

1) Access to the recreational vehicle must be provided by a continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:

A. Composed of an all-weather surface including asphalt or concrete; or

B. Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;

2) The property owner shall provide written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the recreational vehicle meets minimum fire district requirements to provide emergency services to the property.

n. Prior to siting any recreational vehicle as a rental dwelling, the property owner shall sign and record with the County Clerk a restrictive covenant stating a recreational vehicle allowed under DCC 18.118.095(D) cannot be used for vacation occupancy, as defined in DCC 18.116.095(D)(1)(n)(i) and consistent with ORS 90.100, or other short-term uses.

- 1) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
  - A. The occupant rents the unit for vacation purposes only, not as a principal residence; and
  - B. The occupant has a principal residence other than at the unit; and
  - C. The period of authorized occupancy does not exceed 45 days.
- o. For properties located in the Wildlife Area Combining Zone, a recreational vehicle approved under this section is subject to the dwelling siting standards of DCC 18.88.060(B); and
- p. For properties located in the Surface Mining Impact Area Combining Zone, a recreational vehicle approved under this section is subject to site plan approval pursuant to DCC 18.56.
2. Each recreational vehicle used as a rental dwelling must comply with the following standards:
  - a. The recreational vehicle is subject to a written residential rental agreement as defined in ORS 90.100(39);
  - b. The recreational vehicle shall be owned or leased by the tenant;
  - c. The recreational vehicle shall include an operable toilet and sink;
  - d. The recreational vehicle has not been rendered structurally immobile; and
  - e. The recreational vehicle shall be titled with a Department of Transportation.
- E. All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.
- F. A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on-site.

- G. A recreational vehicle used as a dwelling or temporary dwelling unit shall meet the same setbacks required of a permanent dwelling on the subject lot or parcel.
- H. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
- I. As identified in this section, a single recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.

#### HISTORY

Amended by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-062](#) §1 on 12/9/1998

Amended by Ord. [2007-019](#) §4 on 9/28/2007

Amended by Ord. [2023-001](#) §16 on 5/30/2023

Amended by Ord. [2025-002](#) §30 on 3/28/2025

Amended by Ord. [2025-004](#) §4 on 5/7/2025

*Amended by Ord. 2026-0XX §X on XX/2026*

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#### **18.116.210 Residential Homes And Residential Facilities**

- A.** In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.
- B.** Residential homes and facilities shall be permitted pursuant to the standards of ORS 197.665 and 197.667, respectively, and any applicable standards of the DCC.

*Residential homes and facilities are permitted in the following zones, as summarized in the following table:*

<b>Zone</b>	<b>Residential Home</b>	<b>Residential Facility</b>
<u>Exclusive Farm Use (EFU)</u>	<u>Permitted in existing dwellings, subject to the standards of ORS 215.296</u>	<u>Not permitted</u>
<u>Multiple Use Agricultural (MUA10)</u>	<u>Permitted</u>	<u>Not permitted</u>

<u>Rural Residential (RR10)</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Rural Service Center - Brothers, Hampton, Millican, Whistlestop, and Wildhunt</u> <u>Commercial/Mixed Use</u>	<u>Permitted, subject to the applicable provisions of DCC 18.65.030</u>	<u>Permitted conditionally, subject to the applicable provisions of DCC 18.65.030</u>
<u>Rural Service Center - Alfalfa</u> <u>Commercial/Mixed Use</u>	<u>Permitted, subject to the applicable provisions of DCC 18.65.030</u>	<u>Permitted, subject to the applicable provisions of DCC 18.65.030</u>
<u>Rural Service Center - Alfalfa Residential</u>	<u>Permitted, subject to the applicable provisions of DCC 18.65.030</u>	<u>Not permitted</u>
<u>Terrebonne Residential District (TeR)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.66.060</u>	<u>Permitted conditionally, subject to the applicable provisions of DCC 18.66.060</u>
<u>Terrebonne Residential - 5 Acre Minimum District (TeR5)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.66.060</u>	<u>Permitted conditionally, subject to the applicable provisions of DCC 18.66.060</u>
<u>Terrebonne Commercial District (TeC)</u>	<u>Permitted on a lot or parcel existing on June 4, 1997, subject to the applicable provisions of DCC 18.66.060</u>	<u>Not permitted</u>
<u>Terrebonne Commercial - Rural (TeCR)</u>	<u>Permitted on a lot or parcel existing on June 4, 1997, subject to the applicable provisions of DCC 18.66.060</u>	<u>Not permitted</u>
<u>Tumalo Residential District (TuR)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.67.080</u>	<u>Permitted conditionally, subject to the applicable provisions of DCC 18.67.080</u>
<u>Tumalo Residential - 5 Acre Minimum District (TuR5)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.67.080</u>	<u>Not permitted</u>

<u>Tumalo Commercial District (TuC)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.67.080</u>	<u>Not permitted</u>
<u>Deschutes Junction and Deschutes River Woods Store</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Pine Forest and Rosland</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Sunriver – Single Unit Residential (RS District)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.108.020</u>	<u>Permitted conditionally, subject to the applicable provisions of DCC 18.108.020</u>
<u>Sunriver – Multiple Unit Residential (RM District)</u>	<u>Permitted, subject to the applicable provisions of DCC 18.108.020</u>	<u>Permitted, subject to the applicable provisions of DCC 18.108.020 and consistent with the standards for multi-unit dwellings identified in DCC 18.108.040</u>
<u>Sunriver – Commercial (C District)</u>	<u>Not permitted</u>	<u>Permitted, subject to the applicable provisions of DCC 18.108.020</u>
<u>Sunriver – Town Center (TC District)</u>	<u>Not permitted</u>	<u>Permitted, subject to the applicable provisions of DCC 18.108.020 and DCC 18.108.055(E)(1) and (2)</u>
<u>Sunriver – Resort (R District)</u>	<u>Not permitted</u>	<u>Permitted, subject to the applicable provisions of DCC 18.108.020 and consistent with the standards for multi-unit dwellings identified in DCC 18.108.040</u>
<u>Seventh Mountain/Widgi Creek and Black Butte Ranch Resort Districts</u>	<u>Permitted, subject to the applicable provisions of DCC 18.110.060</u>	<u>Permitted, subject to site plan review and the applicable provisions of DCC 18.110.060</u>

<u>Widgi Creek Residential District</u>	<u>Permitted, subject to the applicable provisions of DCC 18.110.060</u>	<u>Permitted, subject to the applicable provisions of DCC 18.110.060</u>
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## HISTORY

*Adopted by Ord. [91-038](#) §3 on 9/30/1991*

*Amended by Ord. [2024-008](#) §15 on 1/7/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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## **18.116.250 Wireless Telecommunications Facilities**

A. Tier 1 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize natural wood colors or muted tones from amongst colors approved by Ordinance 97-017, that utilize a radio equipment cabinet or shelter that is less than 200 square feet in area and less than 10 feet in height, and that meet the following standards are allowed outright in any zone other than the Exclusive Farm Use, the Surface Mining Zone, and the Forest Zones and shall not be subject to any other provision of the zone:

1. Facilities established by co-locating an additional set of antennas on an existing wireless telecommunications tower or monopole that do not exceed the County approved height of the tower or monopole. Notwithstanding any provision of DCC 18.116.250(A), facilities established under DCC 18.116.250(A)(1) are permitted outright in any zoning district.
2. Facilities that make use of existing vertical, lawfully established structures, including but not limited to power or telephone utility poles or towers, parking lot or street lighting standards or flagpoles. A pole location in a public right of way shall not be fenced. Antennas established on an existing vertical structure shall be installed so that they do not exceed the height of the existing vertical structure by more than 15 feet. New structures in this category are limited to equipment shelters that do not require a building permit. Walk-in equipment shelters shall be set back out of any road right of way at least 20 feet back from the pole location. Any necessary road right of way permits shall be obtained from the Deschutes County Road Department. Equipment cabinets shall be subject only to the road right of way setback requirements.

3. Facilities that are established by attaching or placing an antenna or set of antennas on an existing, lawfully established building not designated as an historic structure, where the antenna array does not exceed the height of the building by more than 15 feet. All equipment shall be stored inside a building.
4. Facilities that include installation of a new wood monopole that does not exceed the height limit of the underlying zone, and does not exceed 45 feet in height. All equipment shall be stored in a building that has a floor area that does not exceed 200 square feet in area and does not exceed 10 feet in height. The monopole, and any building, shall be set back from abutting lot lines according to the setbacks of the underlying zone. Any microwave dishes installed on the monopole shall not exceed a diameter of four feet. No more than two dishes shall be installed on a monopole or tower. The perimeter of a lease area for a facility established under DCC 18.116.250(A)(4) shall be landscaped with shrubs eight feet in height and planted a maximum of 24 inches on center.

B. Tier 2 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize a wood monopole for supporting antennas and/or microwave dishes and that meet the criteria in DCC 18.116.250 are allowed outright, subject to site plan review under DCC 18.116.250(B) (and not DCC 18.124.060) in the following zones: La Pine Commercial District (LPCD), La Pine Industrial District (LPID), Rural Industrial (RI), Rural Service Center (RSC), Rural Service Center-Wickiup Junction (RSC-WJ), Terrebonne Commercial District (TeC), and Tumalo Commercial District (TuC). Lattice towers or metal monopoles are not permitted with a Tier 2 facility.

1. An application for site plan review for a Tier 2 wireless telecommunications facility shall meet the following criteria:
  - a. Maximum Monopole Height. In the LPCD, LPID, RSC, RSC-WJ, TeC, and TuC zones, the maximum height of a monopole, including antennas and microwave dishes for a wireless telecommunications facility shall be 60 feet from finished grade. In the RI Zone, the maximum height of a monopole, including antennas and microwave dishes, for a wireless telecommunications facility shall be 75 feet from finished grade.
  - b. Setbacks. All equipment shelters shall be set back from lot lines according to the required setbacks of the underlying zone. A monopole shall be set back from any adjacent dwelling unit a

distance equal to the height of the monopole, including antennas and microwave dishes, from finished grade, or according to the setbacks of the underlying zone, whichever is greater.

- c. Shelters. Any equipment shelter shall be finished with natural aggregate materials or from colors approved with Ordinance 97-017.
- d. Landscaping. The perimeter of a lease area shall be landscaped with plant materials appropriate for its location. The lessee shall continuously maintain all installed landscaping and any existing landscaping used to screen a facility.
- e. Cabinets. Any equipment cabinets shall be finished with colors from amongst those colors approved with Ordinance 97-063. Such colors shall be non-reflective and neutral.
- f. Fences. A sight-obscuring fence, as defined by DCC Title 18, shall be installed around the perimeter of the lease area. The sight obscuring fence shall surround the monopole and the equipment shelter.

C. Tier 3 Facilities. Wireless telecommunications facilities (or their equivalent uses described in the EFU, Forest, and SM Zones) not qualifying as either a Tier 1 or 2 facility may be approved in all zones, subject to the applicable criteria set forth in DCC 18.128.330 and 18.128.340.

1. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 shall be submitted to the County in writing and accompanied by a site plan and proposed schematics of the facility. If the County can issue a written determination without exercising discretion or by making a land use decision as defined under ORS 197.015(10), the County shall respond to the request in writing.
2. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 that involves exercising discretion or making a land use decision shall be submitted and acted upon as a request for a declaratory ruling under DCC 22.40.

#### D. Spectrum Act Eligible Facilities Requests.

1. All eligible facility reviews submitted in accordance with the Spectrum Act, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. §1455(a), shall be reviewed under the standards listed therein.

2. If the County determines that a proposed collocation or modification of an existing tower or base station will substantially change the physical dimensions of such tower or base station, the Spectrum Act is inapplicable and this subsection (D) shall not apply. Such an application will be reviewed pursuant to DCC 18.116.250(A), (B) or (C) as a land use action pursuant to DCC Title 22.

## HISTORY

Adopted by Ord. [97-017](#) §7 on 3/12/1997

Amended by Ord. [97-063](#) §1 on 11/12/1997

Amended by Ord. [2000-019](#) §1 on 9/6/2000

Amended by Ord. [2010-011](#) §1 on 6/16/2010

Amended by Ord. [2025-002](#) §30 on 3/28/2025

*Amended by Ord. 2026-0XX §X on X/X/2026*

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## **18.116.290 Amateur Radio Facilities**

A. Amateur radio facilities shall meet the following criteria:

1. Antenna support structures, including guy wires and anchors shall be located outside of the required front, rear, and side setback areas;
2. Metal structures shall have a galvanized finish, or flat or matte silver, or flat or matte gray in color;
3. Amateur radio facilities shall not include attached signage, symbols, or decorations, lighted or otherwise, other than required unlighted signage for safety or regulatory purposes;
4. The property owner shall obtain a valid building permit if required from the Deschutes County Community Development Department, Building Safety Division;
5. The height of amateur radio facilities shall be excepted from that of the underlying zoning district in accordance with B and C below, unless located in the AS, AD, or LM zones per DCC 18.120.040(A)(45).

B. Amateur radio facilities up to 70 feet in height are allowed outright in any zone as an accessory use if the provisions of subsection (A) and (B)(1) are otherwise met.

1. FCC License. The property owner shall obtain a current, valid FCC Amateur Radio License for the operation of amateur ("Ham") radio services in the name of the property owner.
- C. Amateur radio facilities over 70 feet in height, up to 200 feet maximum height, are subject to the requirements under subsection (A) and (C)(1)(2), and any conditions of land use approval
  1. Compliance with Federal and State Regulations
    - a. The property owner shall demonstrate compliance with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and Oregon Department of Aviation (ODA) restrictions if applicable by submitting copies of the FCC's, FAA's, and ODA's written determination to the Deschutes County Community Development Department.
  2. FCC License
    - a. The property owner shall provide documentation of a current, valid FCC Amateur Radio License for the operation of amateur ("Ham") radio services in the name of property owner.
    - b. Compliance may be demonstrated by submitting a copy of the property owner's Amateur Radio License to the Deschutes County Community Development Department.

## HISTORY

Adopted by Ord. [2008-007](#) §2 on 8/18/2008

Amended by Ord. [2023-004](#) §1 on 5/30/2023

Amended by Ord. [2025-002](#) §30 on 3/28/2025

*Amended by Ord. 2026-0XX §X on X/X/2026*

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## **CHAPTER 18.128 CONDITIONAL USE**

[18.128.010 Operation](#)

[18.128.015 General Standards Governing Conditional Uses](#)

[18.128.020 Conditions](#)

[18.128.030 Performance Bond](#)

[18.128.040 Specific Use Standards.](#)

[18.128.050 Airports, Aircraft Landing Fields, Aircraft Charter, Rental, Service Maintenance Facilities Not Located In The A-D Zone](#)

[18.128.060 Automobile Wrecking Yard Or Junkyard](#)

[18.128.070 Cemeteries](#)

[18.128.080 Hospital, Nursing Home, Convalescent Home, Retirement Home](#)

[18.128.090 Religious Institutions, Medical Clinic, Veterinary Clinic, Club, Lodge, Et Al](#)

[18.128.100 Dog Pounds And Kennels](#)

[18.128.110 Home Occupations \(Repealed\)](#)

[18.128.120 Disposal Site](#)

[18.128.130 Commercial Use Or Accessory Use Not Wholly Enclosed Within A Building, Or A Retail Establishment, Office, Service Commercial Establishment, Et Al](#)

[18.128.140 Commercial Amusement Establishment](#)

[18.128.150 Manufactured Dwelling Park](#)

[18.128.160 Multi-Unit Dwelling Complex](#)

[18.128.170 Recreational Vehicle Park](#)

[18.128.180 Radio, Television Tower, Utility Station Or Substation](#)

[18.128.190 Schools](#)

[18.128.200 Cluster Development \(Single-Unit Dwelling Uses Only\)](#)

[18.128.210 Planned Development](#)

[18.128.220 Planned Communities](#)

[18.128.230 Dude Ranches](#)

[18.128.240 Shopping Complex](#)

[18.128.250 High-Temperature Geothermal Wells And Small-Scale Geothermal Energy Facilities](#)

[18.128.260 Hydroelectric Facilities](#)

[18.128.270 Fill Or Removal - General/Discretionary Standards](#)

[18.128.271 Fill Or Removal - Clear And Objective Standards Pursuant To DCC 22.08.040](#)

[18.128.280 Surface Mining Of Non-Goal 5 Mineral And Aggregate Resources](#)

[18.128.290 Storage, Crushing And Processing Of Minerals In Conjunction With The Maintenance Or Construction Of Public Roads Or Highways](#)

[18.128.300 Mini-Storage Facility](#)

[18.128.310 Bed And Breakfast Inn](#)

[18.128.320 Campgrounds](#)

[18.128.330 Microwave And Radio Communication Towers In The SM Zone](#)

[18.128.340 Wireless Telecommunications Facilities](#)

[18.128.350 Guest Lodge](#)

[18.128.360 Guest Ranch](#)

[18.128.370 Time-Share Unit](#)

[18.128.380 Procedure For Taking Action On Conditional Use Application](#)

[18.128.390 Time Limit On A Permit For A Conditional Use](#)

[18.128.400 Occupancy Permit](#)

[18.128.410 Time-Share Unit \(Repealed\)](#)

[18.128.420 Building Permit For An Approved Conditional Use](#)

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### **[18.128.170 Recreational Vehicle Park](#)**

A recreational vehicle park shall conform to state standards in effect at the time of construction, or in the case of pre-existing parks in the MUA-10 and RR-10 zone, at the time of permitting under DCC 18.128.170, and the following conditions:

- A. The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles, and landscaped areas.
- B. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- C. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- D. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the

water and sewage service provided by the park if the vehicle has equipment needing such service.

- E. A recreational vehicle space shall be provided with electrical service.
- F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.

~~G. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.~~

H.G. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.

H.H. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

H.I. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.

H.J. Building spaces required by DCC 18.128.170(H) and (H) shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.

H.K. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the Planning Director or Hearings Body.

M.L. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

N.M. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

O.N. Access to the recreational vehicle park shall be from an arterial or collector street.

P.O. When expanding a recreational vehicle park with additional recreational vehicle or manufactured dwelling spaces in the MUA-10 or RR-10 zone, the park shall satisfy all of the criteria of DCC 18.128.150 and 18.128.170 as applicable, as to the existing developed areas as well as in the expansion area.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [91-038](#) §1 on 9/30/1991*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

*Amended by Ord. [2009-018](#) §4 on 11/5/2009*

*Amended by Ord. [2025-002](#) §33 on 3/28/2025*

*Amended by Ord. 2026-00X §X on X/XX/2026*

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## **CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS**

[19.04.010 Title](#)

[19.04.020 Compliance With Title Provisions](#)

[19.040.025 \(Repealed\)](#)

[19.04.030 Applicability](#)

[19.04.040 Definitions](#)

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### **19.04.040 Definitions**

As used in DCC Title 19, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto. As used in this title, unless the context requires otherwise, the following words and phrases shall be defined as set forth in DCC 19.04.040, or, where such words and phrases are defined in applicable Oregon Revised Statutes (ORS) and/or Oregon Administrative Rules (OAR), as defined therein. If there is any conflict between the definitions set forth in DCC 19.04.040 and the definitions of the same words and phrases in applicable ORS and/or OAR, the definitions in ORS and/or OAR shall prevail.

"Abut or Abutting" means contiguous, touching, adjoining, or connected at one or more points.

"Access corridor" means a separate travel way for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools, parks, and convenience shopping.

"Access or access way" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to, through or past a property or use as required by DCC Title 19.

"Accessory structure" means a structure that is incidental and subordinate to another lawfully established structure or lawfully established use on the same lot or parcel.

"Accessory use" means a use that is incidental and subordinate to another lawfully established use on the same lot or parcel. Accessory uses include drilling for, and

utilization of, low-temperature geothermal fluid in conjunction with the main use of the property.

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

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

"Alley" means a public way not more than 20 feet wide affording only secondary means of access to abutting property.

"Altered." See "Structural Alteration."

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

"Apartment" means a dwelling unit in a multiple-unit dwelling.

"Applicant." A person applying for a permit, rezoning or nonlegislative comprehensive plan change.

"Application for land use permit." A written application requesting a change in zoning, conditional and nonconforming uses, variances, subdivisions and matters relating to the comprehensive plan and amendments to the plan. Also included are partitions, building permits, and subsurface sewage permits.

"Area of special flood hazard" means the land in the floodplain within Bend subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Assessor" means the County Assessor of Deschutes County.

"Attached", with respect to dwelling units, means a dwelling unit attached to another dwelling unit by a shared wall, ceiling, or floor. Such a shared wall, ceiling, or floor must enclose interior space of at least one other dwelling unit and may include the walls of attached garages.

"Attached", with respect to all structures, means a structure on an individual lot or parcel that is structurally connected to another structure of any type.

"Automobile, boat or trailer sales lot" means an open lot or parcel used for display, sales or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

"Automobile repair, major" means the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repairs; or overall painting or paint shop.

"Automobile repair, minor" means upholstering of, replacement of parts for and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under Automobile repair, major" or any other similar operation thereto.

"Automobile service station or filling station" means an establishment where bulk sales, fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, and where repair service is secondary.

"Automobile towing" means an establishment where emergency-towing equipment is kept along with incidental, temporary and minor storage of vehicles and emergency repairs.

"Automobile wrecking" means the dismantling or disassembling of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts. Two or more dismantled, obsolete or inoperable motor vehicles or parts thereof exposed to the public on one lot or parcel shall constitute a wrecking yard.

"Babysitter" means a person who provides day care services for children in the home of the babysitter for not more than five children for eight or more hours in a 24-hour period as a home occupation.

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

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-Year Flood." Designation on maps always includes the letters A or V.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Bath, full bath" means a bathroom that contains a toilet, sink, and one or more of the following: a shower, bathtub, and/or steam shower.

"Bath, half bath" means a bathroom that contains a toilet and a sink, but not one or more of the following: a shower, bathtub, and/or steam shower.

"Bed and breakfast inn" means a single-unit dwelling where lodging and meals are provided, for compensation, in which no more than two guest rooms are provided for no more than six travelers or transient guests. A guest shall not rent for a time period longer than 15 consecutive nights.

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

"Bend urban area" means the adopted Bend Urban Growth Boundary that is shown on the Deschutes County Comprehensive Plan Map as Urban Area Reserve.

"Bicycle" as used in Title 18 has the meaning given in ORS 801.

"Bicycle facility" means any public or private improvements to accommodate and encourage bicycling, including bikeways and bike parking racks, spaces, and structures.

"Bikeway" means any road, path, or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

"Board." See "County Commission."

"Boarding or lodging house" means a dwelling unit or part thereof, other than a hotel or motel or multi-unit dwelling, where lodging with or without meals is provided, for compensation, for three or more persons.

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

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

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

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

"Boat yard" means a place where boats are constructed, dismantled, stored, serviced, or repaired including maintenance work thereon.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building line" means a line parallel to the lot line and passing through the most forward point of plane of a building.

"Building lot" means a lot or parcel occupied or intended to be occupied by a primary building or a group of such buildings and accessory buildings, together with such open spaces as are required by DCC Title 19, and having the required frontage on a street and setbacks.

"Building, main" means a building within which is conducted the primary use permitted on the lot or parcel as provided in DCC Title 19.

"Building official" means the Building Official of Deschutes County, Oregon.

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

"Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

"Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

"Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

"Car wash" means a lot or parcel on which motor vehicles are washed or waxed either by the patron or others, using machinery specially designed for the purpose.

"Child care facility" as used in DCC Title 19 is defined in ORS 329A.

"Church" (Repealed 2020-001 §17, 2020)

"City" means the City of Bend, Oregon, including the following: City Commission, City Engineer, City Manager, and City Recorder-Treasurer.

"Clinic" means a place for group medical services not involving overnight housing of patients.

"Club" means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

"Color guide" means the paint examples maintained by the County which show acceptable colors for use on buildings, structures and signs including examples of prohibited and restricted colors.

"Community building" means a building used for and operated by a nonprofit organization whose membership is open to any resident of the zone, neighborhood, or community in which the club is located; provided that the primary objectives of the organization are the improvement of the zone, neighborhood or community and its social welfare and recreation.

"Community sewage system" means an onsite system that serves more than one lot or parcel, more than one condominium unit, or more than one unit of a planned unit development.

"Community storage area" means a facility established in accordance with City and/or County standards, designed to provide for the temporary or permanent storage of boats, campers, trailers and similar recreational vehicles or equipment, and serving two or more unrelated persons.

"Community water system" a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year round residents.

"Comprehensive plan" means the duly adopted Bend Area General Plan.

"Comprehensive Sign Plan" means a sign plan for one or more properties in a commercial center or business complex showing all locations of proposed signage for business tenants, retail stores, services, offices, and other establishments that perform services on the premises.

"Condominium" shall have the meaning set forth in ORS 100.

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

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

"Contested case" means proceedings in which the legal rights, duties or privileges of specific parties under the County zoning ordinance, subdivision ordinance or other similar ordinances regulating land use are required to be determined only after public input and/or a hearing at which specific parties are entitled to appear and be heard.

"Contiguous land" means lots or parcels of land under the same ownership which abut each other.

"County" means Deschutes County, Oregon.

"County Commission" means the Deschutes County Board of Commissioners.

"Court" means an open, unoccupied space, other than a setback area, on the same lot or parcel with a building or group of buildings.

"Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the County Engineer shall establish such level or its equivalent.

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

"Day care center or facility" see "child care facility".

"Density" means the number of residential dwelling units per acre of land or the amount of land area expressed in square feet of land assignable to each dwelling unit in a residential development, including, but not limited to, one house on one lot or parcel, shall be computed as follows: the gross area of land within the development; less the total aggregate area dedicated for streets, private parks and recreation facilities dedicated or created as an integral part of the development; divided by the total number of dwelling units in the proposed development; equals the density. Density shall run with the land in a specific development and cannot be sold, loaned or otherwise divorced or separated from the specific development under consideration.

"Deschutes River corridor" means all property within 100 feet of the ordinary high water mark of the Deschutes River. The ordinary high water mark shall be as defined in DCC 19.04.040.

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

- A. The resort is located on a site of 160 or more acres;
- B. At least 50 percent of the site is dedicated to permanent open space, excluding setback areas, streets, and parking areas;
- C. A least \$7 million (in 1993 dollars) shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities, and;
- D. Visitor-oriented accommodations are provided, including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodgings. Accommodations available for residential use shall not exceed two and one-half such units for each unit of overnight lodging. However, the overnight lodging units may be phased in as follows:
  1. A total of 150 units of visitor-oriented overnight lodging shall be provided as follows:
    - a) At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots, parcels, or units, and;

- b) At least 50 of the remaining 100 required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurance within five years of the initial lot or parcel sales.
- c) The remaining required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurances within 10 years of the initial lot or parcel sales.

2. The number of units approved for residential sale within the resort shall be not more than two and one-half units for each unit of permanent overnight lodging constructed or financially assured, and;
3. If the developer of a resort guarantees the overnight lodging units required under subparagraphs (C) and (D) of this paragraph through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within four years of the date of execution of the surety bond or other equivalent financial assurance.

E. Commercial uses allowed are limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted.

"Detached", with respect to structures, means a structure on an individual lot or parcel that is freestanding and structurally separated from other structures.

"Development" means any change to a site, lot, or parcel, including buildings, placement or replacement of any structures, parking and loading areas, landscaping, paved or graveled areas, grading or fill, mining, and areas devoted to exterior display, advertisement, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes. Development includes partitions and subdivisions.

"Development, flood-plain", for the purpose of flood standards, means any man-made change to an improved or unimproved site, lot, or parcel, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

"Districts," when used herein, shall refer to zones, unless obviously to the contrary.

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

"Driveway" means an area of land intended for vehicular ingress and egress to a site, extending into the site, lot, or parcel from a road, street, or right of way.

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

"Dwelling unit" means a building or portion thereof providing living facilities for one or more persons living together, including provisions for sleeping, cooking, and sanitation. Cooking facilities shall be limited to one kitchen and sanitation facilities shall include at least one full bath. All areas shall have an enclosed and unobstructed way of travel within the dwelling unit to all other areas within the dwelling unit. With the exclusion of bedrooms, all areas within the dwelling unit shall be shared in common.

- A. "Duplex" means two attached dwelling units on an individual lot or parcel.
- B. "Dwelling unit, accessory" shall have the meaning set forth in DCC 19.92.160(A).
- C. "Dwelling unit, historic accessory" shall have the meaning set forth in DCC 19.92.150(A).
- D. "Dwelling, manufactured" shall have the meaning set forth in ORS 446.003. As used in DCC Title 19, "manufactured home" shall be synonymous with "manufactured dwelling" as defined herein.
- E. "Dwelling, multi-unit" means a building that consists of three or more attached dwelling units on an individual lot or parcel.
- F. "Dwelling, multi-family" means a "multi-unit dwelling" as defined herein.
- G. "Dwelling, single-unit" means a detached dwelling unit on an individual lot or parcel.
- H. "Dwelling, single-family" means a "single-unit dwelling" as defined herein.
- I. "Dwelling, seasonal" means a single-unit dwelling, including a manufactured dwelling, travel trailer, or camping vehicle, designed for and used as a temporary dwelling for recreational or seasonal purposes only.
- J. "Dwelling Unit, Zero Lot Line" means dwelling units which are constructed with a zero side setback.

K. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel.

L. "Two-family dwelling" means a "duplex" as defined herein.

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

"Eave" means a projecting overhang four feet or less at the lower border of a roof and extending from a wall or support.

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

"Existing" means existing at the time of application.

"Exterior modification" means a change in the exterior structure of a building that significantly alters the appearance of any side of a building, including a change of color.

"Family child care provider" means a child care provider who regularly provides child care in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status.

"Farm use" means the current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the 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 honey bees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm use" includes the preparation 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 the land subject to the provisions of ORS 321, or to the construction and use of dwellings customarily provided in conjunction with the farm use. "Current employment" of land for farm use includes:

- A. Land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P. L. 85-540, 70 Stat. 188);
- B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; and
- C. Land planted in orchards or other perennials prior to maturity.

As used in this DCC 19.04.040, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Any structure, pen, or corral wherein cattle, horses, sheep, goats, swine, or other similar animals are maintained in close quarters for the purpose of fattening such livestock for final shipment to market or for breeding is a farm use.

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

"Fill", as used in the context of lakes, rivers, streams, floodplains, wetlands, or riparian areas, means:

- A. The deposit by artificial means of material within any lake, river, stream, floodplain, wetland, or riparian area.
- B. Fill includes any excavation or grading within any lake, river, stream, floodplain, wetland, or riparian area.
- C. Fill does not include shall not include practices that constitute accepted farming practices as defined in ORS chapter 215.

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

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

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

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

"Flood hazard area" means the relatively flat area or lowland abutting the channel of a river, stream, other watercourse, lake, or reservoir which has been or may be covered by a base flood.

"Flood Insurance Rate Map" (FIRM) is the official map on which the United States Federal Insurance Administration has delineated both the areas of special flood hazards and the

risk premium zones applicable to the community. The FIRM is adopted by reference in Ordinance No. 2007-019.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood condition of partial or complete inundation of normally dry land areas. The Study is adopted by reference in Ordinance No. 2007-019.

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

"Floor area" means the area measured in square feet of horizontal space intended to be a floored surface contained within a building or portion thereof, measured inside of the external walls, including slab-on-grade and exclusive of vent shafts, courts, and basements. When calculating floor area, stairs are counted once unless the area under the stairs is part of the dwelling unit's floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.

"Frontage, river" means that portion of a lot or parcel abutting a river, stream, or lake.

"Frontage, street" means the length of a lot line that directly abuts or borders a right of way.

"Garage, private" means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

"Garage, public" means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

"Grade" means the elevation of the ground surface. Grade is further defined as:

- A. "Grade, average", for the purposes of calculating structural height, shall be the average of two points which shall be the highest finished grade abutting a structure and the lowest finished grade abutting the structure.
- B. "Grade, existing" means the existing elevation of the ground surface prior to grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.
- C. "Grade, finished" means the final elevation of the ground surface following all grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.

D. For the purposes of roads, streets, rights of way, or slopes, "grade" shall mean the degree of inclination.

"Ground mounted sign," in the Bend Urban Area, a "Ground mounted sign" means a freestanding sign that has a solid base which is directly and continuously connected to the sign face for at least 50 percent of the sign face width or is borne by supports less than or equal to 24" in height as measured from grade to the sign face.

"Guesthouse" means living quarters within a detached accessory building located on the same lot or parcel as a dwelling unit for use by temporary guests of the occupants of the main premises, or for members of the same family as that occupying the main structure, not rented or otherwise used as a separate dwelling unit. A guesthouse shall contain no kitchen.

"Hearings Body" means Planning Commission, Hearings Officer, County Planning Commission, County Legal Counsel, and County Board of Commissioners.

"Hearing, initial" is a quasi-judicial hearing authorized and conducted by the Hearings Officer or County Planning Commission to determine if a change or permit shall be granted or denied.

"Hearings Officer" means a planning and zoning Hearings Officer appointed or designated by the County Commission pursuant to ORS 227.165 or, in the absence of such appointed Hearings Officer, the County Planning Commission, or City Council.

"Height" as it pertains to structures, means the vertical distance from average grade to the highest point of the structure.

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

"Home occupation" means a use conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and with the conditions of DCC 19.88.140.

"Hospital" means any institution, place, building or agency which maintains and operates organized facilities for 20 or more persons for the diagnosis, care and treatment of human illness, including convalescence and care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

"Hotel" means a building or portion thereof with more than five sleeping rooms designed or used for occupancy of individuals who are lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.

"Human resource facility" means a facility under the control of and financed by a unit of government or religious, philanthropic, charitable or nonprofit organization and devoted to the housing, training or care of children, the aged, indigent, disabled or underprivileged, including places of detention or correction.

"Hydroelectric facility" means all aspects of any project or development necessary for or related to the generation of hydroelectric energy, including, but not limited to, conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas and surrounding and adjacent lands which are necessary for or related to the facility.

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

"Incidental and subordinate" means minor, secondary, and dependent in relation to another use, activity, or structure.

"Junk yard" means a place where waste, discarded or salvaged materials are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition or salvaged materials incidental to manufacturing operations.

"Kennel" means any premises where four or more dogs, cats, or other small animals, or any combination thereof at least four months of age, are kept commercially or permitted to remain for board, propagation, training, or sale, except veterinary clinics and animal hospitals.

"Kitchen" means a discrete, enclosable area that includes a sink outside of a bath, and one or more of the following: a stove, range, oven, microwave, any food heating appliance, a range hood and/or exhaust vent, or rough-ins for any of these appliances.

"Land use action." Any action involving an application for a land use permit.

"Landscaping" includes primarily trees, grass, bushes, shrubs, flowers, garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework areas, and artificial turf or carpeting, but excludes artificial plants, bushes, shrubs or flowers.

"Livestock" means animals of any kind kept or raised for sale, resale, agriculture field production or pleasure.

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

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

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

"Lot" shall have the meaning set forth in ORS 92.010.

"Lot area" means the total horizontal area contained within the lot lines. Said area shall be computed as gross area for lots or parcels larger than 2.5 acres and net area for lots or parcels 2.5 acres and smaller.

- A. "Lot area, gross" means the total horizontal net area within lot lines including all streets, roads, and easement of access to other property that would accrue to that lot or parcel if the road, street, or easement were vacated. The gross area of lots or parcels that have never been previously described of record as other than fractions of a section shall be calculated as if the section contained 640 acres, in cases where a lot or parcel is sought to be partitioned.
- B. "Lot area, net" shall be used for lots or parcels smaller than 2.5 acres and means the total horizontal area contained within the lot lines that is free from roads, streets, rights of way, or easements of access to other property.
- C. As used in DCC Title 19, "lot size" shall be synonymous with "lot area".

"Lot coverage" means all areas of a lot or parcel covered by structures with surfaces greater than 18 inches above the finished grade.

"Lot Line" means any line bounding a lot or parcel.

- A. "Lot Line, Front" means a lot line separating a lot or parcel from a street, road, or right of way. A lot or parcel may have more than one front lot line. In the case of a lot

or parcel that does not have street frontage, a front lot line shall be any lot line through which driveway access to the property is provided.

- B. "Lot Line, Northern" for the purposes of DCC 19.88.210, the northern lot line shall be the northerly edge of the lot or parcel on which an applicant's structure is located, unless directly north of the lot or parcel is an unbuildable area, in which case northern lot line means the northerly edge of the buildable area.
- C. "Lot Line, Rear" means the lot line not abutting a street, road, or right of way, which is the longest horizontal distance, measured perpendicularly, from any front lot line. In the case of an irregular or triangular-shaped lot or parcel, the rear lot line is a line 10 feet in length within the lot or parcel, parallel to and at the maximum distance from a front lot line. An irregular lot or parcel with four or more sides is one in which a side lot line and the rear lot line form an interior angle of at least 135 degrees.
- D. "Lot Line, Side" means any lot line other than a front or rear lot line bounding a lot or parcel.

"Lot of record" means:

- A. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:
  - 1. By partitioning land as defined in ORS 92.010(8);
  - 2. By a subdivision plat, as defined in ORS 92.010(9), filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;
  - 3. By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots in accordance with a recorded subdivision or town plat;
  - 4. By a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or
  - 5. By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.

B. The following shall not be deemed to be a lot of record:

1. A lot or parcel created solely by a tax lot segregation because of an Assessor's roll change or for the convenience of the Assessor;
2. A lot or parcel created by an intervening section or township line or right of way;
3. A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed in accordance with DCC 19.04.040(A)(3); or
4. A parcel created by the foreclosure of a security interest.

"Lot width" means the diameter of the largest circle that can be wholly contained within the boundaries of a lot or parcel.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of DCC 19.72.070.

"Maintain" means to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable, and carries out the purpose for which it was installed, constructed or required.

"Manufactured dwelling park" shall have the meaning set forth in ORS 446.003.

"Manufactured dwelling subdivision" means a subdivision designed and intended for residential use where residence is in manufactured dwellings.

"Marijuana production" means the manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a "person designated to produce marijuana by a registry identification cardholder."

"Marijuana retailing" means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

"Marijuana wholesaling" means the purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

"Marina" means a structure or structures built over or floating upon the waters of a lake, river, stream or man-made waterway that provides moorage, launching, storage, supplies and services for recreational and/or commercial marine transport.

"Mobile home" shall have the meaning set forth in ORS 446.003.

"Mobile home park" shall have the meaning set forth in ORS 446.003.

"Motel" means a building or group of buildings used for transient or residential purposes and containing guest rooms with automobile storage space provided in connection therewith; which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

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

"Natural hazard" means geographic areas in which natural conditions exist which pose or may pose a threat to the health, safety, or welfare of people, property, or the environment, including areas subject to drought, earthquake, flood, landslide, volcanic event, wildfire, windstorm, or severe winter storm.

"Nonconforming use" means a use of a lot, parcel, a building, or structure, which use lawfully existed at the time of the adoption of DCC Title 19, or of any amendment thereto, but which use does not conform with the use regulations imposed by DCC Title 19 or such amendment thereto.

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

"Open space" means any lot, parcel, or area of land or water set aside, designed, or reserved for the public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land abutting or neighboring such open space.

"ORS" means Oregon Revised Statutes.

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

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

"Outdoor promotional event" means an on-site outdoor sales or promotional event conducted in the parking lot or other outdoor area relating to a retail store or shopping mall. Such events are allowed only in the CH, CL, and CG zones and are subject to conditions under those zones.

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

"Owner" means the owner of record of real property as shown on the tax rolls of Deschutes County, or a person purchasing a piece of property under contract. For the purposes of DCC Title 19 in terms of violations and binding agreements between the County and the owner, the word "owner" shall also mean a leaseholder, tenant or other person in possession or control of the premises or property at the time of the agreement or violation of agreement or the provisions of DCC Title 19.

"Parcel" shall have the meaning set forth in ORS 92.010.

"Parking area, public" means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

"Parking POD" means 50 or fewer parking spaces located together in a group.

"Parking space" means a durable and dustless, permanently surfaced and marked area, excluding paved area necessary for access, for the parking of a motor vehicle.

"Partition" shall have the meaning set forth in ORS 92.010.

"Partitioning land" shall have the meaning set forth in ORS 92.010.

"Partition plat" shall have the meaning set forth in ORS 92.010.

"Party." Any person who has standing.

"Pedestrian facility" means any public or private improvement that accommodates and encourages pedestrian traffic including sidewalks, on-site walkways, crosswalks, access corridors, and may include other improvements such as lighting, benches and fences which make it safe or convenient to walk.

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

"Permit." Authority for or approval of a proposed use of land for which approval is a matter of discretion and is required by a land use ordinance. The term includes, but is not limited to, permission given for those changes set forth in Application for Land Use Permit and a special exception, special design zone, and other similar permits.

"Permittee" means the person who is proposing to use or who is using the land pursuant to any permit required herein.

"Person." means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization of any kind.

"Person designated to produce marijuana by a registry identification cardholder" means person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

"Planning Commission" means the Planning Commission of the Bend Urban Area.

"Planning Director" means the Director of the Deschutes County Planning Department and his/her delegate.

"Planned unit development" means the development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not necessarily correspond in lot area, bulk, or type of dwelling unit, density, lot coverage, or required open space to the standard regulations otherwise required by DCC Title 19.

"Plat" shall have the meaning set forth in ORS 92.010.

"Pole sign" means a freestanding sign connected to the ground by one or more supports, where any portion of the lower edge of the sign face is separated from the ground by air, a distance greater than 24" in height as measured from grade.

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

"Preschool" as used in Title 19 is defined in ORS 329A as "preschool recorded program".

"Primary building entrance" means the main entrance closest to the public street by which pedestrians can access a building, structure, or activity.

"Primary frontage" means that portion of a lot or parcel of property which abuts a dedicated public street, highway, or an approved private street and is where the public or customer entrance fronts upon.

"Primary building" means the largest building or buildings within a commercial center or business complex. Typically, these are the anchor tenants.

"Primary use" means a lawfully established use on a lot or parcel that is not incidental and subordinate to another use on the lot or parcel. A lot or parcel may contain multiple primary uses.

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

"Property line" shall have the meaning set forth in ORS 92.010.

"Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

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

"Protected area" means the specific area which is provided solar access for specific hours and dates under DCC Title 19.

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

"Public buildings" means buildings that are owned and operated by federal, state, or local governments or special districts and which are occupied by such a governmental or quasi governmental body to provide nonproprietary governmental services. Such buildings include, but are not limited to, fire stations, city halls, courthouses, administration buildings, human service facilities, and correctional facilities.

"Public Works Director" means the Director of Deschutes County's Public Works Department, or the Roadmaster or his/her delegate.

"Public utility water system" means 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 Commissioner of the State of Oregon, and supplying water to a total of 500 or more households.

"Public water system" shall have the meaning set forth in OAR 333-061-0020.

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

"Recreational facility, private" means a recreation facility under private ownership and operated by a for-profit or nonprofit organization, open to bona fide members, and providing one or more of the following types of recreation activity; tennis, handball, golf, squash, volleyball, racquetball, badminton, and swimming, or other similar types of uses.

"Recreational vehicle" means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

"Recreational vehicle park" shall have the meaning set forth in OAR 918-650-0005.

"Religious Institution or Assembly" means, so long as having public charity status as a religious assembly or institution established with the Internal Revenue Service, either (consistent with ORS 215.441(1) a church, synagogue, temple, mosque, chapel, meeting house, or other nonresidential place of worship, or (consistent with 42 USCA § 2000cc-5(7)(B)) the use, building, or conversion of real property for the purpose of religious exercise.

"Removal", as used in the context of lakes, rivers, streams, floodplains, wetlands, or riparian areas, means:

- A. The taking of material in lakes, rivers, streams, floodplains, wetlands, or riparian areas; or
- B. The movement by artificial means of material within the bed of such waters, including channel relocation.
- C. Removal includes any excavation or grading within any lake, river, stream, floodplain, wetland, or riparian area.

D. Removal does not include practices that constitute accepted farming practices as defined in ORS chapter 215.

"Replat" shall have the meaning set forth in ORS 92.010.

"Residential care" means services provided to individuals, including supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.

"Residential facility" means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

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

"Riparian area" means a terrestrial zone where annual and intermittent water, a high water table, and wet soils influence vegetation and microclimate.

"Roadside stand" means a temporary structure, vehicle or area designed or used for the display or sale of merchandise on the premises upon which such a stand is located.

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

"Scenic area" means land and other natural features that are valued for their aesthetic values and appearance.

"Setback" means the minimum allowable horizontal distance between two or more specified features, except as otherwise provided in DCC Title 19.

- A. "Setback, front" means a setback measured from a front lot line to the nearest point of any structure, except as otherwise provided in DCC Title 19. In the case of a front lot line that does not have street frontage, the front setback shall be the minimum distance as identified in the underlying zone for a local street right of way.
- B. "Setback, Ordinary High Water Mark" means a setback measured from an Ordinary High Water Mark line, to the nearest point of any structure, except as otherwise provided in DCC Title 19.
- C. "Setback, rear" means a setback measured from the rear lot line to the nearest point of any structure, except as otherwise provided in DCC Title 19.
- D. "Setback, rimrock" means a setback measured from a rimrock to the nearest point of any structure, except as otherwise provided in DCC Title 19.
- E. "Setback, side" means a setback measured from a side lot line, to the nearest point of any structure, except as otherwise provided in DCC Title 19.

"Setback area" means any area located within a designated setback as identified herein.

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

"Shopping center" means a retail store or combination of stores usually including a grocery store which provides goods for sale to the general public and with a combined leasable area in excess of 30,000 square feet.

"Site plan" means a plan prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific lot or parcel of land.

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

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

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

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

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

"Street" means a public thoroughfare or right of way other than an alley, dedicated, deeded or condemned for such use and private thoroughfare or access easements which are used for vehicle travel including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

"Standing, legal." See "standing" as defined in DCC 22.24.080.

"Start of construction" means the first act of permanent construction of a structure, other than a manufactured dwelling, on a site, lot, or parcel, such as the pouring of slabs or footings or any work beyond site preparation, such as clearing, grading, and filling. It 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 primary use structure. For a structure other than a manufactured dwelling without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundations. For manufactured dwellings not within a manufactured dwelling park or manufactured dwelling subdivision, start of construction means the affixing of the manufactured dwelling to its permanent site. For manufactured dwellings within manufactured dwelling parks or manufactured dwelling subdivisions, start of construction is the date on which construction of facilities for servicing the site on which the manufactured dwelling 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.

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

"Structural footprint" means the horizontal structural and/or building area as seen in plan view (as in floor plan, view from above), measured from the outside of all exterior walls and supporting columns.

"Structure" means anything constructed, built, or installed, which requires a location on the ground or is attached to another structure having a location on the ground.

"Subdivide lands" shall have the meaning set forth in ORS 92.010.

"Subdivision" shall have the meaning set forth in ORS 92.010.

"Subdivision plat" shall have the meaning set forth in ORS 92.010.

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

"Sunchart" means a photograph or photographs taken in accordance with the guidelines of the Planning Director, which plots the position of the sun during each hour of the day and each month of the year relative to a protected area. The sunchart shall contain, at a minimum:

- A. Solar altitude in 10-degree increments;
- B. Solar azimuth measured from true south in 15-degree increments;
- C. If the solar collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; and
- D. A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures and deciduous and evergreen vegetation.

"Surface mining" includes all or any part of the process of mining minerals by the removal of overburden and extracting of natural mineral deposits thereby exposed by any method by which more than 50 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 refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access road), the quantity or area specifications set forth herein or when such activities affect more than one acre of land for each eight acres of land prospected or explored; 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. (Reclamation of Mining Lands, ORS 517.750 to Number 12.)

"Time share unit" means:

- A. A dwelling unit, lot, or parcel divided into periods of time under any arrangement, plan, scheme or device; whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement or otherwise; where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot, or parcel for a period of time less than a full year during any

given year, but not necessarily for consecutive years, which extends for a period of more than three years; or

B. A dwelling or unit, lot, or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in DCC 19.04.040(A); whether immediate or future, into 11 or more undivided interests or 11 or more other interests, or any other similar arrangement of interests in the dwelling unit, lot, or parcel.

"Tract" shall have the meaning set forth in ORS 215.010.

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

"Transit facility" means public or private improvements at selected points along transit routes for passenger pickup, drop off and waiting. Improvements may include pullouts, shelters, waiting areas, benches, information and directional signs, or structures and lighting.

"Transit route" means an existing or planned route for public intra-city or intraurban transit service in the local or regional transportation plan. Does not include temporary routes or routes which are planned to be replaced.

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

"Trailer, travel" means a recreational vehicle without motive power that is eight and one-half feet or less in width and is not being used for commercial or business purposes.

"Tumalo Creek canyon rimrock" means any ledge, outcropping or overlying stratum of rock, which forms a face in excess of 45 degrees and which creates or is within the canyon of Tumalo Creek. For purposes of DCC 19.22.050(H), the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock that is within the Tumalo Creek canyon.

"Unbuildable area" means an area of a site, lot, or parcel on which a structure could not be built as a permitted or conditional use under the provisions of DCC Title 19.

"Urban Growth Boundary (UGB)" means the urban growth boundary as adopted by the City and County and acknowledged by the State, as set forth in the Bend Comprehensive Plan and as shown on the Bend Comprehensive Plan map.

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

"Utility easement" means an easement noted on a subdivision plat, partition plat, or other lawfully recorded easement for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, sewage, power, heat, or telecommunications.

"Utility facility" means any major structures, excluding hydroelectric facilities, owned or operated by a public, private, or cooperative electric, fuel, communications, sewage, or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone.

"Visual obstruction" means any fence, hedge, tree, shrub, device, wall, or structure exceeding 2.5 feet in height above the elevation of the top of the curb or ground as determined by the Planning Director and so located at a street intersection as to dangerously limit the visibility of persons in motor vehicles on said street or alleys. This does not include trees kept trimmed of branches to a minimum height of eight feet.

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

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

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

"Zero lot line subdivision or partition" means a type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot or parcel.

"Zone" means a portion of the territory of the Bend Urban Area of Deschutes County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of DCC Title 19.

- A. Where certain uses are required to be a specified distance from "any R Zone" as provided in DCC Title 19, the term "any R Zone" shall include any RS, RM or RH Zone.
- B. The term "any C Zone" shall include any CN, CC, CL, CG, CH or CB Zone.
- C. The term "any I Zone" shall include any IP, IL or IG Zone.

## HISTORY

*Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980*

*Amended by Ord. [82-011](#) on 8/9/1982*

*Amended by Ord. [83-041](#) §2 on 6/1/1983*

*Amended by Ord. [86-032](#) §1 on 4/2/1986*

*Amended by Ord. [86-033](#) §1 on 4/2/1986*

*Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986*

*Amended by Ord. [86-055](#) §1 on 6/30/1986*

*Amended by Ord. [86-058](#) §1 on 6/30/1986*

*Amended by Ord. [88-042](#) §3 on 12/19/1988*

*Amended by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990*

*Amended by Ord. [91-001](#) §1 on 1/28/1991*

*Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991*

*Amended by Ord. [92-043](#) §1 on 5/20/1992*

*Amended by Ord. [93-018](#) §1 on 5/19/1993*

*Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994*

*Amended by Ord. [95-045](#) §15 on 6/28/1995*

*Amended by Ord. [96-071](#) §1D on 12/30/1996*

*Amended by Ord. [97-017](#) §1 on 3/12/1997*

*Amended by Ord. [97-038](#) §1 on 8/27/1997*

*Amended by Ord. [99-001](#) §§2-4 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2014-016](#) §1 on 12/29/2014*

*Amended by Ord. [2016-016](#) §1 on 6/1/2016*

*Amended by Ord. [2017-009](#) §7 on 7/21/2017*

*Amended by Ord. [2020-001](#) §17 on 4/21/2020*

*Amended by Ord. [2020-010](#) §8 on 7/3/2020*

*Amended by Ord. [2021-009](#) §2 on 6/18/2021*

*Amended by Ord. [2024-008](#) §17 on 1/7/2025*

*Amended by Ord. [2025-002](#) §37 on 3/28/2025*

*Amended by Ord. [2025-004](#) §6 on 5/7/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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## **CHAPTER 19.12 URBAN AREA RESERVE ZONE UAR-10**

- [19.12.010 Purpose](#)
- [19.12.020 Permitted Uses](#)
- [19.12.030 Conditional Uses](#)
- [19.12.040 Height Regulations](#)
- [19.12.050 Dimensional Standards And Setbacks](#)
- [19.12.060 Off-Street Parking](#)
- [19.12.070 Other Required Conditions](#)
- ...

### **19.12.020 Permitted Uses**

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. A single-unit dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.
- G. A historic home accessory dwelling unit, subject to DCC 19.92.150.
- H. A residential accessory dwelling unit, subject to DCC 19.92.160

**I.—Residential home:**

- I. A recreational vehicle as a rental dwelling, subject to DCC 19.92.170.
- J. Temporary Hardship Dwelling, subject to DCC 19.88.320

### **HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §4 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [91-001](#) §2 on 1/28/1991*

*Amended by Ord. [2008-014](#) §3 on 3/31/2008*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2019-009](#) §4 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §4 on 9/3/2019*

*Amended by Ord. [2023-014](#) §5 on 12/1/2023*

*Amended by Ord. [2024-008](#) §18 on 1/7/2025*

*Amended by Ord. [2025-002](#) §39 on 3/28/2025*

*Amended by Ord. [2025-004](#) §7 on 5/7/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

## **CHAPTER 19.20 SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2**

- [19.20.010 Purpose](#)
- [19.20.020 Permitted Uses](#)
- [19.20.030 Conditional Uses](#)
- [19.20.040 Height Regulations](#)
- [19.20.050 Dimensional Standards And Setbacks](#)
- [19.20.055 Land Divisions](#)
- [19.20.060 Off-Street Parking](#)
- [19.20.070 Other Required Conditions](#)
- ...

### **19.20.020 Permitted Uses**

The following uses are permitted:

- A. A single-unit dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Home occupations subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. A historic home accessory dwelling unit, subject to DCC 19.92.150.
- F. Child care facility and/or preschool.
- G. A residential accessory dwelling unit, subject to DCC 19.92.160.

#### **H.—Residential home:**

- H. A recreational vehicle as a rental dwelling, subject to DCC 19.92.170.
- I. Temporary Hardship Dwelling, subject to DCC 19.88.320.

#### **HISTORY**

*Adopted by Ord. PL-11 on 7/11/1979*

*Amended by Ord. 88-042 §6 on 12/19/1988*

*Repealed & Reenacted by Ord. 90-038 §1,2 on 10/3/1990*

*Amended by Ord. 91-001 §4 on 1/28/1991*

*Amended by Ord. 93-018 §3 on 5/19/1993*

*Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009*

*Amended by Ord. 2019-009 §5 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §5 on 9/3/2019*

*Amended by Ord. [2020-001](#) §20 on 4/21/2020*

*Amended by Ord. [2020-010](#) §9 on 7/3/2020*

*Amended by Ord. [2023-014](#) §6 on 12/1/2023*

*Amended by Ord. [2024-008](#) §19 on 1/7/2025*

*Amended by Ord. [2025-002](#) §41 on 3/28/2025*

*Amended by Ord. [2025-004](#) §8 on 5/7/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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## **CHAPTER 19.22 WESTSIDE TRANSECT ZONE; WTZ**

- [19.22.010 Purpose](#)
- [19.22.020 Permitted Uses](#)
- [19.22.030 Conditional Uses](#)
- [19.22.040 Height Regulations](#)
- [19.22.050 Dimensional Standards And Setbacks](#)
- [19.22.060 Land Divisions](#)
- [19.22.070 Street Improvements](#)
- [19.22.080 Off-Street Parking](#)
- [19.22.090 Fence Standards](#)
- ...

### **19.22.020 Permitted Uses**

The following uses and their accessory uses are permitted outright:

- A. A single-unit dwelling.
- B. Home occupation subject to DCC 19.88.140.
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- D. A residential accessory dwelling unit, subject to DCC 19.92.160.

**E. Residential home.**

**E. A recreational vehicle as rental dwelling, subject to DCC 19.92.170.**

**F. Temporary Hardship Dwelling, subject to DCC 19.88.320.**

### **HISTORY**

*Adopted by Ord. 2019-001 §8 on 4/16/2019*

*Amended by Ord. 2023-014 §7 on 12/1/2023*

*Amended by Ord. 2024-008 §20 on 1/7/2025*

*Amended by Ord. 2025-002 §42 on 3/28/2025*

*Amended by Ord. 2025-004 §9 on 5/7/2025*

**Amended by Ord. 2026-0XX §X on X/X/2026**

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## **CHAPTER 19.28 URBAN STANDARD RESIDENTIAL ZONE; RS**

- [19.28.010 Purpose](#)
- [19.28.020 Permitted Uses](#)
- [19.28.030 Conditional Uses](#)
- [19.28.040 Height Regulations](#)
- [19.28.050 Dimensional Standards And Setbacks](#)
- [19.28.055 Land Divisions](#)
- [19.28.060 Off-Street Parking](#)
- [19.28.070 Other Required Conditions](#)
- ...

### **19.28.020 Permitted Uses**

The following uses are permitted:

- A. A single-unit dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Rooming and boarding of not more than two persons.
- D. Home occupation subject to the provisions of DCC 19.88.140.
- E. Other accessory uses and buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- F. Child care facility and/or preschool.

#### **G. Residential home.**

### **HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2020-010](#) §10 on 7/3/2020*

*Amended by Ord. [2024-008](#) §21 on 1/7/2025*

*Amended by Ord. [2025-002](#) §43 on 3/28/2025*

***Amended by Ord. 2026-0XX §X on XX/2026***

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## CHAPTER 19.80 OFF-STREET PARKING AND LOADING

[19.80.010 Compliance](#)

[19.80.020 Off-Street Loading](#)

[19.80.030 Off-Street Parking](#)

[19.80.040 Number Of Spaces Required](#)

[19.80.050 General Provisions; Off-Street Parking](#)

[19.80.060 Development And Maintenance Standards For Off-Street Parking Areas](#)

[19.80.070 Off-Street Parking Lot Design](#)

[19.80.080 Required Bicycle Parking](#)

[19.80.090 Bicycle Parking Location And Design; Other Required Conditions](#)

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### **19.80.040 Number Of Spaces Required**

Off-street parking shall be provided as follows:

A. Residential.

Single-unit, duplex and triplex dwellings:	2 spaces per dwelling unit.
Multi-unit dwelling containing four or more dwelling units:	
Studio or Efficiency Unit	0.75 space per unit
One Bedroom Unit	1.00 space per unit
Two Bedroom Unit	1.50 spaces per unit
Three Bedroom Unit	2.25 spaces per unit
Four Bedroom Unit	2.50 spaces per unit
Resident hotel, rooming, or boarding house	0.50 space guest parking per dwelling unit

B. Commercial Residential.

Hotel	1 space per guest room plus 1 space per 2 employees
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Motel	1 space per guest room or suite plus 1 additional space for the owner or 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

C. Institutions.

Welfare or Correctional Institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, Nursing Home, Sanitarium, Rest Home, Home for the Aged	1 space per 2 beds for patients or residents
Hospital	1.5 spaces per bed

D. Places of Public Assembly.

Religious institution or assembly	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 sq. ft. of floor area plus 1 space per 2 employees
Preschool Nursery or Kindergarten	2 spaces per teacher
Elementary or Junior High School	1 space per employee, or 1 space per 4 seats or 8 ft. of bench length in auditorium, whichever is greater
High School	1 space per employee plus 1 space for each 6 students, or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater
College or Commercial School for adults	1 space per 3 seats in classrooms

Other Auditorium or Meeting Room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor area.
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## E. Commercial Amusement.

Stadium, Arena or Theater	1 space per 4 seats or 8 feet of bench length
Bowling Alley	6 spaces per lane plus 1 space per 2 employees
Dance Hall or Skating Rink	1 space per 100 sq. ft. of floor area plus 1 space per 2 employees

## F. Commercial.

Retail Store, except stores selling bulky merchandise	1 space per 300 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 and dental)	1 space per 300 sq. ft. of gross floor area
Medical or Dental Office or Clinic	1 space per 150 sq. ft. of gross floor area
Eating or drinking establishments	1 space per 120 sq. ft. of gross floor area
Mortuaries	1 space per 4 seats or 8 feet of bench length in chapels
Beauty parlor and barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1 1/2 spaces for each additional chair

## G. Industrial.

Manufacturing establishment	1 space per employee on the largest working shift
Storage Warehouse, wholesale establishment, rail or trucking freight terminal	1 space per 2,000 sq. ft. of gross floor area

H. Other uses not specifically listed above shall furnish parking as required by the Planning Director or Hearings BodyPlanning Commission. The Planning Director or Hearings BodyPlanning Commission shall use the above list as a guide for determining requirements for said other uses.

## HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §34 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [2020-001](#) §23 on 4/21/2020*

*Amended by Ord. [2025-002](#) §47 on 3/28/2025*

*Amended by Ord. [2026-00X](#) §X on X/XX/2026*

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**CHAPTER 19.88 PROVISIONS APPLYING TO SPECIAL USE STANDARDS**

- [19.88.010 Automobile Service Stations; Minimum Standards](#)
- [19.88.020 Kennels, Riding Academies And Public Stables](#)
- [19.88.030 Cemetery, Crematory Or Mausoleum](#)
- [19.88.040 Hospitals](#)
- [19.88.050 Religious Institution Or Assembly, Community Buildings, Social Halls, Lodges, Fraternal Organization And Clubs](#)
- [19.88.060 Drive-In Theaters](#)
- [19.88.070 Keeping Of Livestock](#)
- [19.88.080 \(Repealed\)](#)
- [19.88.090 Temporary Permits For Manufactured Dwellings](#)
- [19.88.100 Mines, Quarries, Gravel Pits Or Gravel Removal Sites](#)
- [19.88.110 \(Repealed\)](#)
- [19.88.120 Utilities](#)
- [19.88.130 Rear Lot Or Parcel Permits](#)
- [19.88.140 Home Occupation](#)
- [19.88.150 Landing Strips For Aircraft And Heliports](#)
- [19.88.160 Day Care Facility](#)
- [19.88.170 Housing For The Elderly](#)
- [19.88.180 Plant Nursery](#)
- [19.88.190 Hydroelectric Facilities](#)
- [19.88.200 \(Repealed\)](#)
- [19.88.210 Solar Setbacks](#)
- [19.88.220 Solar Access Permit](#)
- [19.88.230 Time-Share Unit](#)
- [19.88.240 Fill And Removal](#)
- [19.88.250 Dwelling Groups](#)
- [19.88.260 Bed And Breakfast Inn](#)
- [19.88.270 Temporary Use](#)
- [19.88.280 Manufactured Dwellings](#)
- [19.88.290 Farm Stands](#)
- [19.88.300 Wireless Telecommunication Facilities](#)
- [19.88.310 Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel](#)

**19.88.320 Manufactured Dwelling Or Recreational Vehicle As A Temporary Hardship Dwelling**

**19.88.330 Residential Homes And Residential Facilities**

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**19.88.070 Keeping Of Livestock**

The ~~Planning Director or Hearings Body~~~~Planning Commission~~ may authorize the keeping of livestock as a conditional use in an RS, SR, or R zone, subject to the following standards:

- A. One horse, cow, goat, sheep, swine, or other livestock shall have a corral or pasture with a usable area of at least 7,500 square feet; two horses, cows, goats, sheep, swine, or other livestock, at least 10,000 square feet; and for each additional horse, cow, goat, sheep, swine, or other livestock, at least 5,000 square feet, but in no case shall the above use be allowed on any lot or parcel with a lot area of less than one acre.
- B. No enclosure for horses, cows, goats, sheep, swine, or other livestock shall be located closer than 100 feet to a neighboring dwelling unit.
- C. Fences erected in connection with the keeping of livestock shall be of lumber or other standard fencing material (not including barbed wire or electric fence), shall be kept in good repair and shall be at least four feet in height. A fence shall meet the setback requirements of the zone.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2025-002](#) §49 on 3/28/2025*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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**19.88.100 Mines, Quarries, Gravel Pits Or Gravel Removal Sites**

Extractions from deposits of rock, stone, gravel, sand, earth, minerals or building or construction materials shall not be construed to be a permitted use in any zone of DCC Title 19 (except as outlined in DCC 19.16 for permitted uses in an SM zone) unless a conditional use permit shall first have been obtained as provided in DCC 19.100, except for on-site excavation and grading in conjunction with a specific construction or improvement project. The ~~Planning Director or Hearings Body~~~~Planning Commission~~ shall have the power

to grant conditional use permits, which are valid for a specific period of time or are revocable, to permit extractions from deposits of rock, stone, gravel, sand, earth, minerals or building or construction materials. Odors, dust, noise or drainage shall not be permitted to create or become a nuisance to surrounding property.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2026-0XX](#) §X on X/X/2026*

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#### [19.88.170 Housing For The Elderly](#)

The purpose of DCC 19.88.170 is to establish standards for housing developments for the elderly within the RH zone. Housing developments for the elderly shall be exempted from applicable zone regulations only insofar as the provisions in DCC 19.88.170 conflict with appropriate regulations.

- A. The minimum lot area for single-unit dwellings and duplexes shall be 5,000 square feet. For each additional dwelling unit, the original lot area shall be increased by 360 square feet provided that more than 50 percent of the dwelling units shall be studio apartments. For the purpose of DCC 19.88.170, a studio apartment is defined as an apartment with one primary room and having no bedrooms.
- B. The combined lot coverage of all structures shall not exceed 50 percent of the lot area.
- C. Off-street parking shall be provided as follows: Total Off Street Parking Area - .75 space per dwelling unit. Improved Off-Street Parking Area - .33 space per dwelling unit. As long as the multiple-unit dwelling serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total off-street parking area including access and parking spaces in the event the development ceases to serve as housing for the elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, and the larger off-street parking area does not meet the parking needs of the development, the [Planning Director or Hearings Body](#)[Planning Commission](#) may require development of the total or larger off-street parking area.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2025-002](#) §49 on 3/28/2025

Amended by Ord. 2026-0XX §X on XX/XX/2026

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### **19.88.300 Wireless Telecommunications Facilities**

#### **A. Spectrum Act Eligible Facilities Requests.**

1. All eligible facility reviews submitted in accordance with the Spectrum Act, Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. §1455(a), shall be reviewed under the standards listed therein.
2. If the County determines that a proposed collocation or modification of an existing tower or base station will substantially change the physical dimensions of such tower or base station, the Spectrum Act is inapplicable and this subsection (A) shall not apply. Such an application will be reviewed pursuant to DCC 19.88.120 as a land use action pursuant to DCC Title 22.

#### **HISTORY**

Adopted by Ord. 2026-0XX §X on XX/XX/2026

### **19.88.310 Recreational Vehicle As A Temporary Dwelling On An Individual Lot Or Parcel**

#### **A. A single recreational vehicle, as defined in DCC Title 19, may be located on a lot or parcel containing a manufactured dwelling or single-unit dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding, or storms until no later than the date:**

1. The single-unit dwelling or manufactured dwelling has been repaired or replaced and an occupancy permit has been issued;
2. The local government makes a determination that the owner of the single-unit dwelling or manufactured dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
3. Five years after the date the single-unit dwelling or manufactured dwelling first became uninhabitable.

#### **HISTORY**

Adopted by Ord. 2026-0XX §X on XX/XX/2026

## **19.88.320 Manufactured Dwelling Or Recreational Vehicle As A Temporary Hardship Dwelling**

- A. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirmed person or persons experienced by the existing resident or relative.
- B. As used in this section, "relative" means a grandparent, step-grandparent, grandchild, step-grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt, or first cousin.
- C. A temporary use permit for the term of the hardship for one of the following hardship dwelling types may be granted on a lot or parcel in conjunction with an existing primary dwelling unit:
  - 1. One manufactured dwelling of any class;
  - 2. One recreational vehicle subject to the criteria under subsection (F).
- D. The hardship dwelling must use the same onsite septic disposal system used by the existing primary dwelling unit, provided that the existing onsite septic system is adequate to accommodate the hardship dwelling. If the hardship dwelling will be connected to a community sewer system this requirement does not apply.
- E. Prior to initiating the use, the property owner must obtain all necessary permits from the Deschutes County Building and Onsite Wastewater Divisions.
- F. A recreation vehicle hardship dwelling must comply with all of the following requirements:
  - 1. The recreational vehicle must have a sink and toilet;
  - 2. The recreational vehicle must comply with all setbacks of the underlying zone(s);
  - 3. The recreational vehicle must be fully licensed;
  - 4. The recreational vehicle must be ready for highway use, on its wheels or jacking system, and must be attached to the site only by quick disconnect type utilities and security devices;
  - 5. A recreational vehicle hardship dwelling located in a special flood hazard area must comply with DCC 19.72; and
  - 6. Permanent attached additions are prohibited.
- G. One temporary use permit for a hardship dwelling is permitted provided there is no guest house, recreational vehicle as a rental dwelling, or accessory dwelling unit on the subject lot or parcel. A recreational vehicle permitted under DCC 19.88.310(A) is allowed in addition to a hardship dwelling.
- H. The hardship shall be verified by a state-licensed medical practitioner's written statement.
- I. The temporary use permit shall be reviewed every two years to ensure ongoing compliance with the terms of DCC 19.88.320.
- J. Within three months of the end of the hardship, one of the following must occur:

1. The manufactured dwelling shall be removed, demolished, or converted to an allowed use in the underlying zone(s);
2. The recreational vehicle shall be vacated, and disconnected from any electric, water or septic/sewer facility connection; or
3. For an existing building used as a hardship dwelling, the building must be converted to a permitted use in the underlying zone(s).

#### HISTORY

Adopted by Ord. 2026-01XX §X on XX/XX/2026

#### **19.88.330 Residential Homes And Residential Facilities**

- A. In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.
- B. Residential homes and facilities shall be permitted pursuant to the standards of ORS 197.665 and 197.667, respectively, and any applicable standards of the DCC.

Residential homes and facilities are permitted in the following zones, as summarized in the following table:

<u>Zone</u>	<u>Residential Home</u>	<u>Residential Facility</u>
<u>Urban Area Reserve (UAR-10)</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Suburban Low Density Residential (SR 2 1/2)</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Westside Transect (WTZ)</u>	<u>Permitted</u>	<u>Not permitted</u>
<u>Urban Standard Residential (RS)</u>	<u>Permitted</u>	<u>Permitted conditionally, subject to the applicable provisions of DCC 19.76 and 19.100</u>

#### HISTORY

Adopted by Ord. 2026-01XX §X on XX/XX/2026

## **CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS**

- [19.92.010 General Exceptions To Lot Area Requirements](#)
- [19.92.020 Accessory Uses And Structures](#)
- [19.92.025 Exceptions To Permitted Dwelling Unit Facilities](#)
- [19.92.030 Exception To Height Regulations](#)
- [19.92.040 Establishment And Measure Of Clear Vision Areas](#)
- [19.92.050 Exceptions To Setback Requirements](#)
- [19.92.060 Authorization For Similar Uses](#)
- [19.92.070 Existing Uses](#)
- [19.92.080 Pending Building Permits](#)
- [19.92.090 River Setback \(Repealed\)](#)
- [19.92.100 \(Untitled\)](#)
- [19.92.110 Solar Height Restrictions](#)
- [19.92.120 Conservation Easements On Property Adjacent To Rivers And Streams; Prohibitions](#)
- [19.92.130 Fill And Removal Exceptions](#)
- [19.92.140 Existing Marijuana Production Registered By The Oregon Health Authority \(OHA\)](#)
- [19.92.150 Historic Home Accessory Dwelling Units In UAR-10 And SR-2 1/2 Zones](#)
- [19.92.160 Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones](#)
- [19.92.170 Recreational Vehicles A Rental Dwellings In UAR-10, SR-2 1/2, And WTZ Zones](#)
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### **19.92.060 Authorization For Similar Uses**

The ~~Planning Director or Hearings Body~~<sup>planning commission</sup> may rule that a use not specifically named in the permitted or conditional uses of DCC Title 19 shall be included among the permitted outright or conditional uses if the use is of the same general type and is similar to the permitted or conditional uses of that zone.

#### **HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. 2026-00X §X on X/XX/2026*

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## **CHAPTER 19.116 AMENDMENTS, APPEALS AND PROCEDURES**

[19.116.010 Amendments](#)

[19.116.020 Standards For Zone Change](#)

[19.116.030 Record Of Amendments](#)

[19.116.040 Resolution Of Intent To Rezone](#)

### **19.116.010 Amendments**

DCC Title 19 may be amended by changing the boundaries of zones or by changing any other provisions thereof subject to the provisions of DCC 19.116.

- A. Text changes and legislative map changes may be proposed by the Board of County Commissioners on its own motion, by the motion of the Planning Director or Hearings Body~~Planning Commission~~, upon payment of a fee, by the application of a member of the public. Such changes shall be made pursuant to DCC 22.12 and ORS 215.110 and 215.060.
- B. Any proposed quasi-judicial map amendment or change shall be handled in accordance with the applicable provisions of DCC Title 22.

### **HISTORY**

*Adopted by Ord. PL-11 on 7/11/1979*

*Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990*

*Amended by Ord. 95-050 §§11 and 12 on 6/28/1995*

*Amended by Ord. 2026-00X §X on X/XX/2026*

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