



## COMMUNITY DEVELOPMENT

### DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, JANUARY 23, 2025

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/dcpczoom>

**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 January 23. They will be entered into the record.

### I. CALL TO ORDER

### II. PUBLIC COMMENT

### III. ACTION ITEMS

- [1.](#) Greater Sage-Grouse / 2024 Mapping Update (*Nicole Mardell, Senior Planner*)
- [2.](#) Deliberations: Clear and Objective Housing Text Amendments – Definitions, Dimensional Standards, and Accessory Uses (*Kyle Collins, Associate Planner*)

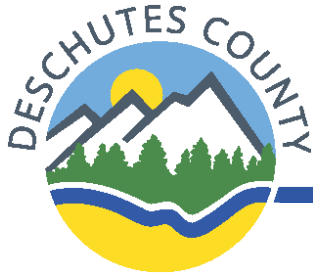
### IV. PLANNING COMMISSION AND STAFF COMMENTS

### V. 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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## MEMORANDUM

**TO:** Deschutes County Planning Commission (“Commission”)

**FROM:** Nicole Mardell, AICP, Senior Planner – Long Range

**DATE:** January 16, 2025

**SUBJECT:** Greater Sage-Grouse / 2025 Mapping Update Work Session

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Staff will conduct a work session with the Commission on January 23, 2025, to discuss updates to the Greater Sage-Grouse Area Combining Zone required by the Department of Land Conservation and Development.

### I. BACKGROUND

In 2015, the Oregon Land Conservation and Development Commission (LCDC) adopted new rules<sup>1</sup> addressing potential conflicts between large-scale development and sage-grouse habitat. The rules applied to seven eastern Oregon counties with significant sage-grouse habitat, based on data and maps approved by the Oregon Fish and Wildlife Commission (OFWC) in 2011.

Shortly after this rulemaking, the Board of County Commissioners adopted Ordinance Nos. 2015-010 and 2015-011, incorporating sage-grouse habitat maps and regulations into the Deschutes County Code and Comprehensive Plan. This is implemented through Chapter 18.89, Greater Sage-Grouse Area Combining Zone (GSGA) of the Deschutes County Code.

The GSGA currently includes three habitat areas:

- Core Area, also known as Priority Areas for Conservation (PACs): mapped sagebrush types or other habitats that support sage-grouse annual life history requirements including leks<sup>2</sup>. This area has the greatest limitations and mitigation requirements for

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<sup>1</sup> OAR 660-23-0015

<sup>2</sup> “Lek” means an area where male sage-grouse display during the breeding season to attract females (also referred to as strutting-ground).

large-scale<sup>3</sup> development.

- Low Density Habitat: mapped sagebrush types or other habitats that support sage-grouse. This area has limitations and mitigation requirements for large-scale development, although at a lesser tier than in core areas.
- General habitat: occupied (seasonal or year-round) habitat outside core and low-density habitats.

The GSGA Zone only applies to areas that are within 3.1 miles of a lek. Privately owned property in the Alfalfa, Horse Ridge East, and Bend-Tumalo-Redmond Exclusive Farm Use (EFU subzones) are included in these areas, as well as one property that is split-zoned and includes land zoned for Forest Use (F-1). Federal lands are exempt from County land use requirements, although several federally owned properties are included within the boundary of this zone.

## II. IMPACT OF GREATER SAGE-GROUSE COMBINING ZONE

The combining zone aims to regulate activities potentially harmful to sage grouse habitats. Development projects within specified areas near occupied sage-grouse breeding sites, or leks, require County and ODFW review to ascertain if they pose a conflict. There are two main types: large-scale and smaller developments.

Large-scale developments are subject to a two-step analysis, evaluating their size, potential impact area, traffic generation, height, and noise levels. Examples include solar projects and aggregate quarries. Meanwhile, smaller-scale developments in mapped sage-grouse habitat areas, like a two-acre guest ranch, would require evaluation from the Oregon Department of Fish and Wildlife (ODFW) for potential threats to the habitat. The regulation and mitigation guidelines differ based on the area type - Core Area, Low Density Area, or General Habitat. These regulations detail allowable disturbances, mitigation measures, and consultations required with ODFW, ensuring the protection and conservation of the sage grouse habitat.

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<sup>3</sup> "Large-scale development" means uses that are: over 50 feet in height; have a direct impact in excess of five acres; generate more than 50 vehicle trips per day; or create noise levels of at least 70 dB at zero meters for sustained periods of time. Uses that constitute large-scale development also require review by county decision makers and are listed in one of the following categories identified in the table attached to OAR 660-033-0120.

- Commercial Uses.
- Mineral, Aggregate, Oil and Gas Uses.
- Transportation Uses.
- Utility/Solid Waste Disposal Facilities.
- Parks/Public/Quasi-Public.

### III. 2022-2025 UPDATE PROCESS

ODFW staff initiated the process to update the Sage-Grouse Conservation Assessment and Strategy for Oregon (CAAS) and statewide Sage-Grouse habitat maps in March 2022. The new maps were intended to provide a more accurate boundary of Greater Sage-Grouse habitat through updated collaring data. ODFW held a public outreach process in summer 2023 to gather feedback on the new maps, including outreach to County staff and individual property owners. Any suggested amendments to the maps were required to be supported by biological data related to Greater-Sage Grouse leks and habitat areas. To our knowledge, no map amendments were submitted by Deschutes County residents to ODFW for consideration. In December 2023, the OFWC adopted the new maps and began coordinating with DLCD to integrate the new information into OAR 660-023-0115.

Once adopted into OAR 660-023-0115, land use requirements would officially apply to the new map boundary. In October 2024, CDD staff received notice of an LCDC public hearing on January 23, 2025, to consider the new maps and minor definition changes. LCDC is required to send Measure 56 notice to all properties impacted by the map changes. Deschutes County sent the notice on behalf of LCDC on December 4, 2024.

As the amendments are required by state law and there is no discretion allotted to local governments, staff is proceeding with a Board of County Commissioners public hearing on February 5, 2025. This abbreviated timeline will reduce any conflicting information in the local GSGA Combining Zone and state rule.

### IV. NOTABLE MAP CHANGES

At the July 2023 work session, staff presented information to the Board on notable map changes utilizing the dataset provided by ODFW. DLCD staff sent over a new dataset on October 21, 2024. After reanalyzing the new map information, it appears four properties in the Millican Rural Service Center have been removed from the low-density habitat area, and therefore are not subject to the requirements of OAR 660-023-0115. All other changes to properties in Deschutes County resulting from the map update are the same as presented in July 2023.

Existing Total Area (Acres)	Draft Total Area (Acres)	Change
493,641	466,288	-27,353
Existing Non-Federal Taxlots	Draft Non-Federal Taxlots	Change
1,114	934	-180
Existing Non-Federal Acres	Draft Non-Federal Acres	Change
133,382	144,506	11,124

Overall, this process will result in minor changes to mapped Sage-Grouse habitat in Deschutes County for non-federal properties (owned by County, State, or private parties). Approximately 180 taxlots (11,124 acres) will be removed from the habitat area entirely, while 188 taxlots will be newly added to the habitat area. 70 taxlots (13,604 acres) will be remapped from Low Density to Core Habitat and subject to additional regulations, while 32 taxlots (3,626 acres) will be remapped from Core to Low Density, and will be subject to lesser regulations.

#### **IV. NEXT STEPS**

Due to the mandatory nature of this map update, no public hearing will be held at the Planning Commission level. A public hearing will take place before the Board of County Commissioners on February 5, 2025.

#### **ATTACHMENTS**

- A. Staff Findings
- B. Draft Text Amendments – DCC 18.89 Greater Sage-Grouse Area Combining Zone
- C. Countywide – 2024 Greater Sage Grouse Habitat Map
- D. Detailed Property Index and Catalog Maps - 2024 Greater Sage Grouse Habitat Map



## ATTACHMENT A - DRAFT STAFF FINDINGS

<b>FILE NUMBER(S):</b>	247-24-000710-PA, 737-ZC
<b>APPLICANT:</b>	Deschutes County Planning Division
<b>REQUEST:</b>	Amend Greater Sage-Grouse Area Combining Zone Map to comply with OAR 660-23-0115
<b>STAFF CONTACT:</b>	Nicole Mardell, AICP, Senior Planner Phone: 541-317-3157 Email: <a href="mailto:nicole.mardell@deschutes.org">nicole.mardell@deschutes.org</a>
<b>RECORD:</b>	Record items can be viewed and downloaded from: <a href="https://bit.ly/2024sagegrouse">Bit.ly/2024sagegrouse</a>

### I. APPLICABLE CRITERIA

Deschutes County Code (DCC)

Title 22, Deschutes County Development Procedures Ordinance  
Chapter 22.012, Legislative Procedures

Oregon Administrative Rule (OAR)

OAR 660-015, Statewide Planning Goals and Guidelines

OAR 660-023-0115, Procedures and Requirements for Complying with Goal 5, Greater Sage-Grouse

### II. BASIC FINDINGS

#### PROPOSAL

This is a legislative plan and text amendment to amend Deschutes County's Greater Sage-Grouse Area Combining Zone Map to comply with state law.

#### BACKGROUND

In 2015, the Land Conservation and Development Commission (LCDC) adopted OAR 660-023-0115. This rule requires seven eastern Oregon counties, including Deschutes County, to regulate large-scale development in Greater Sage-Grouse habitat. The Oregon Department of Fish and Wildlife (ODFW) produced a map of these habitat areas included as Exhibit B of the rule, which has been

incorporated into the County's zoning map as the Greater Sage-Grouse Area Combining Zone (GSGA).

On January 23, 2025, LCDC will consider adoption of an updated map of Greater Sage-Grouse habitat to replace Exhibit B, OAR 660-023-0115 in addition to minor definition changes. This new map provides updated guidance on general, low density, and core habitat areas through collaring data and ODFW's enhanced habitat modeling. As the rule will be amended, Deschutes County is required to update the GSGA to incorporate this new information.

LCDC is only considering an update to the map, no other changes to OAR 660-023-0115 are proposed. No changes to the County's development code are required.

### **REVIEW CRITERIA**

There are no specific criteria in DCC Titles 18, 22, or 23 for legislative plan and text amendment reviews. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and the County's Comprehensive Plan.

## **III. FINDINGS & CONCLUSIONS**

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

#### Section 22.12.010.

#### ***Hearing Required***

**FINDING:** This criterion is met. A public hearing will be held before the Board of County Commissioners on February 5, 2025, allowing for an opportunity for public testimony to be gathered.

#### 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 will be published in the Bend Bulletin newspaper on January 21, 2025, for the Board of County Commissioners' initial 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:** The Planning Director determined that posted notice was not 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:** LCDC required the County to send Measure 56 notice to affected properties 45 days prior to LCDC hearing to adopt the new maps into OAR 660-023-0115. The notice was mailed on December 4, 2024.

- 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 officer for wider media distribution.

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 of County Commissioners and has received a fee waiver. This criterion is 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:** The Planning Commission will hold a work session on this matter on January 23, 2025. Due to the limited scope of the amendment, focused solely on compliance with state law, a hearing before the Planning Commission was deemed unnecessary. The Board of County Commissioners will hold a public hearing on February 5, 2025.

Section 22.12.050 Final Decision

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

**FINDING:** The proposed legislative changes will be implemented by Ordinance 2025-xxx, upon approval and adoption by the Board of County Commissioners. This criterion will be met.

**OAR 660-015, Statewide Planning Goals and Guidelines**

Goal 1: Citizen Involvement:

**FINDING:** The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:

**FINDING:** The purpose of the amendment is to update the County's GSGA Combining Zone to comply with changes to state law. This criterion is met.

Goal 3: Agricultural Lands:

**FINDING:** No changes related to agricultural lands are proposed as part of the text amendments. This goal does not apply.

Goal 4: Forest Lands:

**FINDING:** No changes related to forest lands are proposed as part of the text amendments. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:

**FINDING:** Statewide Planning Goal 5 addresses natural resources, historic and cultural resources, and mineral and aggregate resources. The purpose of the amendment is to update County zoning maps to be consistent with OAR 660-023-0115, relating to the protection of Greater Sage-Grouse. This amendment is consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:

**FINDING** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 9. This goal does not apply.

Goal 10: Housing:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 10. This goal does not apply.

Goal 11: Public Facilities and Services:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. This goal does not apply.

Goal 12: Transportation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. This goal does not apply.

Goal 13: Energy Conservation:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:

**FINDING:** The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 14. This goal does not apply.

Goals 15 through 19

**FINDING:** These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

**OAR 660, Division 23****Procedures and Requirements for Complying with Goal 5**660-023-0115 Greater Sage-Grouse

- (5) ***Quality, Quantity and Location. For purposes of this rule, sage-grouse habitat is only present in Baker, Crook, Deschutes, Harney, Lake, Malheur and Union Counties. The location of sage-grouse habitat within these counties shall be determined by following the map produced by ODFW included as Exhibit B.***

**FINDING:** Exhibit B has been adopted through the County's GSGA Combining Zone. LCDC will consider adoption of an updated Exhibit B habitat map on January 23, 2025. The purpose of the amendments is to modify the County's GSGA Combining Zone to incorporate this updated map information. Therefore, this criterion is met.

**IV. CONCLUSION**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed map amendment as drafted.

## **CHAPTER 18.89 GREATER SAGE-GROUSE AREA COMBINING ZONE; GSGA**

[18.89.010 Introduction](#)

[18.89.020 Exempt Activities](#)

[18.89.030 Definitions](#)

[18.89.040 Quality, Quantity And Location](#)

[18.89.050 Determination Of Significance](#)

[18.89.060 Conflicting Uses](#)

[18.89.070 Pre-Application Conference](#)

[18.89.080 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat In A Core Area](#)

[18.89.090 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat In A Low Density Area](#)

[18.89.100 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat On General Habitat](#)

[18.89.110 Especially Unique Local Economic Opportunity](#)

[18.89.120 Proposal To Upzone Lands Containing Significant Sage Grouse Habitat](#)

[18.89.130 Landscape; Level Consideration](#)

[18.89.140 Central Registry](#)

[18.89.150 Metering](#)

[18.89.160 Disturbance Threshold](#)

### **18.89.010 Introduction**

Greater Sage-Grouse (hereafter “sage-grouse”) habitat is a unique wildlife resource subject to a variety of threats across a broad, multi-state region. Oregon’s sage-grouse habitat is comprised of a combination of public land managed by the federal government and nonfederal land generally in private ownership. Managing private and other nonfederal land for the best possible outcomes requires partnership and cooperation among many stakeholders. Accordingly, private and other nonfederal lands are strongly encouraged to participate in a Candidate Conservation Agreement with Assurances program. Voluntary conservation efforts of this nature are recognized by the State of Oregon as a critical part in recovering the breeding population targeted by Oregon’s Greater Sage-Grouse Conservation Assessment and Strategy for Oregon. Beyond voluntary efforts, it remains necessary to provide a regulatory framework that offers fairness, predictability and certainty for all involved parties. Engagement on the part of county government is critical to Oregon’s efforts to address possible impacts from future development.

#### **HISTORY**

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

### **18.89.020 Exempt Activities**

- A. Those activities that do not require governmental approval, including farm use as defined in ORS 215.203(2), are exempt from the provisions of this chapter.

- B. State agency permits necessary to facilitate a farm use, including granting of new water right permits by the Oregon Water Resources Department (OWRD), are also exempt from the provisions of this chapter.
- C. Any energy facility that submitted a preliminary application for site certificate pursuant to ORS 469.300 et seq. on or before August 13, 2015, is exempt from the provisions of this chapter.
  - 1. Notwithstanding ORS 197.646(3), this chapter shall not be directly applicable to any land use decision regarding that facility unless the applicant chooses otherwise.
  - 2. Similarly, any changes to a local government’s acknowledged comprehensive plan or land use ordinances developed to achieve consistency with this chapter shall not constitute “applicable substantive criteria” pursuant to OAR 345-022-0030(3), unless they are in effect on the date the applicant submits a preliminary application for site certificate, unless the applicant chooses otherwise.
- D. Private and other nonfederal lands are strongly encouraged to participate in a Candidate Conservation Agreement with Assurances (CCAA) program.
  - 1. Voluntary conservation efforts of this nature are recognized by the State of Oregon as a critical part in recovering the breeding population targeted by the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon.
  - 2. Uses identified in CCAA agreements are relieved from the provisions of this chapter except that conflicting uses identified in section DCC 18.89.060 will be subject to sections DCC 18.89.080 thru 18.89.100 in all instances regardless of enrollment status.

## HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

### **18.89.030 Definitions**

Definitions. For purposes of this chapter, the definitions in OAR 635-140-0002 and in the glossary of the “Greater Sage-Grouse Conservation Assessment and Strategy for Oregon” adopted by the Oregon Fish and Wildlife Commission on April 22, 2011 shall apply. In addition, the following definitions shall apply:

“Areas of High Population Richness” means mapped areas of breeding and nesting habitat within core habitat that support the 75th percentile of breeding bird densities (i.e. the top 25 percent). Please see Exhibit A to OAR 660-023-0115.

“Candidate Conservation Agreement with Assurances” means a formal agreement between the United States Fish and Wildlife Service (USFWS) and one or more parties to address the conservation needs of proposed or candidate species, or species likely to become candidates, before they become listed as endangered or threatened. Landowners voluntarily commit to conservation actions that will help stabilize or restore the species with the goal that listing under the Federal Endangered Species Act will become unnecessary.

“Core areas” means mapped sagebrush types or other habitats that support sage-grouse annual life history requirements ~~that are encompassed by areas:~~

~~A.—Of very high, high, and moderate lek density strata;~~

~~B.—Where low lek density strata overlap local connectivity corridors; or~~

~~C.—Where winter habitat use polygons overlap with either low lek density strata, connectivity corridors, or occupied habitat. The sage-grouse core area habitat map is~~ Core area maps are maintained by Oregon Department of Fish and Wildlife (ODFW).

“Development action” means any human activity subject to regulation by local, state, or federal agencies that could result in the loss of significant sage-grouse habitat. Development actions may include but are not limited to, construction and operational activities of local, state, and federal agencies. Development actions also include subsequent re-permitting of existing activities proposing new impacts beyond current conditions.

“Direct impact” means an adverse effect of a development action upon significant sage-grouse habitat which is proximal to the development action in time and place.

“Disturbance” includes natural threats to sage-grouse habitat such as: wildfire, juniper infestation and the spread of noxious weeds or human activities that can negatively affect sage-grouse use of habitat either through changing the vegetation type or condition, or displacement of sage-grouse use of an area. For purposes of this chapter only disturbance from human activities are considered.

“General habitat” means occupied (seasonal or year-round) sage-grouse habitat outside core and low density habitats.

“Indirect impacts” means adverse effects to significant sage-grouse habitat that are caused by or will ultimately result from an affected development activity. Indirect impacts usually occur later in time or are removed in distance compared to direct effects.

“Large-scale development” means uses that are: over 50 feet in height; have a direct impact in excess of five acres; generate more than 50 vehicle trips per day; or create noise levels of at least 70 dB at zero meters for sustained periods of time. Uses that constitute large-scale development also require review by county decision makers and are listed in one of the following categories identified in the table attached to OAR 660-033-0120.

- A. Commercial Uses.
- B. Mineral, Aggregate, Oil and Gas Uses.
- C. Transportation Uses.
- D. Utility/Solid Waste Disposal Facilities.
- E. Parks/Public/Quasi-Public.

“Lek” means an area where male sage-grouse display during the breeding season to attract females (also referred to as strutting-ground).

“Low density areas” means mapped sagebrush types or other habitats that support sage-grouse populations outside of core areas. ~~that are encompassed by areas where:~~

- ~~A.—Low lek density strata overlapped with seasonal connectivity corridors;~~
- ~~B.—Local corridors occur outside of all lek density strata;~~
- ~~C.—Low lek density strata occur outside of connectivity corridors; or~~
- ~~D.—Seasonal connectivity corridors occur outside of all lek density strata.~~

The sage-grouse low density map is ~~Low density area maps are~~ maintained by ODFW.

“Mitigation hierarchy” means an approach used by decision makers to consider development proposals and is ordinarily comprised of a three step process:

- A. “Avoidance” is the first step in the mitigation hierarchy and is accomplished by not taking a certain development action or parts of that action.
- B. “Minimization” is the second step in the mitigation hierarchy and is accomplished by limiting the degree or magnitude of the development action and its implementation.
- C. “Compensatory mitigation” is the third step in the mitigation hierarchy and means the replacement or enhancement of the function of habitat capable of supporting sage-grouse in greater numbers than predicted to be impacted by a development.

“Occupied Lek” means a lek that has been regularly visited by ODFW and has had one or more male sage-grouse counted in one or more of the last seven years..

“Occupied Pending Lek” means a lek that has not been counted regularly by ODFW in the last seven years, but sage-grouse were present at ODFW’s last visit.

“Priority Areas for Conservation” (PACs) means key habitats identified by state sage-grouse conservation plans or through other sage-grouse conservation efforts (e.g., BLM Planning). In Oregon, core area habitats are PACs.

#### HISTORY

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

#### 18.89.040 Quality, Quantity And Location

The location of sage-grouse habitat within Deschutes County shall be determined by maps produced by ODFW and included as Exhibit B in OAR 660-023-0115.

#### HISTORY

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

#### 18.89.050 Determination Of Significance

Significant sage-grouse habitat includes only lands protected under Statewide Planning Goals 3 or 4 as of July 1, 2015 that are identified as

- A. Core areas;

- B. Low density areas; and
- C. Lands within a general habitat area located within 3.1 miles of an occupied or occupied-pending lek.
- D. The exact location of sage-grouse habitat may be refined during consideration of specific projects but

#### HISTORY

*Adopted by Ord. [2015-011 §1](#) on 12/11/2015*

#### **18.89.060 Conflicting Uses**

For purposes of protecting significant sage-grouse habitat, conflicting uses are:

- A. Large-scale development; and
- B. Other activities, which require review by county decision makers pursuant to OAR 660-033-0120 table and are proposed:
  1. In a core area within 4.0 miles of an occupied or occupied-pending lek;
  2. In a low density area within 3.1 miles of an occupied or occupied-pending lek; or
  3. In general habitat within 3.1 miles of an occupied or occupied-pending lek.

#### HISTORY

*Adopted by Ord. [2015-011 §1](#) on 12/11/2015*

#### **18.89.070 Pre-Application Conference**

- A. The County Planning Division should convene a pre-application conference with the applicant prior to accepting an application for a conflicting use in significant sage-grouse habitat.
- B. The pre-application conference should include, at a minimum, the applicant, County planning staff and local ODFW staff.

#### HISTORY

*Adopted by Ord. [2015-011 §1](#) on 12/11/2015*

#### **18.89.080 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat In A Core Area**

- A. The County may consider a large-scale development in a core area upon applying disturbance thresholds and the mitigation hierarchy as follows:
  1. The County may consider a large-scale development that does not cause the one-percent metering threshold described in DCC 18.89.150 or the three-percent disturbance threshold described in DCC 18.89.160 to be exceeded.
  2. Avoidance.



- a. Before proceeding with large-scale development activity that impacts a core area, the applicant must demonstrate that reasonable alternatives have been considered and that the activity or other action cannot avoid impacts within core area habitat.
  - b. If the proposed large-scale development can occur in another location that avoids both direct and indirect impacts within core area habitat, then the proposal must not be allowed unless it can satisfy the following criteria.
    1. It is not technically feasible to locate the proposed large-scale development outside of a core area based on accepted engineering practices, regulatory standards or some combination thereof. Costs associated with technical feasibility may be considered, but cost alone may not be the only consideration in determining that development must be located such that it will have direct or indirect impacts on significant sage-grouse areas; or
    2. The proposed large-scale development is dependent on a unique geographic or other physical feature(s) that cannot be found on other lands; and
    3. If either DCC 18.89.080(A)(2)(b)(1) or 18.89.080(A)(2)(b)(2) is found to be satisfied the County must also find that the large-scale development will provide important economic opportunity, needed infrastructure, public safety benefits or public health benefits for local citizens or the entire region.
3. Minimization.
- a. If the proposed use cannot be sited by avoiding a core area altogether, including direct and indirect impacts, it shall be located to minimize the amount of such habitat directly or indirectly disturbed, and to minimize fragmentation of the core area(s) in question by locating the development adjacent to existing development and at the edge of the core area when possible.
  - b. Uses should minimize impacts through micro-siting, limitations on the timing of construction or use, or both, and methods of construction.
  - c. Minimizing impacts from large-scale development in core habitat shall also ensure direct and indirect impacts do not occur in known areas of high population richness within a given core area, unless a project applicant demonstrates, by a preponderance of the evidence, that such an approach is not feasible.
  - d. Costs associated with minimization may be considered, but cost alone may not be the only consideration in determining that location of development cannot further minimize direct or indirect impacts to core areas.

4. Compensatory Mitigation.
  - a. To the extent that a proposed large-scale development will have direct or indirect impacts on a core area after application of the avoidance and minimization standards and criteria, above, the permit must be conditioned to fully offset the direct and indirect impacts of the development to any core area.
  - b. The required compensatory mitigation must comply with OAR chapter 635, division 140.
- B. The County may approve a conflicting use as identified at DCC 18.89.060(B) above upon either:
  1. Receiving confirmation from ODFW that the proposed conflicting use does not pose a threat to significant sage-grouse habitat or the way sage-grouse use that habitat; or
  2. Conditioning the approval based on ODFW recommendations, including minimization techniques and compensatory mitigation, if necessary, to resolve threats to significant sage-grouse habitat.

#### HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

#### **18.89.090 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat In A Low Density Area**

- A. The County may approve a large-scale development in a low density area upon applying the mitigation hierarchy as follows:
  1. Avoidance.
    - a. Before proceeding with large-scale development activity that impacts a low density area, the applicant must demonstrate that reasonable alternatives have been considered and that the activity or other action cannot avoid impacts within a low density area.
    - b. If the proposed large-scale development can occur in another location that avoids both direct and indirect impacts within a low density area, then the proposal must not be allowed unless it can satisfy the following criteria:
      1. It is not technically or financially feasible to locate the proposed large-scale development outside of a low density area based on accepted engineering practices, regulatory standards, proximity to necessary infrastructure or some combination thereof; or
      2. The proposed large-scale development is dependent on geographic or other physical feature(s) found in low density habitat areas that are less common at other locations, or it is a linear use that must

cross significant sage-grouse habitat in order to achieve a reasonably direct route.

2. Minimization.
    - a. If the proposed use cannot be sited by avoiding a low density area altogether, including direct and indirect impacts, it shall be located to minimize the amount of such habitat directly or indirectly disturbed, and to minimize fragmentation of the low density area(s) in question by locating the development adjacent to existing development and at the edge of the low density area when possible.
    - b. Uses should minimize impacts through micro-siting, limitations on the timing of construction or use, or both, and methods of construction.
  3. Compensatory Mitigation. Required consistent with the provisions of DCC 18.89.080(A)(4) above.
- B. The County may approve a conflicting use as identified at DCC 18.89.060(B) above when found to be consistent with the provisions of DCC 18.89.080(B).

#### HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

#### **18.89.100 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat On General Habitat**

- A. The County may approve a large-scale development on significant sage-grouse habitat in general habitat upon requiring:
  1. General Habitat Consultation.
    - a. If the proposed use cannot be sited by avoiding a general habitat area altogether, including direct and indirect impacts, it shall be located to minimize the amount of such habitat directly or indirectly disturbed, and to minimize fragmentation of the general habitat area(s) in question.
    - b. If the proposed use will be located in a general habitat area, the application for the use must include documentation of consultation between the development applicant and ODFW that considers and results in recommendations on how to best locate, construct or operate the development action so as to avoid or minimize direct and indirect impacts on significant sage-grouse habitat within the area of general habitat.
    - c. The County shall attach ODFW recommendations as a condition of approval; and
  2. Compensatory Mitigation. Required consistent with the provisions of DCC 18.89.080(A)(4) above.

- B. The County may approve a conflicting use identified in DCC 18.89.060(B) above when found to be consistent with the provisions of DCC 18.89.080(B).

#### HISTORY

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

#### **18.89.110 Especially Unique Local Economic Opportunity**

- A. The County may approve a large-scale development proposal that does not meet the avoidance test for significant sage-grouse habitat if the County determines that the overall public benefits of the proposal outweigh the damage to significant sage-grouse habitat.
- B. Requirements for minimization and compensatory mitigation continue to apply and attempts should be made to avoid areas of high population richness, if possible.
- C. The County shall make the balancing determination required by DCC 18.89.110(A) and (B) only when the proposal involves an economic opportunity that will provide a number of permanent, full-time jobs, not including construction activities, paying at least 150 percent of average county wages sufficient to increase the amount of total private nonfarm payroll employment by at least 0.5 percent over the figure included in the most recent data available from the Oregon Department of Employment rounded down to the nearest whole number.
- D. The applicant has the burden to show that the overall public benefits outweigh the damage to the significant sage-grouse habitat.
- E. This section may be exercised by the County once during every ten-year period beginning on August 13, 2015.
- F. The County may deny a proposal submitted under this section.

#### HISTORY

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

#### **18.89.120 Proposal To Upzone Lands Containing Significant Sage Grouse Habitat**

- A. A proposal to up-zone lands containing significant sage-grouse habitat to a greater development potential than otherwise allowed under Goals 3 and 4 shall follow the ordinary Goal 5 process at OAR 660-023-0030 to 660-023-0050.
- B. Up-zoning lands in a core area shall be considered a direct impact and count towards the three percent disturbance threshold pursuant to DCC 18.89.160 below.

#### HISTORY

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

#### **18.89.130 Landscape; Level Consideration**

The standards in DCC 18.89.080, 18.89.090 18.89.100 above, are designed to minimize the amount of future impacts from human sources to significant sage-grouse habitat areas.

## HISTORY

Adopted by Ord. [2015-011 §1](#) on 12/11/2015

**18.89.140 Central Registry**

- A. The County shall cooperate with the Oregon Department of Land Conservation and Development (DLCD), ODFW, the Bureau of Land Management (BLM), and USFWS, Baker, Crook, Harney, Lake, Malheur and Union counties to maintain a central registry, tracking human disturbance from existing (baseline) and all new development affecting core areas.
- B. In addition to assisting in maintaining the central registry, the County shall report all development land use permits for all uses within a core area to DLCD.
- C. The County may establish more refined, project specific data to replace the baseline figures in the DLCD registry so long as all counties listed in DCC 18.89.140(A) utilize a common methodology.

## HISTORY

Adopted by Ord. [2015-011 §1](#) on 12/11/2015

**18.89.150 Metering**

- A. This chapter is intended to ensure that the area of direct impact levels in any PAC, including energy facilities exempted under subsection (2)(b), does not increase by an amount greater than 1.0 percent of the total area of the PAC in any ten-year period.
- B. The initial period shall commence August 13, 2015, the effective date of the Land Conservation and Development Commission (LCDC) sage grouse protection rules, and continue for ten consecutive years, where upon the process shall be successively repeated.

## HISTORY

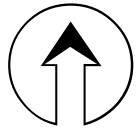
Adopted by Ord. [2015-011 §1](#) on 12/11/2015

**18.89.160 Disturbance Threshold**

This Chapter is intended to ensure that direct impact level, including energy facilities exempted under DCC 18.89.020(C), does not exceed three percent of the total area in any PAC.

## HISTORY

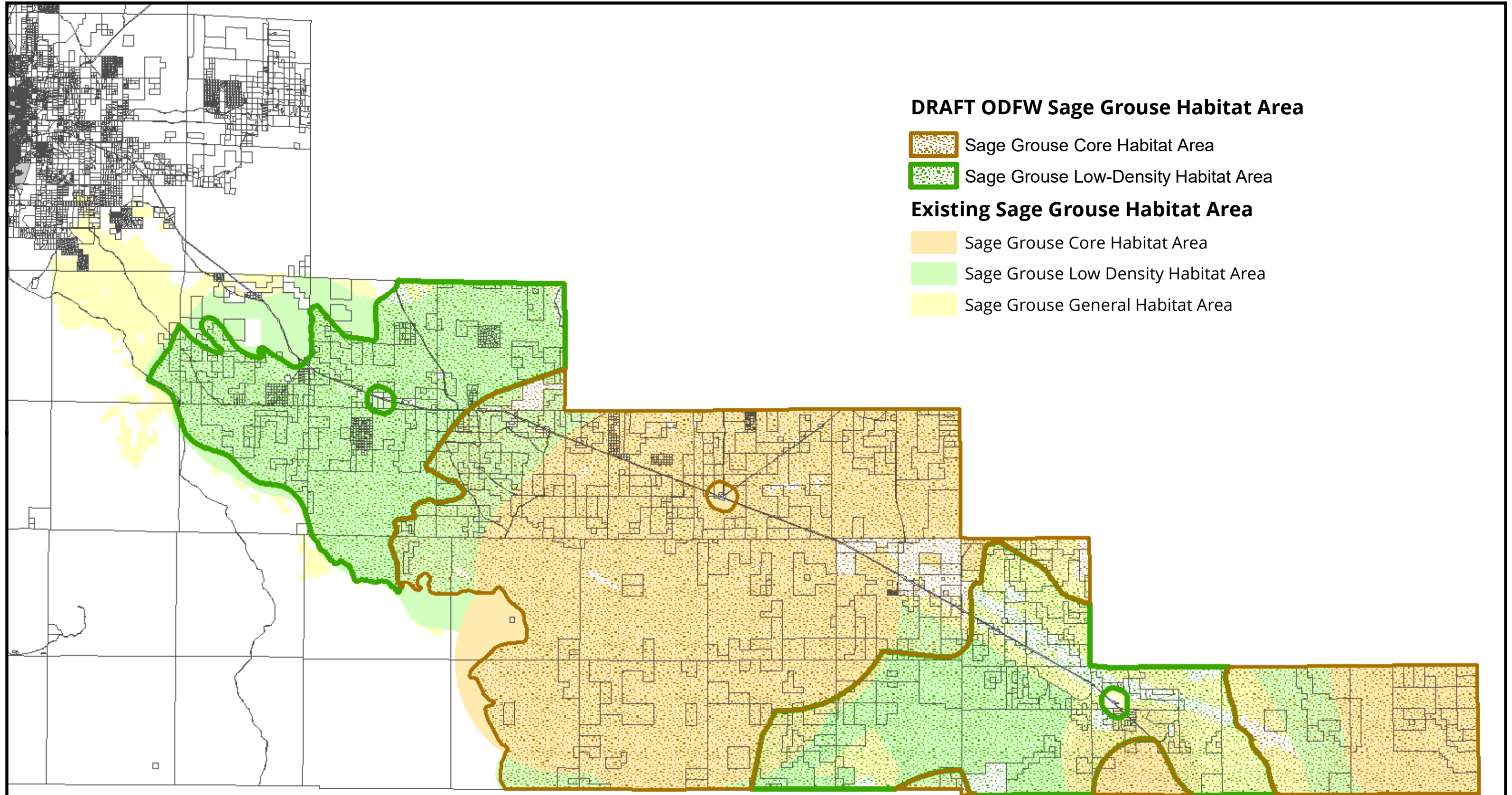
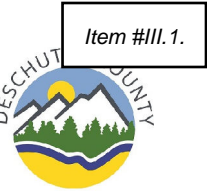
Adopted by Ord. [2015-011 §1](#) on 12/11/2015



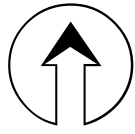
1" = 4.25 Mi.

# DRAFT

## 2024 ODFW Sage Grouse Habitat Area



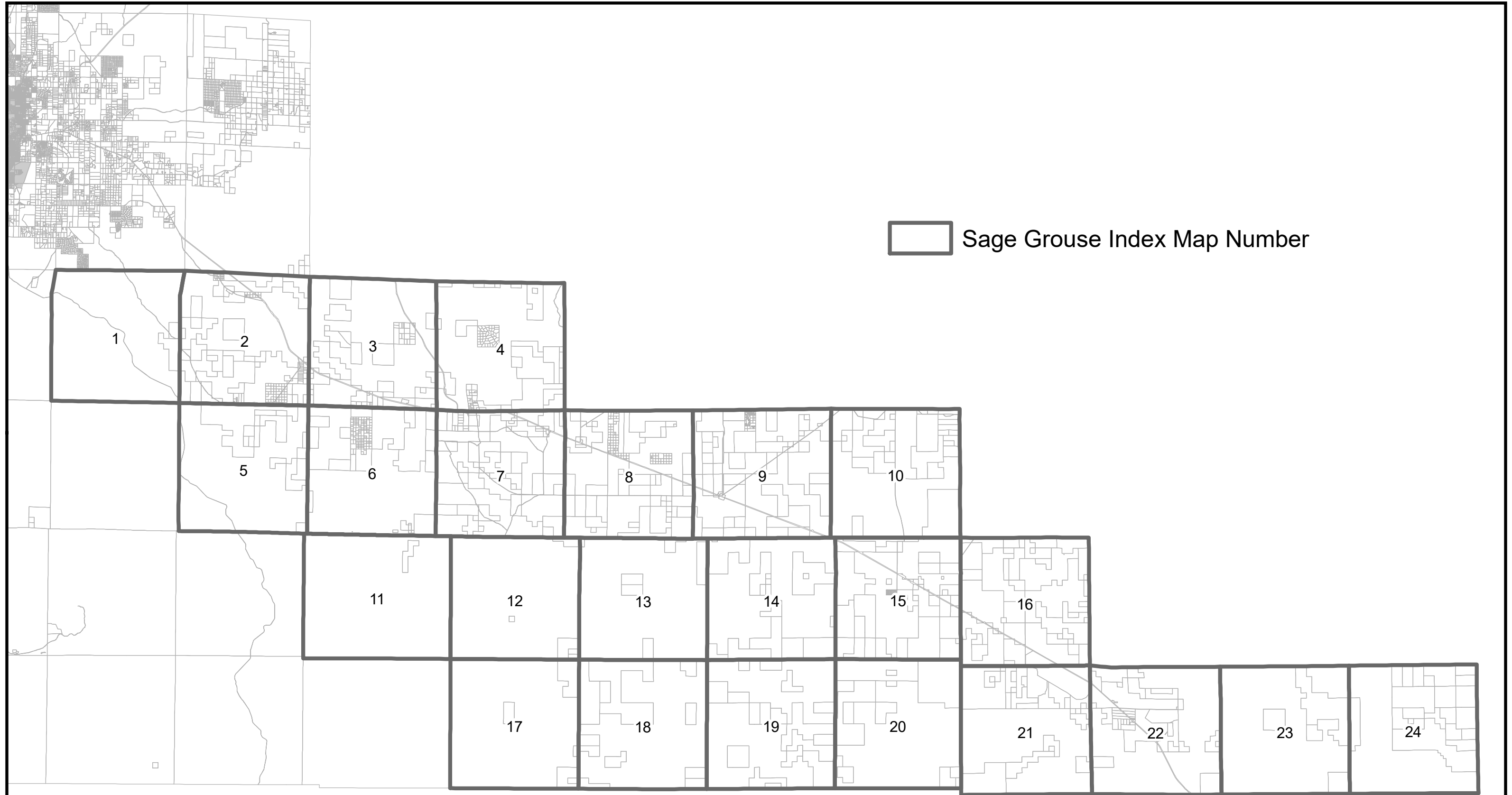
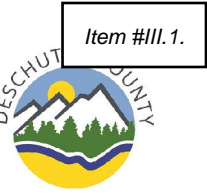
Note: Areas not included in the 2024 Draft ODFW Sage Grouse boundary will no longer be defined as Sage Grouse habitat areas.




1" = 4.25 Mi.

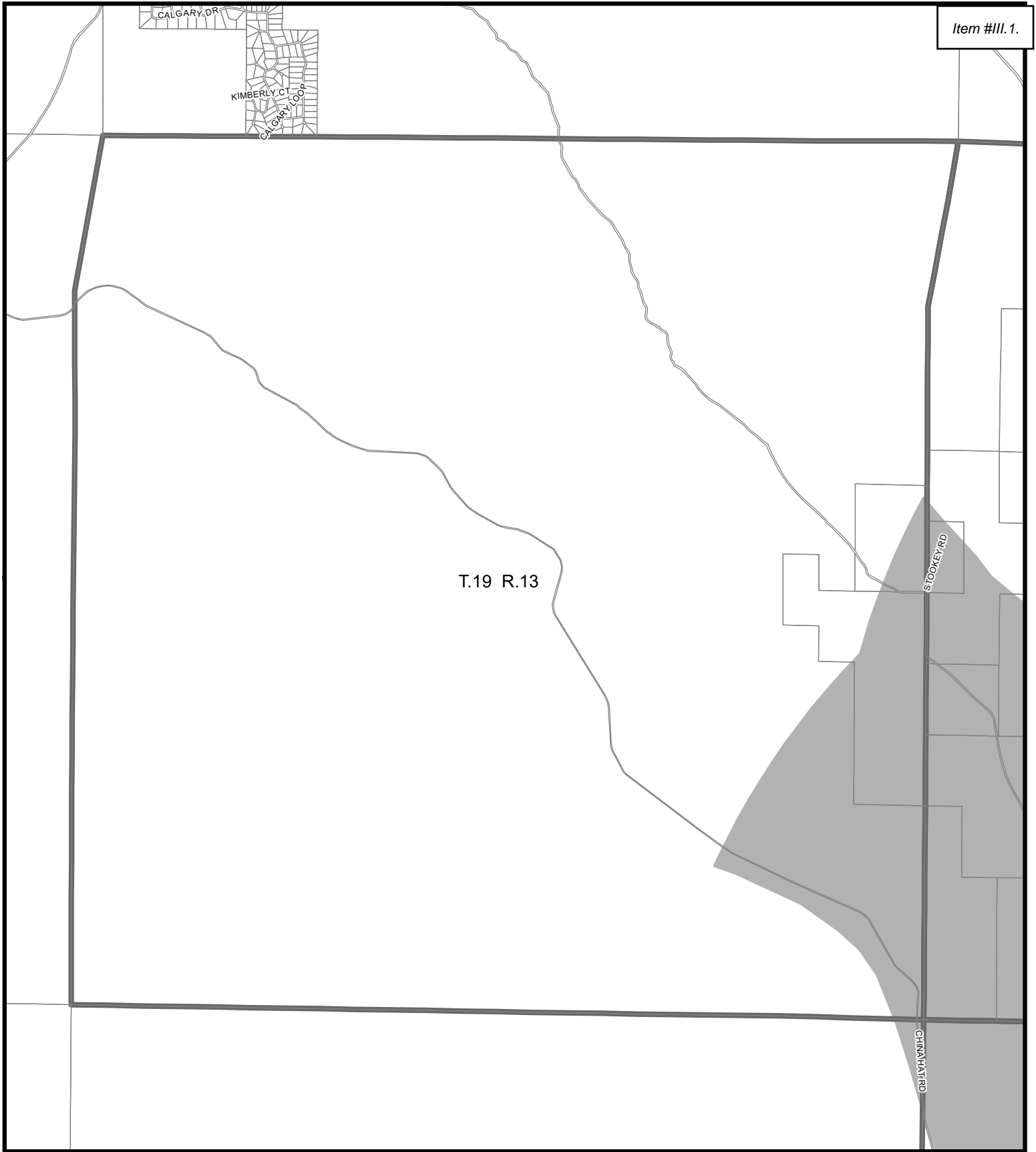
# DRAFT

## 2024 ODFW Sage Grouse Habitat Area Index Map



 Sage Grouse Index Map Number





Note: Areas not included in the 2024 Draft ODFW Sage Grouse boundary will no longer be defined as Sage Grouse habitat areas.



# Sage Grouse Greater Habitat Area

Map 1 of 24

### Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density

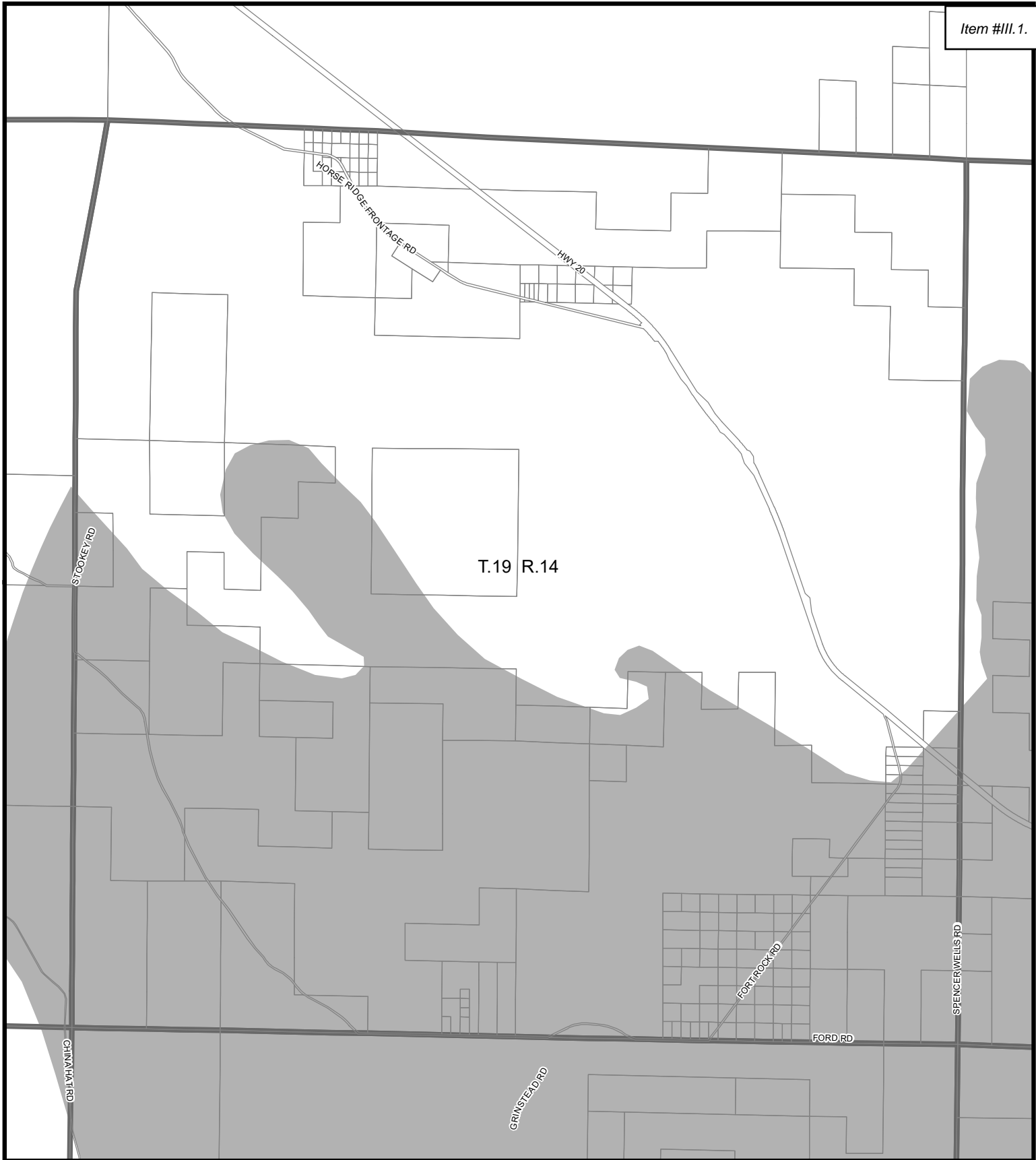


November 26, 2024



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# Sage Grouse Greater Habitat Area

Map 2 of 24

### Legend

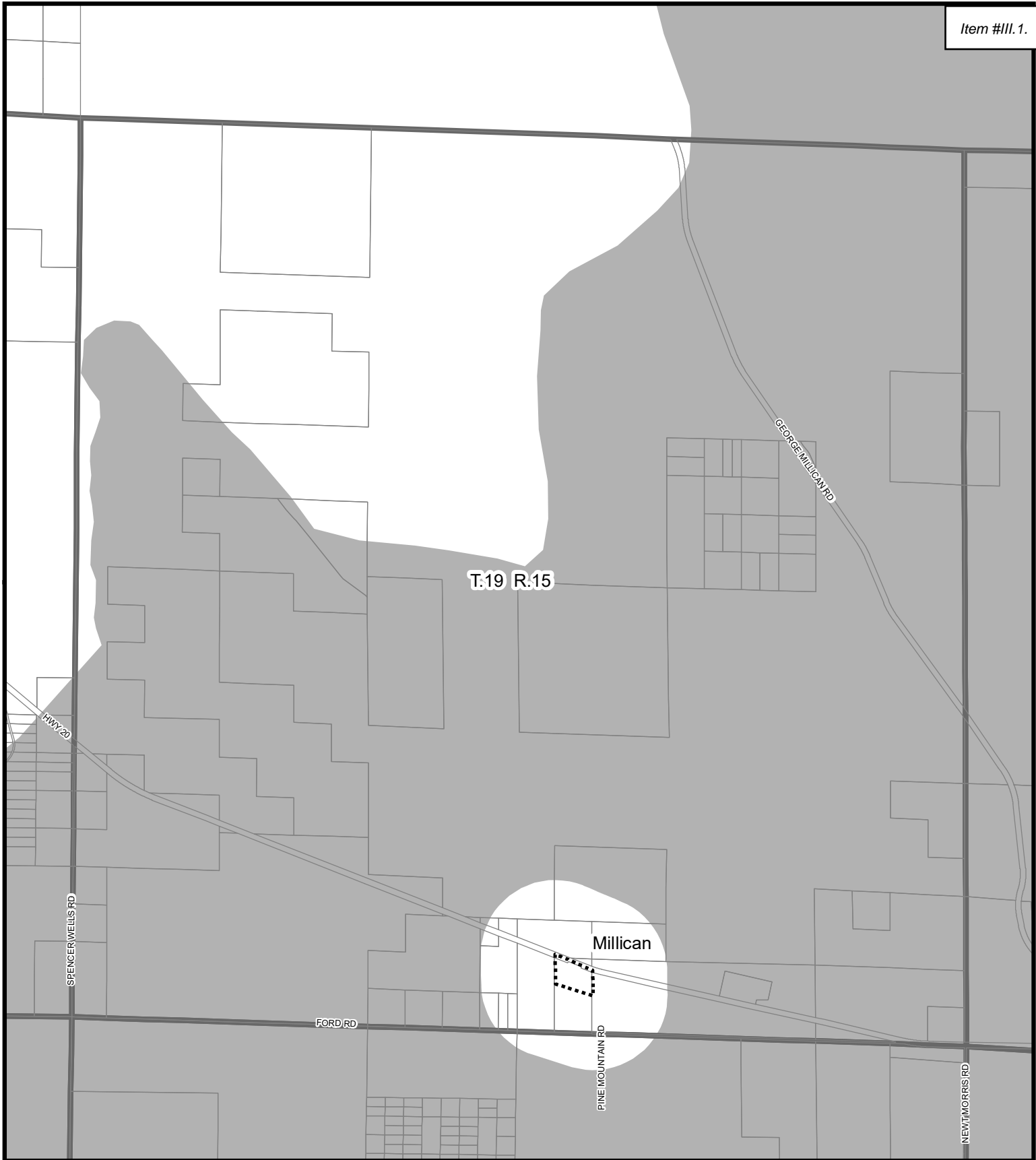
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 3 of 24

### Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 4 of 24

### Legend

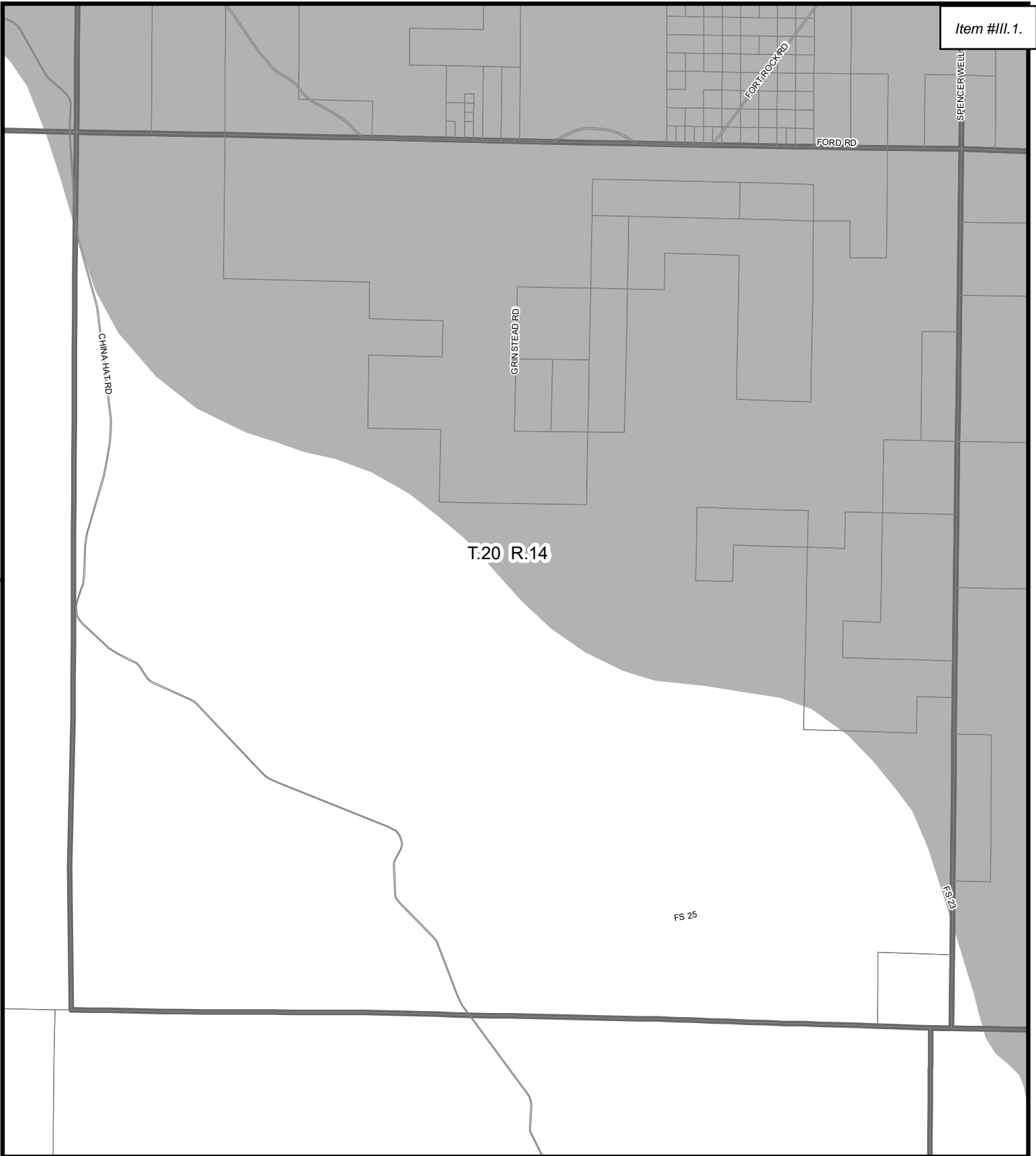
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 5 of 24

### Legend

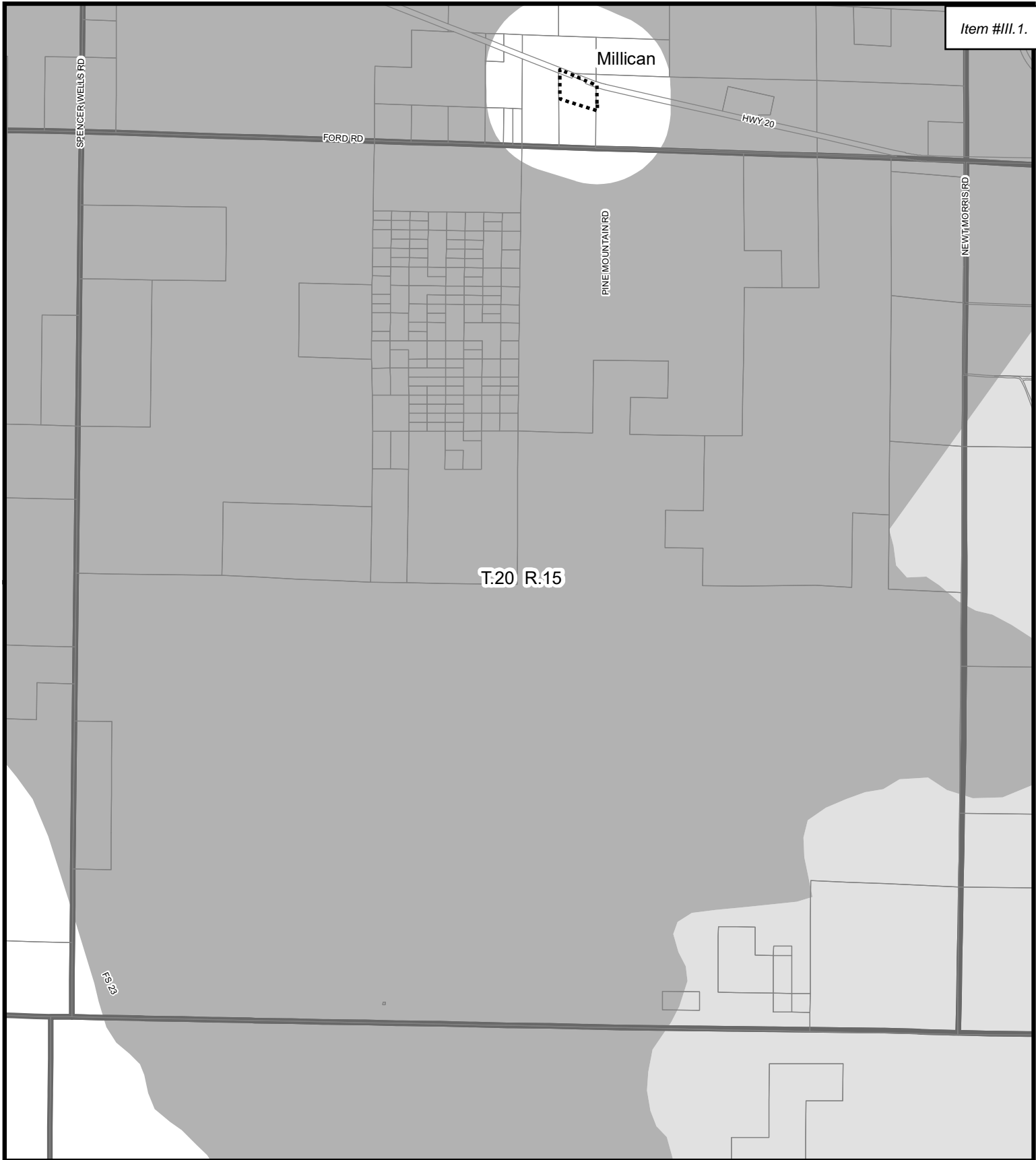
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 6 of 24

### Legend

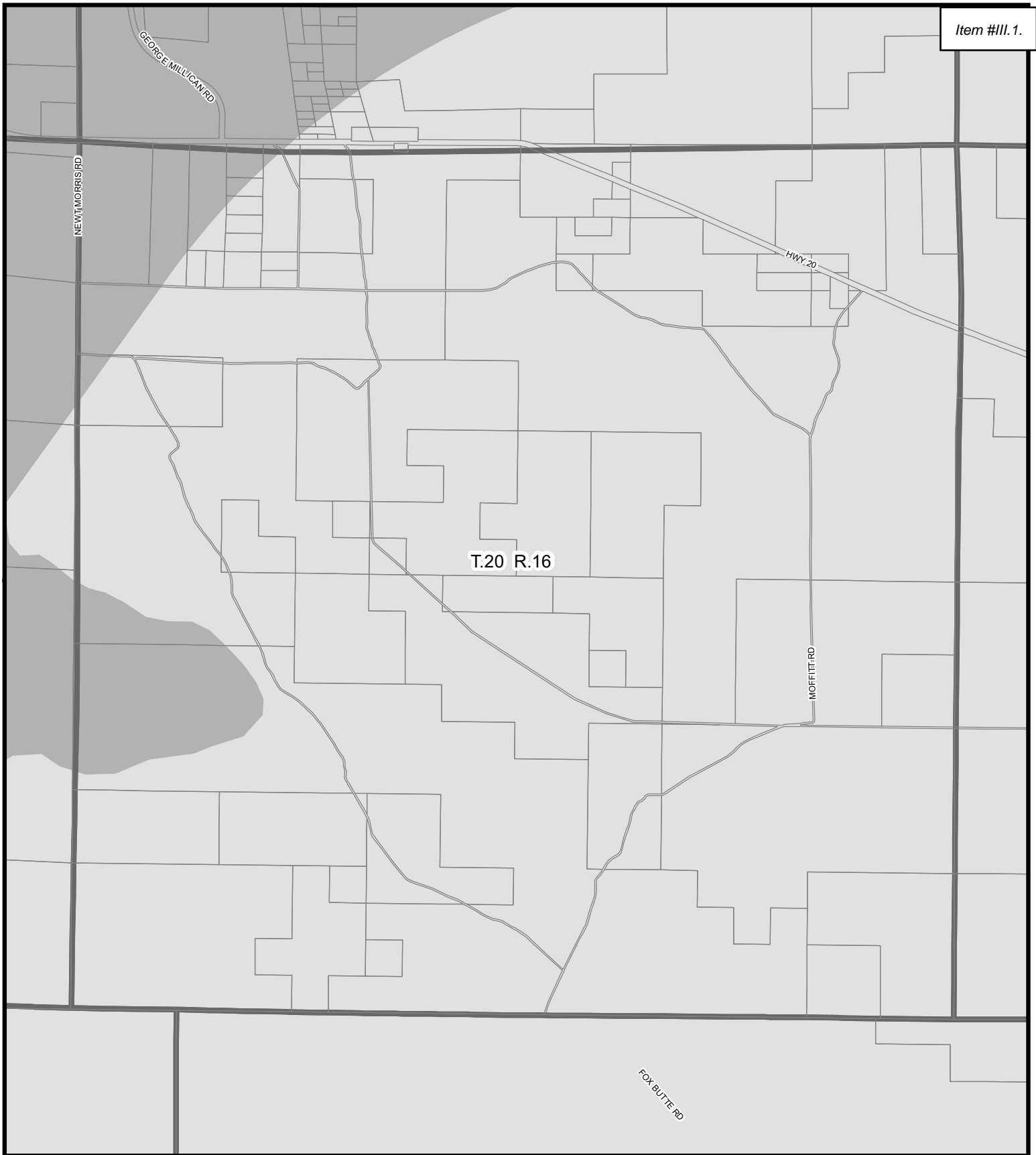
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 7 of 24

### Legend

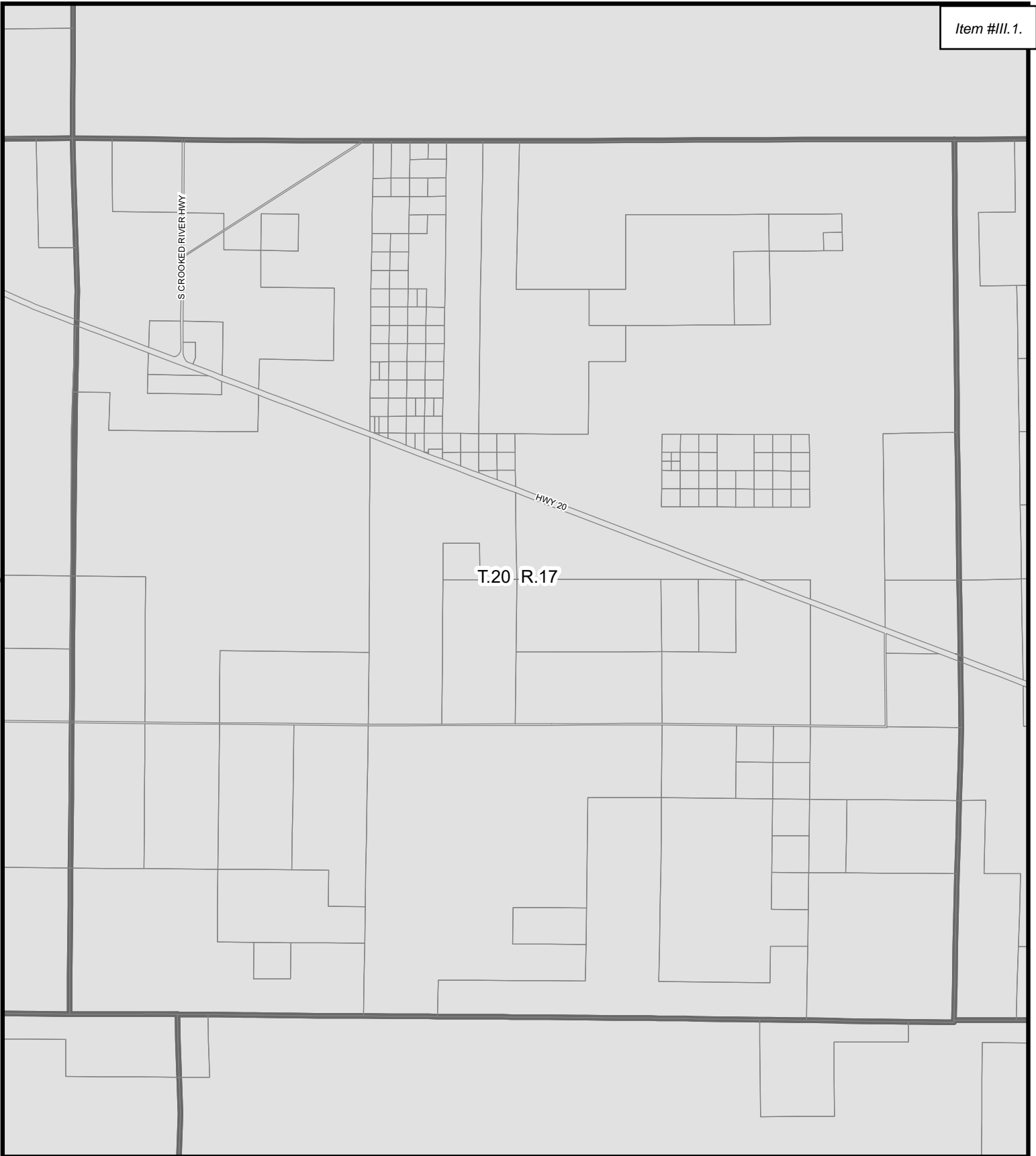
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 8 of 24

### Legend

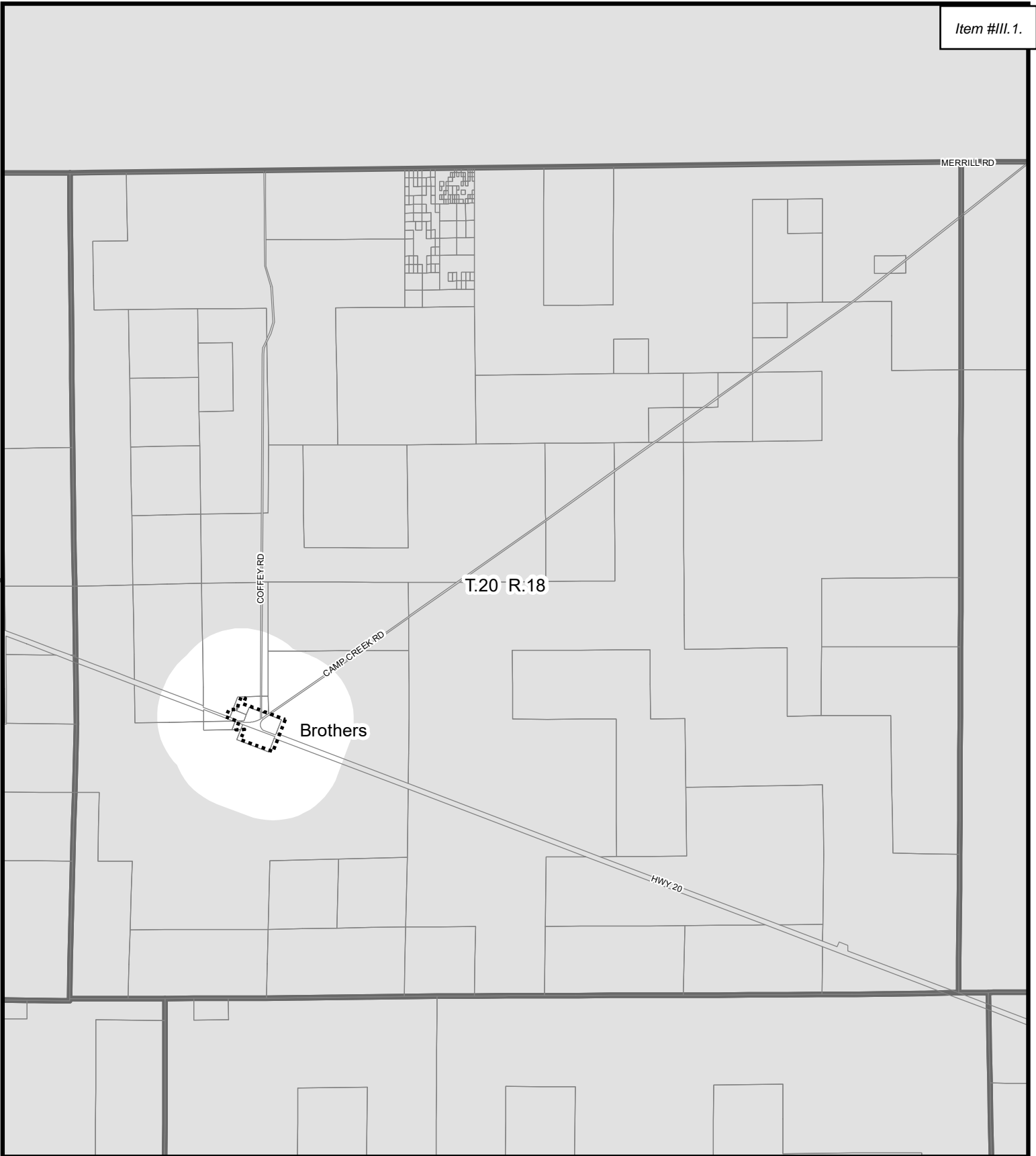
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 9 of 24

### Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density

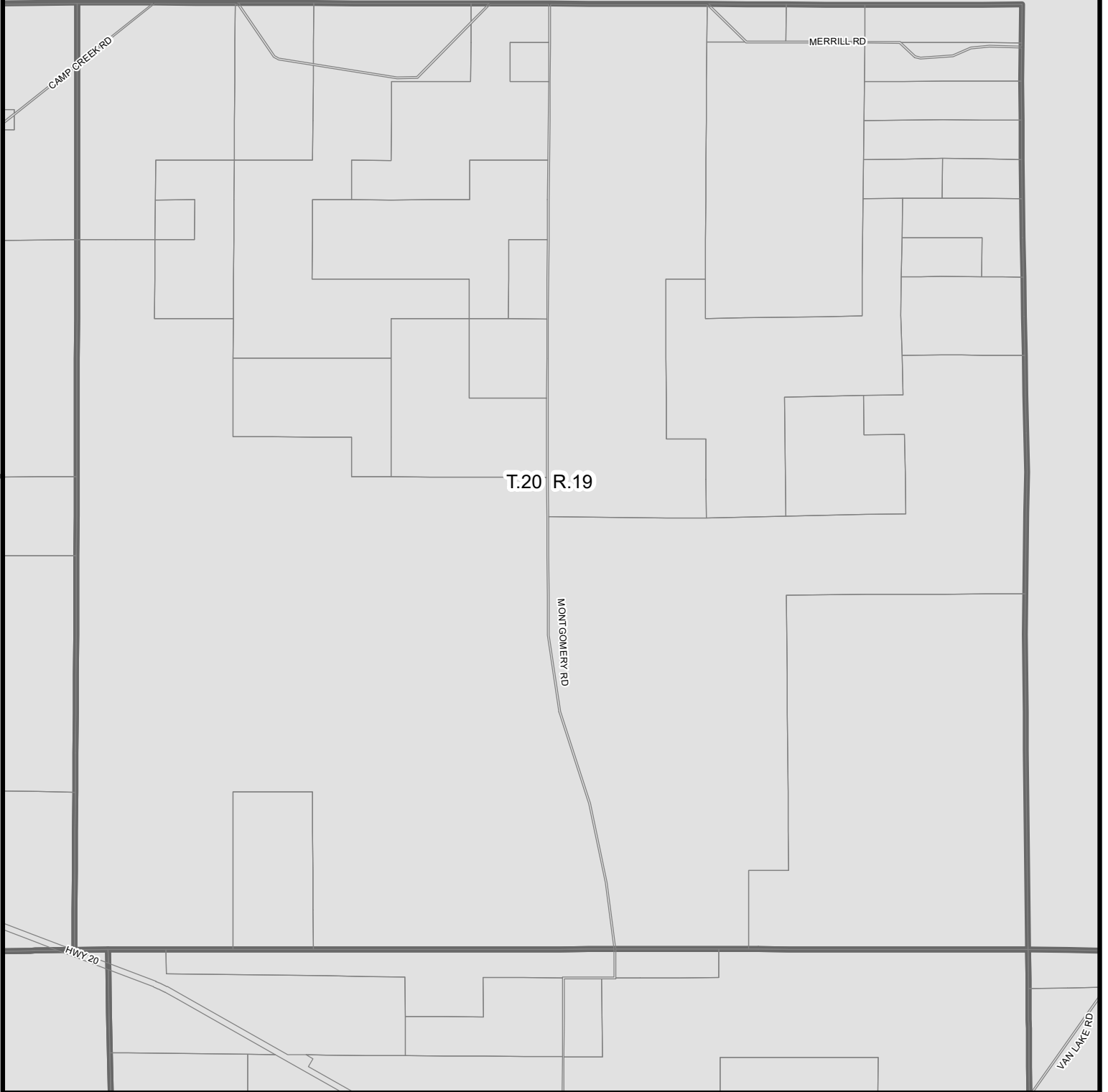


November 26, 2024



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# Sage Grouse Greater Habitat Area

Map 10 of 24

### Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024



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PINE MOUNTAIN RD

T.21 R.15





FS 23

FS 22

# Sage Grouse Greater Habitat Area

Map 11 of 24

## Legend

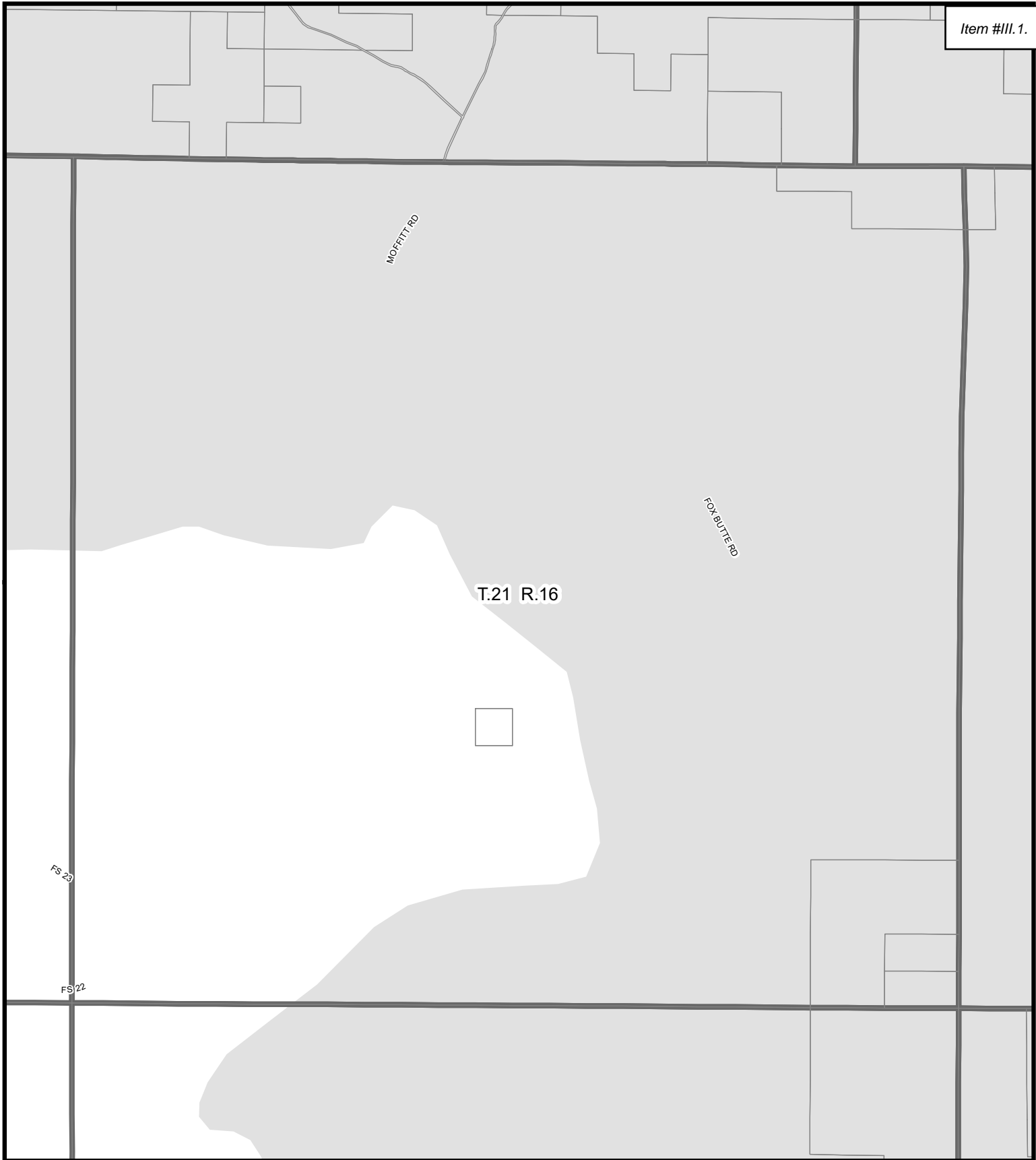
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 12 of 24

### Legend

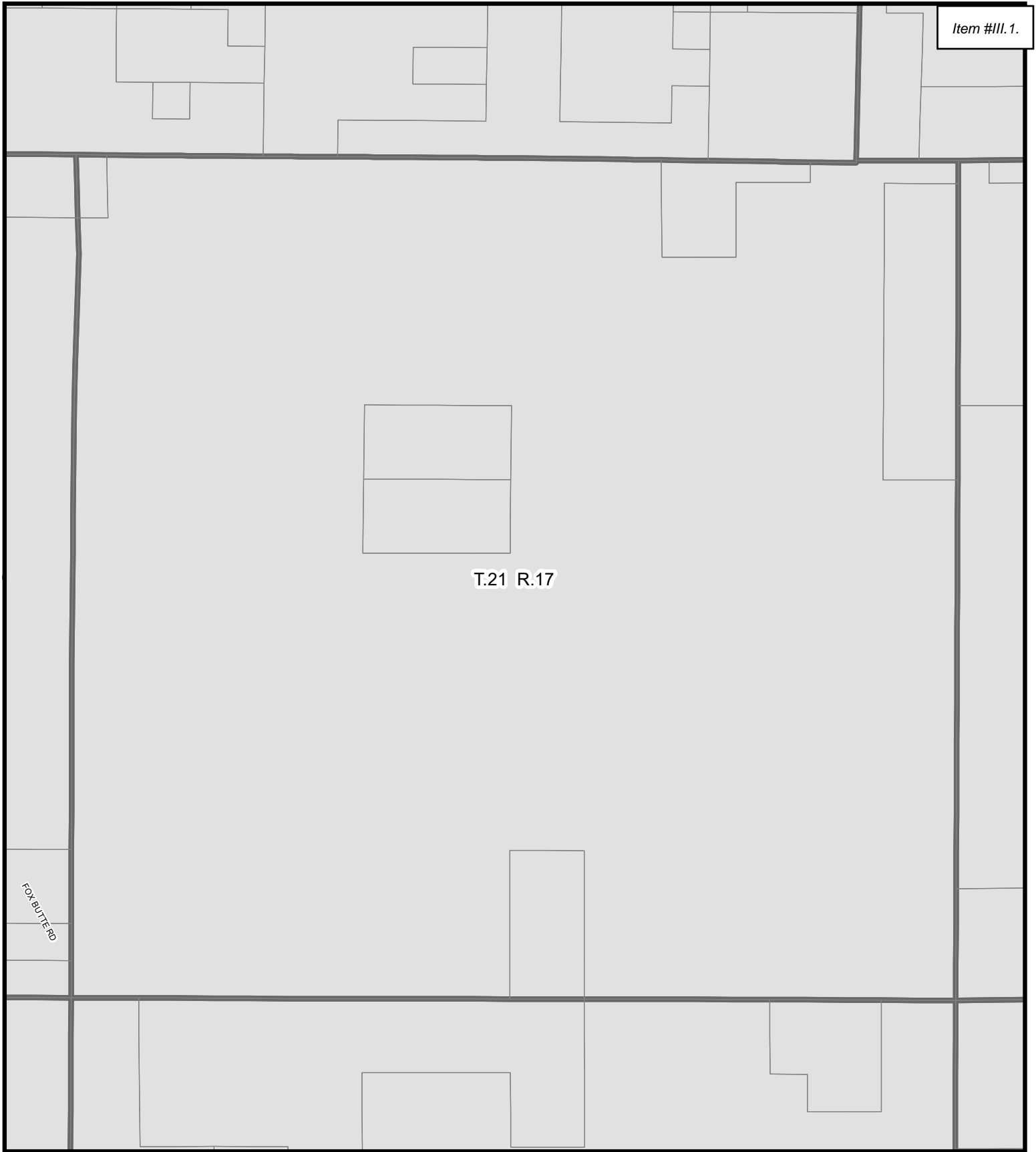
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024



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T.21 R.17

FOX BUTTE RD

# Sage Grouse Greater Habitat Area

Map 13 of 24

## Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024



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HWY.20

T.21 R.18

# Sage Grouse Greater Habitat Area

Map 14 of 24

## Legend

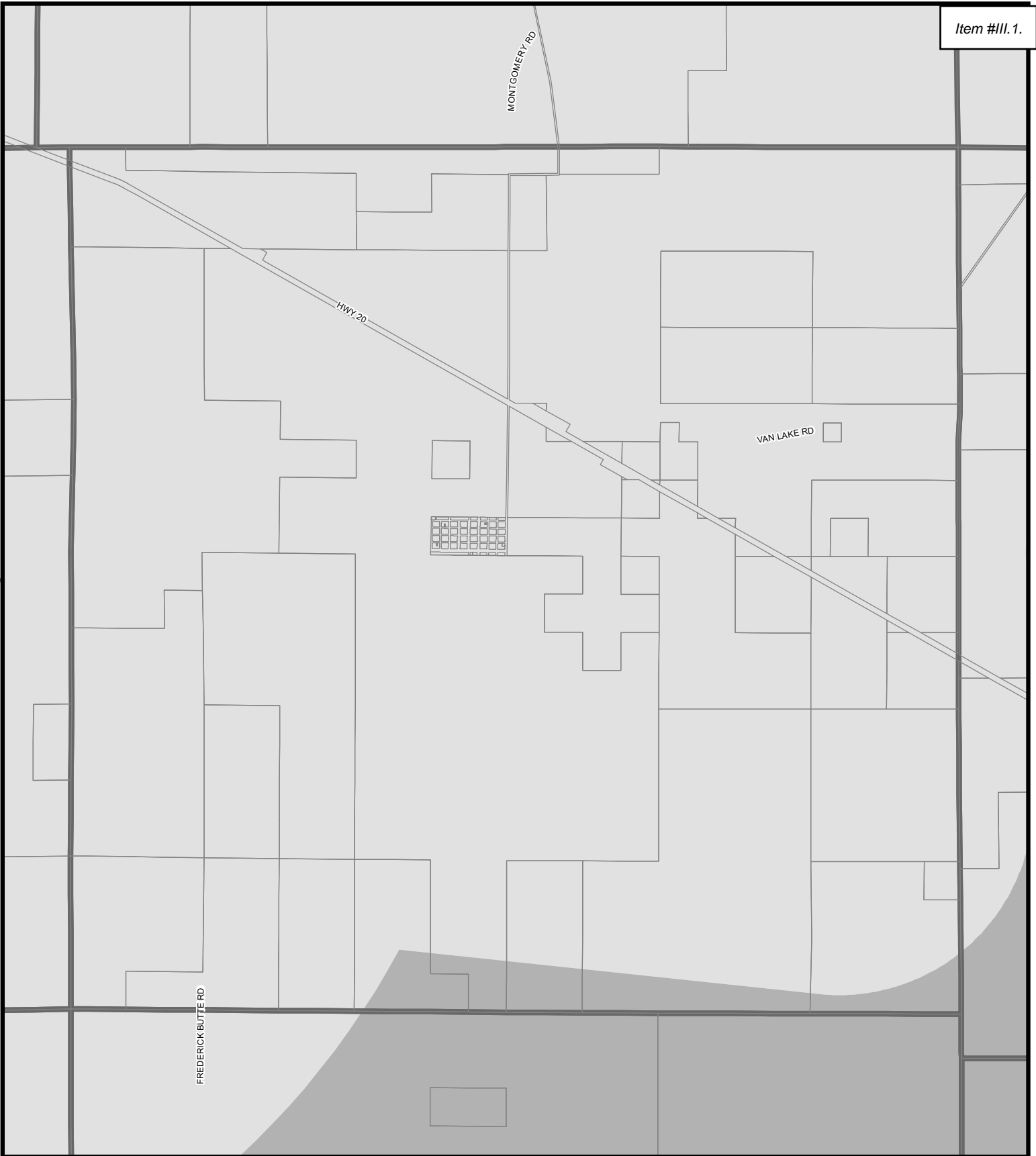
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 15 of 24

### Legend

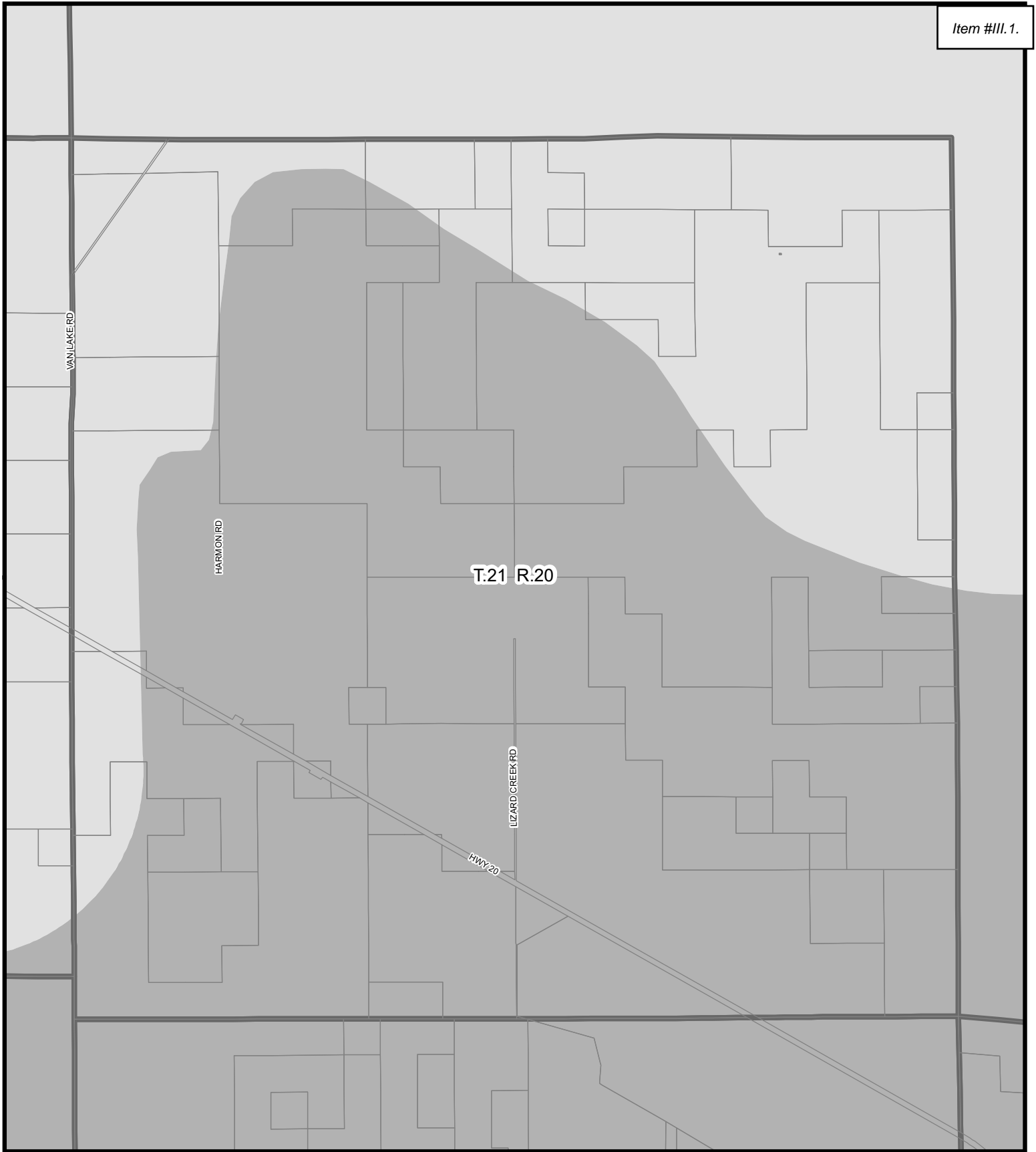
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 16 of 24

### Legend

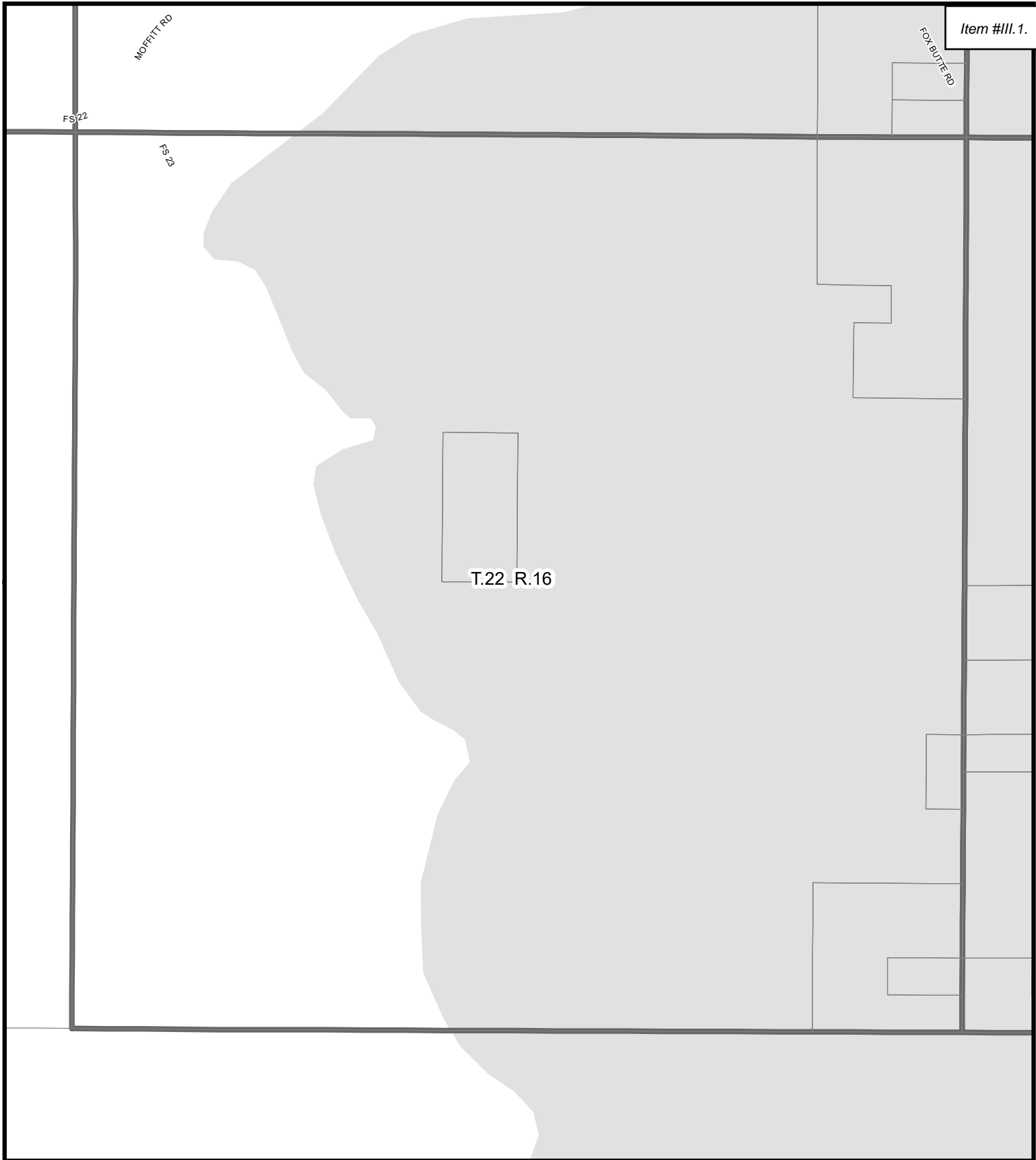
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 17 of 24

### Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024



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FOX BUTTE RD

T.22 R.17

# Sage Grouse Greater Habitat Area

Map 18 of 24

## Legend

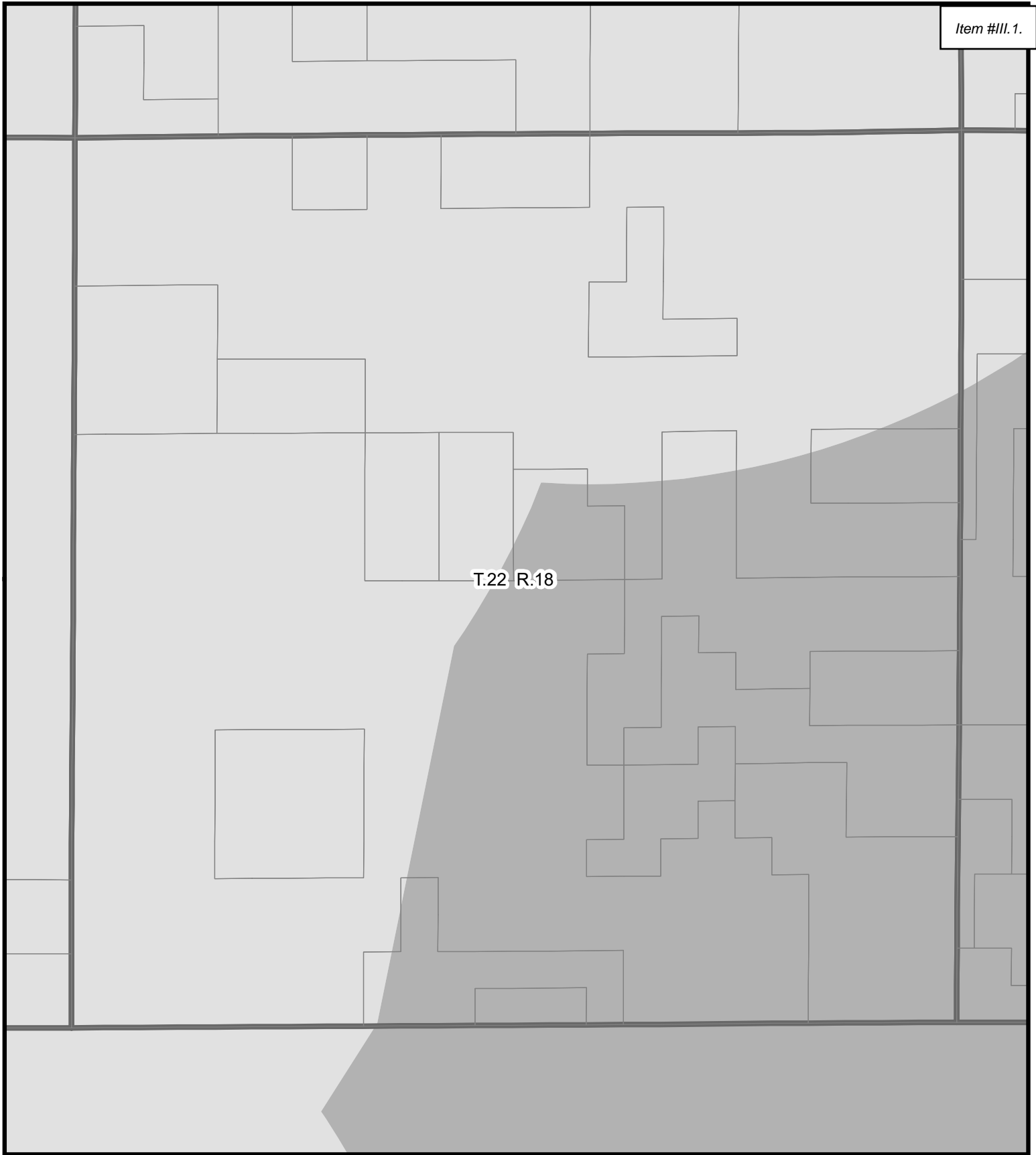
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 19 of 24

## Legend

-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024



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FREDERICK BUTTE RD

T.22 R.19

# Sage Grouse Greater Habitat Area

Map 20 of 24

### Legend

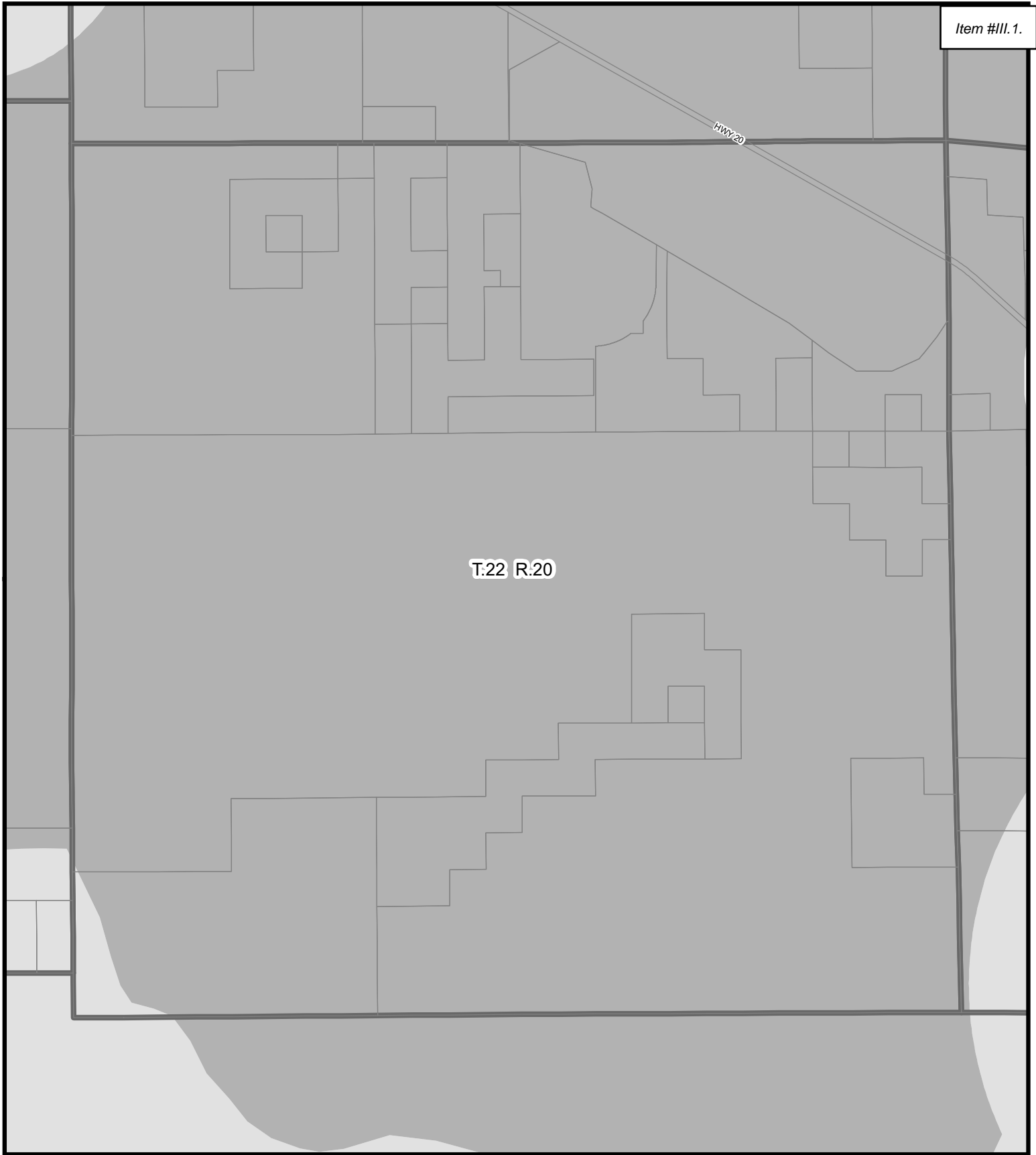
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 21 of 24

### Legend

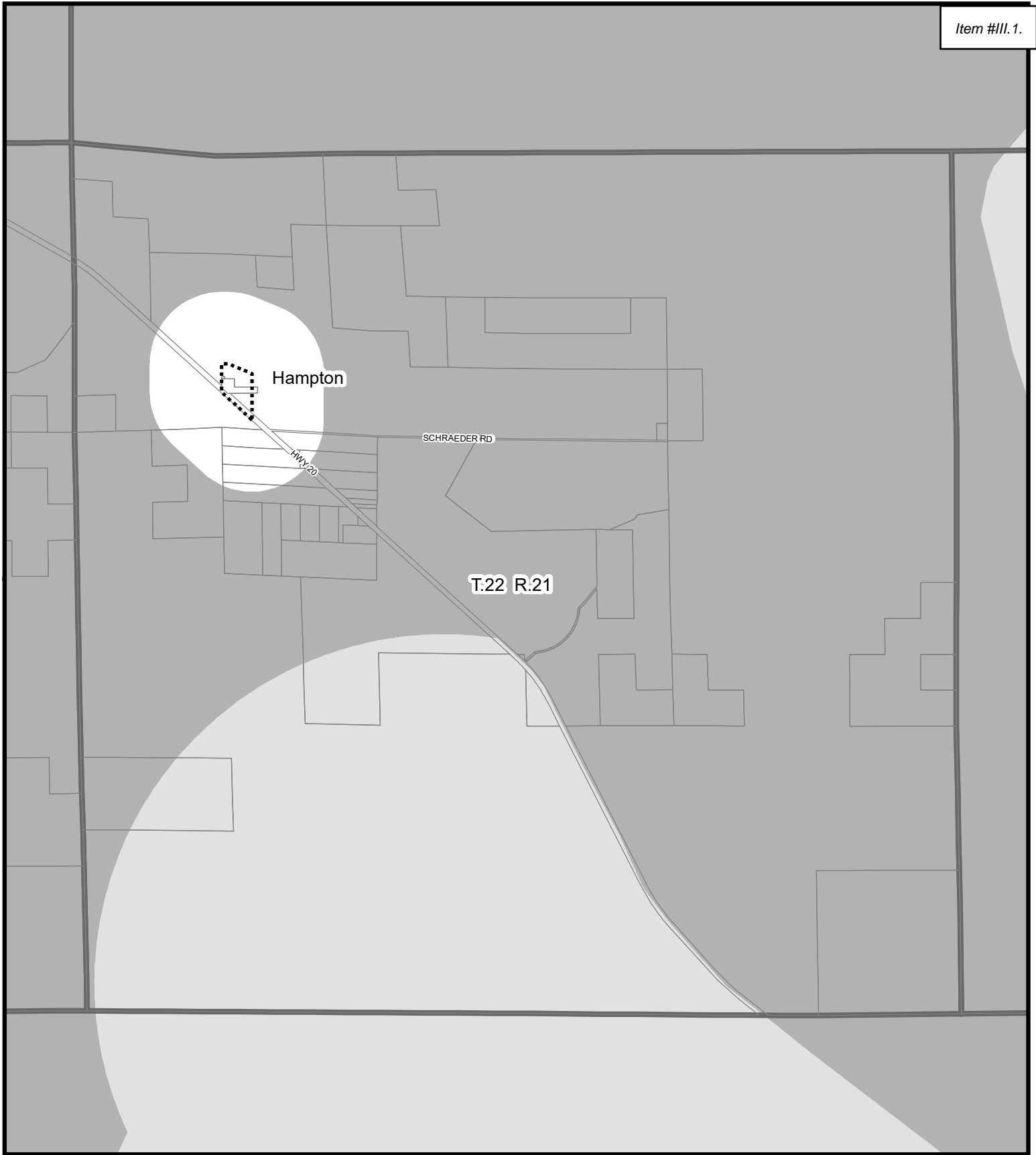
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 22 of 24

## Legend

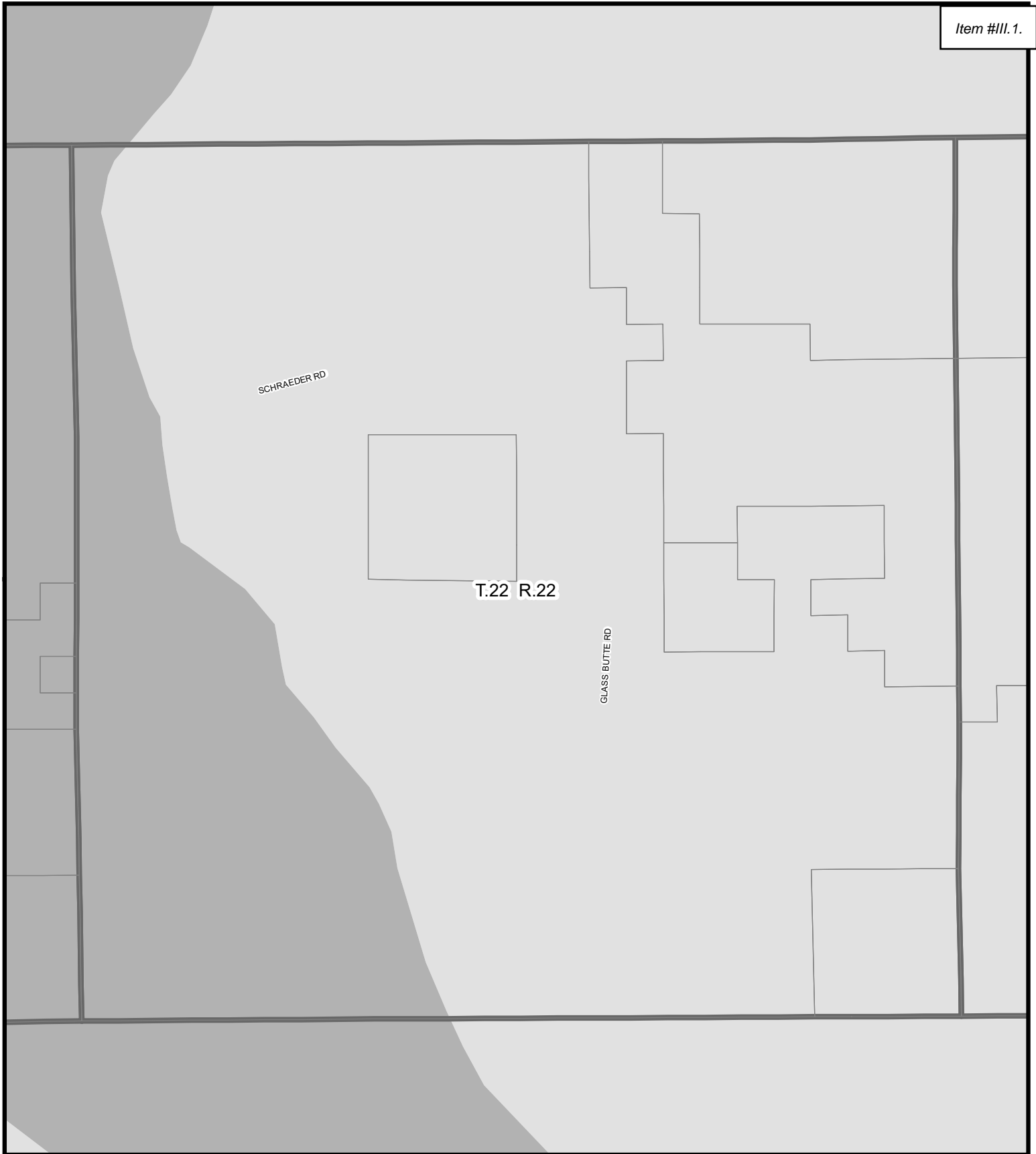
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 23 of 24

### Legend

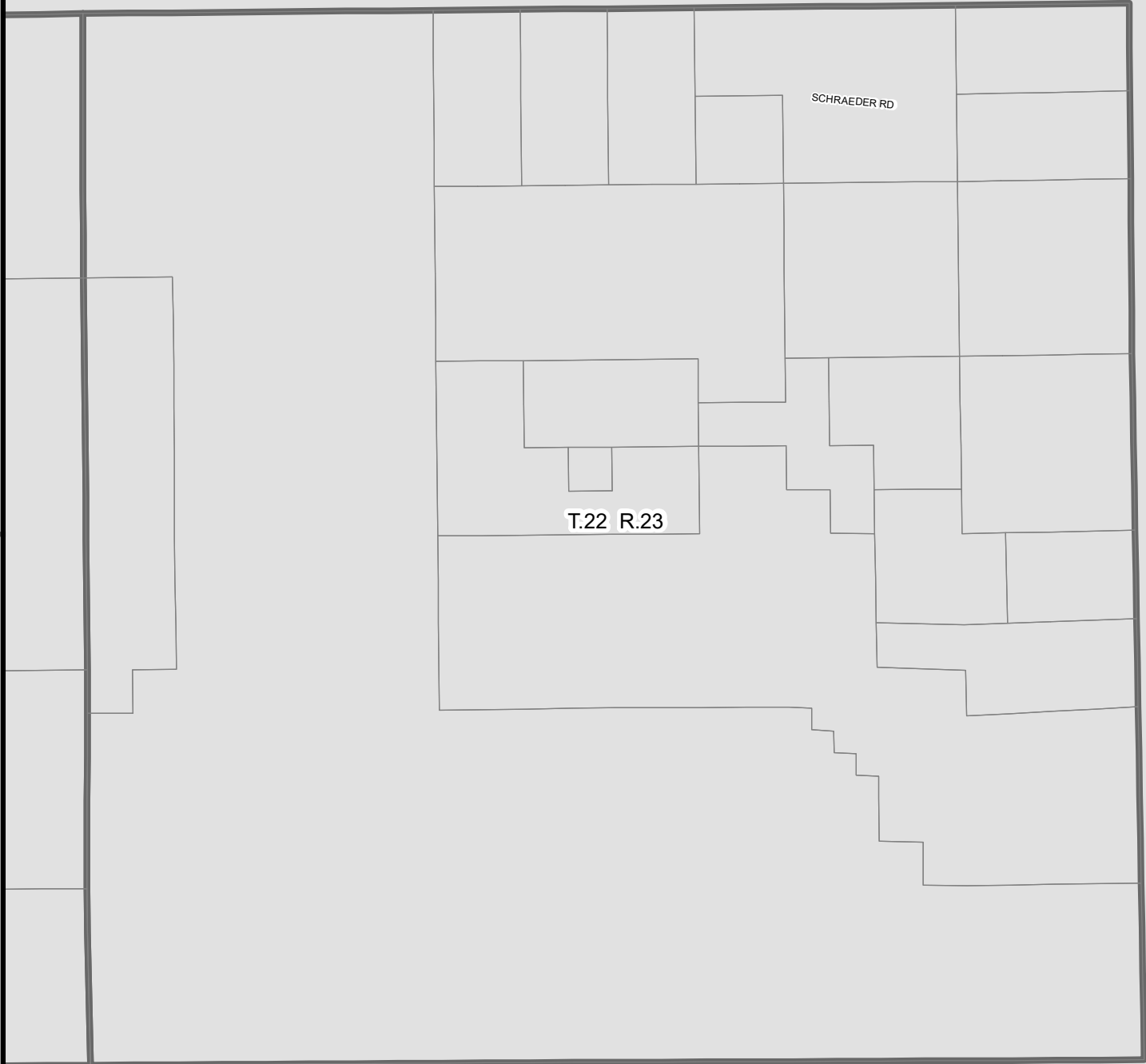
-  Unincorporated Community
-  Sage Grouse Map Index
-  Core
-  Low-Density



November 26, 2024







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# Sage Grouse Greater Habitat Area

Map 24 of 24

## Legend

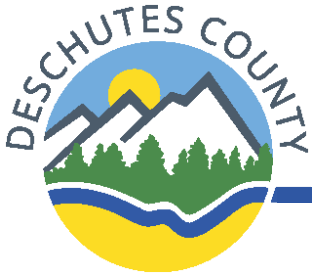
-  Unincorporated Community
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## MEMORANDUM

**TO:** Deschutes County Planning Commission

**FROM:** Kyle Collins, Associate Planner  
Will Groves, Planning Manager

**DATE:** January 16, 2025

**SUBJECT:** Deliberations: Clear and Objective Housing Text Amendments – Definitions, Dimensional Standards, and Accessory Uses

### I. OVERVIEW

The Deschutes County Planning Commission (Commission) will conduct deliberations on January 23, 2025 concerning text amendments establishing “clear and objective” housing development standards (file no. 247-24-000705-TA). Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on November 26, 2024. Staff presented the proposed amendments to the Commission at a work session on December 12, 2024.<sup>1</sup> A public hearing was held with the Commission on January 9, 2025<sup>2</sup> at which time the oral record was closed and the written record was left open until January 16, 2025.

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~~.

### II. RECORD

The full record is available for inspection at the Planning Division and at the following project website: <https://bit.ly/DeschutesClearAndObjective>

### III. BACKGROUND

Beginning in 2017, the Oregon State Legislature passed a series of bills to encourage efforts to

<sup>1</sup> See Deschutes County Planning Commission December 12, 2024 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-58>

<sup>2</sup> See Deschutes County Planning Commission January 9, 2025 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-59>



expand the supply of housing statewide. The passage of Senate Bill (SB) 1051 prohibited cities from denying applications for housing developments within urban growth boundaries, provided those applications complied with “clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.”<sup>3</sup>

The provisions of SB 1051, along with subsequent bills, modified Oregon Revised Statutes (ORS) 197.286–197.314. Of relevance to the current project is ORS 197.307(4)<sup>4</sup> which was modified to state:

- (1) *Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:*
- (a) *May include, but are not limited to, one or more provisions regulating the density or height of a development.*
- (b) *May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

In 2023, ORS 197A.400<sup>5</sup> (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197<sup>6</sup>. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

- (1) *Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, **unincorporated communities designated in a county’s acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501.** The standards, conditions and procedures:*
- (a) *May include, but are not limited to, one or more provisions regulating the density or height of a development.*
- (b) *May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay*
- ...
- (3) *In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:*
- (a) *The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;*

<sup>3</sup> <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

<sup>4</sup> [https://oregon.public.law/statutes/ors\\_197.307](https://oregon.public.law/statutes/ors_197.307)

<sup>5</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors197a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html)

<sup>6</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

*(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*

*(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.*

These provisions require local governments to apply only clear and objective standards, criteria, and procedures to applications for housing projects and may not discourage housing through unreasonable delay. Application of typical discretionary standards (e.g. “adequate public facilities,” “effective mitigation,” etc.) is prohibited. The statute is intended to address the concern that use of discretionary criteria leads to uncertainty, inconsistent administration, and delays that do not serve the goal of efficiently providing an adequate supply of housing stock.

#### **IV. OVERVIEW OF AMENDMENTS**

Numerous sections and language in the Deschutes County Code (DCC) affecting the development of housing do not currently meet the identified thresholds for “clear and objective” standards outlined in HB 3197. The primary focus of the Clear and Objective Code Compliance Project is to ensure the DCC complies with state statute and the objectives of the Deschutes County Comprehensive Plan.

With the assistance of consultants from MIG, planning staff have identified areas of the DCC that are not in compliance with statute and drafted packages of text amendments to address each issue. These packages have been broken into distinct segments to provide the public, the Commission, and the Deschutes County Board of Commissioners (Board) the opportunity to review and vet the proposed changes in a more structured and confined way.

Where possible, planning staff have endeavored to draft amendments that are a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and desired outcome is preserved. When not possible, in certain limited circumstances alternative standards or criteria have been proposed. Additionally, while not exclusively associated with housing development, as part of this process certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

The first amendment package proposed through this process will broadly cover the following areas of the DCC:

- Definitions for the Deschutes County Zoning Code (DCC Title 18) and the Bend Urban Growth Boundary Zoning Ordinance (Title 19)
- Dimensional standards (e.g. height, structural footprints, setbacks, etc.) for Titles 18 and 19
- Accessory structure standards for Titles 18 and 19

## V. HEARING TESTIMONY AND DISCUSSION

Two individuals provided written and oral testimony immediately preceding and during the public hearing on January 9, 2025:

1. *Robin Hayakawa, Central Oregon LandWatch*: LandWatch expressed concerns regarding the inclusion of the proposed definition “incidental and subordinate.” Specifically, it was noted that the terms “incidental and subordinate” have specific meanings outlined in the Oregon Revised Statutes (ORS) and the Oregon Administrative Rules (OAR) when dealing with resource zoned lands.

To ensure consistency with state law, LandWatch recommend that the County amend the proposed definition so that, when applied to resource land uses, so that it aligns with the definition under OAR 660-033-0130(42)(a). OAR 660-033-0130(42)(a) specifically provides that "A determination under ORS 215.213(11) or 215.283(4) that an event or activity is ‘incidental and subordinate’ requires consideration of any relevant circumstances, including the nature, intensity, and economic value of the respective farm and event uses, that bear on whether the existing farm use remains the predominant use of the tract."

2. *Nunzie Gould*: Ms. Gould’s testimony expressed dissatisfaction regarding the proposed text amendments in general. These comments focused primarily on the necessity of balancing various values such as housing affordability when drafting legislative amendments. Additionally, Ms. Goulds expressed a desire to evaluate the entire suite of proposed code amendments collectively that will ultimately be included in the clear and objective project.

## VI. OPEN RECORD TESTIMONY AND DISCUSSION

As part of the open record period, the following comments were received from members of the public:

1. *Matt Cyrus, Deschutes County Planning Commissioner*: Commissioner Cyrus requested a revision to the proposed “grade” definitions in DCC Titles 18 and 19. Specifically, Commissioner Cyrus expressed concerned that the proposed “average grade” definition, which determines the point from which the height of a structure would be evaluated, would be prohibitively restrictive when evaluating structures which have development partially below ground elevation, as in a “walkout basement.”

Commissioner Cyrus proposed the following replacement definition:

“Grade, average”, for the purposes of calculating structural height, means the average of four points which shall be the highest finished grade abutting the structure and the lowest finished grade abutting the structure for each of the four sides or elevations.

## VII. STAFF ADDENDUMS & DISCUSSION

As discussed during the public hearing, to incorporate feedback from colleagues in the Community Development Department (CDD), staff has incorporated minor changes to the proposed amendments to ensure efficient implementation should the package ultimately be adopted by the Deschutes County Board of Commissioners (Board). Outside of scrivener's edits, noteworthy changes are illustrated in the proposed amendments package attached to this memo and broadly cover the following areas:

- Removal of the term "housekeeping unit" and removal of its usage from the term "dwelling unit"
- Alterations to the term "kitchen," including a pared down description of the features which would formally constitute a "kitchen" moving forward
  - As currently proposed, "kitchen" would be defined as: "a discreet, 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."
- Alterations to DCC 18.116.040 and 19.92.020, dealing with the provisions of features allowed in dwelling units and accessory structures. Two additional sections, DCC 18.116.045 and 19.92.025, have been proposed to clarify the types of features expressly allowed within dwelling units.
  - As discussed during the public hearing, staff has included language which clarifies the following items when evaluating residential developments to ensure consistency in interpretation for both property owners and County staff:
    1. Building features which are allowed outright in both dwellings and accessory structures
    2. Building features which are allowed upon recording of a Deschutes County restrictive covenant ensuring that all uses will remain in compliance with the relevant land use regulations
    3. Building features which are allowed upon issuance of an approved land use permit which includes a finding that the proposed use is allowed on the subject lot or parcel

Some additional changes were proposed in response to public comments received during the public hearing and open record period. Those alterations are summarized as follows:

- In response to the comments from Central Oregon LandWatch discussed above, the following language has been included in the Definitions sections of both Titles 18 and 19:

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030, 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 18.04.030 and the definitions of the same words and phrases in applicable ORS and/or OAR, the definitions in ORS and/or OAR shall prevail.”

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 18.04.030 and the definitions of the same words and phrases in applicable ORS and/or OAR, the definitions in ORS and/or OAR shall prevail.

- In response to Commissioners Cyrus’ comments discussed above, the following language has been included in the Definitions sections of both Titles 18 and 19 dealing with “average grade”:

"Grade, average", for the purposes of calculating structural height, shall be determined by one of the following methods:

1. Two-Point Average Method: The average of two points which shall be the highest finished grade abutting a structure and the lowest finished grade abutting the structure.
2. Perimeter Sampling Method: The average of eight measurements around the entire external perimeter of the structure, with measurement points spaced equidistantly along the finished grade abutting the structure.

## **VIII. NEXT STEPS**

At the conclusion of the meeting, the Commission can:

- Continue deliberations to a date certain;
- Close deliberations and propose a recommendation during this meeting;

Ultimately, the Planning Commission will provide a recommendation to the Board of County Commissioners. Options include:

- Approve amendments as drafted;
- Approve amendments with suggested edits;
- Approve certain amendments / deny others;

- Deny amendments altogether;
- Other

Attachments:

1. Staff Report & Proposed Text Amendments

**TITLE 18 COUNTY ZONING**

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

CHAPTER 18.08 BASIC PROVISIONS

CHAPTER 18.12 ESTABLISHMENT OF ZONES

CHAPTER 18.16 EXCLUSIVE FARM USE ZONES

CHAPTER 18.24 REDMOND URBAN RESERVE AREA COMBINING ZONE

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

CHAPTER 18.36 FOREST USE ZONE; F-1

CHAPTER 18.40 FOREST USE ZONE; F-2

CHAPTER 18.44 (REPEALED)

CHAPTER 18.48 OPEN SPACE AND CONSERVATION ZONE; OS AND C

CHAPTER 18.52 SURFACE MINING ZONE; SM

CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

CHAPTER 18.61 URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE

CHAPTER 18.62 (REPEALED)

CHAPTER 18.64 (REPEALED)

CHAPTER 18.65 RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE

CHAPTER 18.66 TERREBONNE RURAL COMMUNITY ZONING DISTRICTS

CHAPTER 18.66A TABLE; TERREBONNE ROAD DEVELOPMENT STANDARDS (1)

CHAPTER 18.67 TUMALO RURAL COMMUNITY ZONING DISTRICTS

CHAPTER 18.67A TABLE; TUMALO ROAD DEVELOPMENT STANDARDS (1)

CHAPTER 18.68 (REPEALED)

CHAPTER 18.72 (REPEALED)

CHAPTER 18.74 RURAL COMMERCIAL ZONE

CHAPTER 18.76 AIRPORT DEVELOPMENT ZONE; A-D

CHAPTER 18.80 AIRPORT SAFETY COMBINING ZONE; A-S

CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM

CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA

CHAPTER 18.89 GREATER SAGE-GROUSE AREA COMBINING ZONE; GSGA

CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH

CHAPTER 18.92 (REPEALED)

CHAPTER 18.96 FLOOD PLAIN ZONE; FP

CHAPTER 18.100 RURAL INDUSTRIAL ZONE; R-I

CHAPTER 18.104 (REPEALED)

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

CHAPTER 18.110 RESORT COMMUNITY ZONE

CHAPTER 18.112 LIMITED USE COMBINING ZONE; LU

CHAPTER 18.113 DESTINATION RESORTS ZONE; DR

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

CHAPTER 18.120 EXCEPTIONS

CHAPTER 18.124 SITE PLAN REVIEW

CHAPTER 18.128 CONDITIONAL USE

CHAPTER 18.132 VARIANCES

[CHAPTER 18.136 AMENDMENTS](#)[CHAPTER 18.140 ADMINISTRATIVE PROVISIONS](#)[CHAPTER 18.144 GENERAL PROVISIONS](#)**[CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS](#)**[18.04.010 Title](#)[18.04.020 Purpose](#)[18.04.030 Definitions](#)**[18.04.010 Title](#)**

DCC Title 18 shall be known as the Deschutes County Zoning Ordinance of 1979.

## HISTORY

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

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

**[18.04.020 Purpose](#)**

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

## HISTORY

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

*Amended by Ord. [83-037](#) §1 on 6/1/1983*

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

*Amended by Ord. [2007-019](#) §1 on 9/28/2007*

**[18.04.030 Definitions](#)**

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030 [,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 18.04.030 and the definitions of the same words and phrases in applicable ORS and/or OAR, the definitions in ORS and/or OAR shall prevail.

"AASHTO Standards" refers to the road safety and design standards set forth in the publication entitled American Association of State Highway and Transportation Officials Policy on Geometric Designs of Highways and Streets, current edition.

"Abut or abutting" means contiguous, touching, adjoining, or connected at one or more points.

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

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

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

"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.

~~"Adjoin or Adjoining", with regards to lots, parcels, or tracts, means contiguous; touching, abutting, or connected, including tracts of land that only connect or touch at a common point at one or more points.~~

"Agricultural building or equine facility" means buildings and structures that are exempt from the State of Oregon Structural Specialty Code as agricultural buildings and equine facilities as described in ORS 455.315. A structural building permit is not required for agricultural buildings or equine facilities located on the same lot or parcel receiving special assessment for farm use.

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

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

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

"Agri-tourism" means a commercial enterprise at a working farm or ranch that is incidental and subordinate to the existing farm use of the tract that promotes successful agriculture, generates supplemental income for the owner and complies with Oregon Statue and Rule. Any assembly of persons shall be for the purpose of taking part in agriculturally based operations or activities such as animal or crop care, picking fruits or vegetables, cooking or cleaning farm products, tasting farm products; or learning about farm or ranch operations. Agri-tourism does not include "commercial events or activities." Celebratory gatherings, weddings, parties, or similar uses are not agri-tourism.

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

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

"Amateur Radio Facilities" means the external, outdoor structures associated with an operator's amateur radio service. This includes antennae, masts, towers, guy wires, and other antenna support structures that consist of solid tubular or open lattice metal structure not exceeding 25 inches on average in diameter or face width.

"Amateur ("Ham") Radio Services" means radio communication services, including amateur-satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated there under.

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

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

"Attached", with regards 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 regards to all structures, means a structure on an individual lot or parcel that is structurally connected to another structure of any type.

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

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

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

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

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

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

"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 flood plain maps always includes the letters A or V.

"Base flood elevation" means the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides, a story partly or wholly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining grade.

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

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

~~"Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.~~

"Below-grade parking garage," for purposes of DCC 18.108.055, is a parking garage where the floor of the garage is below the average finished grade of a building, and:

- A. For a Mixed Use Structure, the level above the garage provides the primary point of pedestrian access to commercial uses in the building.
- B. For all other structures, the floor level directly above the garage level is less than six feet above the average level of the ~~adjoining~~ abutting grade.

~~"Bicycle" as used in Title 18 has the meaning given in ORS 801 means a vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground, any of which is more than 14 inches in diameter.~~

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

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

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

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

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

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

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

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

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

"Building" ~~means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind~~ means any structure used or intended for supporting or sheltering any use or occupancy.

"Building Footprint" means the horizontal 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.

"Campground" means an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor amenity that is accessible for recreational use by the occupants of the campground. It is also where facilities are provided to accommodate camping for two or more tents, travel trailers, yurts or recreational vehicles. A campground shall not include campsite utility hook-ups, intensely developed recreational uses such as swimming pools or tennis courts or commercial activities such as retail stores or gas stations. A private campground may provide yurts for overnight camping. The yurt shall be located on the ground or on a wood floor with no permanent foundation. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

"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.

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

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

"Child care center" see child care facility.

"Child care facility" as used in DCC Title 18 is defined in ORS 329A.

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

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

"Commercial agricultural enterprise" means farm operations which will:

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

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

"Commercial event or activity" means any meeting, celebratory gathering, wedding, party, or similar uses consisting of any assembly of persons and the sale of goods or services. It does not include agri-tourism. In DCC 18.16.042, a commercial event or activity shall be related to and supportive of agriculture.

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

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

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

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

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

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

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

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

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

"Condominium" ~~shall have the meaning set forth in ORS 100. means a type of ownership defined by state statute as the land, if any, whether leasehold or in fee simple, and whether contiguous or not contiguous; any buildings, improvements and structures on the property; and any easements, rights and appurtenances belonging to the property which are submitted to the provisions of ORS 100.005 to 100.625.~~

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

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

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

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

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

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

"Cultured Christmas trees" means trees:

- A. Grown on lands exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;
- B. Of a marketable species;
- C. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- D. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.

"Current employment" of land for farm use includes:

- A. Farmland, the operation or use of which is subject to any farm-related government program;
- B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry;
- C. Land planted in orchards or other perennials, other than land specified in D below, prior to maturity;
- D. Land not in an exclusive farm use zone which has not been eligible for assessment at special farm use value in the year prior to planting the current crop and has been planted in orchards, cultured Christmas trees or vineyards for at least three years;
- E. Wasteland, in an exclusive farm use zone, dry or covered with water, neither economically tillable nor grazeable, lying in or adjacent to and in common ownership with a farm use land and which not currently being used for any economic farm use;
- F. Except for land under a ~~single-single-family~~ unit dwelling, land under buildings supporting accepted farm practices, including the processing facilities allowed under DCC 18.16.025(I) and the processing of farm crops into biofuel as commercial activities in conjunction with farm use under DCC 18.16.030(E);
- G. Water impoundments lying in or adjacent to and in common ownership with farm use land;
- H. Any land constituting a woodlot, not to exceed 20 acres, contiguous to and owned by the owner of land specially valued for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use;



- I. Land lying idle for no more than one year where the absence of farming activity is due to the illness of the farmer or member of the farmer's immediate family. For the purposes of this section, illness includes injury or infirmity whether or not such illness results in death;
- J. Any land described under ORS 321.267(3) or 321.824(3);
- K. Land use for the primary purpose of obtaining a profit in money by breeding, raising, kenneling or training of greyhounds for racing; and
- L. Land used for the processing of farm crops into biofuel, as defined in ORS 315.141, if:
  - 1. Only the crops of the landowner are being processed;
  - 2. The biofuel from all of the crops purchased for processing into biofuel is used on the farm of the landowners; or
  - 3. The landowner is custom processing crops into biofuel from other landowners in the area for their use or sale.

As used in this definition, "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.

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

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

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

- F. Commercial uses limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses are not permitted.

"DEQ" means the Oregon Department of Environmental Quality.

"Detached", with respect to structures, means a structure on an individual lot or parcel that is freestanding and structurally separated from other structures.

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

"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, Floodplain", 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.

"Disposal site", as used in DCC Title 18, is defined in ORS 459.

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

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

"Driveway" means an area of land intended for vehicular ingress and egress to a site, extending into the site, lot, or parcel from a street, or road, or right of way. means a way created to provide vehicular access from a public or private road to a garage or parking area.

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

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

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

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

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

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

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

~~"Dwelling unit" means 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.~~  
~~means one or more rooms in a building designed for occupancy by one family and having not more than one cooking area or kitchen.~~  
~~means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking (limited to one kitchen only) and sanitation (full bathroom).~~

- 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 18.116.355(A).
- C. "Dwelling unit, historic accessory" shall have the meaning set forth in DCC 18.116.350(A).
- D. "Dwelling unit, live/work" for purposes of DCC 18.108.055, is a dwelling unit, in which a commercial use may be operated on the ground floor of the dwelling unit.
- E. "Dwelling, lot of record" means a dwelling unit approved pursuant to ORS 215.705.
- F. "Dwelling, manufactured" shall have the meaning set forth in ORS 446.003. As used in DCC Title 18, "manufactured home" shall be synonymous with "manufactured dwelling" as defined herein.
- G. "Dwelling, multi-unit" means a building that consists of three or more attached dwelling units on an individual lot or parcel.
- H. "Dwelling, multi-family" means a "multi-unit dwelling" as defined herein.
- I. "Dwelling, single-unit" means a detached dwelling unit on an individual lot or parcel.
- J. "Dwelling, single-family" means a "single-unit dwelling" as defined herein.
- K. "Dwelling, single-family – zero lot line" in the Neighborhood Planning Area means a detached building containing one dwelling unit and designed for occupancy by one **housekeeping unit** only where one or more of the building's sides coincide with a lot line, not including manufactured dwellings and such temporary structures as tents, teepees, travel trailers, and other similar structures.

L. "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.

M. "Dwelling unit, zero lot line" means dwelling units which are constructed with a zero side setback.

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

O. "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.

P. "Two-family dwelling" means a "duplex" as defined herein.

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

"Easement" means a grant of the right to use a 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.

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

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

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

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

"Existing" means existing at the time of application.

"Exploration (for minerals)" means all activities conducted on or beneath the surface of the earth for the purpose of determining presence, location, extent, grade, or economic viability of a deposit.

"Exploration" does not include prospecting, chemical processing of minerals or the off-premises sale or use of any minerals.

"Facility for the processing of farm products" means a facility for:

- A. Processing farm crops, including the production of biofuel as defined in ORS 315.141, if at least one-quarter of the farm crops come from the farm operation containing the facility; or

- B. Slaughtering, processing or selling poultry or poultry products from the farm operation containing the facility and consistent with the licensing exemption for a person under ORS 603.038(2).

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

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

"Family child care provider" means a child care provider who regularly provides 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 for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm Use" also includes the current employment of the land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to, providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described above. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). Current employment of the land for farm use also includes those uses listed under ORS 215.203(2)(b).

"Feed lot" means a livestock-feeding yard.

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

"Fill", 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.

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

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

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

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

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

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

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

"Flood 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.

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

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

"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.

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

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

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

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

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

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

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

~~"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.~~

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

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

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

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

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

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

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

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

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

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

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

"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 determined by one of the following methods:
  - 1. Two-Point Average Method: The average of two points which shall be the highest finished grade abutting a structure and the lowest finished grade abutting the structure.
  - 2. Perimeter Sampling Method: The average of eight measurements around the entire external perimeter of the structure, with measurement points spaced equidistantly along the 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 purposes of height determination in the Landscape Management Combining Zone, “grade” shall be the average of natural ground elevations prior to development, for the wall closest to and facing the road, river, or stream.

E. For the purposes of streets, roads, rights of way, or slopes, “grade” shall mean the degree of inclination.

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

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

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

“Habitable floor”, for the purposes of DCC 18.96, means any floor usable for living purposes, including working, sleeping, eating, cooking, ~~or~~ recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

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

~~“Height-of building” as it pertains to structures, means the vertical distance from average grade to the highest point of the structure.~~ means the vertical distance from grade to the highest point of the roof.

“High-value farmland” means land in a tract composed predominantly of the following soils when they are irrigated: Agency loam (2A and 2B), Agency sandy loam (1A), Agency-Madras complex (3B), Buckbert sandy loam (23A), Clinefalls sandy loam (26A), Clovkamp loamy sand (27A and 28A), Deschutes sandy loam (31A, 31B and 32A), Deschutes-Houstake complex (33B), Deskamp loamy sand (36A and 36B), Deskamp sandy loam (37B), Era sandy loam (44B and 45A), Houstake sandy loam (65A, 66A and 67A), Iris silt loam (68A), Lafollette sandy loam (71A and 71B), Madras loam (87A and 87B), Madras sandy loam (86A and 86B), Plainview sandy loam (98A and 98B), Redmond sandy loam (104A), Tetherow sandy loam (150A and 150B) and Tumalo sandy loam (152A and 152B). In addition to the above described land, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this definition, “specified perennials”

means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees, or vineyards but not including seed crops, hay, pasture or alfalfa.

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

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

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

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

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

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

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

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

"Hotel/motel unit" means a single room, or suite of rooms, however owned, including but not limited to the condominium form of ownership, within a multiple unit building that provides separately rentable overnight sleeping accommodations on a temporary basis that are not available for residential use.

"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 Horse events" means any exhibition or competition done in conjunction with the stabling or training of horses whose purpose is to test and/or advance the skills of a horse and/or its rider, such as but not limited to exhibitions in connection with riding lessons or training conducted on the premises, schooling events, horse training seminars or clinics, open houses, or cutting competitions. "Incidental horse events" shall not include any show, exhibition or competition that is commercial in character, that requires entrance or admission fees that are more than nominal fees, or that is recognized, sanctioned or endorsed by any governing body or organization for equine sporting events.

“Incidental and subordinate” means minor, secondary, and dependent in relation to another use, activity, or structure.

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

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

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

"Interest" includes a lot or parcel, a share, undivided interest, or membership which includes the right to occupy the land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period of more than three years. “Interest” does not include any interest in a condominium as that term is defined in ORS 100.505 005 or any security interest under a land sales contract, trust deed or mortgage. Interest does not include division’s deed or mortgage. “Interest” does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

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

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

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

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

“Kitchen” means a discreet, 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 development" means the division of land into parcels or lots for any purpose or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. Includes the intent for disposition of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests offered as a part of a common promotional plan of advertising and disposition by a single developer or group of developers acting in concert. If the land is contiguous or is known, designated or~~

~~advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering to be offered for disposition as part of a common promotional plan.~~

"Land disposal site", as used in DCC Title 18, is defined in ORS 459.

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

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

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

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

~~"Live/work residence," for purposes of DCC 18.108.055, is a residential dwelling unit, designed for occupancy by one family, in which a commercial business may be operated on the ground floor of the residential unit.~~

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

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

"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, having direct access to a street or alley, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials.

"Lock-off Area," for purposes of DCC 18.108.055, means a part of one dwelling unit that has all of the following characteristics; (a) a sleeping area that is separated by an interior, locking door that bars access from the sleeping area to the remainder of the dwelling unit; and (b) the separated sleeping area has a separate, external point of access; and (c) is used to provide overnight accommodations on a temporary basis.

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

~~"Lot" means a single unit of land that is created by a subdivision of land 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. means the total horizontal area contained within the lot lines. Said area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 acres and smaller. The total horizontal~~

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

- 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, right of way, 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 18, "lot size" shall be synonymous with "lot area".

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

"Lot coverage" means all areas of a lot or parcel covered by structures with surfaces greater than 18 inches above the finished grade.

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

~~"Lot Line" means any line bounding a lot or parcel.~~the property lines bounding a lot.

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

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

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

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

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

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

~~"Lot Width" means the diameter of the largest circle that can be wholly contained within the boundaries of a lot or parcel~~the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.~~~~

"Lot of Record" means:

- A. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:
  1. By partitioning land as defined in ORS 92;
  2. By a subdivision plat, as defined in ORS 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;
  3. By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots subject to a recorded subdivision or town plat;
  4. By a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or
  5. By the subdividing or partitioning of adjacent abutting or surrounding land, leaving a remainder lot or parcel.
- B. Notwithstanding subsection (A), a lot or parcel validated pursuant to ORS 92.176 shall be recognized as a lot of record.
- C. 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 pursuant to subsection (A)(3) above~~;~~ or
4. A parcel created by the foreclosure of a security interest.

~~"Lot of record dwelling" means a dwelling approved pursuant to ORS 215.705.~~

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

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

~~"Manufactured home" shall have the meaning as set forth in ORS 446.003.~~

~~"Manufactured home dwelling park" shall have the meaning set forth in ORS 446.003. means any place where two or more manufactured homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.~~

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

"Marijuana" means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

"Marijuana items" means marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

"Marijuana Processing" means the processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority."

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

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

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

"Medical Marijuana Dispensary" means any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 that dispense medical marijuana pursuant to ORS 475.314.

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

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

"Mitigation" means the minimizing or offsetting of impacts by the provision of on- or off-site improvement or compensation which benefits impacted property owners, resources and the public interest. Mitigation measures include, but are not limited to, the provision of additional fish and wildlife habitat, conservation easements, on- and off-site screening and buffering, compensation for the maintenance of existing off-site screening, fees in lieu of improvements and similar arrangements which are agreed to in writing by the affected parties and which relate to and are necessitated by a surface mining development or operation.

"Mixed ~~Use-use Structure~~structure," for purposes of DCC 18.108.055, is a structure or building that contains ~~residential~~dwelling units and/or resort hotel units that also contains commercial uses.

"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.

~~"Modular homes" see "factory built dwelling."~~

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

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



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

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

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

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

"New construction" means any structure for which the start of construction commenced on or after November 1, 1979, the effective date of Deschutes County Zoning Ordinance PL-15. For purposes of the Flood Plain Zone (FP), "new construction" means any structure for which the start of construction commenced on or after the date of adoption of the amendments to the Flood Plain Zone in Ordinance No. 88-030.

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

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

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

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

"Nursery, day" see "child care facility."

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

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

- A. Conserve and enhance natural or scenic resources;
- B. Protect air, streams, or water supply;
- C. Promote conservation of soils, wetlands, beaches, or marshes;
- D. Conserve landscaped areas such as public or private golf courses, that reduce pollution and enhance the value of ~~adjoining-abutting~~ or neighboring property;
- E. Enhance the value to the public of ~~adjoining-abutting~~ or neighboring parks, forests, wildlife preserves, nature reservations, or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic, geological, and archeological sites;
- H. Promote orderly urban development; and
- I. Minimize conflicts between farm and nonfarm uses.

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

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

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

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

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

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

"Parcel" shall have the meaning set forth in ORS 92.010.

~~means a unit of land created by a partitioning of land.~~

"Parking garage, below-grade" see "Below-grade parking garage" definition.

"Parking space" means a clear, on-street or off-street area, for temporary parking or storage of one automobile, having an all-weather surface of a width not less than eight and one-half feet, a length of not less than 22 feet and not less than eight and one-half feet in height when within a building or structure. Such parking space shall not be less than 190 square feet in area and shall have easy access to a street or alley by a driveway having an all-weather surface, except as approved subject to DCC 18.116.030.

~~"Partition" means an act of partitioning land or an area or tract of land partitioned as defined under "partition land." shall have the meaning set forth in ORS 92.010.~~

~~"Partitioning land" shall have the meaning set forth in ORS 92.010~~

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

~~"Partition plat" means the final map describing parcels created by partition and other writing as specified in the subdivision and partition ordinance containing all other descriptions, locations, specifications, dedications, provisions and information concerning a major or minor partition. shall have the meaning set forth in ORS 92.010.~~

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

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

~~"Person" means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization of any kind. means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.~~

"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.

"Personal use landing strips for airplanes and helicopter pad" means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with permitted uses of the land. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip.

Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

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

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

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

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

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

"Plat" shall have the meaning set forth in ORS 92.010~~means a final map or diagram concerning a subdivision or partition. Includes a subdivision plat, replat or partition plat.~~

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

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

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

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

~~"Prefabricated house" see "factory built dwelling."~~

"Prefabricated structure" as used in DCC Title 18, shall have the meaning set forth in ORS 455.

"Preschool" as used in DCC Title 18 is defined in ORS 329A as "preschool recorded program".

~~"Primary or principal use" means the first use to which property is or may be devoted, and to which all other uses on the premises are accessory or secondary uses means an activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The primary use usually occupies more than 50 percent of the gross floor area of a building or consists of more than 50 percent of a development, but floor area percentage may not be determinative of primary use on its~~

~~own. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.~~ 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.

"Processing area" means the floor area of a building dedicated to farm product processing. "Processing area" does not include the floor area designated for preparation, storage, or other farm use.

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

"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.

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

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

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

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

"Psilocybin" means psilocybin or psilocin.

"Psilocybin manufacture as a farm use" means the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, any packaging or repackaging of psilocybin-producing fungi or labeling or relabeling of its container, provided that the psilocybin manufacturer is licensed by the Oregon Health Authority with a psilocybin manufacturing endorsement for fungi cultivation. It does not include psilocybin manufacture as a processing use.

"Psilocybin manufacture as a processing use" means the compounding, conversion, or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, provided that the psilocybin manufacturer is licensed by the Oregon Health Authority with a psilocybin manufacturing endorsement for psilocybin extraction and/or edible psilocybin production.

"Psilocybin premises" includes the following areas of a location licensed under ORS 475A.210 to 475A.722:—

- A. All public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms;
- B. All areas outside a building that the Oregon Health Authority has specifically licensed for the manufacturing of psilocybin products or the operation of a psilocybin service center; and

- C. For a location that the authority has specifically licensed for the operation of a psilocybin service center outside a building, that portion of the location used to operate the psilocybin service center and provide psilocybin services to clients.

"Psilocybin premises" does not include a primary residence.

"Psilocybin-producing fungi" is:

- A. A crop for the purposes of "farm use" as defined in ORS 215.203;
- B. A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;
- C. A product of farm use as described in ORS 308A.062; and
- D. The product of an agricultural activity for purposes of ORS 568.909.

"Psilocybin products" means psilocybin-producing fungi, mycelium and mixtures or substances containing a detectable amount of psilocybin, including whole fungi, homogenized fungi, psilocybin extract and edible psilocybin products. "Psilocybin products" does not include psilocybin services.

"Psilocybin service center" means an establishment licensed by the Oregon Health Authority:

- A. At which administration sessions are held; and
- A. At which other psilocybin services may be provided.

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

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

"Public water system" ~~shall have the meaning set forth in OAR 333-061-0020 means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.~~

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

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

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

"Reclamation" means the employment in a surface mining operation of procedures designed to minimize, as much as practical, the disruption of the surface mining operation and to provide for rehabilitation of any such surface resources adversely affected by such mining operations through the

rehabilitation of plant cover, soil stability, water resource, and other measures appropriate to the subsequent beneficial use of mined and reclaimed lands.

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

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

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

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

~~self-propelled or permanently towable by a light duty truck;~~

~~built on a single chassis; and~~

~~400 square feet or less when measured at the largest horizontal projection~~

"Recreational vehicle park" ~~shall have the meaning set forth in OAR 918-650-0005 means a park intended, designed, or utilized for temporary occupancy primarily by recreational vehicles.~~

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

"Religious ~~Institution~~ institution or ~~Assembly~~ 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" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision shall have the meaning set forth in ORS 92.010.~~

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

~~"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.

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

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

"Resort utility facilities" means buildings, structures and uses, not including living quarters, that provide or are used in connection with activities of a service or infrastructure nature for the operation and maintenance of a resort community. Such facilities include, but are not limited to: sewage treatment plant, water treatment, transmission lines, wells and pumping equipment, substation or pump station,



irrigation systems, equipment storage, repair yard or building, facilities mandated by the Oregon Department of Environmental Quality, cable television facility, and administrative offices.

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

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

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

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

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

- A. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties ~~adjoining-abutting~~ another street.
- B. "Arterial" means a restricted access street of substantial continuity which is primarily a traffic artery for intercommunication among large areas, and so designated by the County.
- C. "Bicycle route" means a right of way for bicycle traffic.

- D. "Collector" means a street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterial and local streets and roads within the County.
- E. "Cul-de-sac" means a short street having one end open to traffic and the other end terminated by a vehicle turnaround.
- F. "Half street" means a portion of the width of a street sufficient for safe service temporarily (as approved by the County Engineer) when the remaining portion of the street is likely to be provided in another subdivision.
- G. "Marginal access street" means a minor street parallel and adjacent to a major arterial providing access to ~~adjoining-abutting~~ properties, but protected from through traffic.
- H. "Local street" means a street intended primarily for access to ~~adjoining-abutting~~ properties.
- I. "Stubbed streets" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

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

"Room and board arrangement" means an owner occupied single-~~unit-family~~ dwelling-~~unit~~ where lodging and meals are provided, in which no more than four guest rooms are provided for no more than five unrelated guests.

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

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

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

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

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

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

"Setback" ~~means the minimum allowable horizontal distance between two or more specified features, except as otherwise provided in DCC Title 18.~~ ~~means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in DCC Title 18.~~

- 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 18. 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 18.
- 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 18.
- D. “Setback, rimrock” means a setback measured from a rimrock to the nearest point of any structure, except as otherwise provided in DCC Title 18.
- 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 18.

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

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

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

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

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

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

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

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

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

"Solar access permit" means the instrument issued by the County which limits the size of nonexempt vegetation on certain lots 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.

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

"Start of construction" means the first act of permanent construction of a structure, other than a manufactured home-dwelling, on a site, lot, or parcel, such as the pouring of slabs or footings or any work beyond the site preparation, such as clearing, grading, and filling. It ~~does~~ does not include the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms, or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or as part of the main-primary use structure. For a structure other than a manufactured home-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 homes-dwellings not within a manufactured home-dwelling park or manufactured home-dwelling subdivision, start of construction means the affixing of the mobile manufactured home-dwelling to its permanent site. For manufactured homes-dwellings within manufactured home-dwelling parks or manufactured home-dwelling subdivisions, start of construction is the date on which construction of facilities for servicing the site on which the manufactured home 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.

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

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

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

Creek, Trout Creek, Tumalo Creek, Tumalo Creek-North Fork, Tumalo Creek-Middle Fork, and Tumalo Creek-South Fork.

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

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

"Structure" ~~means anything constructed, built, or installed, which requires a location on the ground or is attached to another structure having a location on the ground means something constructed or built having a fixed base on, or fixed connection to, the ground or another structure.~~

"Subdivide lands" ~~means to divide land into four or more lots within a calendar year shall have the meaning set forth in ORS 92.010.~~

"Subdivision" ~~means either an act of subdividing land or an area or a tract of land subdivided shall have the meaning set forth in ORS 92.010.~~

"Subdivision plat" ~~means the final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision shall have the meaning set forth in ORS 92.010.~~

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places provided that the alteration will not preclude the structure's designation as a 'historic structure'.

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

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

- A. Solar altitude in 10-degree increments;
- B. Solar azimuth measured from true south in 15-degree increments;
- C. If the solar collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; and
- D. A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures, and deciduous and evergreen vegetation.

"Surface mining" means

- A. Includes:
  1. All or any part of the process of mining by removal of the overburden and extraction of natural mineral deposits thereby exposed by any method including, open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits, except those constructed for access roads; and
  2. Mining which involves more than 1,000 cubic yards of material or excavation prior to mining of a surface area of more than one acre.
- B. Does not include:
  1. The construction of adjacent or off-site borrow pits which are used for access roads to the surface mine;
  2. Excavation and crushing of sand, gravel, clay, rock or other similar materials conducted by a landowner, contractor or tenant on the landowner's property for the primary purpose of construction, reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction and other on-site construction, or nonsurface impacts of underground mines; and
  3. Batching and blending of mineral and aggregate into asphaltic concrete or portland cement concrete.

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

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

"Surface mining, processing" means processing includes crushing, washing, milling and screening as well as batching and blending of mineral aggregate into asphaltic concrete and portland cement concrete. (NOTE: Processing of mineral and aggregate material into secondary products, such as building materials,

is allowed in industrial zones and may be sited as part of a limited use combining zone in conformance with all plan amendment and zone change requirements of the County comprehensive plan and zoning ordinance.)

"Time share unit" means

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

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

~~"Townhome," for purposes of DCC 18.108.055, is a multi-story residential fee simple dwelling unit designed for occupancy for one family that shares a common wall with another building.~~

~~"Tract" as used in DCC 18.16, 18.36 and 18.40, means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway 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 ~~homedwelling,~~ or prefabricated ~~housestructure.~~ Includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial, or public offices and accessory uses.

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

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

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

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

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

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

"Unbuildable area" ~~means an area in which a structure could not be built as a permitted use under existing development standards for the area under the existing Deschutes County Comprehensive Plan~~ 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 this code DCC Title 18.

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

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

"Utility 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, telecommunications facilities, water towers, sewage lagoons, land disposal sites and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. This definition shall not include wireless telecommunication facilities where such facilities are listed as a separate use in a zone.

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

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

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



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

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

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

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

"Wind Energy System" consists of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries or other component used in the system. A wind energy system may be a grid-connected or a stand-alone system.

"Wind tower" means a monopole, freestanding, or guyed structure that supports the wind generator.

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

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

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

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

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

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

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

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

~~"Zero lot line" means the location of a building on a lot or parcel in such a manner that one or more of the building's sides coincide with a lot line.~~ "Zero lot line subdivision or partition" means a type of residential subdivision or partition with no setback between dwelling units and providing for individual ownership of each lot or parcel.

(Ord. Chapter 18.04 35 (04/2015); Ord. 88-050 §3, 1988)

#### HISTORY

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

Amended by Ord. [82-013](#) §1 on 5/25/1982

Amended by Ord. [83-037](#) §2 on 6/1/1983

Amended by Ord. [83-033](#) §1 on 6/15/1983

Amended by Ord. [84-023](#) §1 on 8/1/1984

Amended by Ord. [85-002](#) §2 on 2/13/1985

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [86-018](#) §1 on 6/30/1986

Amended by Ord. [86-054](#) §1 on 6/30/1986

Amended by Ord. [86-056](#) §2 on 6/30/1986

Amended by Ord. [87-015](#) §1 on 6/10/1987

Amended by Ord. [88-009](#) §1 on 3/30/1988

Amended by Ord. [88-030](#) §3 on 8/17/1988

Amended by Ord. [89-004](#) §1 on 3/24/1989

Amended by Ord. [89-009](#) §2 on 11/29/1989

Amended by Ord. [90-014](#) §2 on 7/12/1990

Amended by Ord. [91-002](#) §11 on 2/6/1991

Amended by Ord. [91-005](#) §1 on 3/4/1991

Amended by Ord. [92-025](#) §1 on 4/15/1991

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

Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991

Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992

Amended by Ord. [92-034](#) §1 on 4/8/1992

Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992

Amended by Ord. [92-066](#) §1 on 11/25/1992

Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993

Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993

Amended by Ord. [93-038](#) §1 on 7/28/1993

Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993

Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994

Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994

Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994

Amended by Ord. [94-038](#) §3 on 10/5/1994

Amended by Ord. [94-053](#) §1 on 12/7/1994

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

Amended by Ord. [95-001](#) §1 on 3/29/1995

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

Amended by Ord. [95-077](#) §2 on 12/20/1995  
Amended by Ord. [96-003](#) §2 on 3/27/1996  
Amended by Ord. [96-082](#) §1 on 11/13/1996  
Amended by Ord. [97-017](#) §1 on 3/12/1997  
Amended by Ord. [97-003](#) §1 on 6/4/1997  
Amended by Ord. [97-078](#) §5 on 12/31/1997  
Amended by Ord. [2001-037](#) §1 on 9/26/2001  
Amended by Ord. [2001-044](#) §2 on 10/10/2001  
Amended by Ord. [2001-033](#) §2 on 10/10/2001  
Amended by Ord. [2001-048](#) §1 on 12/10/2001  
Amended by Ord. [2003-028](#) §1 on 9/24/2003  
Amended by Ord. [2004-001](#) §1 on 7/14/2004  
Amended by Ord. [2004-024](#) §1 on 12/20/2004  
Amended by Ord. [2005-041](#) §1 on 8/24/2005  
Amended by Ord. [2006-008](#) §1 on 8/29/2006  
Amended by Ord. [2007-019](#) §1 on 9/28/2007  
Amended by Ord. [2007-020](#) §1 on 2/6/2008  
Amended by Ord. [2007-005](#) §1 on 2/28/2008  
Amended by Ord. [2008-015](#) §1 on 6/30/2008  
Amended by Ord. [2008-007](#) §1 on 8/18/2008  
Amended by Ord. [2010-018](#) §3 on 6/28/2010  
Amended by Ord. [2010-022](#) §1 on 7/19/2010  
Amended by Ord. [2011-009](#) §1 on 10/17/2011  
Amended by Ord. [2012-004](#) §1 on 4/16/2012  
Amended by Ord. [2012-007](#) §1 on 5/2/2012  
Amended by Ord. [2013-008](#) §1 on 7/5/2013  
Amended by Ord. [2014-009](#) §1 on 8/6/2014  
Amended by Ord. [2015-004](#) §1 on 4/22/2015  
Amended by Ord. [2016-015](#) §1 on 7/1/2016  
Amended by Ord. [2016-026](#) §1 on 11/9/2016  
Amended by Ord. [2016-006](#) §1 on 2/27/2017  
Amended by Ord. [2017-015](#) §1 on 11/1/2017  
Repealed by Ord. [2018-005](#) §8 on 10/10/2018  
Amended by Ord. [2018-006](#) §4 on 11/20/2018  
Amended by Ord. [2019-010](#) §1 on 5/8/2019  
Amended by Ord. [2019-016](#) §1 on 2/24/2020  
Amended by Ord. [2020-001](#) §1 on 4/21/2020  
Amended by Ord. [2020-010](#) §1 on 7/3/2020  
Amended by Ord. [2020-007](#) §7 on 10/27/2020  
Amended by Ord. [2021-013](#) §3 on 4/5/2022  
Amended by Ord. [2022-014](#) §1 on 4/4/2023  
Amended by Ord. [2023-001](#) §2 on 5/30/2023  
Amended by Ord. [2024-008](#) §2 on 10/9/2024  
[Amended by Ord. 202X-XXX §X on X/XX/XXX](#)

## **CHAPTER 18.08 BASIC PROVISIONS**

### **18.08.010 Compliance**

### **18.08.020 Existing Agreements And Zoning Permits**

### **18.08.030 Terminology And Construction**

### **18.08.040 Religious Land Use And Institutionalized Persons Act**

### **18.08.010 Compliance**

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

#### HISTORY

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

Amended by Ord. [84-023](#) §2 on 8/1/1984

*Amended by Ord. [202X-XXX](#) §X on X/XX/XXX*

### **18.08.020 Existing Agreements And Zoning Permits**

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

#### HISTORY

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

Amended by Ord. [93-043](#) §2 on 8/25/1993

*Amended by Ord. [202X-XXX](#) §X on X/XX/XXX*

### **18.08.030 Terminology And Construction**

- A. Terminology. The word "County" shall mean the County of Deschutes, Oregon. The word "Board" shall mean the Board of County Commissioners of the County of Deschutes. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the County of Deschutes duly appointed by the Board of County Commissioners. The words "Planning Director," "County Engineer," "County Clerk," "County Sanitarian," "County Surveyor," "Hearings Body," "Tax Collector" and "Assessor" shall mean the Planning Director, County Engineer, County Clerk, County Sanitarian, County Surveyor, Hearings Body, Tax Collector and Assessor of the County of Deschutes.

- B. Construction. Words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.

HISTORY

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

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

**[18.08.040 Religious Land Use And Institutionalized Persons Act](#)**

Compliance with the Religious Land Use and Institutionalized Persons Act supersedes all other aspects of DCC Title 18.

HISTORY

Adopted by Ord. [2020-001](#) §2 on 4/21/2020

**CHAPTER 18.12 ESTABLISHMENT OF ZONES**

[18.12.010 Establishment Of Zones](#)

[18.12.020 Location Of Zones](#)

[18.12.030 Zoning Map](#)

[18.12.040 Zone Boundaries](#)

**18.12.010 Establishment Of Zones**

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

- A. Primary Zones.

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

- B. Combining Zones.

Combining Zones	Abbreviations

Airport Safety	AH
<del>Conventional Housing</del>	<del>CH</del>
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBMH
Surface Mining Impact Area	SMIA
Wildlife Area	WA

C. Exclusive Farm Use Subzones.

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

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

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

## 2. Sunriver Urban Unincorporated Community.

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

## 3. Terrebonne Rural Community.

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

## 4. Tumalo Rural Community.

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

## 5. Rural Service Center.

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

## 6. Black Butte Ranch Resort Community.

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

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

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

## HISTORY

Amended by Ord. [92-025](#) §5 on 4/15/1991

Amended by Ord. [96-003](#) §4 on 3/27/1996

Amended by Ord. [98-063](#) §2 on 9/30/1998

Amended by Ord. [2001-044](#) §2 on 10/10/2001

Amended by Ord. [2001-048](#) §4 on 12/10/2001

Amended by Ord. [2002-001](#) §1 on 6/5/2002

Amended by Ord. [2002-019](#) §1 on 8/7/2002

Amended by Ord. [2005-016](#) §1 on 4/27/2005

Amended by Ord. [2006-008](#) §2 on 8/29/2006

Amended by Ord. [2008-017](#) §1 on 8/18/2008

Repealed by Ord. [2018-005](#) §9 on 10/10/2018

Amended by Ord. [2019-010](#) §1 on 5/8/2019

*Amended by Ord. [202X-XXX](#) §X on X/XX/XXX*

**18.12.020 Location Of Zones**

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

## HISTORY

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

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

**18.12.030 Zoning Map**

A zoning map amendment adopted by DCC 18.12.020, above, or by an amendment thereto shall be prepared by authority of the Planning Director or Hearings Body or Board of County Commissioners. The map or map amendment shall be dated with the effective date of the order or ordinance that adopts the map or map amendment. The Deschutes County zoning map exists in official replica form as an electronic map layer within the County geographic information system. The official copy of the electronic version of the zoning map shall contain a legal description of the area to be amended, a map reflecting



the previous zoning and a map of the amendment printed onto permanent media, recorded and maintained in the office of the County Clerk. An original printed version of the adopted map or map amendment signed by the Board of County Commissioners shall be maintained in the office of the County Clerk.

#### HISTORY

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

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

*Amended by Ord. [2008-017](#) §1 on 8/18/2008*

#### **[18.12.040 Zone Boundaries](#)**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights of way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or the extension of such lines. In case of any dispute regarding the zoning classification of property subject to the County code, the original ordinance with map exhibit contained in the official county records will control. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

- A. Where a boundary line is indicated as following a street, alley, canal, or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section lines or division thereof, lot or property ownership line, it shall be construed as following such line.
- C. If a zone boundary as shown on the zoning map divides a lot or parcel between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies, provided that this adjustment involves a distance not exceeding 100 feet from the mapped zone boundary. DCC 18.12.040 does not apply to areas zoned flood plain.

#### HISTORY

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

*Amended by Ord. [80-206](#) §2 on 10/13/1980*

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

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

*Amended by Ord. [2008-017](#) §1 on 8/18/2008*

*Repealed by Ord. [2018-005](#) §9 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

*Amended by Ord. [2020-007](#) §8 on 10/27/2020*

#### **[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 Yards](#)~~[18.16.070 Setbacks](#)

[18.16.080 Stream Setbacks](#)

[18.16.090 Rimrock Setback](#)

### **18.16.010 Purpose**

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

### HISTORY

Adopted by Ord. [PL-15](#) §4.010(1) on 11/1/1979

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](#) §9 on 3/1/1995

### **18.16.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in DCC Title 18.
- B. Propagation or harvesting of a forest product.
- C. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(2)(a) or (b).
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of

way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land lots or parcels result.

- G. Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public road and highway-related facilities such as maintenance yards, weigh stations, and rest areas, within a right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
- I. Creation, restoration, or enhancement of wetlands.
- J. A lawfully established dwelling may be altered, restored, or replaced, subject to DCC 18.16.023.
  - 1. The replacement dwelling is subject to OAR 660-033-0130(30) and the County shall require as a condition of approval of a single-family replacement dwelling that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.
- K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places and on the County inventory as a historic property as defined in ORS 358.480, and subject to 18.16.020(J)(1)above.
- L. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- M. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
  - 1. A public right of way;
  - 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
  - 3. The property to be served by the utility.
- N. The land application of reclaimed water, agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a

period of time within which land application of biosolids is authorized under the license, permit or other approval.

- O. Fire service facilities providing rural fire protection services.
- P. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(2)(a) or (b).
- Q. Outdoor mass gathering described in ORS 197.015(10)(d), and subject to DCC Chapter 8.16.
- R. Composting operations that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract as allowed under OAR 660-033-0130(29).

#### HISTORY

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

*Amended by Ord. [81-001](#) §1 on 3/5/1981*

*Amended by Ord. [81-025](#) §1 on 7/15/1981*

*Amended by Ord. [86-007](#) §1 on 1/29/1986*

*Amended by Ord. [91-002](#) §3 on 2/6/1991*

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

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

*Amended by Ord. [91-024](#) §1 on 6/26/1991*

*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](#) §10 on 3/1/1995*

*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. [2010-022](#) §2 on 7/19/2010*

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

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

*Amended by Ord. [2016-015](#) §2 on 7/1/2016*

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

*Amended by Ord. [2021-004](#) §1 on 5/27/2021*

#### **[18.16.023 Lawfully Established Dwelling Replacement](#)**

A lawfully established dwelling may be altered, restored or replaced under DCC 18.16.020(J) above if:

- A. The dwelling to be altered, restored or replaced:
  - 1. Has, or formerly had:
    - a. Intact exterior walls and roof structure;

- b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - c. Interior wiring for interior lights; and
  - d. A heating system; and
- B. Unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:
  - 1. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 2. Five years before the date of the application; or
  - 3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  - 4. If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
    - a. Five years before the date of the destruction or demolition; or
    - b. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C. For replacement of a lawfully established dwelling under this section:
  - 1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
  - 2. The replacement dwelling:
    - a. May be sited on any part of the same lot or parcel.
    - b. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
    - c. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
      - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
      - ii. No statewide map of wildfire risk has been adopted.
- D. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- E. If an applicant is granted a deferred replacement permit under this section:
  - 1. The deferred replacement permit:
    - a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
    - b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.
- G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

#### HISTORY

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

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

Amended by Ord. [2024-008](#) §3 on 10/9/2024

#### **[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](#)**

- A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings), subject to DCC 18.16.050.
- B. A relative farm assistance dwelling, subject to DCC 18.16.050.
- C. Religious institutions or assemblies and cemeteries in conjunction with religious institutions or assemblies consistent with ORS 215.441 and OAR 660-033-0130(2) on non-high value farmland.
- D. Expansion of an existing church or cemetery in conjunction with a church on the same tract as the existing use, subject to Oregon Administrative Rules 660-033-0130.
- E. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale and transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:
  1. DCC 18.16.038(A); or
  2. DCC 18.16.038(E) if the utility facility is an associated transmission line, as defined in ORS 469.300.
- F. Winery, as described in ORS 215.452.
- G. Farm stands, subject to DCC 18.16.038.
- H. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may be reasonably necessary.
- I. A facility for the processing of farm crops, subject to the following standards:
  1. The facility:

- a. Uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Siting standards shall not be applied in a manner that prohibits the siting of a facility for the processing of farm products; or
  - b. Exception: A facility which uses less than 2,500 square feet for its processing area is exempt from any applicable siting standards. However, applicable standards and criteria pertaining to floodplains, geologic hazards, beach and dune hazards, airport safety, tsunami hazards and fire siting standards shall apply.
2. The County shall not approve any division of a lot or parcel that separates a facility for the processing of farm products from the farm operation on which it is located.
- J. Agri-tourism and other commercial events and activities subject to DCC 18.16.042.
- K. Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2019, when:
1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
  2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

#### HISTORY

*Adopted 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. [2010-022](#) §2 on 7/19/2010*

*Amended by Ord. [2012-004](#) §2 on 4/16/2012*

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

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

*Amended by Ord. [2016-015](#) §2 on 7/1/2016*

*Amended by Ord. [2020-001](#) §3 on 4/21/2020*

*Amended by Ord. [2021-004](#) §1 on 5/27/2021*

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

#### **[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. A hardship dwelling, as described in DCC 18.16.050(H).

- E. 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. 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. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.
- H. 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.
- I. 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. Transmission towers over 200 feet in height.
- K. 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. 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. 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. 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. 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. 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. 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. 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. 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. ~~Excavation, grading, and fill~~ and or removal within the bed and banks of a stream or river or in a wetland.
- U. 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. 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. A living history museum.

- X. Operations for the extraction and bottling of water.
- Y. Transportation improvements on rural lands allowed by OAR 660-012-0065.
- Z. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- AA. Extended outdoor mass gatherings, subject to DCC 8.16.
- AB. 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.
- AC. 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.
- AD. 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.
- AE. 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).
- AF. 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 10/9/2024

### **18.16.031 Conditional Uses On Non-High Value Farmland Only**

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

- A. A disposal site which includes a land disposal site approved by the governing body of a city or County or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.
- B. Golf course and accessory golf course uses as defined in DCC Title 18 on land determined not to be high value farmland, as defined in ORS 195.300.
- C. Except for those composting facilities that are a farm use as allowed under DCC 18.16.020, composting operations and facilities for which a permit has been granted by the Oregon Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060.
  1. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility.
  2. On-site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.
  3. A composting facility use shall be subject to DCC 18.16.040(N).
- D. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
- E. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to the applicable Oregon Administrative Rules.

#### **HISTORY**

Adopted by Ord. [95-007](#) §12 on 3/1/1995  
 Amended by Ord. [2004-001](#) §2 on 7/14/2004  
 Amended by Ord. [2009-014](#) §1 on 6/22/2009  
 Amended by Ord. [2010-022](#) §2 on 7/19/2010  
 Amended by Ord. [2012-007](#) §2 on 5/2/2012

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

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

### **18.16.033 Conditional Uses On High Value Farmland Only**

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

- A. Maintenance, enhancement or expansion of a site for the disposal of solid waste approved by the County for which a permit has been granted under ORS 459.245 by the Oregon Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation, subject to other requirements of law. New such sites are prohibited.
- B. Maintenance, enhancement or expansion of golf course and accessory golf course uses as defined in DCC Title 18 existing as of March 1, 1994, subject to other requirements of law. New such uses are prohibited. Expanded courses may not exceed 36 holes total.
- C. Additions or expansions to existing public or private schools on high value farmland, for kindergarten through grade 12, including all buildings essential to the operation of a school, subject to the applicable Oregon Administrative Rules.

#### HISTORY

Adopted by Ord. [95-007](#) §13 on 3/1/1995

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

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

Amended by Ord. [2010-022](#) §2 on 7/19/2010

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

### **18.16.035 Destination Resorts**

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

#### HISTORY

Adopted by Ord. [92-004](#) §3 on 2/7/1992

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

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

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

### **18.16.037 Guest Ranch**

- A. A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under DCC 18.04.030, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of the applicable Oregon Revised Statutes. A guest ranch shall not be located within the boundaries of or surrounded by:
  1. A federally designated wilderness area or a wilderness study area:

2. A federally designated wildlife refuge;
  3. A federally designated area of critical environmental concern; or
  4. An area established by an Act of Congress for the protection of scenic or ecological resources.
- B. "Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in ORS 215 that are incidental and accessory to an existing livestock operation that qualifies as a farm use under DCC 18.04.030.
  - C. A guest lodging unit means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for permanent residence accommodations.
  - D. For the purposes of DCC 18.16.037, "livestock" means cattle, sheep, horses, and bison.
  - E. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed.
  - F. Notwithstanding DCC 18.16.055, a proposed division of land in an exclusive farm use zone for a guest ranch shall not be allowed.

#### HISTORY

*Adopted by Ord. [98-056](#) §1 on 9/23/1998*

*Amended by Ord. [2001-043](#) §1 on 12/5/2001*

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

*Repealed & Reenacted by Ord. [2010-022](#) §2 on 7/19/2010*

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

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

*Repealed & Reenacted by Ord. [2021-007](#) §2 on 7/9/2021*

#### **[18.16.038 Special Conditions For Certain Uses Listed Under DCC 18.16.025](#)**

- A. A utility facility necessary for public use allowed under DCC 18.16.025 shall be one that must be sited in an agricultural zone in order for service to be provided. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
  1. Technical and engineering feasibility;
  2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
  3. Lack of available urban and nonresource lands;
  4. Availability of existing rights of way;

5. Public health and safety; and
  6. Other requirements of state and federal agencies.
  7. Costs associated with any of the factors listed in 1-6 above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities that are not substantially similar.
  8. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
  9. In addition to the provisions of 1-6 above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
  10. The provisions above do not apply to interstate gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
  11. The County shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use, in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
  12. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility 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. Off-site facilities allowed under this provision are subject to OAR 660-033-0130(5). Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
- B. Wineries are subject to the following:
1. A winery, authorized under DCC 18.16.025 is a facility that produces wine with a maximum annual production of:
    - a. Less than 50,000 gallons and:
      1. Owns an on-site vineyard of at least 15 acres;
      2. Owns a contiguous vineyard of at least 15 acres;

3. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
    4. Obtains grapes from any combination of i, ii, or iii of this subsection; or
  - b. At least 50,000 gallons and the winery:
    1. Owns an on-site vineyard of at least 40 acres;
    2. Owns a contiguous vineyard of at least 40 acres;
    3. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
    4. Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
    5. Obtains grapes from any combination of i, ii, iii, or iv of this subsection.
2. In addition to producing and distributing wine, a winery established under this section may:
  - a. Market and sell wine produced in conjunction with the winery.
  - b. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
    1. Wine tastings in a tasting room or other location on the premises occupied by the winery;
    2. Wine club activities;
    3. Winemaker luncheons and dinners;
    4. Winery and vineyard tours;
    5. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
    6. Winery staff activities;
    7. Open house promotions of wine produced in conjunction with the winery; and
    8. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery.
  - c. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to on-site retail sale of wine, including food and beverages:

1. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
  2. Served in conjunction with an activity authorized by paragraph (b), (d) or (e) of this subsection.
- d. Carry out agri-tourism or other commercial events on the tract occupied by the winery subject to subsections of this section.
- e. Host charitable activities for which the winery does not charge a facility rental fee.
3. On-site kitchen.
  - a. A winery may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121 for the preparation of food and beverages described in subsection (2)(c) of this section.
  - b. Food and beverage services authorized under subsection (2)(c) of this section may not utilize menu options or meal services that cause the kitchen facilities to function as a café or other dining establishment open to the public.
4. The gross income of the winery from the sale of incidental items or services provided pursuant to subsection (2)(c) to (e) of this section may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
  - a. The gross income of the winery does not include income received by third parties unaffiliated with the winery.
  - b. At the request of the County, who has land use jurisdiction over the site of a winery, the winery shall submit to the County a written statement that is prepared by a certified public accountant and certifies the compliance of the winery with this subsection for the previous tax year.
5. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery.
6. If a winery approved under DCC 18.16.038(B)(5) conducts agri-tourism or other commercial events, the winery may not conduct agri-tourism or other commercial events or activities authorized under Deschutes County Code 18.16.042.
7. Gross Income.
  - a. The gross income of the winery from any activity other than the production or sale of wine may not exceed 25 percent of the gross income from the on-site retail of wine produced in conjunction with the winery.
  - b. The gross income of the winery does not include income received by third parties unaffiliated with the winery.



- c. The winery shall submit to the Deschutes County Community Development Department a written statement, prepared by a certified public accountant that certifies compliance with this section for the previous tax year by April 15 of each year in which private events are held.
8. A winery operating under this section shall provide parking for all activities or uses on the lot, parcel, or tract on which the winery is established.
9. Prior to the issuance of a permit to establish a winery under this section, the applicant shall show that vineyards described in subsections (B)(1) of this section have been planted or that the contract for the purchase of grapes has been executed, as applicable.
10. The siting of a winery shall be subject to the following standards:
  - a. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places, unless the County grants an adjustment or variance allowing a setback of less than 100 feet.
  - b. Shall comply with DCC Chapter 18.80, Airport Safety Combining Zone, and DCC 18.116.180, Building Setbacks for the Protection of Solar Access.
11. As used in this section, "private events" includes, but is not limited to, facility rentals and celebratory gatherings.
12. The winery shall have direct road access and internal circulation.
13. A winery is subject to the following public health and safety standards:
  - a. Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
  - b. No event, gathering or activity may begin before 7:00 a.m. or end after 10:00 p.m., including set-up and take-down of temporary structures.
  - c. Noise control.
    1. All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.
    2. A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during private events.
  - d. Adequate traffic control must be provided by the property owner to address the following:

1. There shall be one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time.
2. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.

e. Structures.

1. All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Environmental Soils Division and any other applicable federal, state and local laws.
  2. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.
- f. Inspection of event premises authorization. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers to come upon the premises for which the Limited Use Permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and DCC Chapter 18.16 Exclusive Farm Use Zone and DCC Chapter 8.08 Noise Control, and any other applicable laws or ordinances.

C. Farm stands are subject to the following:

1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand, if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.
3. As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
4. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.

5. As used in this section, “local agricultural area” includes Oregon or an adjacent county in Washington, Idaho, Nevada or California that borders the Oregon county in which the farm stand is located.
- D. A site for the takeoff and landing of model aircraft is subject to the following:
1. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building of facility preexisted the use approved under this section.
    - a. The site shall not include an aggregate surface or hard surface area, unless the surface preexisted the use approved under this section.
    - b. An owner of property used for the purpose authorized in this section may charge a person operating the use on the property rent for the property.
    - c. An operator may charge users of the property a fee that does not exceed the operator’s cost to maintain the property, buildings and facilities.
    - d. As used in this section, “model aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- E. An associated transmission line is necessary for public service if an applicant for approval under DCC 18.16.025 demonstrates that the line meets either the requirements of 1 or 2 below.
1. The entire route of the associated transmission line meets at least one of the following requirements:
    - a. The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
    - b. The associated transmission line is co-located with an existing transmission line;
    - c. The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
    - d. The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
  2. After an evaluation of reasonable alternatives, the entire route of the associated transmission line meets, subject to DCC 18.16.038(E)(3) and (4) below, two or more of the following factors:
    - a. Technical and engineering feasibility;
    - b. The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS

- 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
- c. Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
  - d. Public health and safety, or
  - e. Other requirements of state or federal agencies.
3. As pertains to DCC 18.16.038(E)(2), the applicant shall present findings to the County on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
  4. The County may consider costs associated with any of the factors listed in DCC 18.16.038(E)(2) above, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.

#### HISTORY

*Adopted 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. [2010-022](#) §2 on 7/19/2010*

*Amended by Ord. [2012-004](#) §2 on 4/16/2012*

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

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

#### **[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(E) 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(K) 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(L) 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

### **18.16.042 Agri-Tourism And Other Commercial Events Or Activities Limited Use Permit**

- A. Agri-tourism and other commercial events or activities related to and supportive of agriculture may be approved in an area zoned for exclusive farm use only if the standards and criteria in this section are met.
- B. Application. The application shall include the following.
  1. The General Provisions information required in DCC 22.08.010.
  2. A written description of:
    - a. The proposal.
    - b. The types of agri-tourism and other commercial events or activities that are proposed to be conducted, including the number and duration of the agri-tourism and other commercial events and activities, the anticipated maximum daily attendance and the hours of operation, and how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.
    - c. The types and locations of all permanent and temporary structures, access and egress, parking facilities, and sanitation and solid waste to be used in connection with the agri-tourism or other commercial events or activities.
  3. A traffic management plan that:
    - a. Identifies the projected number of vehicles and any anticipated use of public roads;
    - b. Provides an assurance that one traffic control person shall be provided for each 250 persons expected or reasonably expected to be in attendance at any time during the agri-tourism and other commercial event or activity. The traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
    - c. Demonstrates that the parcel, lot, or tract has direct access such that the lot, parcel, or tract on which commercial events will occur:
      1. Fronts on a public road; or
      2. Is accessed by an access easement or private road, and all underlying property owners and property owners taking access between the subject property and the public road consent in writing to the use of the road for agri-tourism and other commercial events or activities at the time of initial application.

4. Inspection of Event Premises Authorization. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the Limited Use Permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and DCC Chapter 18.16 Exclusive Farm Use Zone and DCC Chapter 8.08 Noise Control, and any other applicable laws or ordinances.

C. Approval Criteria.

1. Type 1. Up to six (6) agri-tourism events in a calendar year on a tract may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, if in compliance with:
  - a. Criteria set forth in 18.16.042(C)(2)(d-j).
  - b. May not, individually, exceed one calendar day.
  - c. Commercial events or activities are not permitted.
  - d. Minimum lot or parcel size: 5 acres.
  - e. Comply with DCC Chapter 8.08 Noise Control at all times. Sound amplification and sound producing devices are prohibited.
  - f. The maximum attendance is 30 at any one time for all non-residents of the tract.
  - g. Where there is a conflict between this section and DCC 18.16.042(C)(4-12), the more restrictive criteria shall apply.
2. Type 2. Up to six (6) agri-tourism and other commercial events or activities in a calendar year on a tract may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, if in compliance with:
  - a. Minimum lot or parcel size: 10 acres.
  - b. Agri-tourism events may not, individually, exceed a duration of 72 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 72 consecutive hours.
  - c. Commercial events or activities may not, individually, exceed a duration of 30 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 30 consecutive hours.
  - d. Must be incidental and subordinate to existing farm use of the tract, and shall be related to and supportive of agriculture.
  - e. Set-up and take down of all temporary structures and facilities shall occur up to one business day prior to the agri-tourism and other commercial events or

activities and one business day after the agri-tourism and other commercial events or activities between 7:00 a.m. and 10:00 p.m.

- f. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities.
  - g. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area.
  - h. Must comply with ORS 215.296.
  - i. Limited Use Permits approved under this section expire two years from the date of approval.
  - j. Limited Permits may be renewed for an additional two years subject to:
    - 1. An application for renewal; and
    - 2. Demonstration of compliance with conditions that apply to the limited use permit and applicable provisions in this section, DCC Chapter 18.16.042.
3. Type 3. Agri-tourism or other commercial events or activities may be approved by a limited use permit that is personal to the applicant and is not transferred by, or transferred with, a conveyance of the tract, more frequently or for a longer period than allowed under 18.16.042(C)(1) and (2) if the agri-tourism or other commercial events or activities is in compliance with:
- a. Criteria set forth in 18.16.042(C)(2)(d)(e)(f)(g) and (h).
  - b. Must be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area.
  - c. Minimum lot or parcel size: 160 acres.
  - d. Do not exceed 18 commercial events or activities in a calendar year.
  - e. Commercial events or activities may not, individually, exceed a duration of 24 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 24 consecutive hours.
  - f. Agri-tourism events may not, individually, exceed a duration of 72 consecutive hours, excluding set-up and take down of all temporary structures and facilities. The limitation on the hours of operations is included within the duration of 72 consecutive hours.
  - g. No more than two commercial events or activities may occur in one month.

- h. Limited Use Permits approved under this section expire four years from the date of approval.
- i. Limited Use Permits may be renewed at four year intervals subject to:
  - 1. An application for renewal;
  - 2. Public notice and public comment as part of the review process.
  - 3. Demonstration of compliance with conditions that apply to the limited use permit and applicable provisions in this section, DCC Chapter 18.16.042.
- 4. The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.
- 5. Notification of agri-tourism and other commercial events or activities.
  - a. The property owner shall submit in writing the list of calendar days scheduled for all agri-tourism and other commercial events or activities by April 1 of the subject calendar year or within 30 days of new or renewed limited use permits, if after April 1, to Deschutes County's Community Development Department and Sheriff's Office, and all property owners within 500 feet of the subject property.
  - b. The list of calendar dates for all agri-tourism, commercial events and activities may be amended by submitting the amended list to the same entities at least 72 hours prior to any date change.
  - c. If such notice is not provided, the property owner shall provide notice by Registered Mail to the same list above at least 10 days prior to each agri-tourism and other commercial event or activity.
  - d. The notification shall include a contact person or persons for each agri-tourism and other commercial event or activity who shall be easily accessible and who shall remain on site at all times, including the person(s) contact information.
- 6. Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
- 7. Hours of Operation. No agri-tourism and other commercial event or activity may begin before 7:00 a.m. or end after 10:00 p.m.
- 8. Overnight camping is not allowed.
- 9. Noise Control
  - a. All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.

- b. A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.

#### 10. Transportation Management.

- a. Roadways, driveway aprons, driveways, and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
- b. Driveways extending from paved roads shall have a paved apron, requiring review and approval by the County Road Department.
- c. The parcel, lot, or tract has direct access as defined in DCC Chapter 18.16.042(B)(3)(c).
- d. Adequate traffic control must be provided by the property owner to address the following:
  - 1. There shall be one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time.
  - 2. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.

#### 11. Health and Safety Compliance

- a. All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Environmental Soils Division and any other applicable federal, state and local laws.
- b. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

12. The maximum number of people shall not exceed 500 per calendar day.

13. Agri-Tourism and other Commercial Events or Activities shall not be allowed:

- a. Within the County adopted big game winter ranges during the months of December through March.
- b. Within the County adopted big game migration corridors during the month of April and during the months of October and November.
- c. Within the County adopted sensitive bird and mammal habitat areas as defined in DCC 18.90.020, unless a site has had no nesting attempt or the nest has failed, as determined by a professional wildlife biologist in May of the calendar year in



which the application is approved unless a site has had no nesting attempt or the nest has failed which could be determined in May by a professional wildlife biologist.

#### HISTORY

Adopted by Ord. [2012-004](#) §2 on 4/16/2012

#### [18.16.043 Single Permit](#)

- A. The maximum number of agri-tourism and other commercial events or activities on a lot, parcel, or tract may not exceed the total number of commercial events allowed by any individual land use approval, including a winery authorized under DCC 18.16.038(B), and events, outdoor mass gatherings or extended outdoor mass gatherings authorized under DCC Chapter 8.16.
- B. The following permits may not be combined:
  1. Agri-tourism and other commercial events or activities under DCC 18.16.042,
  2. Winery under DCC 18.16.038(B),
  3. Events, outdoor mass gatherings, extended outdoor mass gatherings, parades or funeral processions authorized under DCC Chapter 8.16,
  4. Home occupation for commercial events or activities.

#### HISTORY

Adopted by Ord. [2012-004](#) §2 on 4/16/2012

#### [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 ~~home-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 [home-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 33 135(3) using data on gross sales per acre tabulated by LCDDC pursuant to Oregon Administrative Rules 660 33 135(4).
- 3. Gross annual income test.
  - a. On land not identified as high-value farmland, a dwelling, including a manufactured [home-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 [home-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 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.
  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 [home-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 home and a deed restriction substantially in compliance with the form set forth in [Exhibit A](#) to DCC 18.16 is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured home may remain if it is reapproved under DCC 18.16.050; 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 [home-dwelling](#) and is sited in accordance with DCC 18.116.070, or is a site-built [homedwelling](#);
    - 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 home-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 home-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-family unit dwelling, including a manufactured home 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 under the following conditions:
  - a. The dwelling is an existing building, or is a manufactured [home-dwelling](#) or recreational vehicle that is used in conjunction with an existing dwelling on the lot or parcel. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017;
  - b. The manufactured [home-dwelling](#) or recreational vehicle would be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists. The recreational vehicle shall not be occupied once the term of the medical hardship is completed, except as allowed under DCC 18.116.095. A temporary residence approved under this section is not eligible for replacement under DCC 18.16.020(J);
  - c. The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the permit application; and
  - d. The temporary manufactured [home-dwelling](#) uses the same subsurface sewage disposal system used by the existing dwelling, provided that the existing disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required.
  - e. If a recreational vehicle is used as a medical hardship dwelling, it shall be required to have a bathroom, and shall meet the minimum setbacks established under DCC 18.16.070.
2. Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090 and shall be required to meet any applicable DEQ review and removal requirements as a condition of approval.
3. As used in DCC 18.16.050(H), the term "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
4. As used in DCC 18.16.050(H), the term "relative" means grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, niece, nephew, uncle, aunt, or first cousin of the existing resident.
5. The proposed hardship dwelling or recreational vehicle shall meet the criteria under DCC 18.16.040(A)(1-2) and DCC 18.16.020(J)(1).

#### 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

### **18.16.055 Land Divisions**

- A. General. A division of land in the exclusive farm use zone shall be identified on the land division application as either an irrigated land division, nonirrigated land division, or a division of land for a use permitted by Oregon Revised Statutes 215.263 other than a dwelling. An irrigated land division is subject to subsection B below; a nonirrigated land division is subject to subsection C below; and a land division for a use other than a dwelling is subject to subsection E below, as well as ORS 215.263.
- B. Irrigated land division.
1. An irrigated land division shall be subject to the minimum lot or parcel size requirements of DCC 18.16.065, Subzones, and all applicable requirements of DCC Title 17.
  2. Partitions establishing parcels less than the EFU minimum parcel size established under DCC 18.16.065, may be permitted to create new parcels for nonfarm dwellings as follows:
    - a. If the parent lot or parcel is equal to or greater than the minimum lot or parcel size established under 18.16.065, and is less than 80 acres in size, one new nonfarm parcel may be created subject to the following:
      1. Parent lot or parcel was lawfully created prior to July 1, 2001;
      2. Remainder parcel shall meet the minimum lot size established under 18.16.065;
      3. All standards established under 18.16.050(G) for the dwelling shall be met;
      4. No minimum lot size shall be required for the nonfarm parcel.
      5. The parcel for the nonfarm dwelling is generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and

flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

- b. If the parent lot or parcel is equal to or greater than the minimum lot size established under 18.16.065, and is greater than or equal to 80 acres in size, two new nonfarm parcels may be created subject to the following:

1. Parent lot or parcel was lawfully created prior to July 1, 2001;
2. Remainder parcel shall meet the minimum lot size established under 18.16.065;
3. All standards established under 18.16.050(G) for the dwellings shall be met;
4. No minimum parcel size shall be required for the nonfarm parcel.
5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

3. The minimum size for new parcels does not mean that farm dwellings may be approved on the new parcels.
4. New dwellings in conjunction with farm use must satisfy the criteria in DCC 18.16.050.

C. Nonirrigated land division.

1. The minimum lot or parcel size for a nonirrigated land division is 80 acres.
2. Notwithstanding 1 above, land divisions creating nonfarm lot or parcels less than the minimum lot size may be allowed as follows:

- a. If the parent lot or parcel is greater than 80 acres in size, up to two new nonfarm parcels may be allowed subject to the following:

1. Parent lot or parcel was lawfully created prior to July 1, 2001;
2. Remainder parcel shall be at least 80 acres in size;
3. All standards established under 18.16.050(G) for the dwellings shall be met;
4. The minimum size for the nonfarm parcels is 5 acres.
5. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or

flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

6. Be located outside of the Horse Ridge East subzone.
- b. If the parent lot or parcel is greater than or equal to 40 acres and less than or equal to 80 acres, one new nonfarm parcel is allowed subject to the following:
    1. Parent lot or parcel was lawfully created prior to July 1, 2001;
    2. Parcels are not capable of producing more than 20 cubic feet per acre per year of wood fiber;
    3. Parcels are composed of at least 90 percent Class VII and VIII soils, or are composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock;
    4. Parcels shall not have established water rights for irrigation;
    5. All standards established under 18.16.050(G) for the dwellings shall be met;
    6. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land
    7. The minimum lot or parcel size is 5 acres;
    8. Be located outside of the Horse Ridge East subzone.
- D. Partitions in the Wildlife Area Combining Zones must meet the minimum lot or parcel sizes established under DCC 18.88.050.
- E. A division of land for a use listed under ORS 215.263 other than a dwelling. Such divisions shall be subject to the minimum lot or parcel size requirements of DCC 18.16.060(C), ORS 215.263, and the applicable partitioning standards, including the general partition standards set forth in DCC 17.22, the Subdivision and Partition Ordinance.

#### HISTORY

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

*Amended by Ord. [94-026](#) §2 on 5/11/1994*

*Amended by Ord. [95-007](#) §16 on 3/1/1995*

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

*Amended by Ord. [2002-016](#) §1 on 4/24/2002*

*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

### **18.16.060 Dimensional Standards**

- A. The minimum lot or parcel size for irrigated land divisions created subject to DCC Title 17 shall be as specified under DCC 18.16.065, "Subzones."
- B. The minimum lot or parcel size for nonirrigated land divisions created subject to DCC Title 17 is as specified under DCC 18.16.055(C).
- C. The minimum lot or parcel size for all other uses permitted by Oregon Revised Statutes 215.263 shall be no greater than the minimum size necessary for the use.
- D. Each lot or parcel shall have a minimum street frontage of 50 feet.
- E. Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.

#### 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. [92-055](#) §1 on 8/17/1992

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

Amended by Ord. [93-004](#) §1 on 3/31/1993

Amended by Ord. [93-043](#) §3 on 8/25/1993

Amended by Ord. [95-007](#) §17 on 3/1/1995

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

Amended by Ord. [2002-016](#) §1 on 4/24/2002

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

### **18.16.065 Subzones**

- A. Lower Bridge. A proposed irrigated land division must result in lots or parcels that demonstrate the following characteristics or capabilities: One hundred thirty acres of irrigated land.
- B. Sisters/Cloverdale. A proposed irrigated land division must result in lots or parcels that demonstrate the following characteristics or capabilities: Sixty-three acres of irrigated land.
- C. Terrebonne. A proposed irrigated land division must result in lots or parcels that demonstrate the following characteristics or capabilities: Thirty-five acres of irrigated land.
- D. Tumalo/Redmond/Bend. A proposed irrigated land division must result in lots or parcels that demonstrate the following characteristics or capabilities: Twenty-three acres of irrigated land.

- E. Alfalfa. A proposed irrigated land division must result in lots or parcels that demonstrate the following characteristics or capabilities: Thirty-six irrigated acres.
- F. La Pine. A proposed irrigated land division must result in lots or parcels that demonstrate the following characteristics or capabilities: Thirty-seven acres of irrigated land.
- G. Horse Ridge East. Minimum lot or parcel size for a land division is 320 acres.

#### HISTORY

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

Amended by Ord. [95-007](#) §18 on 3/1/1995

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

Amended by Ord. [2002-016](#) §1 on 4/24/2002

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

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

#### **18.16.067 Farm Management Plans**

- A. Contents. A farm management plan shall consist of the following components:
  1. A written description of existing and/or proposed farm uses, including type of crops or livestock, size and location of areas for each use, and land or soil preparation required.
  2. An assessment of the soils, climate, and irrigation on the lot or parcel demonstrating that the lot or parcel is suitable for the current or proposed use outlined in DCC 18.16.067(A)(1).
  3. A business plan, including a demonstration that markets exist for the product; estimates of gross sales or actual gross sales figures; estimated or actual figures concerning necessary expenditures; and a list of capital expenditures incurred or projected to be incurred in establishing the farm use on the lot or parcel.
  4. A written description of the farm uses in the area, including acreage, size and type of crop or livestock raised showing that the proposed plan is representative of similar farm uses, if any, in the area and will not conflict with the existing agriculture types.
  5. For farm uses not currently practiced in the area, an analysis showing that the plan is representative of the type of agriculture proposed.
- B. Conditional approvals.
  1. For purposes of land use approval, in instances where at the time of application the subject land is not currently in farm use, a farm management plan will be deemed to demonstrate current employment of the land for farm use if:
    - a. The farm management plan establishes a level of farming that constitutes a farm use;
    - b. The farm management plan sets forth specific timelines for the completion of capital improvements (barns, fencing, irrigation, etc.) and for the establishment of the proposed farm use on the lot or parcel; and



- c. Land use approval is subject to a condition that no building permit for the farm dwelling can be issued prior to a determination that pursuant to the farm management plan a farm use has been established on the subject land.
2. For purposes of determining under DCC 18.16.067 that a farm use has been established on the land, the County shall determine that the farm management plan has been implemented to the extent that the farm use has achieved the gross farm sales figure required under DCC 18.16.050.

#### HISTORY

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

Amended by Ord. [93-004](#) §2 on 3/31/1993

Amended by Ord. [95-007](#) §19 on 3/1/1995

#### **18.16.070 Yards18.16.070 Setbacks**

- A. The front ~~yard setback~~ shall be a minimum of: 40 feet from a ~~property lot~~ line fronting on a local street, 60 feet from a ~~property lot~~ line fronting on a collector street, and 100 feet from a ~~property lot~~ line fronting on an arterial street.
- B. Each side ~~yard setback~~ shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with side ~~yards lot lines adjacent to abutting~~ property currently employed in farm use, and receiving special assessment for farm use, the side ~~yard setbacks~~ shall be a minimum of 100 feet.
- C. Rear ~~yards setbacks~~ shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with a rear ~~yard lot line adjacent to abutting~~ property currently employed in farm use, and receiving special assessment for farm use, the rear ~~yard setback~~ shall be a minimum of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

#### HISTORY

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

Amended by Ord. [83-037](#) §8 on 6/1/1983

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. [93-004](#) §3 on 3/31/1993

Amended by Ord. [94-008](#) §16 on 6/8/1994

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

Amended by Ord. [2023-001](#) §3 on 5/30/2023

#### **18.16.080 Stream Setbacks**

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

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

#### 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*

#### **[18.16.090 Rimrock Setback](#)**

Notwithstanding the provisions of DCC 18.16.070, setbacks from rimrock shall be as provided in DCC 18.116.160 or 18.84.090, whichever is applicable.

#### HISTORY

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

*Amended by Ord. [86-053](#) §5 on 6/30/1986*

*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. [2008-001](#) §2 on 5/6/2008*

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

#### **[CHAPTER 18.24 REDMOND URBAN RESERVE AREA COMBINING ZONE](#)**

[18.24.010 Purpose](#)

[18.24.020 Uses Permitted Outright](#)

[18.24.030 Conditional Uses Permitted](#)

[18.24.040 Dimensional Standards](#)

[18.24.050 Setbacks](#)

[18.24.060 Setback Exception Application](#)

[18.24.070 Limitations For Future Urban Development](#)

#### HISTORY

*Repealed by Ord. [91-038](#) §4 on 9/30/1991*

#### **[18.24.010 Purpose](#)**

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

#### HISTORY

*Adopted by Ord. [2005-024](#) §1 on 9/7/2005*

#### **18.24.020 Uses Permitted Outright**

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

#### HISTORY

*Adopted by Ord. [2005-024](#) §1 on 9/7/2005*

#### **18.24.030 Conditional Uses Permitted**

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

#### HISTORY

*Adopted by Ord. [2005-024](#) §1 on 9/7/2005*

*Amended by Ord. [2018-012](#) §2 on 11/23/2018*

*Repealed & Reenacted by Ord. [2019-012](#) §1,2 on 12/2/2019*

#### **18.24.040 Dimensional Standards**

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

#### HISTORY

*Adopted by Ord. [2005-024](#) §1 on 9/7/2005*

*Amended by Ord. [2007-020](#) §2 on 2/6/2008*

#### **18.24.050 Setbacks**

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

- A. Properties abutting existing public right of way for arterial and collector streets identified in the County Transportation System Plan shall meet the setbacks prescribed in the underlying zones.
- B. New buildings or structures shall be setback ninety (90) feet from the centerline of a planned collector or arterial identified on the County Transportation System Plan unless an application for an exception to this standard is submitted and approved under DCC 18.24.060.

## HISTORY

Adopted by Ord. [2005-024](#) §1 on 9/7/2005

Amended by Ord. [2007-020](#) §2 on 2/6/2008

### **18.24.060 Setback Exception Application**

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

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

## HISTORY

Adopted by Ord. [2005-024](#) §1 on 9/7/2005

### **18.24.070 Limitations For Future Urban Development**

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

## HISTORY

Adopted by Ord. [2005-024](#) §1 on 9/7/2005

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

### **18.32.010 Purpose**

### **18.32.020 Uses Permitted Outright**

[18.32.030 Conditional Uses Permitted](#)[18.32.035 Destination Resorts](#)[18.32.040 Dimensional Standards](#)~~[18.32.050 Yards](#)~~[18.32.050 Setbacks](#)[18.32.060 Stream Setbacks](#)[18.32.070 Rimrock Setback](#)**[18.32.010 Purpose](#)**

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

**HISTORY**

*Adopted by Ord. [PL-15](#) §4.060 on 11/1/1979*

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

**[18.32.020 Uses Permitted Outright](#)**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single ~~unit family~~ dwelling, or a manufactured ~~home 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. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- L. Residential home.

#### 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 10/9/2024*

#### **[18.32.030 Conditional Uses Permitted](#)**

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the lot or parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining-abutting County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest-house.
- G. Manufactured home-dwelling as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.

- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a lot or parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. A disposal site which includes a land disposal site for which they Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- R. Time share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. ~~Excavation, grading, and fill~~ Fill and or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Religious institutions or assemblies, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.

- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- AB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- AC. Manufactured ~~home-dwelling~~ park or recreational vehicle park on a lot or parcel in use as a manufactured ~~home-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 ~~home-dwelling~~ park or recreational vehicle park, including any expansion of such uses on the same lot or parcel, as configured on June 12, 1996.
- AD. A new manufactured ~~homedwelling~~/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(g) that:
1. Is on property adjacent to an existing manufactured ~~homedwelling~~/recreational vehicle park;
  2. Is adjacent to the City of Bend Urban Growth Boundary; and
  3. Has no more than 10 dwelling units.
- AE. The full or partial conversion from a manufactured ~~home-dwelling~~ park or recreational vehicle park described in DCC 18.32.030 (CC) to a manufactured ~~home-dwelling~~ park or recreational vehicle park on the same lot or parcel, as configured on June 12 1996.
- AF. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- AG. Guest lodge.
- AH. 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.

#### HISTORY

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

*Amended by Ord. [80-206](#) §3 on 10/13/1980*

*Amended by Ord. [83-033](#) §2 on 6/15/1983*

*Amended by Ord. [86-018](#) §7 on 6/30/1986*

*Amended by Ord. [90-014](#) §§27 and 35 on 7/12/1990*

*Amended by Ord. [91-002](#) §7 on 2/6/1991*

*Amended by Ord. [91-005](#) §§19 and 20 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. [92-055](#) §2 on 8/17/1992*

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



Amended by Ord. [94-008](#) §11 on 6/8/1994  
 Amended by Ord. [94-053](#) §2 on 12/7/1994  
 Amended by Ord. [96-038](#) §1 on 6/12/1996  
 Amended by Ord. [97-017](#) §2 on 3/12/1997  
 Amended by Ord. [97-029](#) §2 on 5/14/1997  
 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](#) §2 on 12/12/2001  
 Amended by Ord. [2004-002](#) §4 on 4/28/2004  
 Amended by Ord. [2009-018](#) §1 on 11/5/2009  
 Amended by Ord. [2015-002](#) §1 on 7/8/2015  
 Amended by Ord. [2016-015](#) §3 on 7/1/2016  
 Amended by Ord. [2020-001](#) §4 on 4/21/2020  
 Amended by Ord. [2021-004](#) §2 on 5/27/2021  
 Amended by Ord. [2021-013](#) §5 on 4/5/2022  
 Amended by Ord. [2023-001](#) §4 on 5/30/2023

#### **18.32.035 Destination Resorts**

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

#### HISTORY

Adopted by Ord. [92-004](#) §4 on 2/7/1992

#### **18.32.040 Dimensional Standards**

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

- A. The minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot size or equivalent density.

- B. The minimum ~~average~~ lot width shall be ~~100~~150 feet and the minimum street frontage 50 feet.

~~C. The minimum average lot depth shall be 150 feet.~~

- ~~D.C.~~ Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

#### HISTORY

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

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

Amended by Ord. [92-055](#) §3 on 8/17/1992

Amended by Ord. [2006-008](#) §4 on 8/29/2006

#### **18.32.050 Yards****18.32.050 Setbacks**

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

#### HISTORY

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

Amended by Ord. [83-037](#) §9 on 6/1/1983

Amended by Ord. [88-021](#) §1 on 5/18/1988

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

Amended by Ord. [94-008](#) §17 on 6/8/1994

Amended by Ord. [2005-011](#) §1 on 4/13/2005

#### [18.32.060 Stream Setbacks](#)

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

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

## HISTORY

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

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

### **[18.32.070 Rimrock Setback](#)**

Setbacks from rimrock shall be as provided in DCC 18.116.160.

## HISTORY

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

Amended by Ord. [86-053](#) §6 on 6/30/1986

## **[CHAPTER 18.36 FOREST USE ZONE; F-1](#)**

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### [18.36.090 Dimensional Standards](#)

### [18.36.100 ~~Yards And~~ Setbacks](#)

### [18.36.110 Stream Setbacks](#)

### [18.36.120 State Law Controls](#)

### [18.36.130 Rimrock Setbacks](#)

### [18.36.140 Restrictive Covenants](#)

### **[18.36.010 Purpose](#)**

The purpose of the Forest Use Zone is to conserve forest lands.

## HISTORY

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

Amended by Ord. [92-025](#) §2 on 4/15/1991

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

### **[18.36.020 Uses Permitted Outright](#)**

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.

- B. Temporary on-site structures, that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.36.025.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

#### HISTORY

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

*Amended by Ord. [91-002](#) §8 on 2/6/1991*

*Amended by Ord. [92-025](#) §2 on 4/15/1991*

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

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2003-007](#) §1 on 3/26/2003

Amended by Ord. [2012-007](#) §3 on 5/2/2012

Amended by Ord. [2023-001](#) §5 on 5/30/2023

Amended by Ord. [2024-008](#) §5 on 10/9/2024

### **18.36.025 Lawfully Established Dwelling Replacement**

A lawfully established dwelling may be altered, restored or replaced under DCC 18.36.020(M) above if:

- A. The dwelling to be altered, restored or replaced:
  1. Has, or formerly had:
    - a. Intact exterior walls and roof structure;
    - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
    - c. Interior wiring for interior lights; and
    - d. A heating system; and
- B. Unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:
  1. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  2. Five years before the date of the application; or
  3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  4. If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
    - a. Five years before the date of the destruction or demolition; or
    - b. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C. For replacement of a lawfully established dwelling under this section:
  1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
  2. The replacement dwelling:
    - a. May be sited on any part of the same lot or parcel.
    - b. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
    - c. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
      - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
      - ii. No statewide map of wildfire risk has been adopted.

- D. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- E. If an applicant is granted a deferred replacement permit under this section:
  - 1. The deferred replacement permit:
    - a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and
    - b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.
  - 2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.
- G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

#### HISTORY

Adopted by Ord. [2024-008](#) §5 on 10/9/2024

#### **18.36.030 Conditional Uses Permitted**

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

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Exploration for and production of geo-thermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- E. Log scaling and weigh stations.
- F. A disposal site which includes a land disposal site which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- G. Private parks and campgrounds.
  - 1. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.

2. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
3. For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
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.
5. Campsites may be occupied by a tent, travel trailer, or recreational vehicle.
6. Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).
7. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
8. A private campground may provide yurts for overnight camping.
  - a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.
  - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
  - c. As used in this rule, "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.
- H. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.36.030(D).
- I. Television, microwave and radio communication facilities and transmission towers.
- J. Fire stations for rural fire protection.
- K. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- L. Aids to navigation and aviation.

- M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- N. Reservoirs and water impoundments.
- O. Cemeteries.
- P. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal, telephone, fiber optic cable) with rights of way 50 feet or less in width.
- Q. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- R. Home Occupations, subject to DCC 18.116.280.
- S. Expansion of existing airports.
- T. Public road and highway projects as described as ORS 215.283(2) and 215.283(3).
- U. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
  1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted;
  3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Accommodations must be located within one-quarter mile of fish bearing Class I waters.
- V. Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.
- W. ~~Excavation, grading, and fill~~ Fill and/or removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- X. An existing building, or a manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. For the purposes of this section, “existing” means the building was in existence on or before March 29, 2017.
  1. As used in this section, “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
  2. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter.
  3. The manufactured home dwelling shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling.



4. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.
  5. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.
- Y. ~~Single-Single-family unit~~ dwellings or manufactured ~~homes dwellings~~ as specified in DCC 18.116.070, as pursuant to DCC 18.36.050.
- Z. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
- AA. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted; and
  3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- AB. An Extended Outdoor Mass gathering subject to review by a county planning commission pursuant to DCC Chapter 8.16.
- AC. Permanent facility for the primary processing of forest products.
- AD. Firearms training facility.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [86-018](#) §8 on 6/30/1986*  
*Amended by Ord. [90-014](#) §28 on 7/12/1990*  
*Amended by Ord. [92-025](#) §2 on 4/15/1991*  
*Amended by Ord. [91-038](#) §2 on 9/30/1991*  
*Amended by Ord. [92-068](#) §1 on 12/7/1992*  
*Amended by Ord. [94-038](#) §1 on 10/5/1994*  
*Amended by Ord. [2001-001](#) §1 on 1/22/2001*  
*Amended by Ord. [2004-002](#) §5 on 4/28/2004*  
*Amended by Ord. [2007-020](#) §3 on 2/6/2008*  
*Amended by Ord. [2012-007](#) §3 on 5/2/2012*  
*Amended by Ord. [2018-006](#) §6 on 11/20/2018*  
*Amended by Ord. [2020-007](#) §10 on 10/27/2020*

#### **[18.36.040 Limitations On Conditional Uses](#)**

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

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

#### HISTORY

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

Amended by Ord. [92-025](#) §2 on 4/15/1991

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

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2012-007](#) §3 on 5/2/2012

Amended by Ord. [2018-006](#) §6 on 11/20/2018

#### [18.36.050 Standards For Single-Family Unit Dwellings](#)

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

- A. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
  - B. A water use permit issued by the Water Resources Department for the use described in the application; or
  - C. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.
    - e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
2. In addition, dwellings listed as a conditional use under DCC 18.36.030(Y) shall be subject to the following standards or conditions:
    - a. The conditional use standards set forth in DCC 18.36.040;
    - b. The siting criteria set forth in DCC 18.36.060;
    - c. The fire siting standards set forth in DCC 18.36.070;
    - d. The fire safety design standards for roads set forth in DCC 18.36.080;
    - e. The stocking requirements set forth in DCC 18.36.085, if applicable; and
    - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
  3. Dwellings in forest zones shall not be subject to conditional use standards.
  4. Approval of a dwelling in the forest zone under DCC Chapter 18.36 shall include a condition of approval requiring that, prior to the issuance of a building permit, the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forestry practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- B. Lot of Record Dwelling. For approval under DCC 18.36.050(B), a ~~single single-family unit~~ dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner either

prior to January 1, 1985 or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

2. For the purposes of DCC 18.36.050(B), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members.
  3. The dwelling must be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract.
    - a. The road shall be maintained and either paved or surfaced with rock and shall not be a:
      1. United States Bureau of Land Management (BLM) road, or
      2. a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction, and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
  4. For the purposes of DCC 18.36.050, "commercial tree species" means trees recognized for commercial production under rules adopted by the Oregon Department of Forestry pursuant to ORS 527.715.
  5. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwellings exists on another lot or parcel that was part of the tract.
  6. When 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.
  7. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
- C. Large Tract Dwelling. A dwelling not allowed pursuant to DCC 18.36.050(B) may be allowed if the subject property consists of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use and does not include an existing dwelling.
1. A deed restriction shall be filed pursuant to DCC 18.36.140 for all tracts that are used to meet the acreage requirements of this subsection.
  2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.

- D. Template Dwelling. For approval under DCC 18.36.050(D), a single-family unit dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling will be sited:
    - a. Was lawfully established;
    - b. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;
    - c. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
    - d. If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract:
      1. As an exception to DCC 18.36.050(0)(1)(d), prior to November 1, 2023, a single-family dwelling may be established on a lot or parcel that was part of a tract on January 1, 2021, if no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract.
  2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:
    - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
      1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
      2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
    - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
      1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
      2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
    - c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
      1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

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

#### HISTORY

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

*Amended by Ord. [92-025](#) §2 on 4/15/1991*

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

*Amended by Ord. [94-038](#) §1 on 10/5/1994*

*Amended by Ord. [2003-007](#) §1 on 3/26/2003*

*Amended by Ord. [2012-007](#) §3 on 5/2/2012*

*Amended by Ord. [2021-013](#) §6 on 4/5/2022*

#### **18.36.060 Siting Of Dwellings And Structures**

- A. All new dwellings and structures approved pursuant to DCC 18.36.030 or permitted under DCC 18.36.020 shall be sited in accordance with DCC 18.36.060 and DCC 18.36.070.

- B. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.
- C. These criteria shall include the following such that the dwellings and structures shall be sited on the lot or parcel so that they:
  - 1. Have the least impact on nearby or adjoining-abutting forest or agricultural lands;
  - 2. Ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  - 3. Minimize the amount of forest lands used to site the dwelling and structures, road access and service corridors;
  - 4. Are consistent with the applicable provisions of DCC 18.36.070, minimizes the risks associated with wildfire.
- D. Siting criteria satisfying the above may include setbacks from adjoining-abutting properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the lot or parcel least suited for growing trees.

#### HISTORY

Adopted by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2012-007](#) §3 on 5/2/2012

#### **18.36.070 Fire Siting Standards For Dwellings And Structures**

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

- A. Access
  - 1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
  - 2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.
- B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:
  - 1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders, or other similar materials.

2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
  3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
  4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A ~~single-single-familyunit~~ dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-~~familyunit~~ dwelling, caretaker residence, or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Residential Specialty Code. Roof sprinklers are not an acceptable alternative to this standard.
  2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-~~familyunit~~ dwellings, caretaker residences, and private accommodations for fishing shall be located upon a lot or parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).
1. For the purposes of DCC 18.36.070 fire protection services are available if the lot or parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
  2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.



3. If the lot or parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
  - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
  - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

#### HISTORY

Adopted by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2003-007](#) §1 on 3/26/2003

Amended by Ord. [2004-013](#) §3 on 9/21/2004

Amended by Ord. [2024-008](#) §5 on 10/9/2024

#### **18.36.080 Fire Safety Design Standards For Roads**

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

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

#### HISTORY

Adopted by Ord. [92-025](#) §2 on 4/15/1991

### 18.36.085 Stocking Requirement

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

#### A. Stocking Requirement.

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

#### B. Reporting Requirements.

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

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

#### HISTORY

*Adopted by Ord. [94-038](#) §1 on 10/5/1994*

*Amended by Ord. [2003-007](#) §1 on 3/26/2003*

### 18.36.090 Dimensional Standards

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

- A. The minimum lot size is 80 acres; or
- B. Land divisions creating lots or parcels less than 80 acres in size may only be approved for uses listed in DCC 18.36.030(D) through (O), provided that those uses have been approved pursuant

to DCC 18.36.040. Such division shall create a lot or parcel that is the minimum size necessary for the use.

- C. Building Height. No nonagricultural building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

#### HISTORY

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

Amended by Ord. [83-037](#) §10 on 6/1/1983

Amended by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [92-055](#) §4 on 8/17/1992

Amended by Ord. [94-038](#) §1 on 10/5/1994

#### **18.36.100 Yards And Setbacks**

- A. The front ~~yard~~ setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector, and 100 feet from a property line fronting on an arterial.
- B. Each side ~~yard~~ setback shall be a minimum of 25 feet, except a parcel or lot with a side ~~yard~~-lot line adjacent to zoned forest land shall have a minimum side ~~yard~~-setback of 100 feet.
- C. Rear ~~yards~~-setbacks shall be a minimum of 25 feet, except parcels or lots with rear ~~yards~~-lot lines adjacent to zoned forest land shall have a minimum rear ~~yard~~-setback of 100 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

#### HISTORY

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

Amended by Ord. [83-037](#) §11 on 6/1/1983

Amended by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [94-008](#) §18 on 6/8/1994

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

#### **18.36.110 Stream Setbacks**

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

#### HISTORY

Adopted by Ord. [92-025](#) §2 on 4/15/1991

### 18.36.120 State Law Controls

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

#### HISTORY

Adopted by Ord. [92-025](#) §2 on 4/15/1991

### 18.36.130 Rimrock Setbacks

Setbacks from rimrock shall be as provided in DCC 18.116.160.

#### HISTORY

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

Amended by Ord. [86-053](#) §8 on 6/30/1986

### 18.36.140 Restrictive Covenants

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

"Declaration of Covenants, Conditions and Restrictions:

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

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

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

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed, and the authorized representative of the County or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this \_\_\_\_ day of \_\_\_\_\_."

#### HISTORY

Adopted by Ord. [94-038](#) §1 on 10/5/1994

### CHAPTER 18.40 FOREST USE ZONE; F-2

[18.40.010 Purpose](#)[18.40.020 Uses Permitted Outright](#)[18.40.025 Lawfully Established Dwelling Replacement](#)[18.40.030 Conditional Uses Permitted](#)[18.40.040 Limitations On Conditional Uses](#)[18.40.050 Standards For Single-Family Unit Dwellings](#)[18.40.060 Siting Of Dwellings And Structures](#)[18.40.070 Fire Siting Standards For Dwellings And Structures](#)[18.40.080 Fire Safety Design Standards For Roads](#)[18.40.085 Stocking Requirement](#)[18.40.090 Dimensional Standards](#)[18.40.100 ~~Yards And~~ Setbacks](#)[18.40.110 Stream Setbacks](#)[18.40.120 State Law Controls](#)[18.40.130 Rimrock Setback](#)**18.40.010 Purpose**

The purpose of the Forest Use Zone is to conserve forest lands.

**HISTORY**

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

*Amended by Ord. [92-025](#) §3 on 4/15/1991*

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

**18.40.020 Uses Permitted Outright**

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

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest

Practices Act (ORS Chapter 527 and Goal 4). Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.

- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.
- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.40.025.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

#### HISTORY

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

*Amended by Ord. [91-002](#) §9 on 2/6/1991*

*Amended by Ord. [91-005](#) §21 on 3/4/1991*

*Amended by Ord. [92-025](#) §3 on 4/15/1991*

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

*Amended by Ord. [94-038](#) §2 on 10/5/1994*

*Amended by Ord. [2003-007](#) §2 on 3/26/2003*

*Amended by Ord. [2012-007](#) §4 on 5/2/2012*

*Amended by Ord. [2023-001](#) §6 on 5/30/2023*

*Amended by Ord. [2024-008](#) §6 on 10/9/2024*

#### **[18.40.025 Lawfully Established Dwelling Replacement](#)**

A lawfully established dwelling may be altered, restored or replaced under DCC 18.40.020(M) above if:

- A. The dwelling to be altered, restored or replaced:
  1. Has, or formerly had:

- a. Intact exterior walls and roof structure;
  - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - c. Interior wiring for interior lights; and
  - d. A heating system; and
- B. Unless the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation since the later of:
1. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  2. Five years before the date of the application; or
  3. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment; or
  4. If the value of the dwelling was eliminated as a result of destruction or demolition, the dwelling was assessed as a dwelling for purposes of ad valorem taxation prior to the destruction or demolition and since the later of:
    - a. Five years before the date of the destruction or demolition; or
    - b. The date that the dwelling was erected upon or fixed to the land and became subject to property tax assessment.
- C. For replacement of a lawfully established dwelling under this section:
1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use within three months after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055.
  2. The replacement dwelling:
    - a. May be sited on any part of the same lot or parcel.
    - b. Must comply with applicable siting standards. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
    - c. Must comply with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
      - i. The dwelling is in an area identified as extreme or high wildfire risk on the statewide map of wildfire risk described in ORS 477.490; or
      - ii. No statewide map of wildfire risk has been adopted.
- D. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of this section and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- E. If an applicant is granted a deferred replacement permit under this section:
1. The deferred replacement permit:
    - a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

- b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.
- 2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.
- F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.
- G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

#### HISTORY

Adopted by Ord. [2024-008](#) §6 on 10/9/2024

#### **18.40.030 Conditional Uses Permitted**

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

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Destination Resorts where mapped in a DR zone and subject only to the provisions of DCC 18.113 and other applicable provisions of DCC Title 18 and the Comprehensive Plan not contained in DCC 18.40.
- E. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- F. Log scaling and weigh stations.
- G. A disposal site which includes a land disposal site which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- H. Private parks and campgrounds.
  - 1. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.
  - 2. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.
  - 3. For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other



outdoor natural amenity that is accessible for recreational use by the occupants of the campground.

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.
5. Campsites may be occupied by a tent, travel trailer, or recreational vehicle.
6. Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).
7. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
8. A private campground may provide yurts for overnight camping.
  - a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.
  - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
  - c. As used in this rule, "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.
- I. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.40.030(E).
- J. Television, microwave and radio communication facilities and transmission towers.
- K. Fire stations for rural fire protection.
- L. Commercial utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- M. Aids to navigation and aviation.
- N. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- O. Reservoirs and water impoundments.
- P. Cemeteries.

- Q. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal, telephone, fiber optic cable) with rights of way 50 feet or less in width.
- R. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- S. Home Occupations, subject to DCC 18.116.280.
- T. Expansion of existing airports.
- U. Public road and highway projects as described as ORS 215.283(2) and 215.283(3).
- V. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted;
  3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- W. Forest management research and experimentation facilities as described by ORS 526.215 or where accessory to forest operations.
- X. Single-family unit dwellings or manufactured homes-dwellings as specified in DCC 18.116.070, pursuant to DCC 18.40.050.
- Y. Excavation, grading, and fill-Fill and-or removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- Z. An existing building, or a manufactured home-dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. For the purposes of this section, “existing” means the building was in existence on or before March 29, 2017.
1. As used in this section, “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
  2. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.40.040 and 18.40.60.
  3. The manufactured home-dwelling shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling.
  4. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.

5. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.
- AA. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
  - AB. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
    1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
    2. Only minor incidental and accessory retail sales are permitted; and
    3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
  - AC. An Extended Outdoor Mass Gathering subject to review by a county planning commission pursuant to DCC Chapter 8.16.
  - AD. Permanent storage and repair of logging equipment.
  - AE. Permanent facility for the primary processing of forest products.
  - AF. Firearms training facility.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Amended by Ord. [86-018](#) §8 on 6/30/1986  
 Amended by Ord. [90-014](#) §28 on 7/12/1990  
 Amended by Ord. [92-025](#) §2 on 4/15/1991  
 Amended by Ord. [91-038](#) §1 on 9/30/1991  
 Amended by Ord. [92-068](#) §1 on 12/7/1992  
 Amended by Ord. [94-038](#) §1 on 10/5/1994  
 Amended by Ord. [2000-033](#) §1 on 12/6/2000  
 Amended by Ord. [2004-020](#) §6 on 10/13/2004  
 Amended by Ord. [2007-020](#) §4 on 2/6/2008  
 Amended by Ord. [2012-007](#) §4 on 5/2/2012  
 Amended by Ord. [2018-006](#) §7 on 11/20/2018  
 Amended by Ord. [2020-007](#) §11 on 10/27/2020

#### **18.40.040 Limitations On Conditional Uses**

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

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of the uses listed in DCC 18.40.030(H), (O), (S), (V), (X) and (Z), the landowner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

#### HISTORY

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

Amended by Ord. [92-025](#) §3 on 4/15/1991

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

Amended by Ord. [94-038](#) §2 on 10/5/1994

Amended by Ord. [2012-007](#) §4 on 5/2/2012

Amended by Ord. [2018-006](#) §7 on 11/20/2018

#### **18.40.050 Standards For Single-Family Unit Dwellings**

##### A. General Provisions.

1. Dwellings listed as a conditional use under DCC 18.40.030(X) shall meet the following standards:
  - a. One of the alternative tests set out in DCC 18.40.050(B) (lot of record dwelling), DCC 18.40.050(C) (large tract dwelling), or DCC 18.40.050(D) (template dwelling);
  - b. If the lot or parcel is part of a "tract," the remaining undeveloped lots or parcels of the tract shall be consolidated into a single lot or parcel, or the applicant shall sign and record with the County Clerk covenants, conditions and restrictions (on a form substantially similar to that set forth in DCC 18.36.140) prohibiting the siting of a dwelling on the undeveloped portions of the tract. Such covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by the County Planning Director, or his authorized representative.
  - c. No other dwellings shall be located on the tract.
  - d. The applicant shall provide evidence that any domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (Oregon Administrative Rules 690, Division 10) or surface water (Oregon Administrative Rules 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (Oregon Administrative Rules Chapter 629).  
For purposes of DCC 18.40.050, evidence of a domestic water supply means:
    1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

2. A water use permit issued by the Water Resources Department for the use described in the application; or
  3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well construction report to the County upon completion of the well.
    - e. If road access to a dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
2. In addition, dwellings listed as a conditional use under DCC 18.40.030(X) shall be subject to the following standards or conditions:
- a. The conditional use standards set forth in DCC 18.40.040;
  - b. The siting criteria set forth in DCC 18.40.060;
  - c. The fire siting standards set forth in DCC 18.40.070;
  - d. The fire safety design standards for roads set forth in DCC 18.40.080;
  - e. The stocking requirements set forth in DCC 18.40.085, if applicable; and
  - f. Any other provisions made applicable by DCC Title 18 or the comprehensive plan.
3. Dwellings in forest zones shall not be subject to conditional use standards.
4. Approval of a dwelling in the forest zone under DCC Chapter 18.40 shall include a condition of approval requiring that, prior to the issuance of a building permit, the landowner sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.
- B. Lot of Record Dwelling. For approval under DCC 18.40.050, a single-family unit dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling would be sited was lawfully created prior to January 1, 1985 and was acquired and owned continuously by the present owner either prior to January 1, 1985 or by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
  2. For the purposes of DCC 18.40.050, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child,

grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members.

3. The dwelling would be located on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract.
    - a. The road shall be maintained and either paved or surfaced with rock and shall not be:
      1. a United States Bureau of Land Management (BLM) road; or
      2. a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.
  4. For the purposes of DCC 18.40.050, "commercial tree species" means trees recognized for commercial production under rules adopted by the Oregon Department of Forestry pursuant to ORS 527.715.
  5. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwellings exists on another lot or parcel that was part of the tract.
  6. When 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.
  7. For lots or parcels located within a Wildlife Area (WA) Combining Zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
- C. Large Tract Dwelling. A dwelling not allowed pursuant to DCC 18.40.050(B) may be allowed if the subject property consists of at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use and does not include an existing dwelling.
1. A deed restriction shall be filed pursuant to DCC 18.40.140 for all tracts that are used to meet the acreage requirements of this subsection.
  2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
- D. Template Dwelling. For approval under DCC 18.40.050(D), a single-family unit dwelling shall meet the following requirements:
1. The lot or parcel on which the dwelling will be sited:
    - a. Was lawfully established;

- b. Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in ORS 92.192;
  - c. Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and
  - d. If the lot or parcel was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract:
    1. As an exception to DCC 18.40.050(D)(1)(d), prior to November 1, 2023, a single-family unit dwelling may be established on a lot or parcel that was part of a tract on January 1, 2021, if no more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract.
2. The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:
    - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
      1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
      2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
    - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
      1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
      2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
    - c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
      1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
      2. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
3. Requirements of Applying Template
    - a. Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.

- b. As used in this section, "center of the subject tract" means the mathematical centroid of the tract.
- c. Except as provided by subsection (d) of this section, if the tract described in DCC 18.40.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
- d. If a tract 60 acres or larger described in DCC 18.40.050(D) abuts a road or perennial stream, the measurement shall be made in accordance with subsection (c) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and;
  - 1. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
  - 2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- e. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

#### HISTORY

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

Amended by Ord. [92-025](#) §3 on 4/15/1991

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

Amended by Ord. [94-038](#) §2 on 10/5/1994

Amended by Ord. [2003-007](#) §2 on 3/26/2003

Amended by Ord. [2012-007](#) §4 on 5/2/2012

Amended by Ord. [2018-006](#) §7 on 11/20/2018

Amended by Ord. [2021-013](#) §7 on 4/5/2022

#### **18.40.060 Siting Of Dwellings And Structures**

- A. All new dwellings and structures approved pursuant to DCC 18.40.030 or permitted under DCC 18.40.020 shall be sited in accordance with DCC 18.40.060 and DCC 18.40.070.
- B. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks, and to conserve values found on forest lands.
- C. These criteria shall include the following such that the dwellings and structures shall be sited on the lot or parcel so that they:
  - 1. Have the least impact on nearby or adjoining-abutting forest or agricultural lands;



2. Ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
  3. Minimize the amount of forest lands used to site the dwelling and structures, road access, and service corridors;
  4. Are consistent with the applicable provisions of DCC 18.40.070, minimizes the risks associated with wildfire.
- D. Siting criteria satisfying the above may include setbacks from ~~adjoining-abutting~~ properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the lot or parcel least suited for growing trees.

#### HISTORY

Adopted by Ord. [92-025](#) §3 on 4/15/1991

Amended by Ord. [94-038](#) §2 on 10/5/1994

Amended by Ord. [2012-007](#) §4 on 5/2/2012

#### [18.40.070 Fire Siting Standards For Dwellings And Structures](#)

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

- A. Access.
  1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
  2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.
- B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:
  1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
  2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
  4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A ~~single~~-~~single-family~~unit dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-~~family~~unit dwelling, caretaker residence, or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Residential Specialty Code. Roof sprinklers are not an acceptable alternative to this standard.
  2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-~~family~~unit dwellings, caretaker residences, and private accommodations for fishing shall be located upon a lot or parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.40.070(F).
1. For the purposes of DCC 18.40.070 fire protection services are available if the lot or parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
  2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
  3. If the lot or parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
    - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

#### HISTORY

*Adopted by Ord. [92-025](#) §3 on 4/15/1991*

*Amended by Ord. [94-038](#) §2 on 10/5/1994*

*Amended by Ord. [2003-007](#) §2 on 3/26/2003*

*Amended by Ord. [2004-013](#) §4 on 9/21/2004*

*Amended by Ord. [2024-008](#) §6 on 10/9/2024*

#### **[18.40.080 Fire Safety Design Standards For Roads](#)**

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

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

#### HISTORY

*Adopted by Ord. [92-025](#) §3 on 4/15/1991*

#### **[18.40.085 Stocking Requirement](#)**

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

- A. Stocking Requirement.
  1. Dwellings approved under DCC 18.40 shall include a condition requiring the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is

reasonably expected to meet Department of Forestry stocking requirements specified in Department of Forestry administrative rules (Oregon Administrative Rules 629 in force at the time the approval is granted.

2. If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules.

B. Reporting Requirements.

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

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

HISTORY

*Adopted by Ord. [94-038](#) §2 on 10/5/1994*

*Amended by Ord. [2003-007](#) §2 on 3/26/2003*

**[18.40.090 Dimensional Standards](#)**

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

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

## HISTORY

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

Amended by Ord. [92-025](#) §3 on 4/15/1991

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

Amended by Ord. [92-055](#) §5 on 8/17/1992

Amended by Ord. [94-038](#) §2 on 10/5/1994

**18.40.100 Yards And Setbacks**

- A. The front ~~yard~~ setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector, and 100 feet from a property line fronting on an arterial.
- B. Each side ~~yard~~ setback shall be a minimum of 25 feet except:
  - 1. All parcels or lots with a side ~~yard-lot line~~ adjacent to zoned forest land shall have a minimum side ~~yard-setback~~ of 100 feet; and
  - 2. Tracts 1-58 located in Haner Park, located in Township 22, Range 09, Section 09BB and Section 04CC, and Tax Lot 2209000000600 shall have a minimum side ~~yard-setback~~ of 25 feet as long as the side ~~yard-lot line~~ abuts the Forest Use 2 zone.
- C. Rear ~~yards-setbacks~~ shall be a minimum of 25 feet, except:
  - 1. All parcels or lots with rear ~~yards-lot lines~~ adjacent to zoned forest land shall have a minimum rear ~~yard-setback~~ of 100 feet; and
  - 2. Tracts 1-58 located in Haner Park, located in Township 22, Range 09, Section 09BB and Section 04CC, and Tax Lot 2209000000600 shall have a minimum rear ~~yard-setback~~ of 25 feet as long as the rear ~~yard-lot line~~ abuts the Forest Use 2 zone.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

## HISTORY

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

Amended by Ord. [83-037](#) §11 on 6/1/1983

Amended by Ord. [92-025](#) §3 on 4/15/1991

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

Amended by Ord. [94-008](#) §19 on 6/8/1994

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

Amended by Ord. [2016-006](#) §2 on 2/27/2017

**18.40.110 Stream Setbacks**

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

#### HISTORY

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

*Amended by Ord. [92-025](#) §3 on 4/15/1991*

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

#### **[18.40.120 State Law Controls](#)**

Forest operations are governed by the State Forest Practices Act. Whenever a use allowed by DCC 18.40 conflicts with or is prohibited by the Oregon Forest Practices Act or regulations promulgated thereunder, state law shall control.

#### HISTORY

*Adopted by Ord. [92-025](#) §3 on 4/15/1991*

#### **[18.40.130 Rimrock Setback](#)**

Setbacks from rimrock shall be as provided in DCC 18.116.160.

#### HISTORY

*Adopted by Ord. [86-053](#) §2 on 6/30/1986*

*Amended by Ord. [93-043](#) §5 on 8/25/1993*

#### **[CHAPTER 18.44 \(REPEALED\)](#)**

#### HISTORY

*Repealed by Ord. [92-025](#) §2 on 4/15/1991*

#### **[CHAPTER 18.48 OPEN SPACE AND CONSERVATION ZONE; OS AND C](#)**

##### [18.48.010 Purpose](#)

##### [18.48.020 Uses Permitted Outright](#)

##### [18.48.030 Conditional Uses Permitted](#)

##### [18.48.040 Dimensional Standards](#)

##### [18.48.050 Setbacks](#)

##### [18.48.060 Limitations On Conditional Uses](#)

##### [18.48.070 Limitations On Small Hydroelectric Facilities](#)

#### **[18.48.010 Purpose](#)**

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

## HISTORY

Adopted by Ord. [PL-15](#) §4.090(1) on 11/1/1979

Amended by Ord. [93-043](#) §6 on 8/25/1993

**18.48.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in ORS 215.203(2).
- B. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 4.
- C. Public wildlife reserve or management area, not including structures.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- G. Construction, operation, and maintenance of small hydroelectric facilities, including transmission lines serving such facilities, subject to DCC 18.48.070.

## HISTORY

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

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

Amended by Ord. [94-041](#) §1 on 9/14/1994

Amended by Ord. [97-023](#) §1 on 3/19/1997

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

Amended by Ord. [2001-039](#) §3 on 12/12/2001

Amended by Ord. [2008-018](#) §1 on 7/30/2008

**18.48.030 Conditional Uses Permitted**

The following uses may be allowed subject to DCC 18.128:

- A. Private parks, picnic areas or hunting and fishing preserves.
- B. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
- C. Utility facility except land disposal sites.
- D. Water supply and treatment facility.
- E. ~~Excavation, grading, and Ffill~~ and-or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.
- F. Campground.

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

#### HISTORY

Adopted by Ord. [PL-15](#) §4.090(3) on 11/1/1979

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

Amended by Ord. [92-004](#) §9 on 2/7/1992

Amended by Ord. [94-041](#) §1 on 9/14/1994

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](#) §3 on 12/12/2001

Amended by Ord. [2023-001](#) §7 on 5/30/2023

#### [18.48.040 Dimensional Standards](#)

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

- A. The minimum lot size is 80 acres.
- B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.

#### HISTORY

Adopted by Ord. [PL-15](#) §4.090(4) on 11/1/1979

Amended by Ord. [92-055](#) §B on 8/17/1992

Amended by Ord. [94-041](#) §1 on 9/14/1994

#### [18.48.050 Setbacks](#)

- A. Minimum front setbacks shall be 60 feet from an arterial or collector street or road right of way, and 20 feet from a ny other street ~~within a platted and recorded subdivision. If a property contains multiple front lot lines, the frontage along the highest classification right of way shall constitute the primary front lot line for setback determinations. If a property contains multiple front lot lines along street frontages with the same right of way classification, the property owner shall identify which applicable front lot line shall serve as the primary front lot line for setback determinations. All remaining lot lines which front along a right of way shall observe a 30-foot setback.~~
- B. The setback from a perennial stream or lake ordinary high water mark shall be a minimum of 200 feet, and from an intermittent stream channel, 100 feet.
- C. Each side setback shall be a minimum of 15 feet, ~~except on a corner lot it shall be 30 feet from the street side.~~
- ~~C~~D. The rear setback shall be a minimum of 30 feet.



~~D.E.~~ The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

~~E.F.~~ Rimrock Setback. Setbacks from rimrock shall be as provided in DCC 18.116.160.

~~F.G.~~ In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

#### HISTORY

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

Amended by Ord. [83-037](#) §13 on 6/1/1983

Amended by Ord. [86-053](#) §10 on 6/30/1986

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

Amended by Ord. [94-008](#) §28 on 6/8/1994

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

#### [18.48.060 Limitations On Conditional Uses](#)

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

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

consistent with the Forest Practices Act and Rules for uses authorized in Oregon Administrative Rules 660 06 025(4)(e), (1), (r), (s) and (v).

#### HISTORY

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

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

*Amended by Ord. [94-041](#) §1 on 9/14/1994*

#### **18.48.070 Limitations On Small Hydroelectric Facilities**

- A. "Small hydroelectric facility" means a hydroelectric facility that qualifies for a Federal Energy Regulatory Commission ("FERC") Conduit Exemption use.
- B. DCC Chapter 18.84 and Sections 18.116.130 and 18.128.260 are not applicable to small hydroelectric facilities.
- C. Prior to issuance of a building permit, the applicant shall provide the County with documentation of the FERC and state licenses for the small hydroelectric facility.
- D. The applicant shall demonstrate protection of public health and safety by specifying necessary fencing, signage, and shielded lighting to protect the public from the electrical generation and transmittal process.
- E. The County may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or attach other similar conditions or limitations that will reduce fire hazards or prevent the spread of fire to surrounding areas.
- F. The applicant shall submit conceptual construction plans and profiles of project features, including building elevations, colors and textures to be used, and landscape plans.
  1. Structures shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
  2. No large areas, including roofs, shall be finished with white, bright or reflective materials.
  3. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape.
  4. Landscaping:
    - a. Except as necessary for construction of access roads, building pads, public utility easements, parking areas, etc., the existing tree and shrub cover shall be retained to screen the development.
    - b. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
    - c. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility

with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points or views of mountains, forests and other open and scenic areas as seen from a designated landscape management road, river or stream.

d. Use of native species shall be encouraged.

5. Landscape plans shall be subject to DCC 18.48.070(F).

G. The applicant shall obtain an access permit, if necessary, to the project site.

#### HISTORY

Adopted by Ord. [2008-018](#) §2 on 7/30/2008

#### **CHAPTER 18.52 SURFACE MINING ZONE; SM**

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[18.52.030 Uses Permitted Outright](#)

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[18.52.150 Failure To Comply](#)

[18.52.160 Preexisting Sites, Nonconforming Sites And Registration](#)

[18.52.170 Use Permits](#)

[18.52.180 Monitoring](#)

[18.52.190 Nuisances](#)

[18.52.200 Termination Of The Surface Mining Zoning And Surrounding Surface Mining Impact Area Combining Zone](#)

#### **18.52.010 Purpose**

The purposes of the Surface Mining Zone are:

- A. To implement the goals and policies of the Comprehensive Plan;
- B. To allow the development and use of identified deposits of mineral and aggregate resources consistent with Statewide Planning Goal 5;

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

#### **18.52.020 Application Of Ordinance**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

#### **18.52.030 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright:

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

#### HISTORY

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

*Amended by Ord. [86-059](#) §1 on 9/10/1986*

Amended by Ord. [90-014](#) §4 on 7/12/1990  
 Amended by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [92-066](#) §2 on 11/25/1992  
 Amended by Ord. [93-043](#) §7 on 8/25/1993  
 Amended by Ord. [2001-016](#) §2 on 3/28/2001  
 Amended by Ord. [2001-039](#) §4 on 12/12/2001

#### **18.52.040 Uses Permitted Outright Subject To Site Plan Review**

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

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

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Amended by Ord. [90-014](#) §4 on 7/12/1990

#### **18.52.050 Conditional Uses Permitted**

- A. The following uses are permitted subject to the conditions set forth in DCC 18.128:
  1. Public uses consistent with or dependent upon outright uses allowed in the SM zone.
  2. Operations and exploration of geothermal resources.
  3. ~~Excavation, grading, and fill~~ and or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
  4. Construction, expansion and operation of a Disposal Site as defined in DCC 18, for which the operator possesses a valid DEQ permit on the effective date of Ordinance No. 92-066 for a Land Disposal Site.
  5. Wireless telecommunications facilities that are necessary to be sited in the SM Zone for the public service to be provided.
  6. Water storage facilities, owned or operated by a public, private or cooperative water company for the distribution of water, where such placement will not interfere with or be detrimental to the mining of the resource.
  7. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the

excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

- B. The following uses are permitted subject to site plan review and the setbacks, standards, and conditions set forth in DCC 18.52.090, 18.52.110, and 18.52.140, respectively, and are not subject to the conditions in DCC 18.128:
1. Expansion or replacement of a preexisting legal dwelling.
  2. Crushing of mineral and aggregate materials on sites designated for crushing in the ESEE analysis in the surface mining element of the Comprehensive Plan.
  3. Sale of minerals and mineral products extracted or produced on lots or parcels other than the subject lot or parcel or contiguous lots or parcels in the same ownership.
  4. Batching and blending of mineral and aggregate into asphaltic concrete or Portland Cement Concrete.

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

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

*Amended by Ord. [92-066](#) §3 on 11/25/1992*

*Amended by Ord. [95-046](#) §2 on 7/12/1995*

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

*Amended by Ord. [2001-020](#) §1 on 5/2/2001*

*Amended by Ord. [2001-039](#) §4 on 12/12/2001*

#### **[18.52.060 Dimensional Standards](#)**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

#### **[18.52.070 Site Plan Review](#)**

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

#### HISTORY

*Adopted by Ord. [80-228](#) on 12/31/1980*

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

#### **[18.52.080 Site Plan Application](#)**

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

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

#### HISTORY

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

Amended by Ord. [90-014 §4](#) on 7/12/1990

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

#### [18.52.090 Minimum Use Setbacks](#)

- A. Except as otherwise provided in DCC 18.52.090, all surface mining activities and uses, including structures, shall be located and conducted at least 250 feet from a noise-sensitive or dust-sensitive use or structure. Exceptions to this standard shall be allowed for the following:
  - 1. Access roads approved as part of site plan review.
  - 2. Dwellings located on the [lot or](#) parcel on which the surface mining is to occur, including replacements or expansions thereof.
  - 3. Pursuant to a written agreement for a lesser setback made between the owner of the noise-sensitive or dust-sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. Such agreement shall be notarized and recorded in the Deschutes County Book of Records and shall run with the land. Such agreement shall be submitted and considered at the time of site plan review or site plan modification.
- B. Storage and processing of mineral and aggregate material, and storage of operational equipment which creates noise and dust, shall not be allowed closer than one-quarter mile from any noise or dust sensitive use or structure existing on the effective date of Ordinance No. 90-014, unless the applicant demonstrates that:
  - 1. Due to the [lot or](#) parcel size, topography, existing vegetation, or location of conflicting uses or resources, there is no on-site location for the storage and processing of material or storage of equipment which will have less noise or dust impact; and
  - 2. All noise control and air quality standards of DCC 18 can be met by the proposed use for which the exception is requested.
- C. Additional setbacks may be determined as part of the site reclamation review process. Additional setbacks also may be required by DOGAMI.

- D. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

*Amended by Ord. [94-008](#) §20 on 6/8/1994*

#### **18.52.100 Procedure Upon Filing Of Site Plan**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

#### **18.52.110 General Operation Standards**

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

- A. Access.
1. All on-site roads used in the mining operation, and access roads from the site to a public road maintained by a government agency, are designed and constructed to accommodate the vehicles and equipment which will use them, and shall meet the following minimum standards:
    - a. All access roads within 100 feet of a paved County road or state highway are paved unless the applicant demonstrates that other methods of dust control, including application of oil or water, will be implemented in a manner which provides for the safety and maintenance of the County road or state highway.



- b. Roads within the surface mining lot or parcel which are used as part of the surface mining operation are constructed and maintained in a manner by which all applicable DEQ standards for vehicular noise control and ambient air quality are or can be satisfied.
  - c. All roads used for mining are paved and will be adequately maintained at all points within 250 feet of a dwelling or other dust-sensitive use existing on the effective date of Ordinance No. 90-014.
- 2. Improvements or fees in lieu of improvements of public roads, County roads and state highways may be required when the Planning Director or Hearings Body, in consultation with the appropriate road authority, determines that the increased traffic on the roads resulting from the surface mining activity will damage the road sufficiently to warrant off-site improvement. If a fee in lieu of improvements is required, the amount of the fee shall reflect the applicant's prorated share of the actual total cost of the capital expenditure of the road construction or reconstruction project necessitated by and benefiting the surface mining operation. Discounts for taxes and fees already paid for such improvements, such as road taxes for vehicles and for property already dedicated or improved, shall be applied.

#### B. Screening.

- 1. The site is screened to meet the standards specified in DCC 18.52.110(B)(2), unless one of the exceptions in DCC 18.52.110(B)(6) applies.
- 2. Performance Standard. When screening is required by DCC 18.52.110(B)(1), it obscures the view of the screened uses from the protected uses with the methods and to the extent described in DCC 18.52.110(B)(5).
- 3. Protected Uses.
  - a. Noise-sensitive or dust-sensitive uses existing on the effective date of Ordinance No. 90-014.
  - b. Public parks and waysides.
  - c. Frontage on roads designated by the Comprehensive Plan as collectors, arterials, and highways.
  - d. Areas zoned Landscape Management Combining.
  - e. Those portions of state and federal scenic waterways from which the surface mining activity is visible from the perspective of a person standing at the high water mark on either bank of the waterway.
- 4. Screened Uses.
  - a. All equipment stored on the site.
  - b. All crushing and processing equipment.

- c. All excavated areas except: Areas where reclamation is occurring; roadways existing on the effective date of Ordinance No. 90-014; new roadways approved as part of the site plan; material excavated to create berms; and material excavated to change the level of the mining site to an elevation which provides natural screening.

5. Types of Screening.

- a. Natural Screening. Existing vegetation or other landscape features which are located on the surface mining site within 50 feet of the boundary of the site, and which obscure the view of the screened uses from the protected uses, shall be preserved and maintained.
- b. Supplied Screening. Supplied vegetative screening is screening not already existing and which is added to the site, such as hardy plant species. Plantings shall not be required to exceed either a density of six feet on center or a height of six feet at the commencement of mining. Supplied earthen screening shall consist of berms covered with earth and stabilized with ground cover.

6. Exceptions. Supplied screening shall not be required when and to the extent that any of the following circumstances occurs:

- a. The natural topography of the site offers sufficient screening to meet the performance standard in DCC 18.52.110(B)(2).
- b. Supplied screening cannot meet the performance standard in DCC 18.52.110(B)(2) due to topography.
- c. The applicant demonstrates that supplied screening cannot reliably be established or cannot survive for a 10 year period due to soil, water or climatic conditions.
- d. Screened uses that are visible from the protected uses will be concluded and will either be removed or reclaimed within 18 months.
- e. The surface miner and the owner or authorized representative of the owner of the protected use execute and record in the Deschutes County Book of Records a mitigation agreement that waives screening requirements and describes and adopts an alternate program or technique.

7. Continued Maintenance. Vegetative screening shall be maintained and replaced as necessary to assure the required screening throughout the duration of the mining activity.

- C. Air Quality. The discharge of contaminants and dust created by the mining operation and accessory uses to mining does not exceed any applicable DEQ ambient air quality and emissions standards.
- D. Erosion Control. Sedimentation and erosion resulting from the mining operation does not affect any perennial stream so as to violate DEQ's water quality standards.

- E. Streams and Drainage. Unless agreed to, in writing, by the ~~adjoining-abutting~~ property owner(s), existing natural drainages on the site are not changed in a manner which substantially interferes with drainage patterns on ~~adjoining-abutting~~ property or which drains waste materials or waste water onto ~~adjoining-abutting~~ property or perennial streams. Where the surface mining site abuts a lake, perennial stream or other perennial body of water, all existing vegetation within 100 feet of the mean high water mark shall be retained unless mining activity is allowed within this area by the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan.
- F. Equipment Removal. All surface mining equipment and related structures will be removed from a mining site within 30 days of completion of all mining and reclamation.
- G. Flood Plain. Any mining operations conducted in a flood plain, as defined in DCC 18, will satisfy all applicable conditional use criteria of DCC 18.96.030 through 18.96.060.
- H. Noise. Noise created by a mining operation, vehicles, equipment or accessory uses which is audible off the site does not exceed DEQ noise control standards, due to topography or other natural features, or by use of methods to control and minimize off-site noise, including, but not limited to: Installation of earth berms; placing equipment below ground level; limiting hours of operation; using a size or type of vehicle or equipment which has been demonstrated to meet applicable DEQ noise control standards; relocation of access roads, and other measures customarily used in the surface mining industry to meet DEQ noise standards.
- I. Hours of Operation.
1. Mineral and aggregate extraction, processing and equipment operation is limited to the following operating hours:
    - a. Surface mining sites located within one-half mile of any noise-sensitive or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014: 7:00 a.m. to 6:00 p.m. - Monday through Friday and 8:00 a.m. to 5:00 p.m. - Saturday.
    - b. All other sites: 7:00 a.m. to 10:00 p.m. - Monday through Saturday.
  2. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.
- J. Drilling and Blasting.
1. Drilling and blasting are allowed under the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan.
  2. Drilling and blasting which are to be conducted within one-half mile of any noise-sensitive or dust-sensitive use or structure or agricultural use involving the raising of animals meet or can meet the following standards:
    - a. DEQ noise standards for drilling and blasting.

- b. A plan addressing the potential for earth movement, flying rocks and other effects on surrounding uses has been submitted to and approved by the County.
  - c. Blasting will be restricted to the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, and no blasting will occur on Saturdays, Sundays or legal holidays identified in DCC 18.52.110(I)(2).
  - d. A plan has been submitted to and approved by the County describing how the operator will notify the owners and inhabitants of the protected uses identified in DCC 18.52.110(J)(2), which are located within one-half mile of the blasting site of proposed blasting by written notice:
    - 1. Delivered in a manner calculated to be received by each person entitled to notice at least 48 hours prior to the time the blasting activity will occur;
    - 2. Containing a statement providing that the recipient property owner must provide the notice to tenants and inhabitants on the subject property;
    - 3. In the case of ongoing blasting, given at least once each month and specifying the days and hours that blasting will occur; and
    - 4. Retained by the operator, along with a list of persons notified, for at least one year after blasting occurs.
- K. Extraction Site Size. The size of the area in which extraction is taking place as part of a surface mine does not exceed five acres. For the purpose of DCC 18, the extraction site size does not include access roads, equipment storage areas, processing equipment sites, stockpiles, areas where reclamation is in progress and similar accessory uses which are necessary to the mining operation. An exception to this standard may be allowed as part of site plan review if the applicant demonstrates that mining techniques normally associated with the specific type of mining in question and commonly used in the surface mining industry require a larger extraction site size.
- L. Fish and Wildlife Protection.
- 1. Fish and wildlife values and habitat required by the site-specific ESEE analysis to be conserved and protected are conserved and protected by use of methods including, but not limited to: Seasonal operations and access road closures; retention of or creation of vegetative cover and riparian habitat; and erection of fencing or other barriers to protect wildlife from steep extraction site slopes.
  - 2. Mitigation, as defined in DCC 18, will be provided to compensate for any loss of fish and wildlife habitat caused by the surface mining activity which habitat is required to be protected by the site-specific ESEE analysis. When mitigation is provided, the type and effectiveness of mitigation required has been determined by the Planning Director or Hearings Body to be appropriate from available evidence and in consultation with the Oregon Department of Fish and Wildlife.

- M. Surface water management is provided in a manner which meets all applicable DEQ water quality standards and DOGAMI requirements, and which demonstrates that all water necessary for the proposed operation of the surface mine, including dust control, landscaping and processing of material, has been appropriated to the surface mining site and is legally available for such use. The applicant must provide written documentation of any water rights from the respective water district and Oregon Watermaster's office prior to any mining of the site.
- N. Storage of equipment, structures and other materials at the site is limited to that which is necessary and appurtenant to the mining operation or other uses permitted on the site.
- O. A security plan for the subject site has been submitted and approved by the County and, where appropriate, by DOGAMI which addresses the following issues:
1. Lighting;
  2. Fencing;
  3. Gates at access points;
  4. Water impoundments;
  5. Sloping; and
  6. Security of vehicles and equipment.
- P. All impacts of the mining activities identified in the ESEE analysis for the specific site are addressed and have been resolved at the time of site plan approval or before the start of mining activity.

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

*Amended by Ord. [91-002](#) §9 on 2/6/1991*

*Amended by Ord. [93-043](#) §§7A, 7B and 7C on 8/25/1993*

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

#### **[18.52.115 Extended Operating Hours](#)**

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

- A. Project Necessity. Extended hours of operation are necessary to construct capital improvements and other specific public roadway improvements, including but not limited to public safety operations, road widening, paving, surfacing and realigning, where practical difficulties not created by the applicant such as transportation management requirements necessitate project construction and operation of equipment outside the hours specified in DCC 18.52.110(I) or otherwise set forth in a surface mining site plan;

- B. Equipment Limitation. During the extended hours of activity, operations at the mining site shall include only those uses allowed under DCC 18.52.040 and, when already approved as a conditional use, those uses listed in DCC 18.52.050, including vehicular traffic, and shall be limited to the minimum necessary to complete the project; and
- C. Time Limitation. Except as provided in (D) below, activities approved under DCC 18.52.115(B) shall not exceed a period of 14 days but may be renewed for successive periods not exceeding three days each if: the extension is necessary to complete the roadway or capital improvement project; and transportation management concerns or unique project characteristics justify the extension.
- D. Public safety operations.
  - 1. Public safety operations are those operations permitted under DCC 18.52.040 that are required to respond to a road hazard or incident such as snow, ice, a vehicle crash or other road blockage such as a tree, power line, fire, or animal.
  - 2. Public safety operations are exempt from the time limitations imposed by DCC 18.52.115(C) and 18.52.110(I), provided that the noise and air quality standards of DCC 18.52.110 are met at all times.
- E. Noise Control. Activities permitted under DCC 18.52.115 are subject to DCC 8.08.090(D).

#### HISTORY

Adopted by Ord. [98-038](#) §2 on 6/10/1998

Amended by Ord. [2009-026](#) §1 on 11/30/2009

#### **18.52.120 Partial Approval**

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

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

#### HISTORY

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

Amended by Ord. [90-014](#) §4 on 7/12/1990

#### **18.52.130 Site Reclamation Plan**

Prior to the start of mining activity, a site reclamation plan shall be submitted and approved which demonstrates that the mineral and aggregate extraction site can be reclaimed for a subsequent

beneficial land use consistent with the designation of such subsequent use in the surface mining element of the Comprehensive Plan.

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

#### [18.52.140 Conditional Use Criteria](#)

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

- A. **Crushing.** When a site has been designated for crushing of mineral and aggregate materials under the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan, the following conditions apply:
  1. If a crusher is to be located less than one-half mile from a noise-sensitive use or structure existing on the effective date of Ordinance No. 90-014, the applicant shall demonstrate through a noise report from a qualified, registered sound engineer or similarly qualified professional, that the crusher can meet all applicable DEQ industrial and commercial noise control standards as designed and located, or by methods including, but not limited to: Modification or muffling of the crusher; placement of the crusher below grade or behind berms.
  2. If a crusher is to remain on the site for longer than 60 days in any 18-month period, the applicant shall demonstrate that it will be screened in accordance with DCC 18.52.110(B).
- B. **Expansion or Replacement of Preexisting Dwelling.** The following conditions apply:
  1. The expansion or replacement does not reduce the amount of mineral and aggregate resource available on the subject site.
  2. The replaced dwelling or expansion is located and designed to minimize the impacts of the surface mining operation on the inhabitants of the dwelling.
- C. **Sale of Products Extracted or Produced on [Lots or](#) Parcels Other Than the Subject [Lot or](#) Parcel.** The following conditions shall apply:

1. The portion of the site where the products will be stored and sold is at least one-half mile from a noise or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014.
  2. The access from the point where the products are stored and sold to a public road is not within one-half mile of any noise or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014.
- D. Processing of Aggregate Into Asphaltic Concrete or Portland Cement Concrete. The following conditions shall apply:
1. If the processing operation meets or can meet all applicable DEQ ambient air quality standards and emission standards for asphalt, asphaltic concrete or portland cement plants.
  2. If the processing operation is located less than one-half mile from a noise-sensitive use or structure existing on the effective date of Ordinance No. 90-014, the applicant shall demonstrate through a noise report from a qualified, registered sound engineer or similarly qualified professional, that the processing operation can meet all applicable DEQ noise control standards for industry and commerce as designed and located, or by use of methods including, but not limited to: Modification or muffling of equipment; location of the processing operation below grade or behind berms.
  3. The point where the vehicles transporting asphalt, portland cement and the raw materials for such products access a public road is not within one-half mile of any noise-sensitive or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014.
  4. Processing operations temporarily located in conjunction with a specific street, road or highway project will be removed from the site within 30 days of the completion of the project. (NOTE: Batch plants are allowed in industrial zones and may be sited as part of a limited use combining zone in conformance with all plan amendment and zone change requirements of the Comprehensive Plan and zoning ordinance.)

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

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

#### **[18.52.150 Failure To Comply](#)**

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

#### HISTORY

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



Amended by Ord. [90-014](#) §4 on 7/12/1990

Amended by Ord. [2003-021](#) 37 on 4/9/2003

#### **18.52.160 Preexisting Sites, Nonconforming Sites And Registration**

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

#### HISTORY

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

Amended by Ord. [90-014](#) §4 on 7/12/1990

#### **18.52.170 Use Permits**

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

#### HISTORY

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

Amended by Ord. [90-014](#) §4 on 7/12/1990

Amended by Ord. [93-043](#) §7D on 8/25/1993

### **18.52.180 Monitoring**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

*Amended by Ord. [2003-021](#) §38 on 4/9/2003*

### **18.52.190 Nuisances**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

### **18.52.200 Termination Of The Surface Mining Zoning And Surrounding Surface Mining Impact Area Combining Zone**

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

#### HISTORY

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

*Amended by Ord. [83-037](#) §14 on 6/1/1983*

*Amended by Ord. [85-002](#) §7 on 2/13/1985*

*Amended by Ord. [86-018](#) §11 on 6/30/1986*

*Amended by Ord. [86-053](#) §11 on 6/30/1986*

*Amended by Ord. [86-059](#) §1 on 9/10/1986*

*Amended by Ord. [90-014](#) §4 on 7/12/1990*

## **CHAPTER 18.56 SURFACE MINING IMPACT AREA COMBINING ZONE; SMIA**

### **18.56.010 Purpose**

### **18.56.020 Location**

[18.56.030 Application Of Provisions](#)

[18.56.040 Uses Permitted Outright](#)

[18.56.050 Conditional Uses Permitted](#)

[18.56.060 Dimensional Standards](#)

[18.56.070 Setbacks](#)

[18.56.080 Use Limitations](#)

[18.56.090 Specific Use Standards](#)

[18.56.100 Site Plan Review And Approval Criteria](#)

[18.56.110 Abbreviated SMIA Site Plan Review](#)

[18.56.120 Waiver Of Remonstrance](#)

[18.56.130 Development Agreement And Performance Bond](#)

[18.56.140 Exemptions](#)

#### **18.56.010 Purpose**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §5 on 7/12/1990*

#### **18.56.020 Location**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §5 on 7/12/1990*

#### **18.56.030 Application Of Provisions**

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §5 on 7/12/1990*

#### **18.56.040 Uses Permitted Outright**

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

## HISTORY

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

Amended by Ord. [91-014](#) §5 on 3/13/1991

### **18.56.050 Conditional Uses Permitted**

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

## HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

### **18.56.060 Dimensional Standards**

In the SMIA Zone, the lot size shall be that prescribed in the underlying zone.

## HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

### **18.56.070 Setbacks**

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

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

## HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [90-035](#) §§1 and 2 on 9/5/1990

### 18.56.080 Use Limitations

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

#### HISTORY

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

*Amended by Ord. [91-014](#) §5 on 3/13/1991*

### 18.56.090 Specific Use Standards

The following standards shall apply in the SMIA Zone:

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

#### HISTORY

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

*Amended by Ord. [90-014](#) §5 on 7/12/1990*

### 18.56.100 Site Plan Review And Approval Criteria

- A. Elements of Site Plan. A site plan shall be submitted in a form prescribed by the Planning Director or Hearings Body detailing the location of the proposed noise-sensitive use, the location of the nearby surface mine zone and operation, if any, and other information necessary to evaluate the approval criteria contained in DCC 18.56.100.
- B. Site plan review and approval, pursuant to the County Uniform Land Use Action Procedures Ordinance, shall be required for all uses in the SMIA Zone prior to the commencement of any construction or use.
- C. The Planning Director or Hearings Body may grant or deny site plan approval and may require such modifications to the site plan as are determined to be necessary to meet the setbacks, standards, and conditions described above.
- D. The site plan shall be approved if the Planning Director or Hearings Body finds that the site plan is consistent with the site-specific ESEE analysis in the surface mining element of the Comprehensive Plan and that the proposed use will not prevent the adjacent surface mining operation from meeting the setbacks, standards, and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively.
- E. Public notice shall be as set forth in DCC Title 22, the Uniform Development Procedures Ordinance, except that in all cases notice of the receipt of an SMIA application shall be sent to the mine owners and/or operators whose SM-Zoned site triggered the SMIA review.

#### HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [90-035](#) §3 on 9/5/1990

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

#### **18.56.110 Abbreviated SMIA Site Plan Review**

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

#### HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

Amended by Ord. [90-035](#) §4 on 9/5/1990

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

#### **18.56.120 Waiver Of Remonstrance**

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

#### HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

#### **18.56.130 Development Agreement And Performance Bond**

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

#### HISTORY

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

Amended by Ord. [90-014](#) §5 on 7/12/1990

### 18.56.140 Exemptions

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

- A. Uses in the SMIA Zone which are not within one-half mile of any identified resource in the SM Zone after all reclamation has occurred.
- B. Continuation and maintenance of a conforming or nonconforming use established prior to the effective date of Ordinance No. 90-014.
- C. The employment of land for farm or forest use.
- D. Additions to noise-sensitive or dust-sensitive uses or structures existing on the effective date of Ordinance No. 90-014 or established or constructed in accordance with DCC Chapter 18.56 which are completely screened from the surface mining site by the existing use or structure.

#### HISTORY

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

*Amended by Ord. [83-037](#) §15 on 6/1/1983*

*Amended by Ord. [85-002](#) §8 on 2/13/1985*

*Amended by Ord. [86-018](#) §12 on 6/30/1986*

*Amended by Ord. [86-053](#) §12 on 6/30/1986*

*Amended by Ord. [90-014](#) §5 on 7/12/1990*

*Amended by Ord. [2004-013](#) §5 on 9/21/2004*

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

#### [18.60.010 Purposes](#)

#### [18.60.020 Uses Permitted Outright](#)

#### [18.60.030 Conditional Uses Permitted](#)

#### [18.60.035 Destination Resorts](#)

#### [18.60.040 ~~Yard And~~ Setback Requirements](#)

#### [18.60.050 Stream Setback](#)

#### [18.60.060 Dimensional Standards](#)

#### [18.60.070 Limitations On Conditional Uses](#)

#### [18.60.080 Rimrock Setback](#)

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

#### 18.60.010 Purposes

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

## HISTORY

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

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

**18.60.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright.

- A. A single ~~unit-family~~ dwelling, or a manufactured ~~home-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. Historic Home Accessory Dwelling Units, subject to DCC 18.116.350.
- L. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- M. Residential home.

## 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 10/9/2024

### **18.60.030 Conditional Uses Permitted**

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility, or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- E. Planned development.
- F. Cluster development.
- G. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.
- H. A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- I. Cemetery.
- J. Time-share unit or the creation thereof.
- K. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- L. Bed and breakfast inn.
- M. Golf course.
- N. ~~Excavation, grading, and fill~~ Fill and or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

- O. Religious institutions or assemblies.
- P. Public Uses.
- Q. Semipublic Uses.
- R. Commercial horse stables.
- S. Private or public school, including all buildings essential to the operation of such a school.
- T. Manufactured ~~home-dwelling~~ park or recreational vehicle park on a lot or parcel in use as a manufactured ~~home-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 ~~home-dwelling~~ park or recreational vehicle park , including expansion, conversion and combination of such uses on the same lot or parcel, as configured on June 12, 1996.
- U. The full or partial conversion from a manufactured ~~home-dwelling~~ park or recreational vehicle park described in DCC 18.60.030 (T) to a manufactured ~~home-dwelling~~ park or recreational vehicle park on the same lot or parcel, as configured on June 12, 1996.
- V. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- W. 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.

#### HISTORY

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

*Amended by Ord. [83-033](#) §5 on 6/15/1983*

*Amended by Ord. [86-018](#) §13 on 6/30/1986*

*Amended by Ord. [90-014](#) §22 on 7/12/1990*

*Amended by Ord. [91-005](#) §32 on 3/4/1991*

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

*Amended by Ord. [92-004](#) §10 on 2/7/1992*

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

*Amended by Ord. [94-008](#) §13 on 6/8/1994*

*Amended by Ord. [96-021](#) §1 on 2/28/1996*

*Amended by Ord. [96-038](#) §2 on 6/12/1996*

*Amended by Ord. [97-017](#) §3 on 3/12/1997*

*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](#) §5 on 12/12/2001*

*Amended by Ord. [2004-002](#) §8 on 4/28/2004*

*Amended by Ord. [2009-018](#) §2 on 11/5/2009*

*Amended by Ord. [2020-001](#) §5 on 4/21/2020*

*Amended by Ord. [2023-001](#) §8 on 5/30/2023*

### 18.60.035 Destination Resorts

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

#### HISTORY

Adopted by Ord. [92-004](#) §11 on 2/7/1992

### 18.60.040 ~~Yard And~~ Setback Requirements

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

- A. The front setback shall be a minimum of 20 feet from a ~~property lot~~ line fronting on a local street right of way, 30 feet from a ~~property lot~~ line fronting on a collector right of way, and 50 feet from ~~a lot line fronting on~~ an arterial right of way.
1. As a discretionary alternative, if a lot or parcel contains multiple front lot lines and has at least one frontage along a collector or arterial, front setbacks maybe be reduced to 20 feet with written authorization from the relevant road authority. Such authorization shall confirm any reduced setback standards will not impair public safety or future right of way expansions.
- B. There shall be a minimum side ~~yard setback~~ of 10 feet for all uses, ~~except on the street side of a corner lot the side yard shall be 20 feet.~~
- C. The minimum rear ~~yard setback~~ shall be 20 feet.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

#### HISTORY

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

Amended by Ord. [83-037](#) §16 on 6/1/1983

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

Amended by Ord. [94-008](#) §21 on 6/8/1994

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

### 18.60.050 Stream Setback

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

1. All sewage disposal installations, such as septic tanks or septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and

the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.

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

#### HISTORY

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

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

#### [18.60.060 Dimensional Standards](#)

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

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

#### HISTORY

Adopted by Ord. [PL-15](#) §4.120 on 11/1/1979

Amended by Ord. [92-055](#) §6 on 8/17/1992

Amended by Ord. [93-034](#) §1 on 6/30/1993

#### [18.60.070 Limitations On Conditional Uses](#)

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

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

#### HISTORY

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

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

#### [18.60.080 Rimrock Setback](#)

Setbacks from rimrock shall be as provided in DCC 18.116.160.

HISTORY

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

Amended by Ord. [86-053](#) §13 on 6/30/1986

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

- A. Uses Permitted Outright. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, uses shall be permitted as follows, the following uses and their accessory uses are allowed outright:
1. Agricultural use as defined in DCC Title 18.
  2. Propagation or harvesting of a forest product.
  3. Ground application of treated effluent.
- B. Uses Permitted Subject to Site Plan Review. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, uses shall be permitted as follows, the following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Sewage Treatment Facility.
  2. Treated Effluent Ponds.
- C. Uses Permitted Conditionally. In the Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone, Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B), and their accessory uses are permitted conditionally subject to the applicable provisions of DCC 18.128, Conditional Uses.
- D. Definitions. For the purpose of this section, the use Sewage Treatment Facility includes any buildings or structures associated with the operations of a sewer treatment plant including, but not limited to, treatment station, or pump station.
- E. Special Conditions. Pursuant to Deschutes County Comprehensive Plan Section 5.10, an application for site plan review to establish a sewage treatment facility must include a conservation easement and a plan of implementing the conservation easement that provides standards and implementation methods for managing the conservation easement, along with a recorded road maintenance agreement between Oregon Water Wonderland Unit 2 Sewer District and the Beaver Special Road District, with the site plan review application. The road maintenance agreement between the applicant and the Beaver Special Road District shall include Oregon Water Wonderland Unit 2 Sewer District's pro rata share for the maintenance cost of Foster Road through Section 25.

HISTORY

Adopted by Ord. [2003-012](#) §1 on 6/2/2003

Amended by Ord. [2010-016](#) §1 on 4/26/2010

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

## CHAPTER 18.61 URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE

### 18.61.010 Purpose

### 18.61.020 Standards In All Districts

### 18.61.030 La Pine Planning Area

### ~~18.61.040 Wickiup Junction Planning Area~~

### 18.61.050 Neighborhood Planning Area

### 18.61 Table 1 La Pine Neighborhood Planning Area Density Standards

### 18.61 Table 2 La Pine Neighborhood Planning Area Zoning Standards

### 18.61.010 Purpose

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

#### HISTORY

*Adopted by Ord. [96-003](#) §1 on 3/27/1996*

*Amended by Ord. [2000-015](#) §2 on 8/9/2000*

### 18.61.020 Standards In All Districts

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

- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10 providing outdoor lighting control.

#### HISTORY

Adopted by Ord. [96-003](#) §1 on 3/27/1996

Amended by Ord. [2000-015](#) §2 on 8/9/2000

Amended by Ord. [2006-035](#) §1 on 12/4/2006

#### [18.61.030 La Pine Planning Area](#)

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

##### ~~A.—La Pine Residential District.~~

##### ~~1.—Uses Permitted Outright. The following uses and their accessory uses are permitted outright:~~

~~a.—Single-family dwelling.~~

~~b.—Manufactured home subject to DCC 18.116.070.~~

~~c.—Two-family dwelling or duplex.~~

~~d.—Agricultural use as defined in DCC Title 18, subject to the following limitations:~~

~~1.—Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.~~

~~2.—The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.~~

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

~~f.—Class III road and street project.~~

~~g.—Excavation, grading, or fill Fill and or removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.~~

~~h.—Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.~~

2.—Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a.—Multi family unit dwelling with three or more units.
- b.—Park, playground and community building.
- c.—Utility facility, except land disposal sites.
- d.—Excavation, grading, and fill Fill and or removal within the bed and banks of a stream or river or in a wetland.
- e.—Home occupation.
- f.—Church.
- g.—School.
- h.—Manufactured home park.
- i.—Multi family unit dwelling complex.
- j.—Cluster development.
- k.—Nursery school, kindergarten and day care facility.
- l.—Nursing home.
- m.—Public use.
- n.—Residential care facility for more than 15 people.
- o.—Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

3.—Lot Sizes.

- a.—Partitions:
  - 1.—Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
  - 2.—Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
  - 3.—Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.



b. ~~Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:~~

1. ~~All new lots shall be connected to a DEQ permitted community or municipal sewer system.~~

2. ~~Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.~~

4. ~~Dimensional Standards. The following dimensional standards shall apply:~~

a. ~~Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.~~

b. ~~Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.~~

5. ~~Yard and Setback Requirements.~~

a. ~~Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.~~

b. ~~Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.~~

c. ~~Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.~~

B. ~~La Pine Commercial District.~~

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

a. ~~Single family unit dwelling on a lot existing on March 27, 1996.~~

b. ~~Manufactured home dwelling, on a lot existing on March 27, 1996, subject to DCC 18.116.070.~~

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

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

e. ~~Excavation, grading, or fill Fill and or removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.~~

- ~~2.—Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:~~
- ~~a.—Park, playground and community building.~~
  - ~~b.—Public use.~~
  - ~~c.—A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 
    - ~~1.—Retail store, office and service establishment.~~
    - ~~2.—Residential use in the same building as a permitted use.~~
    - ~~3.—Art studio in conjunction with retail sales.~~
    - ~~4.—Medical clinic.~~
    - ~~5.—Automobile service station.~~
    - ~~6.—Car wash.~~
    - ~~7.—Day care facility.~~
    - ~~8.—Restaurant and cocktail lounge.~~
    - ~~9.—Club and fraternal lodge.~~
    - ~~10.—Automobile and trailer sales.~~
    - ~~11.—Uses accessory to the uses identified in DCC 18.61.030.~~~~
  - ~~d.—Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).~~
- ~~3.—Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review and DCC 18.128, Conditional Use:~~
- ~~a.—Multi family unit dwelling on a lot existing on March 27, 1996.~~
  - ~~b.—Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).~~
  - ~~c.—Manufactured home dwelling park and travel trailer park.~~
  - ~~d.—Church.~~
  - ~~e.—School.~~

- ~~f.—Excavation, grading, and fill Fill and or removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.~~
- ~~g.—Water supply and treatment facility.~~
- ~~h.—Utility facility, except land disposal sites.~~
- ~~i.—Television and radio station with or without a transmitter tower.~~
- ~~j.—Nursing home.~~
- ~~k.—Residential care facility for more than 15 people.~~
- ~~l.—A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 
  - ~~1.—Veterinary clinic including enclosed kennel.~~
  - ~~2.—Automobile repair garage.~~
  - ~~3.—Commercial amusement and recreation establishment.~~
  - ~~4.—Shopping complex subject to a master plan.~~
  - ~~5.—Mini-storage facility.~~
  - ~~6.—Uses accessory to the uses identified in DCC 18.61.030.~~~~
- ~~m.—Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).~~
- ~~n.—Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).~~
- 4.—Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
  - ~~a.—That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;~~
  - ~~b.—The use will primarily employ a work force from the community and surrounding rural area; and~~
  - ~~c.—That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.~~

For the purposes of DCC 18.61.030, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.

5. ~~Lot Size and Dimensional Standards.~~

- a. ~~Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.~~
- b. ~~Lot Coverage. No requirements.~~
- c. ~~Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.~~

6. ~~Yard and Setback Requirements.~~

- a. ~~Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line.~~
- b. ~~Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.~~
- c. ~~Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.~~

C. ~~La Pine Industrial District.~~

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

- a. ~~Agricultural use as defined in DCC Title 18.~~
- b. ~~Excavation, grading, or fill Fill and or removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.~~
- c. ~~Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.~~
- d. ~~Class III road or street project.~~
- e. ~~Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.~~

2. ~~Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~

- a.—Expansion of a valid use existing on December 5, 1994.
  - b.—Public use compatible with industrial uses.
  - c.—Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
  - d.—Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
  - e.—Light manufacturing, assembly, fabricating or packaging and wholesale distribution.
  - f.—Cold storage plant, including storage and office.
  - g.—Kennel or veterinary clinic operated entirely within an enclosed building.
  - h.—Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
  - i.—Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
  - j.—Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
  - k.—All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
  - l.—Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
  - m.—Manufactured home sales and service.
  - n.—Plant nursery and greenhouse.
- 3.—Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a.—Mini storage facility.
  - b.—Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
  - c.—Asphalt plant.
  - d.—Lumber manufacturing and wood processing including pulp and paper manufacturing.
  - e.—Electrical substation.
  - f.—Concrete, asphalt and ready-mix plant.

- ~~g.—Petroleum products storage and distribution.~~
  - ~~h.—Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.~~
  - ~~i.—Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.~~
  - ~~j.—Railroad track, freight depot and related facilities.~~
  - ~~k.—Agricultural products storage and processing plant.~~
  - ~~l.—Transfer station.~~
  - ~~m.—Automotive wrecking yard totally enclosed by a sight-obscuring fence.~~
  - ~~n.—Any use permitted by DCC 18.61.030(C)(2) that is expected to:
 
    - ~~1.—Require lot coverage in excess of 70 percent;~~
    - ~~2.—Require more than one acre of land; or~~
    - ~~3.—Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.~~~~
  - ~~o.—Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.~~
  - ~~p.—Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).~~
  - ~~q.—Utility facilities~~
- 4.—Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
- a.—Sewer and Water Requirements:
    - ~~1.—New uses that require DEQ Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.~~
    - ~~2.—Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.~~
    - ~~3.—If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.~~

b.—Compatibility:

- 1.—~~A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.~~
- 2.—~~A use expected to generate more than 30 truck trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.~~
- 3.—~~Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.~~
- 4.—~~Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones using trees, vegetation, and topography to the maximum extent practicable to screen the area from view of nearby residences.~~
- 5.—~~No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.~~
- 6.—~~A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.~~
- 7.—~~Exhaust stacks shall be screened from residential zones using trees, vegetation, and topography to the maximum extent practicable to screen the stack from view of nearby residences.~~

c.—Traffic/Parking:

- 1.—~~A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.~~
- 2.—~~An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.~~
- 3.—~~All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.~~
- 4.—~~There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or~~

fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.

d. ~~Requirements for Large Scale Uses. Any industrial use listed in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor space if the Planning Director or Hearings Body finds:~~

- ~~1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;~~
- ~~2. That such uses would not rely upon a work force served by uses within urban growth boundaries; and~~
- ~~3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.~~

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

- ~~a. An increase in required setbacks.~~
- ~~b. Additional off-street parking and loading facilities.~~
- ~~c. Limitations on signs or lighting, hours of operation and points of ingress and egress.~~
- ~~d. Additional landscaping, screening and other improvements.~~

6. ~~Dimensional Standards. The following dimensional standards shall apply:~~

- ~~a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.~~
- ~~b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.~~
- ~~c. Setbacks.~~
  - ~~1. The minimum building setback between a nonrailroad related structure and a street, road or railroad right of way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.~~
  - ~~2. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.~~



- ~~3.—The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.~~
- ~~d.—Building Heights. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. The following exceptions apply:~~
- ~~1.—If a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet; and~~
- ~~2.—The maximum height for utility facility structures shall be 100 feet provided:~~
- ~~A.—The structure is located on a lot that is not adjacent to a residential district;~~
- ~~B.—The structure is the minimum height necessary to accommodate machinery and equipment;~~
- ~~C.—The structure is equipped with fire sprinkler protection in accordance with current adopted editions of the Oregon Structural Specialty Code, Oregon Fire Code, and National Fire Protection Association 13; and~~
- ~~D.—The structure is at least 500 feet from the nearest residential district.~~
- ~~e.—Utility facility exhaust stacks shall meet the DEQ air quality permit requirements, but shall not exceed DEQ permit minimum height requirements or 150 feet in height, whichever is less.~~
- ~~f.—Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.~~
- ~~g.—Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.~~
- ~~h.—Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.~~
- ~~D.—La Pine Business Park District.~~
- ~~1.—Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~
- ~~a.—Commercial use, as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.~~

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

- b. ~~The use will primarily employ a work force from the community and surrounding rural area; and~~
- c. ~~That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.~~

4. ~~Use Limits. The following limitations and standards shall apply to all uses:~~

a. ~~Sewer and Water Requirements:~~

- 1. ~~New uses shall be required to connect to the La Pine Sewer Treatment Facility.~~
- 2. ~~New uses must be connected to a municipal, community or public water system.~~

b. ~~Compatibility:~~

- 1. ~~A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.~~
- 2. ~~A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.~~
- 3. ~~Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.~~
- 4. ~~Storage, loading and parking areas for all uses shall be screened from residential zones.~~
- 5. ~~No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.~~
- 6. ~~A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.~~

c. ~~Traffic/Parking~~

- 1. ~~A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.~~

- 2.—~~An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.~~
  - 3.—~~All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off street.~~
  - 4.—~~Parking may be allowed within the front yard building setback area except that no parking shall be allowed within 10 feet of any street.~~
  - 5.—~~There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.~~
- 5.—~~Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:~~
- a.—~~An increase in required setbacks.~~
  - b.—~~Additional off-street parking and loading facilities.~~
  - c.—~~Limitations on signs or lighting, hours of operation and points of ingress and egress.~~
  - d.—~~Additional landscaping, screening and other improvements.~~
- 6.—~~Dimensional Standards. The following dimensional standards shall apply:~~
- a.—~~Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.~~
  - b.—~~Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.~~
  - c.—~~Lot Coverage. A use permitted by DCC 18.61.030(D), which is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.~~
- 7.—~~Setbacks.~~
- a.—~~Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.~~
  - b.—~~Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.~~
  - c.—~~Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A~~

parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.

d. ~~The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.~~

8. ~~Building Height. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.~~

E. ~~La Pine Sewer Treatment District.~~

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

a. ~~Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.~~

2. ~~Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use and DCC 18.16.040(A):~~

a. ~~Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.~~

3. ~~Dimensional Standards. The following dimensional standards shall apply:~~

a. ~~Lot Coverage. No requirements.~~

b. ~~Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.~~

4. ~~Yard and Setback Requirements.~~

a. ~~Front Yard. The minimum front yard shall be 20 feet.~~

b. ~~Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet.~~

c. ~~Rear Yard. The minimum rear yard shall be 20 feet.~~

F. ~~La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Zone.~~

G. ~~La Pine Community Facility District.~~

- 1.—~~Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:~~
  - a.—~~Performing arts center.~~
  - b.—~~Swimming pool.~~
  - c.—~~Community center.~~
  - d.—~~Public use.~~
  - e.—~~School.~~
  - f.—~~Theater.~~
- 2.—~~Yard and Setback Requirements.~~
  - a.—~~Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line. A parcel or lot with a front yard adjacent to zoned forest land shall have a minimum front yard of 100 feet.~~
  - b.—~~Side Yard. None required, except when abutting a lot in a Residential District in which case the side yard shall be the side yard required in the abutting Residential District. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.~~
  - c.—~~Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.~~
- 3.—~~Dimensional Standards. The following dimensional standards shall apply:~~
  - a.—~~Lot Coverage. No requirements.~~
  - b.—~~Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.~~
- 4.—~~Lot Size.~~
  - a.—~~Lot Size. New lots shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.~~
  - b.—~~Lot Coverage. No requirements.~~
  - c.—~~Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.~~

~~5.—Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:~~

- ~~a.—An increase in required setbacks.~~
- ~~b.—Additional off-street parking and loading facilities.~~
- ~~c.—Limitations on signs or lighting, hours of operation and points of ingress and egress.~~
- ~~d.—Additional landscaping, screening and other improvements.~~

~~H.A.~~ La Pine Community Facility Limited District.

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

#### HISTORY

*Adopted by Ord. [96-003](#) §1 on 3/27/1996*  
*Amended by Ord. [97-017](#) §4 on 3/12/1997*  
*Amended by Ord. [97-041](#) §1 on 5/14/1997*  
*Amended by Ord. [97-063](#) §3 on 11/12/1997*  
*Amended by Ord. [2000-015](#) §2 on 8/9/2000*  
*Amended by Ord. [2001-044](#) §3 on 10/10/2001*  
*Amended by Ord. [2002-033](#) §1 on 9/25/2002*  
*Amended by Ord. [2003-002](#) §1 on 4/8/2003*  
*Amended by Ord. [2009-025](#) §1 on 11/30/2009*  
*Amended by Ord. [2010-029](#) §1 on 9/8/2010*  
*Repealed by Ord. [2018-005](#) §10 on 10/10/2018*  
*Amended by Ord. [2019-010](#) §1 on 5/8/2019*  
*Amended by Ord. [2023-001](#) §9 on 5/30/2023*

#### ~~18.61.040 Wickiup Junction Planning Area~~

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

- ~~A.—Uses Permitted Outright. The following uses and their accessory uses are permitted outright:~~
- ~~1.—Single-family dwelling.~~
  - ~~2.—Manufactured home subject to DCC 18.116.070.~~

- ~~3.—Two family dwelling or duplex.~~
  - ~~4.—Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.~~
  - ~~5.—Class III road and street project.~~
  - ~~6.—Excavation, grading, or fill Fill and or removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.~~
- ~~B.—Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~
- ~~1.—Park, playground and community building.~~
  - ~~2.—Public Use.~~
  - ~~3.—A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 
    - ~~a.—Retail store, office and service establishment.~~
    - ~~b.—Residential use in conjunction with a permitted use.~~
    - ~~c.—Art studio in conjunction with a permitted use.~~
    - ~~d.—Medical clinic.~~
    - ~~e.—Automobile service station.~~
    - ~~f.—Car wash.~~
    - ~~g.—Day care facility.~~
    - ~~h.—Restaurant and cocktail lounge.~~
    - ~~i.—Club and fraternal lodge.~~
    - ~~j.—Automobile and trailer sales.~~
    - ~~k.—Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(B)(3) housed in a building or buildings exceeding 8,000 square feet of floor space, but not greater than 12,000 square feet of floor space, subject to the provisions of DCC 18.61.040 (D).~~~~
- ~~C.—Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses:~~
- ~~1.—Multi family dwelling with three or more units.~~
  - ~~2.—Tourist and travelers' accommodations of up to 100 units, provided the use is served by a community sewer system as that term is defined in OAR 660-22-010 (2).~~



- ~~3. Manufactured home park.~~
  - ~~4. Travel trailer park.~~
  - ~~5. Cluster development.~~
  - ~~6. Church.~~
  - ~~7. School.~~
  - ~~8. Excavation, grading, and fill Fill and or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.~~
  - ~~9. Water supply and treatment facility.~~
  - ~~10. Utility facility, except land disposal sites.~~
  - ~~11. Television and radio station with or without a transmitter tower.~~
  - ~~12. Nursing home.~~
  - ~~13. Residential care facility for more than 15 people.~~
  - ~~14. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 
    - ~~a. Veterinary clinic including enclosed kennel.~~
    - ~~b. Automobile repair garage.~~
    - ~~c. Commercial amusement and recreation establishment.~~
    - ~~d. Shopping complex subject to a master plan.~~
    - ~~e. Mini storage facility.~~
    - ~~f. Uses accessory to the uses identified in DCC 18.61.040.~~~~
  - ~~15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(C)(14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).~~
  - ~~16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).~~
- ~~D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040(C)(14) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:~~
- ~~1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;~~

2. ~~The use will primarily employ a work force from the community and surrounding rural area; and~~
  3. ~~That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space but could locate the use in a building not exceeding 12,000 square feet of floor space.~~
- E. ~~For the purposes of DCC 18.61.040, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.~~

F. ~~Lot Size.~~

1. ~~New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 6,000 square feet. Maximum lot size for residential subdivisions shall be 15,000 square feet.~~
2. ~~New lots or parcels served by either an approved community, non-community, municipal or public water system shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.~~
3. ~~New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewer system shall have a minimum width of 150 feet with a minimum are of one acre. In addition, an applicant shall demonstrate that:
 
  - a. ~~The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval;~~
  - b. ~~Residential subdivision will be served by either a municipal or community water system or a non-community public water system.~~~~

G. ~~Dimensional Standards. The following dimensional standards shall apply:~~

1. ~~Lot Coverage. No requirements.~~
2. ~~Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under DCC 18.120.040.~~

H. ~~Yards:~~

1. ~~Front Yard. The front yard shall be no more than 20 feet, except as otherwise allowed by DCC 18.124.070(D)(2). All buildings shall be set at the front yard setback line.~~
2. ~~Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.~~
3. ~~Rear Yard. None required, except when a parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.~~

## HISTORY

Adopted by Ord. [96-003](#) §1 on 3/27/1996

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

Amended by Ord. [2000-015](#) §2 on 8/9/2000

Amended by Ord. [2002-015](#) §1 on 6/19/2002

Amended by Ord. [2003-008](#) §1 on 2/26/2003

Amended by Ord. [2004-013](#) §6 on 9/21/2004

Amended by Ord. [2023-001](#) §9 on 5/30/2023

### **18.61.050 Neighborhood Planning Area**

- A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the La Pine UUC and is the “receiving area” for transferable development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as further set forth in DCC 18.61.050.
- B. Water and Wastewater Facilities.
1. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system.
  2. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.
- C. Transportation.
1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
  2. The central collector and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area..
  3. Driveway access will not be allowed onto the central collector and the neighborhood collectors.
  4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks, and residential lots or parcels.
  5. Direct access from residential lots or parcels onto the local streets and perimeter collectors is permitted.
  6. Shallow vegetated swales alongside the roads will provide for drainage.

7. A network of multi-use paths will be developed parallel to many of the collector roads and in the open space buffer areas along Huntington Road and the eastern perimeter collector parallel to Highway 97.
8. The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.

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

~~1.—Uses permitted outright.~~

~~a.—Single family unit dwelling, including a “Class A” manufactured home dwelling.~~

~~b.—Duplex.~~

~~c.—Accessory dwelling.~~

~~d.—Multi-use path.~~

~~e.—Open space.~~

~~f.—Residential facility or residential home.~~

~~g.—Home occupation that:~~

~~1.—Is carried on within a dwelling only by members of the family who reside in the dwelling;~~

~~2.—Does not serve clients or customers on-site;~~

~~3.—Does not produce odor, dust, glare, flashing lights or noise;~~

~~4.—Does not occupy more than 25 percent of the floor area of the dwelling; and~~

~~5.—Does not include the on-premises display or sale of stock in trade.~~

~~6.—Does not have any outdoor storage of materials used in the home occupation.~~

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

~~i.—Class III road and street project.~~

~~2.—Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~

- a. ~~Multi family unit dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.~~
  - b. ~~Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.~~
  - c. ~~Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.~~
  - d. ~~Park or playground.~~
3. ~~Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:~~
- a. ~~Home occupation as defined in DCC 18.04.~~
  - b. ~~Outdoor Recreational Equipment Storage area as defined in DCC 18.04.~~
4. ~~Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.~~
5. ~~Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential General District.~~
6. ~~Residential Density. The residential density requirements in Tables 1 and 2 shall apply to the Residential General District.~~
- E. ~~Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.~~
- 1. ~~Uses permitted outright.~~
    - a. ~~Single Family Unit Dwelling.~~
    - b. ~~Single Family Dwelling Unit Zero Lot Line~~
    - c. ~~Town home, duplex or triplex.~~
    - d. ~~Accessory dwelling.~~
    - e. ~~Live/work unit.~~
    - f. ~~Multi-use path.~~
    - g. ~~Open space.~~
    - h. ~~Home occupation that:~~

- ~~1.—Is carried on within a dwelling only by members of the family housekeeping unit who reside in the dwelling;~~
  - ~~2.—Does not serve clients or customers on-site;~~
  - ~~3.—Does not produce odor, dust, glare, flashing lights or noise;~~
  - ~~4.—Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - ~~5.—Does not include the on-premises display or sale of stock in trade; and,~~
  - ~~6.—Does not have any outdoor storage of materials used in the home occupation.~~
- ~~i.—Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.~~
  - ~~j.—Class III road and street project.~~
- ~~2.—Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~
    - ~~a.—Community center up to 4,000 square feet in floor area.~~
    - ~~b.—Neighborhood commercial building as defined in DCC 18.04.~~
    - ~~c.—Multi-family dwelling.~~
    - ~~d.—Bed and Breakfast Inn.~~
    - ~~e.—Church.~~
    - ~~f.—Park or playground.~~
  - ~~3.—Conditional uses permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:~~
    - ~~a.—Residential facility or residential home.~~
    - ~~b.—Home occupation as defined in DCC 18.04.~~
  - ~~4.—Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.~~
  - ~~5.—Yard and setback requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.~~
  - ~~6.—Residential density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.~~

~~F.—Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.~~

~~1.—Uses Permitted Outright.~~

~~a.—Duplex, triplex or town home.~~

~~b.—Multi-use path.~~

~~c.—Open space.~~

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

~~e.—Class III road and street project.~~

~~2.—Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~

~~a.—Multi-family dwelling.~~

~~b.—Continuing care retirement center.~~

~~c.—Hospital.~~

~~d.—Medical facility.~~

~~e.—Assisted living, congregate care facility.~~

~~f.—Nursing home.~~

~~g.—Mixed use building (residential with other permitted use in the district).~~

~~h.—Child care center.~~

~~i.—Public use.~~

~~j.—Community center.~~

~~k.—Church.~~

~~l.—Senior center.~~

~~m.—Library.~~

~~n.—Museum.~~

~~o.—Performing arts building.~~

~~p.—Theater.~~

~~q.—School.~~

~~r.—Park or playground.~~

~~3.—Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:~~

~~a.—Single-family dwelling.~~

~~b.—Retail or professional office use that supports a permitted use in the district.~~

~~4.—Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Community Facility District~~

~~5.—Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Community Facility District.~~

G.D. \_\_\_\_\_ Community Facility Limited District. Purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.

1. Uses permitted outright.
  - a. Multi-use path.
  - b. Open space.
  - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  - d. Class III road and street project.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
  - a. Park and ride facility.
  - b. School.
  - c. Park or playground.
3. Uses Permitted Subject to Conditional Use. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
  - a. Equestrian facility.

~~H.—Neighborhood Commercial District. Purpose: The purpose of this district is to provide a location for small scale convenience commercial uses designed to serve the Neighborhood Planning Area.~~

~~1.—Uses Permitted Outright.~~



- a. ~~Multi-use path.~~
  - b. ~~Open space.~~
  - c. ~~Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.~~
  - d. ~~Class III road and street project.~~
2. ~~Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:~~
- a. ~~Convenience market.~~
  - b. ~~Video store.~~
  - c. ~~Retail store.~~
3. ~~Conditional Uses Permitted. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use: Such as but not limited to:~~
- a. ~~Restaurant.~~
  - b. ~~Laundromat.~~
  - c. ~~Dry cleaning.~~
  - d. ~~Art studio in conjunction with retail use.~~
  - e. ~~Professional office.~~
4. ~~Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Commercial District.~~
5. ~~Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Commercial District.~~
- I. ~~Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 and or 3 during Quadrant Plan approval process.~~
- 1. ~~Uses Permitted Outright.~~
    - a. ~~Multi-use path.~~
    - b. ~~Open space.~~

- c.—Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  - d.—Class III road and street project.
- 2.—Uses Subject to Provisions of DCC 18.61.050(H)(4).
  - a.—Neighborhood Park.
- 3.—Conditional Uses. The following uses and their accessory uses are permitted subject to the development standards in DCC 18.61.050(H)(5) and the applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
  - a.—Regional Park.
- 4.—Neighborhood Park Development Standards.
  - a.—Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.
  - b.—Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.
  - c.—Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J).
  - d.—Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.
- 5.—Regional Park Development Standards.
  - a.—The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.
  - b.—Size Standard. The Regional Park shall be between 10 and 25 acres in size.
  - c.—The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.
  - d.—If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center of a Neighborhood, it may replace the required Neighborhood Park.
  - e.—Siting Standards.

1.—The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.

2.—The Regional Park shall have direct access to a paved multi-use path.

J.—Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains multi-use paths.

1.—Perimeter Open Space Uses Permitted Outright.

a.—Open space.

b.—Multi-use path.

2.—Corridor Open Space Uses Permitted Outright.

a.—Open space.

b.—Multi-use path.

c.—Picnic area.

d.—Benches along multi-use path.

e.—Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.

3.—Uses Permitted Subject to an Open Space Management Plan under the provision of DCC 18.61.050(1)(4).

a.—Vegetation management for wildfire hazard reduction.

b.—Vegetation management for wildlife habitat enhancement.

c.—Landscaped earthen berm.

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

4.—Open Space Management Plan.

a.—An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.

### K-E. Quadrant Plan.

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

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

1. Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
2. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
3. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
4. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
5. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
6. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.
7. Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:
  1. Minimum 200 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
  2. Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
  3. Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.

4. Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
8. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:

## HISTORY

Amended by Ord. [2000-015](#) §2 on 8/9/2000

Amended by Ord. [2001-037](#) §2 on 9/26/2001

Amended by Ord. [2001-044](#) §3 on 10/10/2001

Amended by Ord. [2003-005](#) §1 on 3/5/2003

Amended by Ord. [2003-028](#) §2 on 9/24/2003

Amended by Ord. [2005-026](#) §1 on 5/25/2005

Amended by Ord. [2006-031](#) §1 on 11/20/2006

**18.61 Table 1 La Pine Neighborhood Planning Area Density Standards**

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

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

**18.61 Table 2 La Pine Neighborhood Planning Area Zoning Standards**

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
LOT SIZE Single-family unit dwelling					
<b>NEIGHBORHOOD 1</b>					
Maximum square feet	7,000	4,500	N/A	N/A	N/A

Minimum square feet	4,000	2,400	N/A	N/A	N/A
NEIGHBORHOOD 2					
Maximum square feet	15,000	5,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
LOT SIZE Townhome					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
LOT SIZE Duplex Triplex					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
LOT SIZE Multi-family <del>unit dwelling</del> <u>unit dwelling</u>					
Maximum square feet	no maximum	no maximum	no maximum	N/A	N/A
Minimum square feet	15,000	10,000	10,000	N/A	N/A
LOT SIZE Other uses					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	None	None	7,000
LOT WIDTH					
Minimum (feet)	50' for detached dwellings 24' for attached town home	35' for detached single-family dwelling 24' for attached town home or zero	50'	50'	50'



		lot line development			
<b>LOT DEPTH</b>					
<b>Minimum (feet)</b>	<b>100'</b>	<b>100'</b>	<b>150'</b>	<b>150'</b>	<b>150'</b>
RESIDENTIAL DENSITY (per gross acre) <sup>(1)</sup>					
NEIGHBORHOOD 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
NEIGHBORHOODS 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
<b>SETBACKS</b>					
Primary Building					
Front	15' min.	10' min.	10' min.	10' min.	10' min.
Side	10' min.	None	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building exceeds 20' height
Side at corner <sup>(2)</sup>	10'	5' or 0 lot line	5'	5'	5'
Rear	10'	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5'
<b>GARAGE SETBACKS</b>					

Min. from front of building	5'	5'	5'	N/A	N/A
SPECIAL SETBACKS					
Percentage of the front side of the structure that shall be sited at the minimum front <del>yard</del> setback.	N/A	50% min. <sup>(2)</sup>	N/A	N/A	N/A
LOT COVERAGE					
Maximum	35%	50%	60%	60%	60%
BLOCK REQUIREMENTS <sup>(3)</sup>					
Maximum Perimeter	2,000'	1,600'	1,200'	N/A	1,200'
Maximum block length without pedestrian connection	600'	600'	400'	800'	600'
BUILDING HEIGHT					
Primary	30'	40' except Res. General standards apply to single family. Town homes 35 ft. max.	45' except Res. General standards apply to single family. Town homes 35 ft. max.	45'	30'
Accessory Dwelling or Building	20'	25'	30'	30'	25'

Higher with Conditional Use Permit	NO	YES up to 40'	YES	YES	NO
MINIMUM ONSITE PARKING	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116

NOTES: (1) Gross acres, excluding collector street right of way (2) Must meet clear vision requirements of DCC 18.116.020 (3) The block requirements not applicable to review and approval of quadrant plans.

#### HISTORY

Amended by Ord. [2000-015](#) §2 on 8/9/2000  
 Amended by Ord. [2001-037](#) §2 on 9/26/2001  
 Amended by Ord. [2001-044](#) §3 on 10/10/2001  
 Amended by Ord. [2003-005](#) §1 on 3/5/2003  
 Amended by Ord. [2003-077](#) §1 on 7/9/2003  
 Amended by Ord. [2004-006](#) §2 on 3/24/2004  
 Amended by Ord. [2004-013](#) §6 on 9/21/2004  
 Amended by Ord. [2005-026](#) §2 on 5/25/2005

#### **CHAPTER 18.62 (REPEALED)**

#### HISTORY

Adopted by Ord. [96-007](#) §1 on 3/27/1996  
 Repealed by Ord. [2000-015](#) on 8/9/2000

#### **CHAPTER 18.64 (REPEALED)**

#### HISTORY

Repealed by Ord. [2002-019](#) on 8/7/2002

#### **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

##### **18.65.010 Purpose**

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

## HISTORY

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

Amended by Ord. [2006-008](#) §6 on 8/29/2006

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

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

1. Single-~~unit-family~~ dwelling.
2. Manufactured ~~homedwelling~~, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Residential home.
5. ~~Two-family dwelling or d~~Duplex.
6. Agricultural uses, as defined in DCC Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
8. Class III road and street project.
9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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

1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
2. Residential use in conjunction with a permitted commercial use.
3. Park or playground.
4. Community building.
5. Public or semipublic building or use.
6. Highway maintenance facility.
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~~family dwelling with three or more units.
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 ~~home~~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. ~~Yard and~~ Setback Requirements.

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

E. Lot Requirements.

1. Residential Uses:
  - a. The minimum lot size for residential uses in Brothers, Hampton, and Millican is 2.5 acres.
  - b. Each lot or parcel shall have a minimum 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 a dwelling and accessory buildings used primarily~~ for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage ~~for buildings used primarily~~ for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, ~~yard~~-setbacks, and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop, and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
- b. Each lot or parcel shall have a minimum width of 150 feet.
- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

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 10/9/2024

**[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. Single-~~unit-family~~ dwelling.
2. Manufactured ~~homedwelling~~, subject to DCC 18.116.070
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Residential home.
5. Residential facility.
6. ~~Two-family dwelling or d~~duplex.
7. Agricultural uses, as defined in DCC Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.

8. 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.
  9. Class III road and street project.
  10. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
  2. Residential use in conjunction with a permitted commercial use.
  3. Park or playground.
  4. Community building.
  5. Public or semipublic building or use.
  6. 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. ~~Yard and~~ Setback Requirements.

1. The front ~~yard~~ setback shall be a minimum of 20 feet from a ~~property lot~~ line fronting on a local street right of way and 50 feet from a lot line fronting on an arterial right of way.
  2. The minimum side ~~yard~~ setback shall be 10 feet.
  3. The minimum rear ~~yard~~ setback shall be 20 feet.
  4. The minimum side and rear ~~yard~~ setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- E. Lot Requirements. The minimum lot size shall be the size 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 10/9/2024

#### [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. Single-~~unit family~~ dwelling, or a manufactured ~~home dwelling~~ subject to DCC 18.116.070.
  3. ~~Two family dwelling or d~~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.
- 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. ~~Yard and~~ Setback Requirements.
1. The front ~~yard~~ setback shall be a minimum of 20 feet from a ~~property lot~~ line fronting on a local street right of way and 50 feet from a lot line fronting on an arterial right of way.
  2. The minimum side ~~yard~~ setback shall be 10 feet.
  3. The minimum rear ~~yard~~ setback shall be 20 feet.
- E. Lot Requirements.
1. The minimum lot size is 5 acres.
  2. The minimum average width of lots or parcels 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 a dwelling and accessory buildings used primarily~~ for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage ~~for buildings used primarily~~ for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, ~~yard setbacks,~~ and any other elements under site plan review.
- F. Limitations on uses – RSC-Residential District. The following limitation shall apply to uses permitted in the RSC – Residential District:

1. Cows, horses, goats, or sheep cannot be kept on lots or parcels having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot or parcel divided by 20,000 square feet, which is the minimum area per animal.
2. The number of chickens, fowl, or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
3. All livestock shall be located a minimum of 100 feet away from a residential building on an ~~adjacent~~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 10/9/2024

#### **18.65.023 RSC; Open Space District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
  1. Agricultural uses, as defined in DCC Title 18, and excluding livestock feed lot sales yard, and hog or mink farms.
  2. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 022.
  3. Public wildlife reserve or management area, not including structures.
  4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  5. Class III road or street project.
  6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
  1. Private parks, picnic areas or hunting and fishing preserves.
  2. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
  3. Campground.

4. Utility facility except land disposal sites.
  5. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- C. ~~Yard and~~ Setback Requirements.
1. The front ~~yard~~ setback shall be a minimum of 20 feet from a ~~property lot~~ line fronting on a local street right of way and 50 feet from a lot line fronting on an arterial right of way.
  2. The minimum side ~~yard~~ setback shall be 10 feet.
  3. The minimum rear ~~yard~~ setback shall be 20 feet.
  4. The minimum side and rear ~~yard~~ setbacks for property lot lines that ~~is adjacent to are~~ abutting land zoned exclusive farm use shall be 50 feet.
- D. Lot Requirements. The minimum lot size shall be determined by the site plan requirements for a proposed public use.

#### HISTORY

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

Amended by Ord. [2023-001](#) §10 on 5/30/2023

#### 18.65.030 Standards For All Districts

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

#### HISTORY

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

#### 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](#)

### **18.66.010 Purpose**

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

#### HISTORY

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

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

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

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

1. Single-~~unit-family~~ dwelling or a manufactured ~~home-dwelling~~ subject to DCC 18.116.070.
2. ~~Two-family dwelling~~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 square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits, or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
8. Residential home.

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 ~~home-dwelling~~ park.

2. Multi-~~unit-family~~ dwelling complex.

3. Retirement center or nursing home.

4. Cluster development.

5. Religious institutions or assemblies.

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

7. Public or private school.

8. Park.

9. Public or semi-public building.

10. Utility facility.

11. Water supply or treatment facility.

12. Veterinary clinic.

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. Residential facility.

D. Lot Requirements.

1. Partitions:

- a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum width of 150 feet with a minimum parcel size of one acre.

- b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall have minimum parcel sizes as follows:
  - 1. For a single-~~unit-family~~ dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
  - 2. For a ~~two-family dwelling~~duplex, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
- c. For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:
  - 1. For a single-~~unitfamily~~ dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.
  - 2. For a ~~two-family dwelling~~duplex, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.

2. Subdivisions:

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

E. ~~Yard-Setback~~ Standards.

- 1. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
- 2. Side ~~YardSetback~~. A side ~~yard-setback~~ shall be a minimum of five feet and the sum of the ~~two-side yards-setbacks~~ shall be a minimum of 15 feet, subject to DCC 18.66.020(E)(4).
- 3. Rear ~~YardSetback~~. The minimum rear ~~yard-setback~~ shall be 20 feet, subject to DCC 18.66.020(E)(4).
- 4. Exception to ~~Yard-Setback~~ Standards. Any new structure requiring a building permit, on a lot or parcel ~~contiguous-abutting to~~ EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.
- 5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

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 10/9/2024

### **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:
1. Single-~~unit~~family\_dwelling or a manufactured ~~home~~dwelling subject to DCC 18.116.070.
  2. ~~Two-family dwelling~~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 square footage of the lot or parcel divided by 20,000 square feet.
    - b. Keeping of chickens, fowl, rabbits, or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
  5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
  6. Class III road or street project.
  7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
  8. Residential home.
- 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 ~~home~~dwelling park.
  2. Multi-~~unit~~family\_dwelling complex.

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

#### 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 10/9/2024

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

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

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

1. Single-~~unit~~family dwelling or ~~two-family~~duplex on a lot or parcel existing on June 4, 1997.
2. Manufactured ~~home-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.

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

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating or drinking establishment.
  - c. Offices.
  - d. Veterinary clinic and kennel entirely within an enclosed building.
  - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
  - 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 space.
  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 space.
  12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
    - a. Manufacturing and production.
    - b. Wholesale sales.
    - c. Mini-storage.
  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)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
    - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
    - b. The use will primarily employ a work force from the community and surrounding rural area; and
    - c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
  2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards.
- Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.
1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
  2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.

#### H. Dimensional Standards.

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

#### I. ~~Yard-Setback~~ Standards.

1. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3). The ~~street-front~~ setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on ~~adjoining-abutting~~ lots ~~or parcels~~.
2. Side ~~YardSetback~~. No requirement, subject to DCC 18.66.040(I)(4).
3. Rear ~~YardSetback~~. No specific requirements, subject to DCC 18.66.040(I)(4).
4. Exceptions to ~~Yard-Setback~~ Standards.
  - a. Lot lines ~~adjacent-to-abutting~~ a residential district. Any new structure requiring a building permit, sited on a lot ~~or parcel adjacent-abutting to~~ a residential district, shall be set back a minimum of 15 feet from the common property line. The required ~~yard-setback~~ shall be increased by one foot for each foot by which the building height exceeds 20 feet.
  - b. Lot line ~~adjacent-to-abutting~~ an EFU zone. Any new structure requiring a building permit, on a lot or parcel ~~adjacent-to-abutting~~ EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

#### 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 10/9/2024*

#### **[18.66.050 Commercial-Rural \(TeCR\) District](#)**

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

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

1. Single-~~unitfamily~~ dwelling on a lot or parcel existing on June 4, 1997.

2. Manufactured ~~home-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.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:
1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
    - a. Retail or service business.
    - b. Eating or drinking establishment.
    - c. Office.
    - d. Residential use in the same building as a use listed in DCC 18.66.050.
    - 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 space to be occupied by any combination of the following uses:
    - a. Manufacturing or production.
    - b. Wholesale sales.
    - c. Mini-storage.
    - d. Truck terminal.
    - e. Farm or contractor equipment storage, sales, service or repair.
    - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022-(3)(a).
  9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
  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 adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot 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 adjacent to or across a local or collector road from a lot or parcel in a residential district.

- c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance, or a court of competent jurisdiction.
- d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.

3. Traffic and Parking.

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

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

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

E. Requirements for Large Scale Uses.

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

west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code, and north into Jefferson County to include Crooked River Ranch.

- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.
1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
  2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot ~~or parcel~~ shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas, and off-street parking.
- H. Dimensional Standards.
1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal, and landscaping are satisfied.
  2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage ~~by all buildings, including~~ outside storage, ~~and or~~ off-street parking and loading areas.
- I. ~~Yard-Setback~~ Standards.
1. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b).  
The ~~street front~~ setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on ~~adjoining-abutting~~ lots ~~or parcels~~.
  2. Side ~~YardSetback~~. No requirement, subject to DCC 18.66.050(I)(4).
  3. Rear ~~YardSetback~~. No specific requirement, subject to DCC 18.66.050(I)(4).
  4. Exceptions to ~~Yard-Setback~~ Standards.
    - a. Lot line ~~adjacent to abutting~~ a residential zone. For all new structures requiring a building permit, on a lot ~~or parcel adjacent to abutting~~ a residential district, the setback shall be a minimum of 15 feet. The required ~~yard-setback~~ will be increased by one foot for each foot by which the building height exceeds 20 feet.
    - b. Lot line ~~adjacent to abutting~~ an EFU zone. Any structure requiring a building permit, on a lot ~~or parcel adjacent to abutting~~ EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.



## 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 10/9/2024

### **18.66.060 Standards For All Districts**

- A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- B. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- C. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116.
- D. Lot Coverage. Except where otherwise noted, ~~lot coverage shall not exceed the primary and accessory buildings located on any lot or parcel shall not cover more than~~ 30 percent of the total lot or parcel area.
- E. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.

## 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

### **18.66.070 Right-Of-Way Development Standards**

- A. Applicability. The standards in DCC 18.66.070 shall, in conjunction with the provisions of DCC 17.36, 17.40, and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use permit approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.66.070 shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 97, when there is a choice to take access from a road other than Highway 97, no access shall be taken from Highway 97.

- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.66-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Terrebonne Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of Table 18.66-A.
- E. Sidewalks.
1. Sidewalks shall meet the standards set forth in DCC 17.48.140 and Table 18.66-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Terrebonne, Map D3 "Planned Pedestrian Improvements."
  2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner's rights to have any objection to LID formation counted against formation of the LID.
- F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in Table 18.66-A, drainage shall be accomplished by swales constructed in accordance with the specifications set forth in Table 18.66-A and the drawing set forth in DCC 17.48.

#### HISTORY

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

#### **CHAPTER 18.66A TABLE; TERREBONNE ROAD DEVELOPMENT STANDARDS (1)**

Road Class/Zone District	Right-of-Way Width	Pavement Width <sup>(5)</sup>	Travel Lane Width	On-Street Parking <sup>(15)</sup>	Shoulder	Drainage Swale <sup>(7,8)</sup>	Sidewalk	Pavement Type	Base Depth <sup>(4)</sup>	Maximum Grade <sup>(6)</sup>	Design Speed	
<b>Arterial</b>												
<i>US 97</i>	80'-100'	60'	12'	Not Allowed	6' paved	Not Required	Not Required <sup>(9)</sup>	(see note #3)		6%	(see note #3)	
<i>Smith Rock Way</i>	<i>TeC</i>	60'	34'	12'	Not Allowed	5' paved	Required	Required <sup>(10)</sup>	3" AC	10"	6%	(see note #2)
	<i>TeR</i>	60'	34'	12'	Not Allowed	5' paved	Not Required	Not Required	3" AC	10"	6%	(see note #2)

<i>Lower Bridge Way</i>	60'	34'	12'	Not Allowed	5' paved	Not Required	Not Required	3" AC	10"	6%	(see note #2)	
<b>Collector</b>												
<i>Commercial</i>	<i>TeC</i>	60'	24'	12'	Allowed	Part of Swale	Required	Required <sup>(10)</sup>	3" AC	8"	8%	(see note #2)
	<i>TeCR</i>	60'	24'	12'	Allowed	4' gravel	Not Required	Not Required	3" AC	8"	8%	(see note #2)
<i>Residential</i>	<i>TeR</i>	60'	24'	12'	Allowed	Part of Swale	Not Required <sup>(11)</sup>	Not Required <sup>(11)</sup>	3" AC	8"	8%	(see note #2)
<b>Local</b>												
<i>Commercial</i>	<i>TeC</i>	60'	24'	12'	Allowed	Part of Swale	Required	Required <sup>(9)</sup>	3" AC	8"	8%	(see note #2)
	<i>TeCR</i>	60'	24'	12'	Allowed	4' gravel	Not Required	Not Required	3" AC	8"	8%	(see note #2)
<i>Residential</i>	<i>TeR</i>	60'	20'	10'	Allowed	4' gravel	Not Required <sup>(12)</sup>	Not Required <sup>(12)</sup>	0-9 or 2" AC	6"	10%	(see note #2)
<b>Other</b>												
Alley (Commercial)	20'	20'	10'	Allowed	Allowed	Not Required	Not Required	3" AC	6"	10%	(see note #2)	
Path/Trail	15'	6' unpaved 8'-10' paved	--	--	graded 2' min. if paved	--	--	2" AC	4"	5%	--	

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

19th Street to 15th Street on the south side of "C" Avenue (see Terrebonne Comprehensive Plan Map D-3). (12) 5-foot curbless sidewalks with drainage swales required along school frontage on "B" Avenue and 5th Street (see Terrebonne Comprehensive Plan Map D-3). (13) Frontage roads shall be in accordance with Table A contained in Title 17, Chapter 17.48 of the Deschutes County Code. (14) Private roads shall be constructed in accordance with Table 18-66-A standards for local roads. (15) Where allowed, parking must be off pavement.

## **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 (TuI) District**

### **18.67.070 Flood Plain (TuFP) District**

### **18.67.080 Standards For All Districts**

### **18.67.090 Right-Of-Way Development Standards**

### **18.67.010 Purpose**

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

#### HISTORY

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

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

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

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
1. Single-~~unit~~family dwelling, or a manufactured ~~home~~-dwelling subject to DCC 18.116.070.
  2. ~~Two-family dwelling~~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 one for each 20,000 square feet.
    - b. Keeping of chickens, fowl, rabbits, or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.

5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
  6. Class III road or street project.
  7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
  8. Residential home.
- 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~~family\_dwelling complex.
  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 Requirements.
1. Partitions:

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

2. Subdivisions:

- a. For subdivisions involving multi-~~unitfamily~~ dwellings, a manufactured ~~home 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-~~unitfamily dwellings~~ and ~~two-family dwellingsduplexes~~ the standards set forth in DCC 18.67.020(D)(1) shall apply.

E. ~~Yard-Setback~~ Standards.

1. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side ~~YardSetback~~. A side ~~yard-setback~~ shall be a minimum of five feet and the sum of the ~~two-side yards-setbacks~~ shall be a minimum of 15 feet, subject to DCC 18.67.020(E)(4).
3. Rear ~~YardSetback~~. The minimum rear ~~yard-setback~~ shall be 20 feet, subject to DCC 18.67.020(E)(4).
4. Exception to ~~Yard-Setback~~ Standards. Any new structure requiring a building permit, on a lot or parcel ~~contiguous to abutting~~ EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

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 10/9/2024

### 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.
1. Single-~~unit~~family dwelling or a manufactured ~~home~~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 square footage of the lot or parcel divided by 20,000 square feet.
    - b. Keeping of chickens, fowl, rabbits, or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
  4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
  5. Class III road or street project.
  6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
  7. Residential home.
- 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 Requirements. The minimum lot or parcel size in the TuR5 District is five acres.
- E. ~~Yard-Setback~~ Standards.
1. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
  2. Side ~~YardSetback~~. A side ~~yard-setback~~ shall be a minimum of five feet and the sum of the ~~two~~-side ~~yards-setbacks~~ shall be a minimum of 15 feet, subject to DCC 18.67.030(E)(4).
  3. Rear ~~YardSetback~~. The minimum rear ~~yard-setback~~ shall be 20 feet, subject to DCC 18.67.030(E)(4).
  4. Exception to ~~Yard-Setback~~ Standards. Any new structure requiring a building permit<sub>z</sub> on a lot ~~or parcel adjacent to~~abutting EFU-zoned land that is receiving special assessment for farm use<sub>z</sub> shall be set back a minimum of 100 feet from the common property 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 10/9/2024

#### [18.67.040 Commercial \(TuC\) District](#)

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

- A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
1. Single-~~unit family~~ dwelling or duplex.
  2. Manufactured ~~home-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.
- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, and 18.124:
1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
    - a. Retail or service business.
    - b. Eating and/or drinking establishment.
    - c. Offices.
    - d. Residential use in the same building as a use permitted in DCC 18.67.040.
    - 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 homedwelling/RV park on a lot or parcel in use as a manufactured home 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 home-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 space.
    - 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 space:
    - 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 adjacent to or across a local or collector street from a lot or parcel in a residential district.
  2. Traffic and Parking.
    - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity, and level of service of the affected transportation facility.
    - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.
- E. Requirements for Large Scale Uses.

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

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

2. Side YardSetback. No requirement, subject to DCC 18.67.040(I)(4).
3. Rear YardSetback. No specific requirement, subject to DCC 18.67.040 (I)(4).
4. Exceptions to Yard-Setback Standards.
  - a. Lot line adjacent-to-abutting a residential zone.  
For all new structures or substantial alterations of a structure requiring a building permit, on a lot or parcel adjacent-to-abutting a residential district, the setback shall be a minimum of 15 feet. The required yard-setback will be increased by one foot for each foot by which the building height exceeds 20 feet.
  - b. Lot line adjacent-to-abutting an EFU zone. Any structure requiring a building permit, on a lot or parcel adjacent-to-abutting EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

#### 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 10/9/2024

#### **[18.67.050 Research And Development \(TuRE\) District](#)**

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

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright:
  1. Farming, except for livestock feed lot or sales yard, hog or mink farms.
  2. Office buildings associated with research and development.

3. Research and development laboratories.
  4. ~~Residence-Dwelling unit~~ for caretaker or night watchman on property with existing research and development use.
  5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
  6. Class III road or street project.
  7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Manufacturing and assembly of electronic instruments and equipment and electrical devices.
  2. Manufacturing and assembly of precision instruments, tools, or devices.
  3. Manufacturing of medicines and pharmaceuticals.
  4. Limited incidental manufacture of a research product.
  5. Restaurant and cafeteria facilities for employees.
  6. ~~Excavation, grading, and fill-Fill and-or~~ removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
  7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  8. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- C. Use limitations. The following limitations and standards shall apply to all permitted uses:
1. Any use on a lot ~~or parcel~~ adjacent to or across a street from a residential use, ~~or residential lot, or residential parcel~~ in a platted subdivision or residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or other similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use, ~~residential lot, or residential parcel~~.
  2. All parking demand created by any use permitted by DCC 18.67.050 shall be accommodated on the applicant's premises entirely off-street.
  3. No use permitted by DCC 18.67.050 shall require the backing of traffic onto a public or private street or road right of way.

4. There shall be only one ingress.
  5. All uses shall be screened from ~~adjoining-abutting~~ residential uses by densely planted trees and shrubs or sight-obscuring fencing.
  6. No use shall be permitted to operate between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential use, ~~or residential lot, or residential parcel~~ in a platted subdivision or residential zone if the use creates noise in violation of the County Noise Ordinance except as provided by DCC 8.08.090(A).
  7. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential use, ~~or residential lot, or residential parcel~~.
- D. Dimensional standards. In the R&D Zone, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.050 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water, and land resource quality and to protect ~~adjoining-abutting~~ and area land uses.
  2. No use which is located adjacent to or across a street from a residential use, ~~or residential lot, or residential parcel~~ in a platted subdivision or residential zone shall exceed more than 70 percent lot coverage ~~by all buildings, including~~ storage areas or facilities, and required off-street parking and loading areas.
  3. The minimum building setback between a structure and a street, road, or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
  4. The minimum setback between a structure and a ~~property-lot~~ line ~~adjoining-abutting~~ a residential lot, ~~residential parcel~~, or ~~residential~~ use in a platted subdivision or residential zone shall be 50 feet.
  5. The minimum setback between a structure and an existing use shall be three feet from the ~~property-lot~~ line and six feet from a structure on the ~~adjoining-abutting~~ property.
  6. The maximum building height shall be 25 feet on any lot ~~adjacent to abutting~~ or across the street from a residential use, ~~or residential lot, or residential parcel~~ in a platted subdivision or residential zone.
  7. The minimum lot ~~street~~ frontage shall be 50 feet.
- E. R&D Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways

and neighboring residential uses, and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.

- F. Design and use criteria. In the consideration of an application for a proposed use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The proposal is in compliance with the Comprehensive Plan.
  2. The proposal is in compliance with the intent and provisions of DCC Title 18.
  3. That any adverse social, economical, physical or environmental impacts are minimized.
- G. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
  2. Additional off-street parking and loading facilities.
  3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
  4. Additional landscaping, screening and other improvements.
  5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.

#### 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*

#### **[18.67.060 Industrial \(Tul\) District](#)**

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

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

4. ~~Residence-Dwelling unit~~ for caretaker or night watchman on property with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
  5. Equipment storage associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
  6. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
  7. Class III road or street project.
  8. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.
1. Expansion or replacement of uses allowed under DCC 18.67.060(A);
  2. Office buildings associated with industrial uses;
  3. Restaurant and cafeteria facilities associated with industrial uses;
  4. ~~Residence-Dwelling unit~~ for caretaker or night watchman on property with industrial uses;
  5. Equipment storage associated with industrial uses;
  6. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
    - a. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
    - b. Ornamental horticultural products and nurseries.
    - c. Softwood and hardwood products excluding pulp and paper manufacturing.
    - d. Sand, gravel, clay, and other mineral products.
  7. Freight depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck;
  8. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.;
  9. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by site-obscuring fencing.
  10. Mini-storage facility.



11. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities;
  12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Any use permitted by DCC 18.67.060(B) which will exceed 40,000 square feet of floor area;
  2. Concrete or ready mix plant;
  3. Stockpiling, storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete;
  4. Buildings, structures, apparatus, equipment, and appurtenances necessary for the above uses to be carried on.
  5. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  6. Psilocybin testing laboratories.
- D. Use limitations. The following limitations and standards shall apply to all permitted uses:
1. A new industrial use may occupy more than 40,000 square feet of floor area in a building or buildings provided an analysis set forth in the comprehensive plan demonstrates and land use regulations ensure:
    - a. The use will primarily employ a work force from the community and surrounding rural area and will not rely upon a work force served by uses within urban growth boundaries. The determination of the work force of the community shall consider the total industrial employment in the community and surrounding rural area and be coordinated with employment projections for nearby urban growth boundaries; and
    - b. It is not practical to contain the proposed use within 40,000 square feet of the floor area.
  2. For the purposes of DCC 18.67.060, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- E. Dimensional standards. In the Industrial Zone, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.060 relative to setback requirements, off-street parking and loading, and as deemed

necessary by the Planning Director or Hearings Body, to maintain air, water, and land resource quality, and to protect ~~adjoining-abutting~~ and area land uses.

2. The minimum building setback between a structure and a street, road, or railroad right-of-way line shall be 25 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
  3. The minimum setback between a structure and a ~~property-lot~~ line ~~adjoining-abutting~~ a residential lot, residential parcel, or residential use in a platted subdivision or residential zone shall be 50 feet.
  4. The minimum setback between a structure and an existing use shall be three feet from the ~~property-lot~~ line and six feet from a structure on the ~~adjoining-abutting~~ property.
  5. The maximum building height shall be 45 feet on any lot ~~adjacent to abutting~~ a residential use, ~~or residential lot, or residential parcel~~ in a platted subdivision or residential zone.
  6. The minimum lot street frontage shall be 50 feet.
  7. Exception to Yard-Setback Standards. Any new structure requiring a building permit on a lot or parcel adjacent to abutting EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.
- F. Industrial Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping, and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses, and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- G. Design and use criteria. In the consideration of an application for a new industrial use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The new use is in compliance with the Comprehensive Plan.
  2. The new use is in compliance with the intent and provisions of DCC Title 18.
  3. That any adverse social, economical, physical or environmental impacts are minimized.
- H. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
  2. Additional off-street parking and loading facilities.
  3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.

4. Additional landscaping, screening, and other improvements.
  5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.
- I. For purposes of this chapter, a new industrial use does not include industrial uses in existence on the date of Ord. 2005-16. Unless expanded or altered, industrial uses in existence on the date of adoption of the TUI District are not subject to the requirements of 18.67.060(B) or 18.67.060(C).

#### HISTORY

Adopted by Ord. [2005-016](#) §1 on 4/27/2005

Amended by Ord. [2015-004](#) §6 on 4/22/2015

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

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

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

#### **18.67.070 Flood Plain (TuFP) District**

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

#### HISTORY

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

#### **18.67.080 Standards For All Districts**

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

HISTORY

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

Amended by Ord. [2015-016](#) §4 on 3/28/2016

**18.67.090 Right-Of-Way Development Standards**

- A. Applicability. The standards in DCC 18.67.090 shall, in conjunction with the provisions of DCC 17.36, 17.40, and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.67.090 shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 20, when there is a choice to take access from a road other than Highway 20, no access shall be taken from Highway 20.
- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.67-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Tumalo Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of DCC Title 17, Table 18.67-A.
- E. Sidewalks.
  - 1. Sidewalks shall meet the standards set forth in Table 18.67-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Tumalo, Map D1 “Planned Pedestrian Improvements.”
  - 2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner’s rights to have any objection to LID formation counted against formation of the LID.
- F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in DCC Title 17, Table 18.67-A drainage shall be accomplished by swales constructed in accordance with the specifications set forth in DCC Title 17, Table 18.67-A and the drawing set forth in DCC 17.48.

HISTORY

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

Amended by Ord. [2024-008](#) §10 on 10/9/2024

**CHAPTER 18.67A TABLE; TUMALO ROAD DEVELOPMENT STANDARDS (1)**

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

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

## **CHAPTER 18.68 (REPEALED)**

### **HISTORY**

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

**CHAPTER 18.72 (REPEALED)**

## HISTORY

Repealed by Ord. [2002-002](#) on 6/5/2002

**CHAPTER 18.74 RURAL COMMERCIAL ZONE**18.74.010 Purpose18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store18.74.025 Uses Permitted; Spring River18.74.027 Uses Permitted; Pine Forest And Rosland18.74.030 Development Standards18.74.050 Maps**18.74.010 Purpose**

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

## HISTORY

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

Amended by Ord. [2003-080](#) §1 on 1/6/2004

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

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-~~unit~~family dwelling.
  2. Manufactured ~~home~~-dwelling subject to DCC 18. 1-16.-070.
  3. ~~Two-family dwelling~~Duplex.
  4. Type 1 Home Occupation, subject to DCC 18. 1-16.-280.
  5. Agricultural uses.
  6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
  7. Class III road or street project.
  8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.
  9. Residential home.
- 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 space to be used by any combination of the following uses.
    - a. Restaurant, café or delicatessen.
    - b. Grocery store.
    - c. Tavern.
    - d. Retail sporting goods and guide services.
    - e. Barber and beauty shop.
    - f. General store.
    - g. Video store.
    - h. Antique, art, craft, novelty, and second hand sales if conducted completely within an enclosed building.
  2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
  3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
    - a. Retail sales of agricultural or farm products.
    - b. Farm machinery sales and repair.
    - c. Kennel.
    - d. Veterinary clinic.
    - e. Automobile service station and repair garage, towing service, fuel storage, and sales.
    - f. Public or semi-public use.
    - g. Residential use in the same building as a use permitted by this chapter.
    - h. Park or playground.
  4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. 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 space to be used by any combination of the following uses.
    - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
    - b. Utility facility.
    - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
    - d. 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 10/9/2024

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

- A. Uses Permitted subject to Site Plan Review.
1. Retail/rental store, office, or service establishment.
    - a. Use Limitations. Each use in section (A)(1) shall not exceed 2,500 square feet of building floor space on a single lot or parcel.
    - b. Building Limitations. For (A)(1) uses, if multiple buildings are located on a single lot or parcel, the total square feet of floor space for each building shall not exceed 2,500 square feet.



- c. The applicable provisions of this chapter, along with DCC 18.116 and 18.124, apply to retail/rental store, office or service establishments, including but not limited to the following uses and their accessory uses:
1. Fishing supplies and equipment.
  2. Snowmobiling accessories.
  3. Marine accessories.
  4. General store.
  5. Hardware store.
  6. Convenience store with gas pumps.
  7. Eating and drinking establishment.
  8. Recreational rental equipment store.
  9. Excavation business.
  10. Landscaping business/service.
  11. Health care service.
  12. Beauty shop.
  13. Video store.
  14. Post office.
  15. Party supply.
  16. Equipment sales and rental.
  17. Appliance store.
  18. Bank.
  19. Exterminator.
  20. Private mailing and packaging store.
  21. Bakery.
- d. Expansion of a nonconforming use listed in section (A)(1), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
2. Pet, livestock supply and farm machinery sales and repair.
- a. Use Limitations. Each use in section (A)(2) shall not exceed 3,500 square feet of building floor space on a single lot or parcel, whether the use is contained within a single or multiple buildings.

- b. Building Limitation. For section (A)(2) uses, if multiple buildings are located on a single lot or parcel, the total square feet of floor space for each building shall not exceed 3,500 square feet.
- c. The applicable provisions of this chapter, along with DCC 18.116 and 18.124, apply to the following uses and their accessory uses, and any combination of these uses:
  1. Pet and livestock supply
  2. Farm machinery sales and repair.
- d. Expansion of a nonconforming use listed in section (A)(2), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.

B. Conditional Uses.

1. Use Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot or parcel, whether the use is contained within a single or multiple buildings.
2. Buildings Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot or parcel.
3. The applicable provisions of this chapter, along with DC 18.116.124 and 18.128, apply to the following uses and their accessory uses:
  - a. Full service gas station with automobile repair services.
  - b. Welding shop.
  - c. Mini-storage units
  - d. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  - e. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
4. Expansion of a nonconforming use listed in section B, existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Definitions. For the purposes of DCC 18.-74.120, the following definitions shall apply:

1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.

2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.
4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.
5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
7. Post office: United States Postal Service office including mail pick-up and distribution.
8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
14. Bakery: The manufacture and sale of bread, donuts and pastries.
15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.

#### HISTORY

*Amended by Ord. [96-023](#) §1 on 3/20/1996*

*Amended by Ord. [96-046](#) §1 on 7/3/1996*

*Amended by Ord. [97-015](#) §1 on 3/26/1997*

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

*Amended by Ord. [2006-008](#) §7 on 8/29/2006*

*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. [2020-017](#) §1 on 1/29/2021

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

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

- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
- B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
  - 1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
    - a. Eating and drinking establishments.
    - b. Retail store, office, and service establishments.
    - c. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
  - 2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
  - 3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
    - a. Sales of agricultural or farm products.
    - b. Farm machinery sales and repair.
    - c. Kennel or veterinary clinic.
    - d. Automobile service station, repair garage, towing service, fuel storage, and fuel sales.
    - e. Public or semi-public use.
    - f. Residential use in the same building as a use permitted in this chapter.
    - g. Park or playground.
  - 4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
  - 5. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124, and 18.128:

1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:
  - a. Home occupation as defined in DCC 18.04.
  - b. Utility facility.
  - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  - d. Religious institutions or assemblies.
  - e. School.
  - f. Marijuana retailing, subject to the provisions of DCC 18.116.330.
2. Recreational vehicle park.
3. Mini-storage facilities limited to 35,000 square feet in size.
4. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

#### HISTORY

Adopted by Ord. [2003-080](#) §1 on 1/6/2004

Amended by Ord. [2007-007](#) §1 on 3/5/2007

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. [2022-014](#) §5 on 4/4/2023

#### **18.74.030 Development Standards**

##### A. ~~Yard-Setback~~ Standards.

1. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side ~~YardSetback~~. A side ~~yard-setback~~ shall be a minimum of 10 feet, except a lot or parcel with a side ~~yard-lot line adjacent to abutting~~ land zoned exclusive farm use or forest use shall have a minimum side ~~yard-setback~~ of 50 feet.
3. Rear ~~YardSetback~~. The minimum rear ~~yard-setback~~ shall be 20 feet, except a lot or parcel with a rear ~~yard-lot line adjacent to abutting~~ land zoned exclusive farm use or forest use shall have a minimum rear ~~yard-setback~~ of 50 feet.

- B. Existing Residential and Commercial Lots. On-site sewage disposal. For existing lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to approval of a site plan or conditional use permit.

C. New Lot Requirements

1. Residential Uses.

- a. The minimum lot size is one (1) acre.
- b. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

2. Commercial and Public Uses.

- a. The minimum lot size for a commercial use served by an on-site septic system and individual well or community water system shall be the size necessary to accommodate the use.
- b. Each lot or parcel shall have a minimum width of 150 feet.
- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

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

E. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

F. Lot Coverage.

1. Lot coverage ~~for dwellings and accessory buildings used primarily~~ for residential purposes shall not exceed ~~twenty five (25)~~ percent of the total lot or parcel area.
2. Lot coverage ~~for buildings used primarily~~ for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, ~~yard setbacks~~<sub>2</sub> and any other elements under site plan review.
3. Primary and accessory buildings to be used for purposes other than residential, commercial<sub>2</sub> or industrial shall not cover more than 30 percent of the total lot or parcel.

G. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under DCC 18.120.040.

H. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.

I. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.

J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.

## HISTORY

Adopted by Ord. [2002-019](#) §2 on 8/7/2002  
 Amended by Ord. [2003-080](#) §1 on 1/6/2004  
 Amended by Ord. [2006-008](#) §7 on 8/29/2006  
 Amended by Ord. [2007-007](#) §1 on 3/5/2007  
 Amended by Ord. [2008-008](#) §1 on 3/18/2008  
 Amended by Ord. [2020-017](#) §1 on 1/29/2021

**[18.74.050 Maps](#)**

## HISTORY

Adopted by Ord. [2002-019](#) §2 on 8/7/2002  
 Amended by Ord. [2003-080](#) §1 on 1/6/2004  
 Amended by Ord. [2007-007](#) § 2 on 3/5/2007

**[CHAPTER 18.76 AIRPORT DEVELOPMENT ZONE; A-D](#)**[18.76.010 Purpose](#)[18.76.015 Definitions](#)[18.76.020 Standards In All Districts](#)[18.76.030 Uses Permitted Outright](#)[18.76.040 Conditional Uses](#)[18.76.050 Use Limitations](#)[18.76.060 Dimensional Standards](#)[18.76.070 Airfield Operations District \(AOD\)](#)[18.76.080 Aviation Support District \(ASD\)](#)[18.76.090 Aviation-Related Industrial District \(ARID\)](#)[18.76.100 Design And Use Criteria](#)[18.76.105 Hangars](#)[18.76.110 Additional Requirements](#)**[18.76.010 Purpose](#)**

The purpose of the Airport Development (AD) Zone is to allow for development compatible with ongoing airport use consistent with the most recently adopted Deschutes County Year Comprehensive Plan and the most recently approved Bend Airport Master Plan, while providing for public review of proposed development likely to have significant impact on surrounding lands. The AD Zone is composed of three separate zoning districts, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.76.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991  
 Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003  
 Amended by Ord. [2020-018](#) §1 on 3/30/2021

### 18.76.015 Definitions

The following definitions apply only to Chapter 18.76. “Customary and usual aviation-related activities” include, but are not limited to, takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a ~~residence~~ dwelling unit for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing; and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110. “Fixed-base operator or FBO” means a commercial business granted the right by the airport sponsor to operate on an airport and provide aeronautical services such as fueling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, etc. “Hangar” means an airport structure intended for the following uses:

- A. Storage of active aircraft.
- B. Shelter for maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational aircraft.
- C. Construction of amateur-built or kit-built aircraft
- D. Storage of aircraft handling equipment, e.g., tow bar, glider tow equipment, workbenches, and tools and materials used to service, maintain, repair or outfit aircraft: items related to ancillary or incidental uses that do not affect the hangars' primary use.
- E. Storage of materials related to an aeronautical activity, e.g., balloon and skydiving equipment, office equipment, teaching tools, and materials related to ancillary or incidental uses that do not affect the hangars' primary use; storage of non-aeronautical items that do not interfere with the primary aeronautical purpose of the hangar (for example, televisions, furniture).
- F. A vehicle parked at the hangar while the aircraft usually stored in that hangar is flying, subject to local airport rules and regulations.
- G. A hangar may include restrooms, pilot lounge, offices, briefing rooms, and crew quarters.

#### HISTORY

Adopted by Ord. [2020-018](#) §1 on 3/30/2021

### 18.76.020 Standards In All Districts

- A. Approval Required. Any use in an AOD, ASD, or ARID District shall be subject to DCC 18.124.
  1. Hangars not associated with a commercial or industrial use are exempt from DCC 18.124.
  2. Airfield improvements including but not limited to runways, taxiways, taxilanes, aircraft parking aprons, service roads, navigational aids, and runway and safety facilities required by the Federal Aviation Administration (FAA) are not subject to County review.
- B. Solar Setbacks. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180.



- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.
- F. ~~Excavation, Grading, and Fill~~ and or Removal. ~~Excavation, grading, and fill~~ Fill and or removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.
- G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.
- H. Notification. Deschutes County shall provide notification of all land use applications in an AD zone to the airport manager owner's designee in accordance with the provisions of DCC Title 22.

#### HISTORY

*Adopted by Ord. [2003-036](#) §2 on 11/5/2003*

*Amended by Ord. [2020-018](#) §1 on 3/30/2021*

#### **[18.76.030 Uses Permitted Outright](#)**

The following uses and their accessory uses are permitted outright in all of the Airport Districts:

- A. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- B. Class III road or street project.
- C. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- D. Farm use as defined in DCC Title 18.
- E. Customary and usual aviation-related activities.
- F. Hangars are subject to the standards and criteria established by DCC 18.76.105.

#### HISTORY

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

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

*Amended by Ord. [93-043](#) §11 on 8/25/1993*

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

*Amended by Ord. [2001-039](#) §10 on 12/12/2001*

*Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003*

*Amended by Ord. [2020-018](#) §1 on 3/30/2021*

#### **[18.76.040 Conditional Uses](#)**

The following uses may be allowed in all of the Airport Districts subject to DCC 18.128.

- A. Farm accessory buildings and uses, excluding residential uses.
- B. Utility facility necessary for public service except land disposal sites.
- C. ~~Excavation, grading, and fill~~ Fill and/or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270.

#### HISTORY

*Adopted by Ord. [PL-15](#) §4.160(3) on 11/1/1979*

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

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

*Amended by Ord. [2001-039](#) §10 on 12/12/2001*

*Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003*

*Amended by Ord. [2023-001](#) §11 on 5/30/2023*

#### [18.76.050 Use Limitations](#)

The following limitations and standards shall apply to all permitted uses in the Airport Districts:

- A. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, power lines, etc., shall not exceed 35 feet.
- B. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
- C. All parking demand created by any use permitted by DCC 18.76 shall be accommodated on the subject premises entirely off-street.
- D. No use permitted by DCC 18.76 shall require the backing of traffic onto a public or private street or road right of way.
- E. No power lines shall be located in clear zones.
- F. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.

#### HISTORY

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

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

*Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003*

#### [18.76.060 Dimensional Standards](#)

The following dimensional standards shall apply in the Airport Districts:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.76 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations, or as deemed necessary by the Planning Director or Hearings Body to maintain air, land, and water resource quality, protect ~~adjoining~~ abutting and area land uses, and to ensure resource carrying capacities are not exceeded.

- B. An airport related use or structure located adjacent to or across the street from an existing residential use, ~~or~~ platted residential lot, or platted residential parcel shall not exceed 70 percent lot coverage and shall require off-street parking and loading areas.
- C. The minimum setback between any structure and an arterial or collector right of way shall be 50 feet. The minimum setback between any structure and all local streets shall be 20 feet.
- D. The minimum setback between any structure and a ~~property lot~~ line adjoining abutting a residential use, ~~or residential lot, or residential parcel~~ shall be 50 feet.
- E. The minimum lot or parcel street frontage shall be 50 feet.
- F. The minimum side setback between any structure and a property side lot line shall be three feet, and the minimum total of ~~both~~ side setbacks shall be 12 feet.
- G. The minimum rear setback between any structure and a rear property lot line shall be 50 feet.
- H. The minimum setback from internal airport streets, access roads, and drives shall be 10 feet from the edge of pavement.

#### HISTORY

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

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

*Amended by Ord. [94-008](#) §24 on 6/8/1994*

*Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003*

*Amended by Ord. [2020-018](#) §1 on 3/30/2021*

#### **[18.76.070 Airfield Operations District \(AOD\)](#)**

Uses Permitted Outright. The uses permitted outright are those listed under DCC 18.76.030.

#### HISTORY

*Adopted by Ord. [2003-036](#) §2 on 11/5/2003*

*Amended by Ord. [2020-018](#) §1 on 3/30/2021*

#### **[18.76.080 Aviation Support District \(ASD\)](#)**

- A. Uses Permitted Outright. The uses permitted outright are those listed under DCC 18.76.030.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
  1. Restaurant, which may include a bar or cocktail lounge as an accessory use. One restaurant per airport. Restaurant, including any accessory use, to be 2,500 square feet or less in size.
  2. Airport or aviation-related businesses that benefit from an on-airport location.

#### HISTORY

*Adopted by Ord. [2003-036](#) §2 on 11/5/2003*

Amended by Ord. [2004-013](#) §8 on 9/21/2004

Amended by Ord. [2020-018](#) §1 on 3/30/2021

### **18.76.090 Aviation-Related Industrial District (ARID)**

Uses Permitted Outright. The uses permitted outright are those listed under DCC 18.76.030:

- A. Airport or aviation-related commercial or industrial businesses that benefit from an on-airport location.

#### HISTORY

Adopted by Ord. [2003-036](#) §2 on 11/5/2003

Amended by Ord. [2020-018](#) §1 on 3/30/2021

### **18.76.100 Design And Use Criteria**

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the current version of the adopted Bend Airport Master Plan.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical, or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading, and storage areas from public ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

#### HISTORY

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

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

Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003

Amended by Ord. [2018-006](#) §9 on 11/20/2018

Amended by Ord. [2024-008](#) §12 on 10/9/2024

### 18.76.105 Hangars

- A. Review Process.
1. Hangars, as defined in section 18.76.015, shall be processed as a development action pursuant to DCC 22.16 and are not subject to DCC 18.124.
  2. Hangars intended to support fixed based operators, flight schools, paint shops, and other commercial and industrial uses are subject to DCC 18.124.
- B. Hangar Approval Criteria.
1. The location and height of proposed structures must be clear of FAA protected surfaces including runway safety area, runway protection zone, runway object free area, taxiway/taxilane object free area, FAA Part 77 surfaces, FAA TERPS surfaces, and other clear areas identified on the currently adopted Airport Layout Plan.
  2. No above ground utility installations shall be allowed.
  3. All exterior lighting shall be shielded so that direct light does not project off site pursuant to DCC 15.10.
  4. Parking Requirement.
    - a. Hangars under 10,000 square feet of floor space are not subject to the parking requirement under DCC 18.116.030(8).
    - b. Hangars greater than or equal to 10,000 square feet of floor space are subject to the parking requirement under DCC 18.116.030(8). This required vehicle parking can be accommodated inside the hangar.

#### HISTORY

Adopted by Ord. [2020-018](#) §1 on 3/30/2021

### 18.76.110 Additional Requirements

As a condition of approval for any conditional use proposed within the AD Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress, and building heights.
- D. Additional landscaping, screening, and other improvements.
- E. Glare-resistant materials in construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the Comprehensive Plan.

## HISTORY

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

Amended by Ord. [80-221](#) §1 on 1/7/1980

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

Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003

## **CHAPTER 18.80 AIRPORT SAFETY COMBINING ZONE; A-S**

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[18.80.022 Definitions](#)

[18.80.024 Imaginary Surface And Noise Impact Boundaries](#)

[18.80.026 Notice Of Land Use And Permit Applications](#)

[18.80.028 Height Limitations](#)

[18.80.030 Redmond Municipal Airport](#)

[18.80.032 Bend Municipal Airport](#)

[18.80.034 Sunriver Airport](#)

[18.80.036 Sisters Eagle Air Airport](#)

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[18.80.072 Water Impoundments](#)

[18.80.074 Wetland Mitigation, Creation, Enhancement And Restoration](#)

[18.80.076 Water Impoundment Notification](#)

[18.80.078 FAA Notification \(Form 7460-1\)](#)

[18.80 Table 1 Land Use Compatibility](#)

[18.80 Table 2 Noise Compatibility](#)

[18.80 Declaration Of Anticipated Noise](#)

### **18.80.010 Purpose**

In any zone that is overlain by an Airport Safety Combining Zone (AS Zone), the requirements and standards of DCC 18.80.010 shall apply in addition to those specified in the ordinance for the underlying zone. If a conflict in regulations or standards occurs, the more restrictive provisions shall govern.

The purpose of the AS Zone is to restrict incompatible land uses and airspace obstructions around airports in an effort to maintain an airport's maximum benefit. The imaginary surfaces and zones; boundaries and their use limitations comprise the AS Zone. Any uses permitted outright or by conditional use in the underlying zone are allowed except as provided for in DCC 18.80.044, 18.80.050, 18.80.054, 18.80.056 and 18.80.058. The protection of each airport's imaginary surfaces will be

accomplished through the use of those land use controls deemed necessary to protect the community it serves. Incompatible uses may include the height of trees, buildings, structures or other items and uses that would be subject to frequent aircraft over-flight or might intrude into areas used by aircraft.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **18.80.020 Application Of Provisions**

The provisions of DCC 18.80.020 shall only apply to unincorporated areas located under airport imaginary surfaces and zones, including approach surfaces, transitional surfaces, horizontal surfaces, conical surfaces and runway protection zones. While DCC 18.80 identifies dimensions for the entire imaginary surface and zone, parts of the surfaces and/or zones do not apply within the Redmond, Bend or Sisters Urban Growth Boundaries. The Redmond Airport is owned and operated by the City of Redmond, and located wholly within the Redmond City Limits.

Imaginary surface dimensions vary for each airport covered by DCC 18.80.020. Based on the classification of each individual airport, only those portions (of the AS Zone) that overlay existing County zones are relevant.

Public use airports covered by DCC 18.80.020 include Redmond Municipal, Bend Municipal, Sunriver and Sisters Eagle Air. Although it is a public-use airport, due to its size and other factors, the County treats land uses surrounding the Sisters Eagle Air Airport based on the ORS 836.608 requirements for private-use airports. The Oregon Department of Aviation is still studying what land use requirements will ultimately be applied to Sisters. However, contrary to the requirements of ORS 836.608, as will all public-use airports, federal law requires that the FAA Part 77 surfaces must be applied. The private-use airports covered by DCC 18.80.020 include Cline Falls Airpark and Juniper Airpark.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **18.80.022 Definitions**

- A. Aircraft. Helicopters and airplanes, but not hot air balloons or ultralights. (Balloons are governed by FAR Part 30, and ultralights by FAR Part 103. Ultralights are basically unregulated by the FAA.)
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface. (Redmond, Bend, and Sunriver)
- D. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.

- E. Airport Imaginary Surfaces (and zones). Imaginary areas in space and on the ground that are established in relation to the airport and its runways.

For the Redmond, Bend, Sunriver and Sisters airports, the imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

For the Cline Falls and Juniper airports, the imaginary areas are only defined by the primary surface and approach surface.

- F. Airport Noise Criterion. The State criterion for airport noise is an Average Day-Night Sound Level (DNL) of 55 decibels (dBA). The Airport Noise Criterion is not designed to be a standard for imposing liability or any other legal obligation except as specifically designated pursuant to OAR 340, Division 35.
- G. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 DNL.
- H. Airport Safety Combining Zone (AS Zone). A Deschutes County zone intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The airport imaginary surfaces, impact areas, boundaries and their use limitations comprise the AS Zone. The AS Zone may apply to either public-use or private-use airports.
- I. Airport Secondary Impact Area. The area located between 5,000 and 10,000 feet from an airport runway. (Redmond, Bend, and Sunriver)
- J. Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport.
- K. Airport Uses. Those uses described in OAR 660-013-0100 and 660-013-0110.
- L. Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

For Redmond, Bend, Sunriver, and Sisters airports:

1. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
  - a. 1,250 feet for a utility runway having a visual approach;
  - b. 1,500 feet for other than a utility runway having a visual approach;
  - c. 2,000 feet for a utility runway having a non-precision instrument approach;
  - d. 3,500 feet for a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths statute mile;
  - e. 4,000 feet for a non-precision instrument runway, other than utility, having visibility minimums at or below three-fourths statute mile; and



- f. 16,000 feet for precision instrument runways.
2. The approach surface extends for a horizontal distance of
  - a. 5,000 feet at a slope of 20 feet outward for each foot upward for all utility runways;
  - b. 10,000 feet at a slope of 34 feet outward for each foot upward for all non-precision instrument runways, other than utility; and
  - c. 10,000 feet at a slope of 50 feet outward for each one foot upward, with an additional 40,000 feet at slope of 40 feet outward for each one foot upward, for precision instrument runways.
3. The outer width of an approach surface will be that width prescribed in DCC 18.80.022(L)(3) for the most precise approach existing or planned for that runway end.

For the Cline Falls and Juniper airports:

4. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for each one foot upward.
- M. Average Day-Night Sound Level (DNL). Average day-night sound level is the FAA standard measure for determining the cumulative exposure of individuals to noise. DNL is the equivalent of noise levels produced by aircraft operations during a 24-hour period, with a ten-decibel penalty applied to the level measured during nighttime hours (10:00 p.m. to 7:00 am).
- N. Conical Surface. An element of the airport imaginary surfaces that extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet and to a vertical height of 350 feet above the airport elevation.
- O. Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.
- P. FAA. Federal Aviation Administration.
- Q. FAA's Technical Representative. As used in DCC 18.80, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.
- R. FAR. Regulation issued by the FAA.
- S. FAR Part 77. Regulation, Part 77, "Objects Affecting Navigable Airspace," establishes standards for determining obstructions to navigable airspace.
- T. Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

- U. **Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
1. 5,000 feet for all runways designated as utility.
  2. 10,000 feet for all other runways.
  3. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- V. **Non-precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or other FAA planning document.
- W. **Non-Towered Airport.** An airport without an existing or approved control tower.
- X. **Obstruction.** Any structure or tree, plant, or other object of natural growth that penetrates an imaginary surface.
- Y. **Other than Utility Runway.** A runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.
- Z. **Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an Instrument Landing System (ILS) or Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.
- AA. **Primary Surface.** A surface longitudinally centered on a runway.

For the Redmond, Bend, Sunriver, and Sisters airports, when a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When a runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

1. 250 feet for utility runways with only visual approaches,
2. 500 feet for utility runways having non-precision instrument approaches,
3. 500 feet for other than utility runways having non-precision instrument approaches with visibility minimums greater than three-fourths statute mile, and

4. 1,000 feet for non-precision instrument runways with visibility minimums at or below three-fourths statute mile, and for precision instrument runways.

For the Cline Falls and Juniper airports, the primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 200 feet.

- AB. Public Assembly Facility. A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, religious institutions or assemblies, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.
- AC. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- AD. Runway Protection Zone (RPZ). An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:
1. 1,000 feet for utility runways.
  2. 1,700 feet for other than utility runways having non-precision instrument approaches.
  3. 2,500 feet for precision instrument runways.

[NOTE: the outer width of the RPZ is specified by airport type in OAR 660, Division 13, Exhibit 4]

- AE. Significant. As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
- AF. Structure. Any constructed or erected object, which requires a location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations, and overhead transmission lines. Structures do not include paved areas.
- AG. Transitional Surface. Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of

the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway centerline.

AH. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 maximum gross weight and less.

AI. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

AJ. Water Impoundment. Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

*Amended by Ord. [2018-006](#) §10 on 11/20/2018*

*Amended by Ord. [2020-001](#) §10 on 4/21/2020*

#### **[18.80.024 Imaginary Surface And Noise Impact Boundaries](#)**

For the Redmond, Bend, Sunriver, and Sisters airports, the airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface shall be delineated for each airport subject to this overlay zone and shall be made part of the official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries (including direct and secondary impact boundaries) or surfaces shall be subject to the requirements of this overlay zone.

For the Cline Falls and Juniper airports, The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface and approach surface shall be delineated for each private use airport subject to this overlay zone and shall be made part of the official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these surfaces shall be subject to the requirements of this overlay zone. [ORS 836.608(2), (8); OAR 660-013-0050; OAR 660-013-0070(1)(b); OAR 660-013-0155(2)] [ORS 836.619; OAR 660-013-0040(8); OAR 660-013-0070(1)]

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.026 Notice Of Land Use And Permit Applications](#)**

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. [ORS 836.623(1); OAR 738-100-010; ORS 215.416(6); ORS 227.175(6)]

For the Redmond, Bend, Sunriver, and Sisters airports:

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway:
- B. Notice of land use and limited land use applications shall be provided within the following timelines.
  1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
  2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
  3. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
  4. Notices required under DCC 18.80.026(B)(1-3) need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:
    - a. Would only allow structures of less than 35 feet in height;
    - b. Involves property located entirely outside the approach surface;
    - c. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; land disposal sites or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
    - d. Does not involve wetland mitigation, enhancement, restoration or creation. For the Cline Falls and Juniper airports:
- C. Written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. Where the application does not involve a public hearing, such notice shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application. [ORS 215.416(6); ORS 227.175(6); OAR 738-100-010]

- D. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.

#### HISTORY

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

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*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

*Amended by Ord. [2023-001](#) §12 on 5/30/2023*

#### **18.80.028 Height Limitations**

All uses permitted by the underlying zone shall comply with the height limitations in DCC 18.80.028. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control. [ORS 836.619; OAR 660-013-0070]

- A. Except as provided in DCC 18.80.028(B) and (C), no structure or tree, plant, or other object of natural growth shall penetrate an airport imaginary surface. [ORS 836.619; OAR 660-013-0070(1)]
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.
- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA (for Redmond, Bend and Sunriver.)

#### HISTORY

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

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#### **18.80.030 Redmond Municipal Airport**

The Redmond Municipal Airport is a Category 1, Commercial Service Airport. Its function is to accommodate scheduled major/national or regional commuter commercial air carrier service. The two approximately 7,040' long by 100'-150' wide, "other than utility" paved runways are located at an elevation of 3,077'. The proposed extension to runway 4-22 and the planned new parallel runway are both identified on the FAA-adopted Airport Layout Plan. Therefore, these improvements are used in the layout of the Airport Safety Combining Zone. The same safety zone dimensional standards used for Runway 4-22 will also apply to the planned parallel runway.

- A. Primary Surface - For Redmond, the primary surfaces are 1,000' wide by 7,440' long for Runway 10-28, 1,000' wide by 9,100' long for Runway 4-22, and 1,000' wide by 7,400' long for the proposed new parallel runway.

- B. Runway Protection Zone (RPZ) - Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. Runway 4-22 and the planned parallel runway will both have precision approaches. Runway 10-28 has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 500' wide by 1,700' long by 1,010' wide trapezoid.
- C. Approach Surface - The current ILS precision approach surface to runway 22, and the planned precision approaches to Runway 4 and future parallel runway 4-22, are 1,000' wide by 50,000' long by 16,000' wide, with an upward approach slope ratio of 50:1 (one foot vertical for each 50 feet horizontal) for the first 10,000', then a slope ratio of 40:1 for the remaining 40,000'. The non-precision approach surface is 500' wide by 10,000' long by 3,500' wide, with an upward approach slope ratio of 34:1.
- D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Redmond Airport is 3,227 feet.

#### HISTORY

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

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

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#### **[18.80.032 Bend Municipal Airport](#)**

Bend Municipal Airport is a Category 2, Business or High Activity General Aviation Airport. The 5,005 long by 75' wide paved runway is located at an elevation is 3,453'. Imaginary surface dimensions for the Bend Airport are based on planned improved operational characteristics, and an upgrade from a "utility" to "other than utility" runway, but do not reflect any planned extension to the existing runway.

- A. Primary Surface - For Bend, the primary surface is 500' wide by 5,405' long.
- B. Runway Protection Zone (RPZ) –Both Runway #16 and #34 have, or are proposed to have non-precision approaches. Both RPZs begin 200-feet off the ends of the runway. The non-precision RPZs form 500' wide by 1,700' long by 1,010' wide trapezoids.
- C. Approach Surface - The non-precision approach surfaces are 500' wide by 10,000' long by 3,500' wide, with an upward approach slope ratio of 34:1 (one-foot vertical for each 34 feet horizontal).
- D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The height of the horizontal surface for the Bend Airport is 3,603 feet.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.034 Sunriver Airport](#)**

The Sunriver Airport is a Category 4, Community General Aviation Airport. It is privately owned and open to the public. The 5,500' long by 65' wide paved runway is located at an elevation of 4,155'. The Sunriver Airport imaginary surfaces are based on the existing "utility" runway, not any planned improvements or airport upgrades. If and when planned airport improvements are identified through a master planning process, the County will have the option of adjusting the boundaries of the imaginary surfaces to reflect any planned changes.

- A. Primary Surface - For Sunriver, the primary surface is 500' wide by 5,900' long.
- B. Runway Protection Zone (RPZ) - The Sunriver Airport has two different approaches. Runway #18 has a non-precision approach, while Runway #36 has a visual approach. The non-precision RPZ forms a 500' wide by 1,700' long by 1,010' wide trapezoid. The visual RPZ is 500' wide by 1,000' long by 700' wide.
- C. Approach Surface – The non-precision approach surface is 500' wide by 5,000' long by 2,000' wide, with an upward approach slope ratio of 20:1 (one-foot vertical for each 20 feet horizontal). The visual approach is 500' wide by 5,000' long by 1,500' wide at the same 20:1 slope ratio.
- D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 5,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Sunriver Airport is 4,305 feet.

#### HISTORY

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.036 Sisters Eagle Air Airport](#)**

The Sisters Eagle Air Airport is a Category 4, Community General Aviation Airport. It is privately owned and open to the public. The 3,550' long by 50' wide paved runway is located at an elevation of 3,165'.

- A. Primary Surface - For Sisters, the primary surface is 250' wide by 3,950' long.
- B. Runway Protection Zone (RPZ) - The Sisters Airport has two similar visual approaches. The visual RPZ is 250' wide by 1,000' long by 700' wide.
- C. Approach Surface – The visual approach surfaces are 250' wide by 5,000' long by 1,250' wide, with an upward approach slope ratio of 20:1 (one-foot vertical for each 20 feet horizontal).
- D. Horizontal Surface - The surface boundary is comprised of connected arcs drawn 5,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Sisters Airport is 3,315 feet.

#### HISTORY

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

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#### **[18.80.038 Cline Falls Airpark](#)**



The Cline Falls Airpark is classified by the state as a privately owned, private-use airport that was the base for three or more aircraft as of December 31, 1994. Located at an elevation of 2,920', the single dirt/turf runway is 3,000' long by 100' wide.

- A. Primary Surface - The primary surface is 200' wide by 3,000' long.
- B. Approach Surface - The dimensions of the visual approach surfaces are 200' wide by 2,500' long by 450' wide, with an upward approach slope ratio of 20:1 (one-foot vertical for each 20 feet horizontal).

#### HISTORY

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

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*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.040 Juniper Airpark](#)**

The Juniper Airpark is classified by the state as a privately owned, private-use airport that was the base for three or more aircraft as of December 31, 1994. Located at an elevation of 3,490', the single turf runway is 2,640' long by 100' wide.

- A. Primary Surface - The primary surface is 200' wide by 2,640' long.
- B. Approach Surface - The dimensions of the visual approach surfaces are 250' wide by 2,500' long by 450' wide, with an upward approach slope ratio of 20:1 (one-foot vertical for each 20 feet horizontal).

#### HISTORY

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*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.044 Land Use Compatibility](#)**

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]

- A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5 (Table 2 of DCC 18.80). Applicants for any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and record in the Deschutes County Book of Records, a Declaration of Anticipated Noise declaring that the applicant and his successors will

not now, or in the future complain about the allowed airport activities at the adjacent airport. In areas where the noise level is anticipated to be at or above 55 DNL, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, religious institutions or assemblies, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 DNL. [NOTE: FAA Order 5100.38D provides that interior noise levels should not exceed 45 decibels in all habitable zones.]

- B. Outdoor lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- C. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.
- D. Industrial emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.
- E. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security shall be required to ensure this result.
- F. Limitations and Restrictions on Allowed Uses in the RPZ, Transitional Surface, Approach Surface, and Airport Direct and Secondary Impact Areas.  
For the Redmond, Bend, Sunriver, and Sisters airports, the land uses identified in DCC 18.80 Table 1, and their accessory uses, are permitted, permitted under limited circumstances, or prohibited in the manner therein described. In the event of conflict with the underlying zone, the more restrictive provisions shall control. As used in DCC 18.80.044, a limited use means a use that is allowed subject to special standards specific to that use.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

*Amended by Ord. [2018-006](#) §10 on 11/20/2018*

*Amended by Ord. [2020-001](#) §10 on 4/21/2020*

*Amended by Ord. [2020-007](#) §12 on 10/27/2020*

*Amended by Ord. [2021-013](#) §10 on 4/5/2022*

#### **18.80.050 Uses Permitted Outright**

Any uses permitted outright in the underlying zone with which the AS Zone is combined shall be allowed except as provided in DCC 18.80.044.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **18.80.054 Conditional Uses**

Uses permitted conditionally shall be those identified as conditional uses in the underlying zone with which the AS Zone is combined, and shall be subject to all conditions of the underlying zone except as provided in DCC 18.80.044.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **18.80.056 Additional Requirements**

As a condition of approval of any conditional use proposed within any AS Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities and building standards.
- C. Limitations on signs or lighting, hours of operation, points of ingress and egress, and building heights.
- D. Additional landscaping, screening, and other improvements.
- E. Use of glare-resistant materials in construction or other methods likely to reduce operating hazards.
- F. Other conditions considered necessary to achieve compliance and policies of the comprehensive plan.

#### HISTORY

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

*Amended by Ord. [80-221](#) §1 on 1/7/1980*

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

Amended by Ord. [2001-001](#) §2 on 1/22/2001

#### **18.80.058 Non-Conforming Uses**

- A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.
- B. Notwithstanding DCC 18.80.058(A), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.
- C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

#### HISTORY

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

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

Amended by Ord. [2001-001](#) §2 on 1/22/2001

#### **18.80.060 Variances**

- A. Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in DCC 18.80 may apply for a variance.
- B. Application for Variance must be accompanied by a determination from the Oregon Department of Aviation and the Federal Aviation Administration (FAA) as to the effect of the proposal on the safe and efficient use of navigable airspace.
- C. Any variance granted may be conditioned as to require the owner of the structure to install, operate and maintain obstruction markers, at the owner's expense.

#### HISTORY

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

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

Amended by Ord. [2001-001](#) §2 on 1/22/2001

#### **18.80.062 Dimensional Standards**

- A. Minimum lot size and setbacks shall be those indicated in the underlying zone with which the AS Zone is combined.
- B. Where an area is covered by more than one height limitation, the more restrictive shall prevail.
- C. The airport owners, or their agents, shall be permitted at mutually agreed upon times to enter onto private property to reduce the height of trees that exceed the height limitations herein established.

## HISTORY

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

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

Amended by Ord. [2001-001](#) §2 on 1/22/2001

**18.80.064 Procedures**

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Community Development Department shall provide the applicant with appropriate base maps upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level. And, additionally, if a height variance is requested:
- C. Letters of support from the airport sponsor, the Department of Aviation and for Redmond, Bend and Sunriver Airports, the FAA as well. The letter(s) shall include specific references to the particular variance and findings for approval.

## HISTORY

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

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

Amended by Ord. [2001-001](#) §2 on 1/22/2001

**18.80.072 Water Impoundments**

Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of DCC 18.80.072. (ORS 836.623(2); OAR 660-013-0080(1)(f))

- A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:
  1. Within an approach surface and within 5,000 feet from the end of a runway; or
  2. On land owned by the airport sponsor that is necessary for airport operations.
- B. New or expanded water impoundments of one-quarter acre in size or larger are permitted:
  1. Within 10,000 feet from the end or edge of a runway (outside an approach surface), or
  2. Between 5,000 feet and 40,000 feet within an approach surface for an airport with a precision instrument approach, unless Deschutes County first adopts findings of fact, supported by substantial evidence in the record, that the impoundments are likely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors.  
[NOTE: FAA Part 77 discourages water impoundments within 50,000 feet of a runway, within an approach surface.] [ORS 836.623(2)(c); OAR 660, Division 13, Exhibit 1, Section 3(b)(C)]

- C. Process. An application for approval of a new water impoundment shall be considered utilizing the review process applied to applications for conditional use permits. In addition to the parties required by law to be mailed written notice of the public hearing on the application, written notice of the hearing shall be mailed to the airport sponsor, the Seattle Airports District Office of the FAA, the FAA's technical representative, and the Oregon Department of Aviation.
1. Prior to filing its application, the applicant shall coordinate with the airport sponsor, the Department of Aviation, and the FAA (Seattle Airports District Office) and FAA's technical representative regarding the proposed water impoundment, its short and long term potential to significantly increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces, and proposed mitigation.
    - a. For water impoundments individually or cumulatively exceeding five acres in size on the subject property, the applicant shall prepare a draft bird strike study as provided in DCC 18.80.072(C)(1)(a). The airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative shall have 45 days to review the study draft. Their comments shall be included and addressed in a final bird strike study.
    - b. For water impoundments that do not individually or cumulatively exceed five acres in size on the subject property, the bird strike study requirements in DCC 18.80.072(B)(2) may be reduced or waived upon agreement by the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative if the applicant can demonstrate, to the satisfaction of the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative that the proposed water impoundment, with appropriate short and long term mitigation, will not result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces. As used herein, "appropriate mitigation" means small-scale measures of proven reliability that can be applied in perpetuity and that the applicant has the financial resources to support.
    - c. An application shall not be deemed complete for land use review purposes until the applicant has filed with the Director the final bird strike study addressing comments from the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative. When no bird strike study is required, the application shall not be deemed complete until the applicant has filed with the Director correspondence or other proof demonstrating agreement among the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative that no bird strike study is required.
  2. Bird Strike Study. A bird strike study required under DCC 18.80.072 shall contain at least the following information:
    - a. A description of the proposed project, its location in relation to the airport, and the bird strike study area, which shall include at least the project site, the airport property, all lands within 10,000 feet from the end or edge of the airport

- runway, and other surrounding habitat areas which form the local bird ecosystem.
- b. A description of bird feeding, watering and roosting habitats in the bird strike study area, including discussion of feeding behavior and food sources and identification of loafing, watering, roosting and nesting area locations.
  - c. A description of existing and planned airport operations and air traffic patterns and any available history of bird strike incidents.
  - d. Wildlife surveys and documentation of existing bird species, populations, activities and flight patterns in the bird strike study area. The surveys shall address bird species and their composition; bird population estimates and densities per unit area; feeding behavior; food sources; seasonal use patterns; frequency of occurrence; location of loafing, roosting and nesting areas; and analysis of the relation of bird flight movements to airport traffic patterns and navigational safety. The airport sponsor shall provide approach and departure air space information up to five statutory miles from the airport.
  - e. An evaluation of the anticipated effects of the proposal on the population density, behavior patterns, movements and species composition of birds within the bird strike study area and of the impact of these effects on air navigation and safety considering possible mitigation.
  - f. Identification and evaluation of proposed and alternative short and long term mitigation measures that would prevent a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces that otherwise might result from the proposed use. The evaluation shall discuss the proven reliability of proposed measures, their effectiveness over both the short and long term, their costs, and the applicant's financial ability to assure their perpetual implementation, i.e. ongoing implementation for as long as a potential bird strike hazard persists.
  - g. Such other information as is recommended by the FAA's technical representative or is required to demonstrate compliance with the requirements of DCC 18.80.072(C)(3).
3. Required Findings. The determination whether a proposed new water impoundment, with reasonable and practicable mitigation measures, is likely to significantly increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces shall be based upon the proposal's potential, both in the short term and in the long term, to significantly increase bird strike hazards to air navigation, and the appropriateness, effectiveness and affordability of proposed mitigation measures or other conditions needed to reduce bird strike hazards. In determining compliance with this standard, the findings shall address each of the following factors:
- a. The demonstrated overall effectiveness and reliability of proposed measures and conditions, in both the short and long term and under similar circumstances and

conditions, to avoid a significant increase in bird strike hazards to air navigation. Experimental measures or measures not based on accepted technology and industry practices shall be considered ineffective, inappropriate and of unproven reliability.

- b. The economic, social and environmental impacts of proposed measures to the neighboring community and the affected natural environment.
  - c. The applicant's ability to pay for necessary short and long-term mitigation measures, including fallback measures that may be required if initially proposed mitigation measures prove ineffective, and to assure the perpetual implementation of those measures for as long as a potential bird strike hazard persists. An applicant's failure to demonstrate its financial ability to assure the perpetual implementation of necessary and appropriate measures shall render those measures unreasonable and impracticable for purposes of the application.
  - d. The applicant's ability to accurately monitor the effectiveness of mitigation over time.
  - e. The potential impacts to navigational safety and air travel if the applicant cannot perform necessary mitigation measures or maintain those measures in perpetuity, or if those measures prove to be ineffective at avoiding a significant increase in bird strike hazards to air navigation.
  - f. The applicant's reclamation plan.
4. Mitigation Measures and Approval Conditions. A decision approving an application shall require, as conditions of approval, all measures and conditions deemed appropriate and necessary to prevent in perpetuity a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces.
- a. Only customary measures based on accepted technology and industry practice may be considered and imposed as approval conditions.
  - b. Serious consideration shall be given to all measures and conditions recommended by the Department of Aviation and the FAA and FAA's technical representative. Generally, such measures and conditions shall be attached to a decision approving an application unless findings are adopted, supported by substantial evidence, demonstrating why such measures and conditions are not necessary to reduce bird hazard impacts resulting from the water impoundment to an insignificant level.
  - c. A decision to approve shall require from the applicant a performance bond or other form of secure financial support. Such bond or security shall be in an amount sufficient to assure perpetual implementation of appropriate and necessary mitigation measures for as long as a potential bird strike hazard persists.



- d. A decision to approve shall require appropriate monitoring of the effectiveness of mitigation over time. Upon request, monitoring data and reports shall be made available to the airport sponsor, the Department of Aviation, and the FAA and FAA's technical representative. The decision shall allow for modifications to approval conditions should existing mitigation measures prove ineffective at preventing a significant increase in hazardous movements of birds feeding, watering or roosting in areas across runways and approach surfaces. Modifications to approval conditions shall be considered utilizing the review process applied to applications for conditional use permits.
5. Exemptions. The requirements of DCC 18.80.072 shall not apply to:
    - a. Storm water management basins established by an airport identified under ORS 836.610(1).
    - b. Seaplane landing areas within airports identified under ORS 836.610(1).
    - c. Lands owned or managed by Sunriver Resort, Crosswater, and their affiliates.

#### HISTORY

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

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

Amended by Ord. [2001-001](#) §2 on 1/22/2001

#### **18.80.074 Wetland Mitigation, Creation, Enhancement And Restoration**

- A. Notwithstanding the requirements of DCC 18.80.072, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under DCC 18.80.072 shall be allowed upon demonstration of compliance with this requirements of DCC 18.80.074.
- B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under DCC 18.80.072 are recognized as lawfully existing uses.
- C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces the areas regulated under DCC 18.80.072 is encouraged.
- D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under DCC 18.80.072 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:
  1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and it is not practicable to provide the mitigation off-site; and
  2. The wetland creation, enhancement, or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering, or roosting in areas across runways or approach surfaces.

- E. Wetland mitigation permitted under DCC 18.80.074(D) shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.
- F. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under DCC 18.80.074 shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- G. Exemptions. The requirements of DCC 18.80.74 shall not apply to activities related to the management or modification of golf courses owned or managed by Sunriver Resort, Crosswater and their affiliates.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.076 Water Impoundment Notification](#)**

- A. Deschutes County shall provide notice to the Oregon Department of Aviation when it, or its designee, receives an application for a comprehensive plan amendment, zone change or permit as defined in ORS 215.402 or 227.160 that, if approved, would result in a water impoundment larger than one-quarter acre within 10,000 feet of the Redmond, Bend, Sunriver, or Sisters Airports.
- B. A final determination regarding a new water impoundment described in ORS 836.623 shall be made by local governments as provided in ORS 836.623.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

#### **[18.80.078 FAA Notification \(Form 7460-1\)](#)**

- A. Federal and State Notice.  
Federal Aviation Regulation (FAR) Part 77 requires that anyone proposing to construct anything which may obstruct the use of airspace by aircraft to provide a notice to that effect to the FAA. In addition, OAR 738.070.0060 requires notice also be sent to the Oregon Department of Aviation. Generally, construction proposals in the vicinity of airports may obstruct airspace. Notice to the FAA and Oregon Department of Aviation is required for anything which may affect landing areas, either existing or planned, which are open to the public, or are operated by one of the armed forces.
- B. FAA Form 7460-1 "Notice of Proposed Construction or Alteration" is the notification form. It is to be submitted by the applicant directly to the FAA and Oregon Department of Aviation. Forms are available from the Oregon Department of Aviation or the Northwest Regional Office of the FAA.

C. FAA Form 7460-1 should be submitted if the proposed construction or alteration meets the following criteria:

1. Anything over 200' AGL (above ground level at the site).
2. Proposals in the vicinity of an airport, if the proposal would be higher than a slope from the nearest point on a runway and increasing its elevation at a ratio of:

Longest Runway	Proximity to Runway	Slope
> 3,200'	Within 20,000'	100 to 1
3,200' or less	Within 10,000'	50 to 1
For a Heliport	Within 5,000'	25 to 1

D. For identification purposes, Deschutes County has established FAA Notification Areas around each of the public use airports within Deschutes County. The boundaries of these areas are based on the runway length. If a proposed construction project is located in one of these areas, the applicant shall determine if the height of the proposed project will require FAA notification as per DCC 18.80.076(C). In Deschutes County, each of the public-use airports has a runway longer than 3,200 feet. Therefore, each FAA notification area includes all land within 20,000 feet of each airport's runway(s), and the slope to be used is 100 to 1.

E. FAA notification is NOT required for any of the following construction or alteration:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
2. Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
4. Any construction or alteration for which notice is required by any other FAA regulation.

#### HISTORY

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

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

*Amended by Ord. [2001-001](#) §2 on 1/22/2001*

*Amended by Ord. [2014-009](#) §2 on 8/6/2014*

#### **[18.80 Table 1 Land Use Compatibility](#)**

	Location:				
Use:	RPZ <sup>(1)</sup>	Transitional Surface	Approach Surface <sup>(8)</sup>	Direct Impact Area	Secondary Impact Area
Public Airport	L <sup>(2)</sup>	P	L <sup>(9)</sup>	P	P
Residential	N	N	L <sup>(10)</sup>	P	P
Commercial	N	L <sup>(14)</sup>	L <sup>(9)</sup>	P	P
Industrial	N	P	L <sup>(9)</sup>	P	P
Institutional	N	L <sup>(14)</sup>	L <sup>(9)</sup>	P	P
Farm Use	p <sup>(3)</sup>	p <sup>(3)</sup>	p <sup>(3)</sup>	p <sup>(3)</sup>	p <sup>(3)</sup>
Road/Parking	L <sup>(4)</sup>	P	P	P	P
Utility	L <sup>(5)</sup>	L <sup>(5)</sup>	L <sup>(5)</sup>	L <sup>(5)</sup>	L <sup>(5)</sup>
Parks/Open Space	L <sup>(6)</sup>	P	P	P	P
Golf Course <sup>(17)</sup>	L <sup>(7)</sup>	L <sup>(7)</sup>	L <sup>(7,9)</sup>	L <sup>(7)</sup>	L <sup>(7)</sup>
Athletic Field	N	N	L <sup>(9)</sup>	P	P
Land Disposal Site	N	N	N	N	N <sup>(16)</sup>
Waste Water Treatment Plant	N	N	N	N	L <sup>(15)</sup>
Mining	N	N	L <sup>(11)</sup>	L <sup>(11)</sup>	L <sup>(11)</sup>
Water Impoundment	N	N	N,L <sup>(12)</sup>	L <sup>(12)</sup>	L <sup>(12)</sup>
Wetland Mitigation		N	L <sup>(13)</sup>	L <sup>(13)</sup>	L <sup>(13)</sup>

Key to Table:

P = Use is Permitted.

L = Use is Allowed Under Limited Circumstances (see notes). N = Use is Not Allowed.

Numbers in parentheses refer to notes on next page.

Notes for Table 1: 1. No structures shall be allowed within the Runway Protection Zone. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration. 2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ. 3. Farming practices that minimize wildlife attractants are encouraged. 4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist. 5. In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation. 6. Public assembly facilities are prohibited within the RPZ. 7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of DCC 18.80, tee markers, tee signs, pin cups and pins are not considered to be structures. 8. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway. 9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high-density uses should not be permitted within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist. 10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre. 11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of DCC 18.80 regulating water impoundments. 12. See DCC 18.80.072 regulating water impoundments. 13. See requirements in DCC 18.80.074. 14. Overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted. 15. Due to land availability constraints, limited wastewater treatment plants within the Secondary Impact Area are permitted on lands owned or managed by the Sunriver Resort or Sunriver utilities. 16. Organic composting facility is permitted. 17. Since Sunriver Resort owns and controls the Sunriver Airport, golf courses operated as part of the Sunriver Resort, Crosswater and their affiliates are exempted.

### 18.80 Table 2 Noise Compatibility

Land Uses	Yearly Day-Night Average Sound Levels (DNL) in decibels					
	Below 65	65-70	70-75	75-80	80-85	Over 85
<b>Residential</b>						
Residential, other than mobile homes and transient lodgings	Y	N <sup>(1)</sup>	N <sup>(1)</sup>	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N <sup>(1)</sup>	N <sup>(1)</sup>	N <sup>(1)</sup>	N	N
<b>Public Use</b>						
Schools	Y	N <sup>(1)</sup>	N <sup>(1)</sup>	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N

Religious institutions or assemblies, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y <sup>(2)</sup>	Y <sup>(3)</sup>	Y <sup>(4)</sup>	Y <sup>(4)</sup>
Parking	Y	Y	Y <sup>(2)</sup>	Y <sup>(3)</sup>	Y <sup>(4)</sup>	N
<b>Commercial Use</b>						
Offices, business, and professional	Y	Y	25	30	N	N
Wholesale and retail—building materials, Hardware and farm equipment	Y	Y	Y <sup>(2)</sup>	Y <sup>(3)</sup>	Y <sup>(4)</sup>	N
Retail trade—general	Y	Y	25	30	N	N
Utilities	Y	Y	Y <sup>(2)</sup>	Y <sup>(3)</sup>	Y <sup>(4)</sup>	N
Communication	Y	Y	25	30	N	N
<b>Manufacturing and Production</b>						
Manufacturing general	Y	Y	Y <sup>(2)</sup>	Y <sup>(3)</sup>	Y <sup>(4)</sup>	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) and forestry	Y	Y <sup>(6)</sup>	Y <sup>(7)</sup>	Y <sup>(8)</sup>	Y <sup>(8)</sup>	Y <sup>(8)</sup>
Livestock farming and breeding	Y	Y <sup>(6)</sup>	Y <sup>(7)</sup>	N	N	N
Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
<b>Recreational</b>						
Outdoor sports arenas and spectator sports	Y	Y <sup>(5)</sup>	Y <sup>(5)</sup>	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	Y	N	N	N	N
Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N

Golf courses, riding stables, and water recreation	Y	Y	25	30	N	N
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Numbers in parentheses refer to notes. \*The designations contained in this table do not constitute a Federal determination that any use of land covered by the program is acceptable or unacceptable under Federal, State, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally determined land uses for those determined to be appropriate by local authorities in response to locally determined needs and values in achieving noise compatible land uses. Key to Table: SLUCM = Standard Land Use Coding Manual. Y (Yes) = Land Use and related structures compatible without restrictions. N (No) = Land Use and related structures are not compatible and should be prohibited. NLR = Noise Level Reduction (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure. 25, 30, or 35 = Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure. Notes for Table 2: 1. Where the community determines that residential or school uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide a NLR of 20 dB, thus, the reduction requirements are often stated as 5, 10 or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems. 2. Measures to achieve NLR 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. 3. Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal noise level is low. 4. Measures to achieve NLR 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas or where the normal level is low. 5. Land use compatible provided special sound reinforcement systems are installed. 6. Residential buildings require an NLR of 25. 7. Residential buildings require an NLR of 30. 8. Residential buildings not permitted.

**18.80 Declaration Of Anticipated Noise**

As a condition of the grant of development approval pursuant to DCC 18.80, the undersigned, hereinafter referred to as Grantor hereby covenants and agrees that it shall not, by reason of their ownership or occupation of the following described real property, protest or bring suit or action against the \_\_\_\_\_ [Name of Airport] or Deschutes County, for aviation-related noise, including property damage or personal injury from said noise connected when such activities conform to:

- 1. Airport activities lawfully conducted in connection with a pre-existing airport, as that term is defined in DCC 18.80.022(B), at the described airport; or
- 2. Airport activities that might be lawfully conducted in the future at the described airport under County or State permits or exemptions.

The real property of Grantor subject to this covenant and agreement is situated in Deschutes County, State of Oregon, and described as set forth in that certain [Statutory Warranty Deed] dated [date], as record in [the Official Records of Deschutes County as instrument number 20xx-xxxx] OR [Volume xx, Page xx of the Deschutes County Board of Records];.

Grantor acknowledge that by virtue of such grant he/they have no remaining rights to complain or protest about the protected activities described above.

This Declaration of Anticipated Noise runs with the land and is binding upon the heirs, successors and assigns of the undersigned’s interest in the described real property or any persons acquiring through he undersigned an interest in the described real property.

Deschutes County requires the execution of this covenant and agreement by the Grantor as a pre-requisite to Deschutes County approving a partition, subdivision, or issuing a building permit for Grantor’s development on the above described real property, which real property is located within the

noise impact boundary of the \_\_\_\_\_ [Name of Airport]. This Declaration is executed for the protection and benefit of the \_\_\_\_\_ [Name of Airport] and Deschutes County's interest in said airport and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport.

Dates this \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_\_  
Grantor [Name]

[insert notarial certificate]

## **CHAPTER 18.84 LANDSCAPE MANAGEMENT COMBINING ZONE; LM**

[18.84.010 Purpose](#)

[18.84.020 Application Of Provisions](#)

[18.84.030 Uses Permitted Outright](#)

[18.84.040 Uses Permitted Conditionally](#)

[18.84.050 Use Limitations](#)

[18.84.060 Dimensional Standards](#)

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[18.84.080 Design Review Standards](#)

[18.84.085 Imposition Of Conditions](#)

[18.84.090 Setbacks](#)

[18.84.095 Scenic Waterways](#)

[18.84.100 Septic Permits \(Repealed\)](#)

Introductory Paragraph Eliminated Ord. 2001-016, §2, 2001

### **18.84.010 Purpose**

The purposes of the Landscape Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.

#### HISTORY

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

*Amended by Ord. [90-020](#) §1 on 6/6/1990*

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

*Amended by Ord. [92-034](#) §2 on 4/8/1992*

*Amended by Ord. [95-075](#) §3 on 11/29/1995*

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

*Amended by Ord. [2021-013](#) §11 on 4/5/2022*

### **18.84.020 Application Of Provisions**

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas within the boundaries of a State scenic waterway or Federal



wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the center line of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.20 shall not unduly restrict accepted agricultural practices.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [90-020](#) §1 on 6/6/1990*  
*Amended by Ord. [91-020](#) §1 on 5/29/1991*  
*Amended by Ord. [92-034](#) §2 on 4/8/1992*  
*Amended by Ord. [95-075](#) §3 on 11/29/1995*  
*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

#### **18.84.030 Uses Permitted Outright**

Uses permitted in the underlying zone with which the LM Zone is combined shall be permitted in the LM Zone, subject to the provisions in DCC 18.84.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [90-020](#) §1 on 6/6/1990*  
*Amended by Ord. [91-020](#) §1 on 5/29/1991*  
*Amended by Ord. [92-034](#) §2 on 4/8/1992*  
*Amended by Ord. [95-075](#) §3 on 11/29/1995*  
*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

#### **18.84.040 Uses Permitted Conditionally**

Uses permitted conditionally in the underlying zone with which the LM Zone is combined shall be permitted as conditional uses in the LM Zone, subject to the provisions in DCC 18.84.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [90-020](#) §1 on 6/6/1990*  
*Amended by Ord. [91-020](#) §1 on 5/29/1991*  
*Amended by Ord. [92-034](#) §2 on 4/8/1992*  
*Amended by Ord. [95-075](#) §3 on 11/29/1995*  
*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

#### **18.84.050 Use Limitations**

- A. Any new structure or substantial exterior alteration of a structure requiring a building permit or an agricultural structure within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 prior to construction. As used in DCC 18.84 substantial exterior alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.

- B. Structures which are not visible from the designated roadway, river, or stream and which are assured of remaining not visible because of vegetation, topography, or existing development are exempt from the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks). An applicant for site plan review in the LM Zone shall conform with the provisions of DCC 18.84, or may submit evidence that the proposed structure will not be visible from the designated road, river, or stream. Structures not visible from the designated road, river, or stream must meet setback standards of the underlying zone.

#### HISTORY

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

*Amended by Ord. [90-020](#) §1 on 6/6/1990*

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

*Amended by Ord. [92-034](#) §2 on 4/8/1992*

*Amended by Ord. [95-075](#) §3 on 11/29/1995*

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

*Amended by Ord. [2015-016](#) §5 on 3/28/2016*

#### **[18.84.060 Dimensional Standards](#)**

In an LM Zone, the minimum lot size shall be as established in the underlying zone with which the LM Zone is combined.

#### HISTORY

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

*Amended by Ord. [90-020](#) §1 on 6/6/1990*

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

*Amended by Ord. [92-034](#) §2 on 4/8/1992*

*Amended by Ord. [95-075](#) §3 on 11/29/1995*

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

#### **[18.84.070 Application](#)**

An application for site plan approval for development in the LM Zone shall be submitted to the Planning Division. The site plan application shall include the following:

- A. A plot plan, drawn to scale, showing:
1. Location and dimensions of existing and proposed structures.
  2. Setbacks from lot lines (and river and rimrock, if present).
  3. Existing and proposed access.
  4. Existing and proposed exterior lighting.
- B. A drawing of the proposed structure elevations showing:
1. Exterior appearance.
  2. Height dimensions.

3. Siding and roofing material and color.
  4. Location and size of windows, including skylights.
- C. A landscape plan drawn to scale, showing:
1. Location, size and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river or stream. Where a significant amount of vegetation exists, a landscape plan may be accepted which generalizes and explains how the existing trees and shrubs provide screening.
  2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river, or stream.
- D. A minimum of two colored photographs taken from documented locations, oriented between the protected resource (river, stream, or road) and the proposed development, showing the extent of existing vegetation or other screening.

#### HISTORY

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

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

*Amended by Ord. [92-034](#) §2 on 4/8/1992*

*Amended by Ord. [93-043](#) §12 on 8/25/1993*

*Amended by Ord. [95-075](#) §3 on 11/29/1995*

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

*Amended by Ord. [2003-034](#) §1 on 10/29/2003*

#### **[18.84.080 Design Review Standards](#)**

The following standards will be used to evaluate the proposed site plan:

- A. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
- B. It is recommended that new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
- C. No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape. DCC 18.84.080(C) shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.

- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18.84.090(E), all structures shall be sited to take advantage of existing vegetation, trees, and topographic features in order to reduce visual impact as seen from the designated road, river or stream. When more than one nonagricultural structure is to exist and no vegetation, trees, or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
- E. Structures shall not exceed 30 feet in height measured from the existing and natural grade on the side(s) facing the road, river, or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles, or other projections from the roof of the structure. DCC 18.84.080(E) shall not apply to agricultural structures located at least 50 feet from a rimrock.
- F. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the designated road, river or stream.
- H. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests, and other open and scenic areas as seen from the designated landscape management road, river, or stream. Use of native species shall be encouraged. (Formerly section 18.84.080 (C))
- I. No signs or other forms of outdoor advertising that are visible from a designated landscape management river or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.,) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek, and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

#### HISTORY

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

*Amended by Ord. [90-020](#) §1 on 6/6/1990*

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

*Amended by Ord. [92-034](#) §2 on 4/8/1992*

*Amended by Ord. [93-043](#) §12A and 12B on 8/25/1993*

*Amended by Ord. [95-075](#) §3 on 11/29/1995*

*Amended by Ord. [97-068](#) §1 on 11/26/1997*

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

Amended by Ord. [2015-016](#) §5 on 3/28/2016

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

Amended by Ord. [2020-007](#) §13 on 10/27/2020

### **18.84.085 Imposition Of Conditions**

The standards of DCC 18.84 may be met by the imposition of conditions drawn to ensure that the standards will be met.

#### **HISTORY**

Adopted by Ord. [92-034](#) §2 on 4/8/1992

Amended by Ord. [95-075](#) §3 on 11/29/1995

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

### **18.84.090 Setbacks**

- A. Except as provided in DCC 18.84.090, minimum setbacks shall be those established in the underlying zone with which the LM Zone is combined.
- B. Road Setbacks. All new structures or additions to existing structures on lots or parcels fronting a designated landscape management road shall be set back at least 100 feet from the edge of the designated road right-of-way unless the Planning Director or Hearings Body finds that:
  1. A location closer to the designated road would more effectively screen the building from the road; or protect a distant vista; or
  2. The ~~depth~~width of the lot makes a 100-foot setback not feasible; or
  3. Buildings on both lots or parcels abutting the subject lot or parcel have front ~~yard~~ setbacks of less than 100 feet and the adjacent buildings are within 100 feet of the lot lines of the subject property, and the depth of the front ~~yard~~setback area is not less than the average depth of the front ~~yards~~setback areas of the abutting lots or parcels. If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front ~~yard~~ setback which will be appropriate to carry out the purpose of the zone.
- C. River and Stream Setbacks. All new structures or additions to existing structures shall be set back 100 feet from the ordinary high water mark of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090, decks are considered part of a structure and must conform with the setback requirement. The placement of on-site sewage disposal systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Environmental Health Division. The placement of such systems shall minimize the impact on the vegetation along the river and shall allow a dwelling to be constructed on the site as far from the stream or lake as possible. Sand filter systems may be required as replacement systems when this will allow a dwelling to be located further from the stream or to meet the 100-foot setback requirement

- D. Rimrock Setback. New structures (including decks or additions to existing structures) shall be set back 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted pursuant to the provisions of DCC 18.84.090(E).
- E. Rimrock Setback Exceptions. An exception to the 50-foot rimrock setback may be granted by the Planning Director or Hearings Body, subject to the following standards and criteria.
1. An exception shall be granted when the Planning Director or Hearings Body finds that:
    - a. A lesser setback will make the structure less visible or completely screened from the river or stream; or
    - b. The subject lot or parcel was a lot of record prior to the adoption of this ordinance; or
    - c. Dwellings (including decks) on both lots or parcels abutting the subject lot or parcel are within 50 feet of the rimrock and the adjacent buildings are within 100 feet of the abutting lot lines of the subject property; or
    - d. Adherence to the 50-foot setback would prevent the structure from being sited on the lot or parcel.
  2. A dwelling qualifying for a rimrock setback exception under the criteria set forth in the above shall be located as follows:
    - a. The structure shall be designed and sited to minimize the visual impact when viewed from the ordinary high water mark on the far side of the river. This shall be determined by viewing the property from the ordinary high water mark immediately across from the center of the river frontage on which the structure is proposed with like evaluations being made 300 feet upstream and downstream on either side of that point over the entire length of river frontage on which the structure is proposed.
    - b. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
    - c. The height of the structure shall not exceed the setback from the edge of the rimrock, except as described in the exception section (f), below.
    - d. No structure (including decks) shall be located closer than 20 feet from the edge of the rimrock unless the Planning Director or Hearings Body finds that the lesser setback will make the structure less visible or the structure is completely screened from the river or stream except as described in the exception section (f), below.
    - e. Where multiple nonagricultural structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the affected area. This shall require a maintenance of at least 65 percent open space along rimrocks within subject lots or parcels.

- f. Exception: For vacant lots or parcels less than one-half acre, existing prior to the adoption of Ordinance 92.034, with undulating rimrock, and where there are lawfully established ~~residences-dwelling units~~ within 100 feet of the ~~abutting~~ lot lines on the subject property on both of the abutting lots ~~or parcels~~ with rimrock setbacks less than the depth required in section (d) above, the residential structure setback shall meet the following criteria:
1. The setback shall be the average distance between the ~~abutting houses dwelling units on each abutting lot or parcel~~, as measured from ~~the each~~ subject lot ~~or parcel~~'s front ~~yard-lot~~ line to the furthest point of ~~each the abutting home-dwelling unit~~ facing the river or stream.
  2. The height of the structure shall not exceed the height of the tallest ~~abutting residence-dwelling unit on an abutting lot or parcel~~ and in no case shall exceed 24 feet high, except for chimneys.
  3. The highest ridgeline shall slope up and away from, and run parallel with, the river or stream.
  4. Dormers are prohibited on the riverside or streamside of the ~~residence dwelling unit~~ and ~~are~~ allowed on the street-side of the ~~residence dwelling unit~~ with the height not exceeding the height of the ridgeline.
  5. The setback for decks on the rimrock side of the dwelling ~~unit~~ shall be the average of the decks on the abutting lots or parcels as measured from the front ~~yard-lot~~ line of the subject property and in no case shall extend and protrude over the rimrock.

#### HISTORY

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

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

*Amended by Ord. [92-034](#) §2 on 4/8/1992*

*Amended by Ord. [95-075](#) §3 on 11/29/1995*

*Amended by Ord. [2000-033](#) §3 on 12/6/2000*

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

*Amended by Ord. [2005-002](#) §1 on 1/5/2005*

*Amended by Ord. [2007-020](#) §5 on 2/6/2008*

#### **[18.84.095 Scenic Waterways](#)**

Approval of all structures in a State Scenic Waterway shall be conditioned upon receipt of approval of the Oregon Department of Parks and Recreation.

#### HISTORY

*Adopted by Ord. [2000-033](#) §4 on 12/6/2000*

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

#### **[18.84.100 Septic Permits \(Repealed\)](#)**

## HISTORY

Repealed by Ord. [98-066](#) §1 on 10/14/1998

**CHAPTER 18.88 WILDLIFE AREA COMBINING ZONE; WA****18.88.010 Purpose****18.88.020 Application Of Provisions****18.88.030 Uses Permitted Outright****18.88.040 Uses Permitted Conditionally****18.88.050 Dimensional Standards****18.88.060 Siting Standards****18.88.070 Fence Standards****18.88.010 Purpose**

The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

## HISTORY

Adopted by Ord. [PL-15](#) §4.190(1) on 11/1/1979

Amended by Ord. [93-043](#) §§13 and 13A on 8/25/1993

**18.88.020 Application Of Provisions**

The provisions of DCC 18.88 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. Unincorporated communities are exempt from the provisions of DCC 18.88.

## HISTORY

Adopted by Ord. [PL-15](#) §4.190(2) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [96-003](#) §6 on 3/27/1996

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

**18.88.030 Uses Permitted Outright**

In a zone with which the WA Zone is combined, the uses permitted outright shall be those permitted outright by the underlying zone.

## HISTORY

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

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

Amended by Ord. [92-042](#) §1 on 8/5/1991

**18.88.040 Uses Permitted Conditionally**

- A. Except as provided in DCC 18.88.040(B), in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, DCC 18.128 and other applicable sections of this



title. To minimize impacts to wildlife habitat, the County may include conditions of approval limiting the duration, frequency, seasonality, and total number of all outdoor assemblies occurring in the WA Zone, whether or not such outdoor assemblies are public or private, secular or religious.

- B. The following uses are not permitted in that portion of the WA Zone designated as deer winter ranges, significant elk habitat or antelope range:
1. Golf course, not included in a destination resort;
  2. Commercial dog kennel;
  3. Public or private school;
  4. Bed and breakfast inn;
  5. Dude ranch;
  6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
  7. Timeshare unit;
  8. Veterinary clinic;
  9. Fishing lodge.
- C. Subject to DCC 18.88.040(E), the following uses are permitted in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as conditional uses:
1. Religious institutions or assemblies;
  2. Public or private school;
  3. Bed and breakfast inn;
  4. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
- D. Subject to DCC 18.113, destination resorts are allowed as a conditional use in that portion of the WA zone designated as the Bend/La Pine Deer Migration Corridor as long as the property is not in an area designated as “Deer Migration Priority Area” on the 1999 ODFW map submitted to the South County Regional Problem Solving Group.
- E. Use limitations. The uses listed in DCC 18.88.040(C) are subject to the applicable provisions of DCC 18.116 and 18.124 and the following criteria:
1. The lot or parcel shall be zoned RR-10;
  2. The lot or parcel shall be located within one-quarter mile of a rural service center and be located adjacent to a rural collector or a rural arterial identified on the Deschutes County Transportation Plan;

3. The lot or parcel shall be no less than one acre and no more than five acres in size;
  4. The lot or parcel shall be farther than 100 feet from identified wetlands, floodplains, or riparian areas.
  5. The property shall be outside areas designated as “Existing High Use Migration Areas” or “Important Connective Areas Through Existing Developed Areas” on the 1997 ODFW map submitted to the South County Regional Problem Solving Group.
  6. Fences developed as part of the conditional uses listed in DCC 18.88.040(C) shall be built from posts and poles or smooth wire and shall have a minimum bottom pole or wire height of 18 inches from the ground and a maximum top pole or wire height of 40 inches from the ground. Fences exempted from these standards shall be constructed in accordance with the provisions of DCC 18.88.070(B).
- F. Expansion of any use listed in DCC 18.88.040(B) that was lawfully established prior to August 5, 1992, is allowed, subject to provisions of DCC Title 18 applicable to the establishment of such uses. Expansion of golf courses under DCC 18.88.040 shall be limited to a final size of 18 holes.

#### HISTORY

*Adopted by Ord. [PL-15](#) §4.190(4) on 11/1/1979*

*Amended by Ord. [92-042](#) §1 on 8/5/1991*

*Amended by Ord. [95-001](#) §3 on 3/29/1995*

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

*Amended by Ord. [98-013](#) §1 on 1/28/1998*

*Amended by Ord. [2001-019](#) §1 on 4/25/2001*

*Amended by Ord. [2018-003](#) §1 on 1/25/2018*

*Amended by Ord. [2020-001](#) §11 on 4/21/2020*

#### **[18.88.050 Dimensional Standards](#)**

In a WA Zone, the following dimensional standards shall apply:

- A. In the Tumalo, Metolius, North Paulina, and Grizzly deer winter ranges designated in the Comprehensive Plan Resource Element, the minimum lot size for new lots or parcels shall be 40 acres except as provided in DCC 18.88.050(D).
- B. In areas designated as significant elk habitat in the Comprehensive Plan Resource Element, the minimum lot size for new lots or parcels shall be 160 acres.
- C. In areas designated as antelope range in the Comprehensive Plan Resource Element, the minimum lot size for new lots or parcels shall be 320 acres.
- D. Residential land divisions, including partitions, in deer winter range where the underlying zone is RR-10 or MUA-10, shall not be permitted except as a planned development or cluster development conforming to the following standards:
  1. The minimum area for a planned or cluster development shall be at least 40 acres.

2. The planned or cluster development shall retain a minimum of 80 percent open space and conform with the provisions of DCC 18.128.200 or 210.
  3. Notwithstanding the provisions of DCC 18.128.200 or 210, or DCC 18.60.060(C), the total number of residences-dwelling units in a cluster development may not exceed the density permitted in the underlying zone.
- E. Residential land divisions, including partitions, in the Bend/La Pine Deer Migration Corridor where the underlying zone is RR-10 shall not be permitted except as a cluster development conforming to the following standards:
1. The minimum area for a cluster development shall be at least 20 acres.
  2. The cluster development shall retain a minimum of 80 percent open space and conform with the provisions of DCC 18.128.200 or 210.
  3. Notwithstanding the provisions of DCC 18.128.200, or DCC 18.60.060(C), the total number of residences-dwelling units in the cluster development may not exceed the density permitted in the underlying zone.

#### HISTORY

Adopted by Ord. [PL-15](#) §4.190(6) on 11/1/1979

Amended by Ord. [92-042](#) §1 on 8/5/1991

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

#### [18.88.060 Siting Standards](#)

- A. Setbacks shall be those described in the underlying zone with which the WA Zone is combined.
- B. The footprint, including decks and porches, for new dwellings shall be located entirely within 300 feet of public roads, private roads, or recorded easements for vehicular access existing as of August 5, 1992 unless it can be found that:
  1. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,
  2. The siting within 300 feet of such roads or easements for vehicular access would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least possible impact on wildlife habitat considering browse, forage, cover, access to water, and migration corridors, and minimizing length of new access roads and driveways; or,
  3. The dwelling is set back no more than 50 feet from the edge of a driveway that existed as of August 5, 1992.
- C. For purposes of DCC 18.88.060(B):
  1. A private road, easement for vehicular access or driveway will conclusively be regarded as having existed prior to August 5, 1992 if the applicant submits any of the following:

- a. A copy of an easement recorded with the County Clerk prior to August 5, 1992 establishing a right of ingress and egress for vehicular use;
  - b. An aerial photograph with proof that it was taken prior to August 5, 1992 on which the road, easement, or driveway allowing vehicular access is visible;
  - c. A map published prior to August 5, 1992 or assessor's map from prior to August 5, 1992 showing the road (but not showing a mere trail or footpath).
2. An applicant may submit any other evidence thought to establish the existence of a private road, easement for vehicular access, or driveway as of August 5, 1992 which evidence need not be regarded as conclusive.

#### HISTORY

Amended by Ord. [92-042](#) §1 on 8/5/1991

Amended by Ord. [95-001](#) §3 on 3/29/1995

#### **18.88.070 Fence Standards**

The following fencing provisions shall apply as a condition of approval for any new fences constructed as a part of development of a property in conjunction with a conditional use permit or site plan review.

- A. New fences in the Wildlife Area Combining Zone shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provides equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:
  1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.
  2. The height of the fence shall not exceed 48 inches above ground level.
  3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.
- B. Exemptions:
  1. Fences encompassing less than 10,000 square feet which surround or are adjacent to ~~residences-dwelling units~~ or structures are exempt from the above fencing standards.
  2. Corrals used for working livestock.

#### HISTORY

Adopted by Ord. [92-042](#) §1 on 8/5/1991

#### **CHAPTER 18.89 GREATER SAGE-GROUSE AREA COMBINING ZONE; GSGA**

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### **[18.89.010 Introduction](#)**

Greater Sage-Grouse (hereafter “sage-grouse”) habitat is a unique wildlife resource subject to a variety of threats across a broad, multi-state region. Oregon’s sage-grouse habitat is comprised of a combination of public land managed by the federal government and nonfederal land generally in private ownership. Managing private and other nonfederal land for the best possible outcomes requires partnership and cooperation among many stakeholders. Accordingly, private and other nonfederal lands are strongly encouraged to participate in a Candidate Conservation Agreement with Assurances program. Voluntary conservation efforts of this nature are recognized by the State of Oregon as a critical part in recovering the breeding population targeted by Oregon’s Greater Sage-Grouse Conservation Assessment and Strategy for Oregon. Beyond voluntary efforts, it remains necessary to provide a regulatory framework that offers fairness, predictability and certainty for all involved parties. Engagement on the part of county government is critical to Oregon’s efforts to address possible impacts from future development.

#### HISTORY

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

### **[18.89.020 Exempt Activities](#)**

- A. Those activities that do not require governmental approval, including farm use as defined in ORS 215.203(2), are exempt from the provisions of this chapter.
- B. State agency permits necessary to facilitate a farm use, including granting of new water right permits by the Oregon Water Resources Department (OWRD), are also exempt from the provisions of this chapter.
- C. Any energy facility that submitted a preliminary application for site certificate pursuant to ORS 469.300 et seq. on or before August 13, 2015, is exempt from the provisions of this chapter.
  1. Notwithstanding ORS 197.646(3), this chapter shall not be directly applicable to any land use decision regarding that facility unless the applicant chooses otherwise.
  2. Similarly, any changes to a local government’s acknowledged comprehensive plan or land use ordinances developed to achieve consistency with this chapter shall not constitute “applicable substantive criteria” pursuant to OAR 345-022-0030(3), unless

they are in effect on the date the applicant submits a preliminary application for site certificate, unless the applicant chooses otherwise.

- D. Private and other nonfederal lands are strongly encouraged to participate in a Candidate Conservation Agreement with Assurances (CCAA) program.
1. Voluntary conservation efforts of this nature are recognized by the State of Oregon as a critical part in recovering the breeding population targeted by the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon.
  2. Uses identified in CCAA agreements are relieved from the provisions of this chapter except that conflicting uses identified in section DCC 18.89.060 will be subject to sections DCC 18.89.080 thru 18.89.100 in all instances regardless of enrollment status.

#### HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

#### **18.89.030 Definitions**

Definitions. For purposes of this chapter, the definitions in OAR 635-140-0002 and in the glossary of the “Greater Sage-Grouse Conservation Assessment and Strategy for Oregon” adopted by the Oregon Fish and Wildlife Commission on April 22, 2011 shall apply. In addition, the following definitions shall apply:

“Areas of High Population Richness” means mapped areas of breeding and nesting habitat within core habitat that support the 75th percentile of breeding bird densities (i.e. the top 25 percent). Please see Exhibit A to OAR 660-023-0115.

“Candidate Conservation Agreement with Assurances” means a formal agreement between the United States Fish and Wildlife Service (USFWS) and one or more parties to address the conservation needs of proposed or candidate species, or species likely to become candidates, before they become listed as endangered or threatened. Landowners voluntarily commit to conservation actions that will help stabilize or restore the species with the goal that listing under the Federal Endangered Species Act will become unnecessary.

“Core areas” means mapped sagebrush types or other habitats that support sage-grouse annual life history requirements that are encompassed by areas:

- A. Of very high, high, and moderate lek density strata;
- B. Where low lek density strata overlap local connectivity corridors; or
- C. Where winter habitat use polygons overlap with either low lek density strata, connectivity corridors, or occupied habitat. Core area maps are maintained by Oregon Department of Fish and Wildlife (ODFW).

“Development action” means any human activity subject to regulation by local, state, or federal agencies that could result in the loss of significant sage-grouse habitat. Development actions may include but are not limited to, construction and operational activities of local, state, and federal agencies. Development actions also include subsequent re-permitting of existing activities proposing new impacts beyond current conditions.

“Direct impact” means an adverse effect of a development action upon significant sage-grouse habitat which is proximal to the development action in time and place.

“Disturbance” includes natural threats to sage-grouse habitat such as: wildfire, juniper infestation and the spread of noxious weeds or human activities that can negatively affect sage-grouse use of habitat either through changing the vegetation type or condition, or displacement of sage-grouse use of an area. For purposes of this chapter only disturbance from human activities are considered.

“General habitat” means occupied (seasonal or year-round) sage-grouse habitat outside core and low density habitats.

“Indirect impacts” means adverse effects to significant sage-grouse habitat that are caused by or will ultimately result from an affected development activity. Indirect impacts usually occur later in time or are removed in distance compared to direct effects.

“Large-scale development” means uses that are: over 50 feet in height; have a direct impact in excess of five acres; generate more than 50 vehicle trips per day; or create noise levels of at least 70 dB at zero meters for sustained periods of time. Uses that constitute large-scale development also require review by county decision makers and are listed in one of the following categories identified in the table attached to OAR 660-033-0120.

- A. Commercial Uses.
- B. Mineral, Aggregate, Oil and Gas Uses.
- C. Transportation Uses.
- D. Utility/Solid Waste Disposal Facilities.
- E. Parks/Public/Quasi-Public.

“Lek” means an area where male sage-grouse display during the breeding season to attract females (also referred to as strutting-ground).

“Low density areas” means mapped sagebrush types or other habitats that support sage-grouse that are encompassed by areas where:

- A. Low lek density strata overlapped with seasonal connectivity corridors;
- B. Local corridors occur outside of all lek density strata;
- C. Low lek density strata occur outside of connectivity corridors; or
- D. Seasonal connectivity corridors occur outside of all lek density strata.

Low density area maps are maintained by ODFW.

“Mitigation hierarchy” means an approach used by decision makers to consider development proposals and is ordinarily comprised of a three step process:

- A. "Avoidance" is the first step in the mitigation hierarchy and is accomplished by not taking a certain development action or parts of that action.

- B. “Minimization” is the second step in the mitigation hierarchy and is accomplished by limiting the degree or magnitude of the development action and its implementation.
- C. “Compensatory mitigation” is the third step in the mitigation hierarchy and means the replacement or enhancement of the function of habitat capable of supporting sage-grouse in greater numbers than predicted to be impacted by a development.

“Occupied Lek” means a lek that has been regularly visited by ODFW and has had one or more male sage-grouse counted in one or more of the last seven years..

“Occupied Pending Lek” means a lek that has not been counted regularly by ODFW in the last seven years, but sage-grouse were present at ODFW’s last visit.

“Priority Areas for Conservation” (PACs) means key habitats identified by state sage-grouse conservation plans or through other sage-grouse conservation efforts (e.g., BLM Planning). In Oregon, core area habitats are PACs.

#### HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

#### **18.89.040 Quality, Quantity And Location**

The location of sage-grouse habitat within Deschutes County shall be determined by maps produced by ODFW and included as Exhibit B in OAR 660-023-0115.

#### HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

#### **18.89.050 Determination Of Significance**

Significant sage-grouse habitat includes only lands protected under Statewide Planning Goals 3 or 4 as of July 1, 2015 that are identified as

- A. Core areas;
- B. Low density areas; and
- C. Lands within a general habitat area located within 3.1 miles of an occupied or occupied-pending lek.
- D. The exact location of sage-grouse habitat may be refined during consideration of specific projects but

#### HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

#### **18.89.060 Conflicting Uses**

For purposes of protecting significant sage-grouse habitat, conflicting uses are:

- A. Large-scale development; and



- B. Other activities, which require review by county decision makers pursuant to OAR 660-033-0120 table and are proposed:
1. In a core area within 4.0 miles of an occupied or occupied-pending lek;
  2. In a low density area within 3.1 miles of an occupied or occupied-pending lek; or
  3. In general habitat within 3.1 miles of an occupied or occupied-pending lek.

HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.070 Pre-Application Conference**

- A. The County Planning Division should convene a pre-application conference with the applicant prior to accepting an application for a conflicting use in significant sage-grouse habitat.
- B. The pre-application conference should include, at a minimum, the applicant, County planning staff and local ODFW staff.

HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.080 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat In A Core Area**

- A. The County may consider a large-scale development in a core area upon applying disturbance thresholds and the mitigation hierarchy as follows:
  1. The County may consider a large-scale development that does not cause the one-percent metering threshold described in DCC 18.89.150 or the three-percent disturbance threshold described in DCC 18.89.160 to be exceeded.
  2. Avoidance.
    - a. Before proceeding with large-scale development activity that impacts a core area, the applicant must demonstrate that reasonable alternatives have been considered and that the activity or other action cannot avoid impacts within core area habitat.
    - b. If the proposed large-scale development can occur in another location that avoids both direct and indirect impacts within core area habitat, then the proposal must not be allowed unless it can satisfy the following criteria.
      1. It is not technically feasible to locate the proposed large-scale development outside of a core area based on accepted engineering practices, regulatory standards or some combination thereof. Costs associated with technical feasibility may be considered, but cost alone may not be the only consideration in determining that development must be located such that it will have direct or indirect impacts on significant sage-grouse areas; or

2. The proposed large-scale development is dependent on a unique geographic or other physical feature(s) that cannot be found on other lands; and
  3. If either DCC 18.89.080(A)(2)(b)(1) or 18.89.080(A)(2)(b)(2) is found to be satisfied the County must also find that the large-scale development will provide important economic opportunity, needed infrastructure, public safety benefits or public health benefits for local citizens or the entire region.
3. Minimization.
    - a. If the proposed use cannot be sited by avoiding a core area altogether, including direct and indirect impacts, it shall be located to minimize the amount of such habitat directly or indirectly disturbed, and to minimize fragmentation of the core area(s) in question by locating the development adjacent to existing development and at the edge of the core area when possible.
    - b. Uses should minimize impacts through micro-siting, limitations on the timing of construction or use, or both, and methods of construction.
    - c. Minimizing impacts from large-scale development in core habitat shall also ensure direct and indirect impacts do not occur in known areas of high population richness within a given core area, unless a project applicant demonstrates, by a preponderance of the evidence, that such an approach is not feasible.
    - d. Costs associated with minimization may be considered, but cost alone may not be the only consideration in determining that location of development cannot further minimize direct or indirect impacts to core areas.
  4. Compensatory Mitigation.
    - a. To the extent that a proposed large-scale development will have direct or indirect impacts on a core area after application of the avoidance and minimization standards and criteria, above, the permit must be conditioned to fully offset the direct and indirect impacts of the development to any core area.
    - b. The required compensatory mitigation must comply with OAR chapter 635, division 140.
- B. The County may approve a conflicting use as identified at DCC 18.89.060(B) above upon either:
1. Receiving confirmation from ODFW that the proposed conflicting use does not pose a threat to significant sage-grouse habitat or the way sage-grouse use that habitat; or
  2. Conditioning the approval based on ODFW recommendations, including minimization techniques and compensatory mitigation, if necessary, to resolve threats to significant sage-grouse habitat.

## HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.090 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat In A Low Density Area**

- A. The County may approve a large-scale development in a low density area upon applying the mitigation hierarchy as follows:
1. Avoidance.
    - a. Before proceeding with large-scale development activity that impacts a low density area, the applicant must demonstrate that reasonable alternatives have been considered and that the activity or other action cannot avoid impacts within a low density area.
    - b. If the proposed large-scale development can occur in another location that avoids both direct and indirect impacts within a low density area, then the proposal must not be allowed unless it can satisfy the following criteria:
      1. It is not technically or financially feasible to locate the proposed large-scale development outside of a low density area based on accepted engineering practices, regulatory standards, proximity to necessary infrastructure or some combination thereof; or
      2. The proposed large-scale development is dependent on geographic or other physical feature(s) found in low density habitat areas that are less common at other locations, or it is a linear use that must cross significant sage-grouse habitat in order to achieve a reasonably direct route.
  2. Minimization.
    - a. If the proposed use cannot be sited by avoiding a low density area altogether, including direct and indirect impacts, it shall be located to minimize the amount of such habitat directly or indirectly disturbed, and to minimize fragmentation of the low density area(s) in question by locating the development adjacent to existing development and at the edge of the low density area when possible.
    - b. Uses should minimize impacts through micro-siting, limitations on the timing of construction or use, or both, and methods of construction.
  3. Compensatory Mitigation. Required consistent with the provisions of DCC 18.89.080(A)(4) above.
- B. The County may approve a conflicting use as identified at DCC 18.89.060(B) above when found to be consistent with the provisions of DCC 18.89.080(B).

## HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.100 Program To Achieve Goal Of Protecting Significant Sage Grouse Habitat On General Habitat**

- A. The County may approve a large-scale development on significant sage-grouse habitat in general habitat upon requiring:
1. General Habitat Consultation.
    - a. If the proposed use cannot be sited by avoiding a general habitat area altogether, including direct and indirect impacts, it shall be located to minimize the amount of such habitat directly or indirectly disturbed, and to minimize fragmentation of the general habitat area(s) in question.
    - b. If the proposed use will be located in a general habitat area, the application for the use must include documentation of consultation between the development applicant and ODFW that considers and results in recommendations on how to best locate, construct or operate the development action so as to avoid or minimize direct and indirect impacts on significant sage-grouse habitat within the area of general habitat.
    - c. The County shall attach ODFW recommendations as a condition of approval; and
  2. Compensatory Mitigation. Required consistent with the provisions of DCC 18.89.080(A)(4) above.
- B. The County may approve a conflicting use identified in DCC 18.89.060(B) above when found to be consistent with the provisions of DCC 18.89.080(B).

**HISTORY**

*Adopted by Ord. [2015-011](#) §1 on 12/11/2015*

**18.89.110 Especially Unique Local Economic Opportunity**

- A. The County may approve a large-scale development proposal that does not meet the avoidance test for significant sage-grouse habitat if the County determines that the overall public benefits of the proposal outweigh the damage to significant sage-grouse habitat.
- B. Requirements for minimization and compensatory mitigation continue to apply and attempts should be made to avoid areas of high population richness, if possible.
- C. The County shall make the balancing determination required by DCC 18.89.110(A) and (B) only when the proposal involves an economic opportunity that will provide a number of permanent, full-time jobs, not including construction activities, paying at least 150 percent of average county wages sufficient to increase the amount of total private nonfarm payroll employment by at least 0.5 percent over the figure included in the most recent data available from the Oregon Department of Employment rounded down to the nearest whole number.
- D. The applicant has the burden to show that the overall public benefits outweigh the damage to the significant sage-grouse habitat.
- E. This section may be exercised by the County once during every ten-year period beginning on August 13, 2015.

- F. The County may deny a proposal submitted under this section.

HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.120 Proposal To Upzone Lands Containing Significant Sage Grouse Habitat**

- A. A proposal to up-zone lands containing significant sage-grouse habitat to a greater development potential than otherwise allowed under Goals 3 and 4 shall follow the ordinary Goal 5 process at OAR 660-023-0030 to 660-023-0050.
- B. Up-zoning lands in a core area shall be considered a direct impact and count towards the three percent disturbance threshold pursuant to DCC 18.89.160 below.

HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.130 Landscape; Level Consideration**

The standards in DCC 18.89.080, 18.89.090 18.89.100 above, are designed to minimize the amount of future impacts from human sources to significant sage-grouse habitat areas.

HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.140 Central Registry**

- A. The County shall cooperate with the Oregon Department of Land Conservation and Development (DLCD), ODFW, the Bureau of Land Management (BLM), and USFWS, Baker, Crook, Harney, Lake, Malheur and Union counties to maintain a central registry, tracking human disturbance from existing (baseline) and all new development affecting core areas.
- B. In addition to assisting in maintaining the central registry, the County shall report all development land use permits for all uses within a core area to DLCD.
- C. The County may establish more refined, project specific data to replace the baseline figures in the DLCD registry so long as all counties listed in DCC 18.89.140(A) utilize a common methodology.

HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

**18.89.150 Metering**

- A. This chapter is intended to ensure that the area of direct impact levels in any PAC, including energy facilities exempted under subsection (2)(b), does not increase by an amount greater than 1.0 percent of the total area of the PAC in any ten-year period.
- B. The initial period shall commence August 13, 2015, the effective date of the Land Conservation and Development Commission (LCDC) sage grouse protection rules, and continue for ten consecutive years, where upon the process shall be successively repeated.

## HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

### **18.89.160 Disturbance Threshold**

This Chapter is intended to ensure that direct impact level, including energy facilities exempted under DCC 18.89.020(C), does not exceed three percent of the total area in any PAC.

## HISTORY

Adopted by Ord. [2015-011](#) §1 on 12/11/2015

## **CHAPTER 18.90 SENSITIVE BIRD AND MAMMAL HABITAT COMBINING ZONE; SBMH**

### **18.90.010 Purpose**

### **18.90.020 Definition Of Sensitive Habitat Area**

### **18.90.030 Limitations And Uses Permitted**

### **18.90.040 Applicability**

### **18.90.050 Site Plan Review Requirement**

### **18.90.060 Site Plan Review Criteria**

### **18.90.010 Purpose**

The purpose of the Sensitive Bird and Mammal Combining Zone is to insure that sensitive habitat areas identified in the County's Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and the Townsend's big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental and energy analysis (ESEE) for each inventoried sensitive habitat area.

## HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §2 on 12/11/2015

### **18.90.020 Definition Of Sensitive Habitat Area**

- A. The sensitive habitat area is the area identified in the Deschutes County Comprehensive Plan Resource Element inventory and site specific ESEE for each sensitive bird or mammal site. The sensitive habitat area to be protected by the provisions of DCC 18.90 is defined as the area:
  1. Within a radius of 1,320 feet of a golden eagle, bald eagle, prairie falcon nest, or a Townsend's big-eared bat hibernating or nursery site.
  2. Within a radius of 300 feet of a great blue heron rookery or osprey nest.
  3. Within a radius of 900 feet of a great grey owl nest site.
- B. Inventoried sensitive bird or mammal sites located on federal land are not subject to the provisions of DCC 18.90 unless the sensitive habitat area identified in DCC 18.90.020(A)(1) extends onto nonfederal land.

## HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [93-043](#) §14 on 8/25/1993

Amended by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §1 on 12/11/2015

**18.90.030 Limitations And Uses Permitted**

- A. Uses permitted in the underlying zone(s) are permitted or conditionally permitted in the Sensitive Bird and Mammal Combining Zone subject to the additional procedure and requirements of DCC 18.90.040 and the provisions of the ESEE decision. The Sensitive Bird and Mammal Habitat Combining Zone does not regulate or prohibit forest practices subject to ORS 527.610 to 527.770 and the rules adopted pursuant thereto; or to farm practices as defined by ORS 30.930(2).
- B. When there is a conflict between the site specific ESEE analysis and the provisions of DCC Title 18, the site-specific ESEE analysis shall control.

## HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [94-005](#) §1 on 6/15/1994

**18.90.040 Applicability**

Review under DCC 18.90 shall be triggered by the following proposals occurring within a sensitive habitat area, as defined in DCC 18.90.020:

- A. An application for a building permit for a new structure or addition to an existing structure;
- B. Land divisions creating new lots or parcels within the sensitive habitat area;
- C. An application for a conditional use permit; or
- D. An application for site plan approval.

## HISTORY

Adopted by Ord. [92-042](#) §2 on 8/5/1991

Amended by Ord. [94-005](#) §1 on 6/15/1994

**18.90.050 Site Plan Review Requirement**

- A. For those proposals identified in DCC 18.90.040 to be sited within an inventoried sensitive habitat area, as defined under DCC 18.90.020, a site plan shall be prepared in accordance with the requirements of DCC 18.90.050. The site plan shall be approved prior to issuance of a building permit, land division, conditional use permit or site plan identified in DCC 18.90.040.
- B. The site plan application shall provide the following information:
  1. A plot plan showing the location of all development including existing and proposed roads, driveways, and structures.

2. Description of operating characteristics of the proposed use including times when activity within the sensitive habitat area would generate noise, dust, vibration, lights, traffic, or be visible from the nest, rookery, or hibernation site.
  3. Timing of construction activities including grading or filling land, hauling materials, and building.
  4. Description of existing vegetation and vegetation to be removed for the proposed development.
- C. The County shall submit a copy of the site plan to the Oregon Department of Fish and Wildlife for comment. ODFW shall have 20 days from the date the site plan is mailed to submit written comments to the County.
- D. Based upon the record, and evaluation of the proposal based on the criteria in DCC 18.90.060, and conformance with the ESEE analysis for the site contained in the Resource Element of the Comprehensive Plan, the County shall approve or reject the site plan. In lieu of rejection of the site plan, the County may allow the applicant to revise the site plan if the applicant has not met the standards for approval. Applicant shall waive the 150-day time limit if it chooses to revise the site plan.
- E. Approval of a site plan under DCC 18.90.050 shall be conditioned upon applicant's implementation of the plan.

#### HISTORY

*Adopted by Ord. [92-042](#) §2 on 8/5/1991*

*Amended by Ord. [93-043](#) §14B on 8/25/1993*

*Amended by Ord. [94-005](#) §1 on 6/15/1994*

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

*Amended by Ord. [2015-011](#) §2 on 12/11/2015*

*Amended by Ord. [2020-007](#) §14 on 10/27/2020*

#### **[18.90.060 Site Plan Review Criteria](#)**

Approval of site plan shall be based on the following criteria:

- A. The site plan shall consider the biology of the identified sensitive species, nesting trees, critical nesting periods, roosting sites, and buffer areas. Based on the biology of the species and the characteristics of the site, the site plan shall provide protection that will prevent destruction of the subject nesting site, hibernation site or rookery and will, to a reasonable certainty, avoid causing the site to be abandoned.
- B. Development activities, including grading and fill, mining, construction, or activities generating noise or dust within the sensitive habitat area shall be prohibited during the nesting, strutting, or hibernation season identified in the site specific ESEE analysis and decision for each habitat site. An exception to this standard may be made if the Oregon Department of Fish and Wildlife determines in writing that the nest, or rookery is not active and will not become active during the proposed construction period or if the sensitive birds have fledged. Construction activities within an enclosed structure may be conducted during the nesting, strutting, or hibernation



season. Construction activities necessary to repair an existing septic system or to replace or repair a structure destroyed or damaged by fire or other natural causes may be conducted during the nesting, strutting, or hibernation season.

- C. New roads, driveways, or public trails shall be located at the greatest distance possible from the nest, rookery, or hibernation site unless topographic or vegetation or structural features will provide greater visual and/or noise buffer from the nest, rookery, or hibernation site.
- D. Existing vegetation or other landscape features which are located on the subject property and which obscure the view of the nest, rookery, or hibernation site from the proposed development, shall be preserved and maintained. A restrictive covenant to preserve and maintain vegetation shall be required when specified in the ESEE for the site.
- E. No partitions or subdivisions shall be permitted which would force location of a dwelling or other structure, not otherwise permitted by the site specific ESEE, within the designated sensitive habitat area.
- F. All exterior lighting, including security lighting shall be sited and shielded so that the light is directed downward and does not shine on the subject nest, rookery, or hibernation site.
- G. The site plan shall conform with the requirements of the ESEE decision for the subject sensitive bird or mammal site contained in the Resource Element of the Deschutes County Comprehensive plan.

#### HISTORY

Adopted by Ord. [94-005](#) §1 on 6/15/1994

Amended by Ord. [2015-011](#) §2 on 12/11/2015

#### **CHAPTER 18.92 (REPEALED)**

#### HISTORY

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

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

Repealed by Ord. [2023-019](#) on 8/23/2023

#### **CHAPTER 18.96 FLOOD PLAIN ZONE; FP**

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The purposes of the Flood Plain Zone are: To implement the Comprehensive Plan Flooding Section; to protect the public from the hazards associated with flood plains; to conserve important riparian areas along rivers and streams for the maintenance of the fish and wildlife resources; and to preserve significant scenic and natural resources while balancing the public interests with those of individual property owners in the designated areas.

**HISTORY**

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

*Amended by Ord. [88-030](#) §4 on 8/17/1988*

*Repealed by Ord. [2018-005](#) §11 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

**[18.96.020 Designated Areas](#)**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas" revised September 28, 2007, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and incorporated herein by this reference. The Flood Insurance Study is on file at the Deschutes County Community Development Department.

The Flood Plain Zone shall include all areas designated as "Special Flood Hazard Areas" by the Flood Insurance Study for Deschutes County. When base flood elevation data has not been provided in the Flood Insurance Study, the Planning Director will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other sources in determining the location of a flood plain or floodway.

**HISTORY**

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

*Amended by Ord. [88-030](#) §4 on 8/17/1988*

*Amended by Ord. [2000-033](#) §5 on 12/6/2000*

*Amended by Ord. [2007-019](#) §2 on 9/28/2007*

*Repealed by Ord. [2018-005](#) §11 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

**[18.96.030 Uses Permitted Outright](#)**

The following uses and their accessory uses are permitted outright

- A. Agricultural use conducted without establishing or utilizing a structure. For purposes of DCC 18.96.030(A), a "structure" does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood carried material.

- B. Management, propagation and harvesting of a forest product.
- C. Open space.
- D. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 that do not involve Floodplain development.
- F. Class III road or street project that does not constitute Floodplain development as defined in DCC 18.04.030.
- G. Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not adverse effect on flood waters.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Recreational vehicles on an individual lot or parcel for a period not to exceed 180 consecutive days, as allowed pursuant to DCC 18.116.080, 18.116.090, or 18.116.095.

#### HISTORY

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

*Amended by Ord. [88-030](#) §4 on 8/17/1988*

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

*Amended by Ord. [93-043](#) §15 on 8/25/1993*

*Amended by Ord. [2007-019](#) §2 on 9/28/2007*

*Repealed by Ord. [2018-005](#) §11 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

*Amended by Ord. [2023-001](#) §13 on 5/30/2023*

#### **[18.96.040 Conditional Uses Permitted](#)**

The following uses and their accessory uses may be allowed subject to applicable sections of this title:

- A. A roadway, bridge or utility structure, except a land disposal site, that will not impede the waters of a base flood subject to DCC 18.128.
- B. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals, or plant life should the storage area be inundated.
- C. Single-unit family dwelling, or a manufactured home-dwelling subject to DCC 18.116.070, on an individual lot or parcel. In addition to the other requirements of DCC 18.96, single-unitfamily dwellings proposed to be sited in areas of the Flood Plain Zone designated "Agriculture" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.16.030(A), (B), (D)

or (E) and subject to the applicable provisions of DCC 18.96 governing those uses. In addition to the other requirements of DCC 18.96, single-~~unit~~~~family~~ dwellings proposed to be sited in areas of the Flood Plain Zone designated "Forest" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.36.030(Y), 18.40.030(X) or 18.40.030(Y) and subject to the applicable provision of DCC 18.36 and 18.40 governing those uses.

- D. Agricultural accessory buildings.
- E. Hydroelectric facilities subject to DCC 18.116.130 and 18.128.260.
- F. ~~Excavation, grading, and fill~~ Fill and or removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270. ~~Excavation, grading, and fill~~ Fill or removal within any area of special flood hazard identified in DCC 18.96.020.
- G. Recreational uses requiring only structures having an insignificant effect on flood waters outside the Floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves, and hunting or fishing areas subject to DCC 18.128, except in areas designated "Forest" or "Agriculture" on the Comprehensive Plan Map.
- H. Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of DCC Title 18 and DCC Title 17, the Subdivision/Partition Ordinance.
- I. All new construction expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building.
- J. A boat dock or pier, either individual or community, on private property which lies in the following areas:
  1. On the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area;
  2. On the Deschutes River between river miles 217.5 and 216.5. This area is identified in the Scenic Waterway Management Plan as the Pringle Falls River Community Area; and
  3. On the Deschutes River between river miles 207 and 192. This area is identified in the Scenic Waterway Management Plan as River Community Areas and Recreational River Area respectively.
- K. Those recreational uses described in DCC 18.36.030, "F-1 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-1.
- L. Those recreational uses described in DCC 18.40.030, "F-2 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-2.
- M. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

- N. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- O. Recreational vehicles on an individual lot or parcel for a period in excess of 180 consecutive days, as allowed pursuant to DCC 18.116.080, 18.116.090, or 18.116.095(C), provided they meet the following standards and criteria:
1. Placement of a recreational vehicle within a special flood hazard area for a period of time exceeding 180 days requires a conditional use permit subject to the standards and criteria established by DCC 18.96 and a Floodplain Permit as required by the National Flood Insurance Program.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [88-030](#) §4 on 8/17/1988*  
*Amended by Ord. [89-009](#) §4 on 11/29/1989*  
*Amended by Ord. [91-005](#) §37 on 3/4/1991*  
*Amended by Ord. [91-038](#) §1 on 9/30/1991*  
*Amended by Ord. [93-002](#) §4 on 2/3/1993*  
*Amended by Ord. [93-045](#) §1 on 8/18/1993*  
*Amended by Ord. [95-022](#) §1,2 on 4/5/1995*  
*Amended by Ord. [95-075](#) §1 on 11/29/1995*  
*Amended by Ord. [96-032](#) §1 on 5/1/1996*  
*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](#) §11 on 12/12/2001*  
*Amended by Ord. [2007-019](#) §2 on 9/28/2007*  
*Repealed by Ord. [2018-005](#) §11 on 10/10/2018*  
*Amended by Ord. [2019-010](#) §1 on 5/8/2019*  
*Amended by Ord. [2023-001](#) §13 on 5/30/2023*

#### **[18.96.050 Prohibited Uses](#)**

Marinas, boat slips and boat houses on private property.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*  
*Amended by Ord. [89-009](#) §5 on 11/29/1989*

#### **[18.96.060 Limitations On Conditional Uses](#)**

The following limitations shall apply to all uses allowed by DCC 18.96.040:

- A. No new construction of a dwelling (including manufactured housing), accessory structure, or farm use structure shall be allowed in the floodway of any river or stream except for

replacement in conformance with the applicable provisions of DCC 18.96 of a dwelling lawfully in existence as of the effective date of Ordinance 88-030.

- B. No new construction of a dwelling (including manufactured housing), accessory structure, or farm use structure shall be located in the flood plain unless it can be demonstrated by the applicant that no alternative exists on the subject property which would allow the structure to be placed outside of the flood plain.
- C. No subdivision or partition shall be allowed which creates the potential for additional residential dwellings in the flood plain.
- D. All necessary federal, state, and local government agency permits shall be obtained.

#### HISTORY

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

*Amended by Ord. [88-030](#) §4 on 8/17/1988*

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

*Amended by Ord. [93-002](#) §5 on 2/3/1993*

*Amended by Ord. [95-022](#) §1,2 on 4/5/1995*

*Amended by Ord. [2007-019](#) §2 on 9/28/2007*

#### **[18.96.070 Application For Conditional Use](#)**

All records of any application for a conditional use permit and all certification of elevations shall be maintained in the records of the Community Development Department for public inspection. An application for a conditional use permit in the Flood Plain Zone shall, at a minimum, contain the following information:

- A. A detailed explanation of why it is necessary to conduct the proposed use in the Flood Plain Zone. Where base flood elevation data is not available from the Flood Insurance Study or from another authoritative source, it shall be generated and submitted with the application for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- B. A site plan, drawn to scale and accompanied by drawings, sketches and descriptions which describe and illustrate the proposed use. This site plan shall include, at a minimum, existing and proposed site contours in relation to the base flood elevation, existing and proposed structures, drainage facilities, and an explanation of how erosion will be dealt with during and after construction of the use.
- C. The location of the property relative to the channel of the river or stream.
- D. The location of existing and proposed diking or abutments, if any.
- E. The elevation of the lowest habitable floor and of any basement floor for any dwelling unit or structure.
- F. The elevation to which the structure is to be floodproofed, if applicable.

- G. Elevations on the site plan shall be established by a licensed surveyor or engineer, and shall be in relation to mean sea level.
- H. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria established by the Federal Emergency Management Agency and the applicable standards in DCC 18.96.
- I. All other elements or information which will assist in the evaluation of the proposed development and conformance with the applicable criteria.

#### HISTORY

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

*Amended by Ord. [88-030](#) §4 on 8/17/1988*

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

*Amended by Ord. [93-043](#) §15A on 8/25/1993*

*Amended by Ord. [95-022](#) §1,2 on 4/5/1995*

*Repealed by Ord. [2018-005](#) §11 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

#### **18.96.080 Criteria To Evaluate Conditional Uses**

- A. A conditional use permit in a Flood Plain Zone shall not be approved unless all standards established by the Federal Emergency Management Agency and DCC Title 18 are addressed and findings are made by the Hearings Body or Planning Director that each of the standards and criteria are satisfied.
- B. Approval to alter or relocate a water course shall require notification to adjacent communities, the Department of Land Conservation and Development, Department of State Lands, and other appropriate state and federal agencies prior to any such alteration or relocation and submit evidence to the Federal Insurance Administration. Maintenance shall be provided within the altered and relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- C. A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.
- D. All structures in the flood plain shall meet the following standards.
  - 1. Anchoring.
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure
    - b. All manufactured ~~homes-dwellings~~ must be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  - 2. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality as specified in OAR 340-071-0100 *et seq.*

4. Below-grade crawlspace is allowed subject to the standards in FEMA Technical Bulletin 11-01.

E. Subdivision and Partition Proposals.

1. All subdivision and partition proposals shall be consistent with the need to minimize flood damage.
2. All subdivision and partition proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision and partition proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Where Base Flood Elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less). Generation of Base Flood Elevation data shall not be required for subdivision proposals and other proposed developments that expressly preclude residential and non-residential construction in a Special Flood Hazard Area.

F. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks,



photographs of past flooding, etc., where available. (Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.)

G. Specific Standards. In the Flood Plain Zone, the following requirements must be met:

1. Residential Construction.

- a. New construction, including replacement, and substantial improvement of any residential structure shall have the lowest floor of the entire structure, including basement, elevated at least one foot above base flood elevation.
- b. Fully enclosed areas below the lower floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must satisfy the standards in FEMA Technical Bulletin 11-01 and must either be certified by a registered professional engineer or architect and or must meet or exceed the following criteria:
  1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  2. The bottom of all openings shall be no higher than one foot above grade.
  3. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

- a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are subject to accepted standards of practice for meeting provisions of DCC 18.96.080, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County as set forth in DCC 18.96.070(H).
- d. Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the lowest floor as described in DCC 18.96.080(F).

- e. Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the flood level will be rated as one foot below that level).
  - f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure that shall include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
  - g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.
3. Small Accessory Structures. Relief from elevation or floodproofing as required in (G)(1) or (G)(2) above may be granted for small accessory structures that are:
- a. Less than 200 square feet and do not exceed one story;
  - b. Not temperature controlled;
  - c. Not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;
  - d. Not used to store hazardous or toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation;
  - e. Located and constructed to have low damage potential;
  - f. Constructed with materials resistant to flood damage;
  - g. Anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
  - h. Constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:
    - 1. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; and
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
  - i. Constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
4. Manufactured Dwellings.
- a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with (G)(1)(b) above;
  - b. The bottom of the longitudinal chassis frame beam in A zones shall be at or above the Base Flood Elevation and the lowest floor of the manufactured dwelling shall be at least one foot above the Base Flood Elevation;
  - c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and
  - d. Electrical crossover connections shall be a minimum of 12 inches above Base Flood Elevation.
5. Docks, Piers and Walkways.
- a. No individual boat dock or pier shall be allowed on any lot or parcel with less than 200 feet of river frontage.
  - b. No community boat dock or pier shall be allowed on any lot or parcel with less than 100 feet of river frontage.
  - c. No individual boat dock or pier shall be more than 20 feet in length or more than eight feet in width. The total surface area shall not exceed 160 square feet.
  - d. No community boat dock or pier shall be more than 20 feet in length. The total surface area shall not exceed 320 square feet.
  - e. A boat dock or pier shall not extend into or over the water more than 20 feet as measured from the ordinary high water mark (OHM), or five percent of the distance between the ordinary low water mark (OLM) on each river or stream bank measured at right angles to the shoreline, whichever is less, unless it can be shown that a greater extension:
    1. Is necessary to allow access to the OHM;

2. Will not increase flood hazard; and
3. Will not cause the deterioration or destruction of marine life or wildlife habitat. When the lines of ordinary high or low water cannot be determined by survey or inspection, then such lines shall be determined by a registered professional engineer using the annual mean high or low water for the preceding year, using data from the State of Oregon Watermaster.
  - f. Individual boat docks and piers shall have a minimum five foot setback from ~~adjoining~~ ~~abutting~~ property boundaries projected over the water surface.
  - g. Dock, pier, and walkway structures shall not be covered or enclosed.
  - h. All materials used in dock, pier, or walkway construction must be in compliance with all DEQ and EPA regulations.
  - i. Docks, piers, and walkways shall use either pilings or Styrofoam floats if such floats are fully enclosed and sealed.
  - j. Docks, piers, and walkways shall not impede water movement or cause deposition on waterway beds.
  - k. Docks, piers, and walkways containing concrete or wood preservatives shall be fully cured or dried prior to placement in the water.
  - l. No walkway shall be more than four feet in width. The length of the walkway shall be no more than the minimum required to allow access to a dock.
  - m. Walkways shall include at least one handrail if the structure is elevated 30 inches or more from ground level.
  - n. All docks, piers and walkways shall meet the test of noninterference with navigation.
6. Parking Facilities. No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM).
7. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area of Special Flood Hazard (100-year floodplain). Construction of new critical facilities shall be permissible within the Area of Special Flood Hazard if no feasible alternative site is available. Critical facilities constructed within the Area of Special Flood Hazard shall have the lowest floor elevated three feet above Base Flood Elevation or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that hazardous or toxic substances, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all critical facilities to

the extent possible unless deemed impractical by the Hearings Body or Planning Director.

8. Storage of material or equipment, incidental to an established primary use on the property that is either not subject to damage by flood may be permitted. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals, or plant life should the storage area be inundated.

H. Floodways. In floodways the following provisions shall apply:

1. Encroachments, including fill ~~and or~~ removal, replacement of a dwelling lawfully in existence on the effective date of Ordinance 88-030, and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that the proposed encroachments will not result in any increase in flood levels during a base flood discharge.
2. The applicant must demonstrate that all necessary federal, state, and local government agency permits have been or can be obtained and that all other applicable sections of DCC Title 18 have been satisfied.
3. Replacement of a dwelling shall not increase the square footage or footprint of the structure by more than 20 percent of the square footage or footprint of such dwelling as of the effective date of Ordinance 88-030.
4. No replacement of a dwelling shall be allowed if the use of the preexisting dwelling has been abandoned or otherwise terminated for a period of over one year.

#### HISTORY

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

*Amended by Ord. [88-030](#) §4 on 8/17/1988*

*Amended by Ord. [89-009](#) §7 on 11/29/1989*

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

*Amended by Ord. [93-002](#) §§6, 8, and 9 on 2/3/1993*

*Amended by Ord. [93-043](#) §15B on 8/25/1993*

*Amended by Ord. [95-022](#) §1,2 on 4/5/1995*

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

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

*Amended by Ord. [2007-019](#) §2 on 9/28/2007*

*Repealed by Ord. [2018-005](#) §11 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

*Amended by Ord. [2019-016](#) §2 on 2/24/2020*

#### **[18.96.085 Elevation Certification](#)**

Elevation of all new construction, including replacement and substantial improvements, relative to mean sea level of the lowest floor shall be documented before the framing inspection with a survey certified by a State of Oregon registered professional engineer or land surveyor.

#### HISTORY

Adopted by Ord. [93-002](#) §10 on 2/3/1993

Amended by Ord. [95-022](#) §1,2 on 4/5/1995

#### **18.96.090 ~~Yard And Setback Requirements~~**

In an FP zone, the following ~~yard and~~ setback requirements shall be maintained;

- A. The front setback shall be a minimum of 20 feet from a ~~property lot~~ line fronting on a local street, 30 feet from a ~~property lot~~ line fronting on a collector, and 50 feet from from a lot line fronting on an arterial.
- B. There shall be a minimum side ~~yard setback~~ of 10 feet for all uses.
- C. The minimum rear ~~yard setback~~ shall be 20 feet.
- D. The setback from a north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. The minimum ~~yard setback~~ for a nonfarm use from the ~~property lot~~ line ~~adjacent to abutting~~ a farm use not owned by the applicant shall be 100 feet.
- F. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

#### HISTORY

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

Amended by Ord. [88-030](#) §4 on 8/17/1988

Amended by Ord. [94-008](#) §25 on 6/8/1994

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

Repealed by Ord. [2018-005](#) §11 on 10/10/2018

Amended by Ord. [2019-010](#) §1 on 5/8/2019

#### **18.96.100 Stream Setback**

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

- A. All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the County Sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in no case closer than 25 feet.

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

HISTORY

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

Amended by Ord. [88-030](#) §4 on 8/17/1988

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

**[18.96.110 Dimensional Standards](#)**

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

- A. Lot Coverage. ~~Lot coverage shall not exceed~~~~The main building and accessory buildings located on any building site or lot shall not cover in excess of~~ 30 percent of the total lot or parcel area.
- B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- C. Minimum lot size shall be 10 acres for all areas which have received an exception to the Statewide Planning Goals for resource uses. Areas which have not received an exception to the Statewide Planning Goals shall have a minimum lot size of 80 acres.

HISTORY

Amended by Ord. [92-055](#) §8 on 8/17/1992

Repealed by Ord. [2018-005](#) §11 on 10/10/2018

Amended by Ord. [2019-010](#) §1 on 5/8/2019

**[18.96.120 Warning And Disclaimer Of Liability](#)**

The degree of flood protection required by DCC Title 18 is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. DCC Title 18 shall not create liability on the part of Deschutes County, any officer, agent or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on DCC Title 18 or any decision lawfully made hereunder.

HISTORY

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

Amended by Ord. [88-030](#) §4 on 8/17/1988

**[18.96.130 Interpretation Of FIRM Boundaries](#)**

The Planning Director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Such interpretations shall be processed as a development action pursuant to Chapter 22.16.

Where Flood Plain zoned land has been recognized as above the base flood elevation in a FEMA Letter of Map Change, uses and structures on such land shall be exempt from 18.96.080(D); 18.96.080(E); 18.96.080(G)(1), (2), and (3); 18.96.080(H); and 18.96.085.

#### HISTORY

Adopted by Ord. [2007-019](#) §2 on 9/28/2007

Amended by Ord. [2019-016](#) §2 on 2/24/2020

#### [18.96.140 Use Variances](#)

Use variances or variances to the standards established by DCC 18.96.060 and 18.96.080 shall not be allowed.

#### HISTORY

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

Amended by Ord. [88-030](#) §4 on 8/17/1988

Amended by Ord. [2007-019](#) §2 on 9/28/2007

#### [18.96.150 Acreage Calculation For Partition Or Subdivision Of Certain Properties Containing Flood Plain Zoned Lands](#)

Partitions of certain split-zoned properties are subject to the following area calculation and configuration standards.

##### A. Eligibility

1. Property contains two base zones, Flood Plain and Exclusive Farm Use; and
2. Property contains one Comprehensive Plan designation, Agricultural; and
3. Property is not located in a WA Combining Zone and does not contain significant riparian habitat per Ordinance 94-007,
4. Property ~~adjoins-abuts~~ or was formerly adjacent to or bisected by an irrigation canal or lateral that has been removed or piped; and
5. Parent property must meet the minimum lot size requirements for partitions set forth in 18.16.055.

##### B. Procedure

1. The Flood Plain and Exclusive Farm Use zoned area shall be summed for the purposes of lot area calculation.
2. The minimum lot size for new parcels resulting from such partitions shall be determined by applying the minimum parcel sizes of DCC 18.16.055 and 18.16.065.
3. All Flood Plain zoned lands from the parent lot or parcel must be contained within a single partition parcel.

#### HISTORY

Adopted by Ord. [2019-019](#) §1 on 12/11/2019



## **CHAPTER 18.100 RURAL INDUSTRIAL ZONE; R-I**

[18.100.010 Uses Permitted Outright](#)

[18.100.020 Conditional Uses](#)

[18.100.030 Use Limitations](#)

[18.100.040 Dimensional Standards](#)

[18.100.050 Off-Street Parking And Loading](#)

[18.100.060 Site Design](#)

[18.100.070 Additional Requirements](#)

[18.100.080 Solar Setback](#)

[18.100.090 Limited Use Combining Zone; Deschutes Junction](#)

### **18.100.010 Uses Permitted Outright**

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision, or a residential zone.

- A. Farming or forest use.
- B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
  1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
  2. Ornamental horticultural products and nurseries.
  3. Softwood and hardwood products excluding pulp and paper manufacturing.
  4. Sand, gravel, clay, and other mineral products.
- C. ~~Residence-Dwelling unit~~ for caretaker or night watchman on property.
- D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
- E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
- F. Ice or cold storage plant.
- G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- I. Kennel or a Veterinary clinic.
- J. Lumber manufacturing and wood processing except pulp and paper manufacturing.

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

#### HISTORY

Adopted by Ord. [PL-15](#) §4.220(2) on 11/1/1979

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

Amended by Ord. [93-043](#) §16 on 8/25/1993

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

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

Amended by Ord. [2002-126](#) §1 on 12/11/2002

Amended by Ord. [2015-004](#) §8 on 4/22/2015

Amended by Ord. [2016-015](#) §8 on 7/1/2016

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

#### [18.100.020 Conditional Uses](#)

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a ~~residential~~ dwelling unit, a lot within a platted subdivision, or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.
- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse, and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.010, which is expected to exceed the following standards:
  1. Lot coverage in excess of 70 percent.
  2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.

- K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- L. Public Land Disposal Site Transfer Station, including recycling and other related activities.
- M. Mini-storage facility.
- N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- P. Utility facility.
- Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
- R. Electrical substations.
- S. Marijuana retailing, subject to the provisions of DCC 18.116.330.
- T. Psilocybin testing laboratories.

#### HISTORY

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

*Amended by Ord. [86-018](#) §15 on 6/30/1986*

*Amended by Ord. [90-014](#) §38 on 7/12/1990*

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

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

*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](#) §12 on 12/12/2001*

*Amended by Ord. [2002-126](#) §1 on 12/11/2002*

*Amended by Ord. [2004-013](#) §10 on 9/21/2004*

*Amended by Ord. [2016-015](#) §8 on 7/1/2016*

*Amended by Ord. [2018-006](#) §12 on 11/20/2018*

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

*Amended by Ord. [2022-014](#) §6 on 4/4/2023*

*Amended by Ord. [2023-001](#) §14 on 5/30/2023*

#### **[18.100.030 Use Limitations](#)**

In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:

- A. Properties subject to a limited use combining zone shall be limited to those uses and conditions specified in the limited use combining zone.
- B. No use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot or parcel adjacent to or

across a street from a ~~residential~~ dwelling unit, a lot in a platted subdivision, or a residential zone.

- C. No use shall be permitted that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector or other improved street or road designed to serve the industrial use which does not pass through or adjacent to residential lots in a platted subdivision or a residential zone.
- D. Any use on a lot or parcel adjacent to or across the street from a ~~residential~~ dwelling unit, a lot in a platted subdivision, or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use, ~~or residential~~ lot, or residential parcel.
- E. All parking demand created by any use permitted by DCC 18.100.010 or 18.100.020 shall be accommodated on the applicant's premises entirely off-street.
- F. No use permitted by DCC 18.100.010 or 18.100.020 shall require the backing of traffic onto a public or private street or road right of way.
- G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.010 or 18.100.020 per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- H. All uses permitted by DCC 18.100.010 or 18.100.020 shall be screened from ~~adjoining-abutting~~ residential uses by a sight-obscuring fence.
- I. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a ~~residential~~ dwelling unit, a lot in a platted subdivision, or a residential zone except as is consistent with DCC 8.08.
- J. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential use, ~~or residential~~ lot, or residential parcel.
- K. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
- L. Residential and industrial uses shall be served by on-site wells or public water systems.

#### HISTORY

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

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

*Amended by Ord. [2002-126](#) §1 on 12/11/2002*

*Amended by Ord. [2004-013](#) §10 on 9/21/2004*

*Amended by Ord. [2009-008](#) §2 on 4/20/2009*

*Amended by Ord. [2018-006](#) §12 on 11/20/2018*

#### **[18.100.040 Dimensional Standards](#)**

In an R-I Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
- B. No conditional use permitted by DCC 18.100.020 that is located within 600 feet of a residential use, lot in a platted subdivision, or a residential zone shall exceed 70 percent lot coverage ~~by all buildings, including~~ storage areas or facilities, and required off-street parking and loading areas.
- C. The minimum setback between a structure and a street or road shall be 50 feet.
- D. The minimum setback between a structure and a ~~property lot~~ line ~~adjoining abutting~~ a residential lot, ~~residential parcel~~, or ~~residential~~ use shall be 50 feet.
- E. The minimum rear or side ~~yard~~ setbacks shall be 25 feet unless a greater setback is required by DCC 18.100.070(A).
- F. The maximum building height for any structure shall be 30 feet on any lot ~~or parcel~~ adjacent to or across a street from a residential use, ~~or residential~~ lot, ~~or residential parcel~~, and 45 feet on any other lot ~~or parcel~~.
- G. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- H. Maximum industrial use floor area.
  1. The maximum size of a building is 7,500 square feet of floor space. The maximum square footage in a building or buildings for a single allowable use, as defined in DCC 18.100.020 and 18.100.030, on an individual lot or parcel shall not exceed 7,500 square feet. There is no building size limit for uses that are for the primary processing of raw materials produced in rural areas.
  2. A lawfully established use that existed on or before 02/25/03 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use whichever is greater.

#### HISTORY

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

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

Amended by Ord. [94-008](#) §26 on 6/8/1994

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

Amended by Ord. [2002-126](#) §1 on 12/11/2002

Amended by Ord. [2018-006](#) §12 on 11/20/2018

#### [18.100.050 Off-Street Parking And Loading](#)

Off-street parking and loading shall be provided subject to the provisions of DCC 18.100.070 and DCC 18.116.

## HISTORY

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

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

**18.100.060 Site Design**

All uses except farm, forest and residential uses are subject to the provisions of DCC 18.124, Site Plan Review.

## HISTORY

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

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

Amended by Ord. [2002-126](#) §1 on 12/11/2002

**18.100.070 Additional Requirements**

As a condition of approval of any use proposed within an R-I Zone, the Planning Director or Hearings Body may require:

- A. An increase in required setbacks.
- B. Additional off-street parking and loading facilities.
- C. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
- D. Additional landscaping, screening, and other improvements.

## HISTORY

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

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

Amended by Ord. [2018-006](#) §12 on 11/20/2018

**18.100.080 Solar Setback**

The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

## HISTORY

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

Amended by Ord. [83-037](#) §20 on 6/1/1983

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

**18.100.090 Limited Use Combining Zone; Deschutes Junction**

- A. For the property at Deschutes Junction that is described in Exhibit "C" and identified on Exhibit "D", attached to Ordinance 2009-007 and incorporated by reference herein, the storage, crushing, processing, sale and distribution of minerals and their accessory uses are permitted outright and do not require site plan review.
- B. For the property at Deschutes Junction that is described in Exhibit "D" identified on Exhibit "E", attached to Ordinance 2010-030 and incorporated by reference herein, the storage, crushing,

processing, sale and distribution of minerals are subject to conditional use and site plan approval.

#### HISTORY

Adopted by Ord. [2009-008](#) §2 on 4/20/2009

Amended by Ord. [2010-031](#) §1 on 2/22/2011

#### **CHAPTER 18.104 (REPEALED)**

#### HISTORY

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

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

[18.108.010 Purpose](#)

[18.108.020 Standards For All Districts](#)

[18.108.030 Single ~~Family~~ Unit Residential; RS District](#)

[18.108.040 Multiple ~~Family~~ 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](#)

#### **18.108.010 Purpose**

The purpose of the Urban Unincorporated Community (UUC) Zone - Sunriver is to provide standards and review procedures for the future development of the urban unincorporated community of Sunriver. The UUC Zone - Sunriver is composed of 17 separate zoning districts and one combining zone district, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.108.

#### HISTORY

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

Amended by Ord. [2007-019](#) §2 on 9/28/2007

Amended by Ord. [2008-015](#) §1 on 6/30/2008

### 18.108.020 Standards For All Districts

- A. Approval Required. Any use in an RM, C, R, TC, RA, RG, RE, RN, BP, CG, CR, CL, CN, A, U or F District shall be subject to DCC 18.124. All uses listed as conditional uses within the RS District are also subject to the requirements of DCC 18.124.
- B. Solar Setbacks.
  - 1. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180, with the exception of land in the TC District described in subsection (B)(2), below.
  - 2. The development of land located within the TC District is exempt from the requirements of the solar setback requirements of DCC 18.116.180 unless a proposed building casts a shadow on land:
    - a. Located outside of the C or TC Districts, other than roadway areas; or
    - b. Described in DCC 18.108.050(C)(1) as eligible for residential development.
  - 3. All development shall take advantage of passive solar to the extent practicable.
- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.
- F. ~~Excavation, Grading, and Fill~~ and or Removal. ~~Excavation, grading, and fill~~ Fill and or removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.
- G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.

#### HISTORY

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

*Amended by Ord. [2007-019](#) §2 on 9/28/2007*

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

### 18.108.030 Single ~~Family~~ Unit Residential; RS District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
  - 1. Single-~~unit~~family-dwelling.
  - 2. Recreational path.
  - 3. Residential home.



- 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 building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- D. Lot 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. Every lot or parcel shall have a minimum area of 6,000 square feet.
  2. Lot Width. Every lot or parcel shall have a minimum ~~average~~ width of 60 feet, except that a ~~corner~~ lot or parcel with more than one front lot line shall be a minimum of 70 feet.
  3. Frontage. Every lot or parcel shall have a minimum ~~width at the street~~ frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
  4. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 20 feet.
  5. Side ~~YardSetback~~. A side ~~yard-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 ~~yard-setback~~ of 7.5 feet, including additions thereto.
  6. Rear ~~YardSetback~~. The rear ~~yard~~-setback for properties which do not have a common area adjoining-abutting the rear ~~property-lot~~ line shall be a minimum of 25 feet. The rear ~~yard~~-setback is zero for properties with a rear ~~property-lot~~ line which adjoins-abuts a common area that is 50 feet or greater in depth. The rear ~~yard~~-setback for properties with a rear lot line which adjoin-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 ~~adjoining-abutting~~ the rear ~~yard-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 ~~property-lot~~ line.

7. Lot Coverage. ~~Lot coverage shall not exceed~~Maximum lot coverage by buildings and structures shall be 35 percent of the lot ~~or parcel~~ 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 10/9/2024*

#### **18.108.040 Multiple ~~Family-Unit~~ Residential; RM District**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. ~~Two-family dwelling or d~~Duplex.
2. ~~Multiple-family-unit~~ dwellings, apartments~~s-houses~~, and dwelling groups including townhouses and condominiums.
3. Uses permitted outright in the RS District.
4. Planned unit developments and redevelopment.
5. Recreational path.
6. Residential home.
7. Residential facility.
8. Type 1 Home Occupation, subject to DCC 18.116.280.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

1. Park, playground~~s~~, and picnic and barbecue area.
2. Fire station.
3. Library.
4. Museum.
5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
6. Off-street parking lots when contiguous to a less restrictive zoning district.
7. Community center.

8. 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.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Duplexes, three-plexes, and four-plexes:

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

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

- b. The overall density shall not exceed eight dwelling units per acre.
  - c. Lot Width. Every lot or parcel shall have a minimum ~~average~~ width of 50 feet.
  - d. Frontage. Every lot or parcel shall have a minimum ~~width-at-the-street~~ frontage of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
  - e. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 10 feet.
  - f. Side ~~YardSetback~~. There shall be a minimum side ~~yard-setback~~ of five feet and the sum of the side ~~yards-setbacks~~ shall be a minimum of 15 feet. The side ~~yards setbacks~~ shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
  - g. Rear ~~YardSetback~~. ~~There shall be a rear yard-setback having a depth of shall~~ not ~~be~~ less than five feet. The rear ~~yard-setback~~ shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
  - h. Lot Coverage. ~~Lot coverage shall not exceed~~ ~~Maximum lot coverage by buildings and structures shall be~~ 40 percent of the total lot or parcel area.
2. Townhouses, condominiums, zero lot line dwellings, and apartments:

- a. There shall be no minimum lot area for apartments, townhouses, condominium developments, or planned unit developments provided, however, that the overall density shall not exceed eight dwelling units per acre.
  - b. Setbacks. ~~Yard setbacks~~Setbacks, lot widths, and lot coverage shall be determined at the time of site plan approval.
3. Single-~~Unit Dwellings-Family Residences~~.
- a. Lot widths, ~~yard~~setbacks, and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.
- E. Off-Street Parking. Off-street parking shall be provided for a minimum of two cars per dwelling unit.

#### 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*

#### **[18.108.050 Commercial; C District](#)**

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
- 1. Recreational path.
  - 2. Ambulance service.
  - 3. Library.
  - 4. Religious institutions or assemblies.
  - 5. Bus stop.
  - 6. Community center.
  - 7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Retail/rental store, office, and service establishment.
    - b. Art galleries
    - c. Dry cleaner and/or self-service laundry establishment.
    - d. Radio and television sales and service.
    - e. Radio and television broadcasting studios and facilities, except towers.
    - f. Restaurant, bar and cocktail lounge, including entertainment.

- g. Automobile service station.
  - h. Technical and business school.
  - i. Catering establishment.
  - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
  - k. Medical and dental clinic, office and laboratory.
  - l. Theater not exceeding 4,000 square feet of floor area.
  - m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
- 8. Multi-~~unit~~~~le family residential~~ dwellings ~~units~~, subject to the provisions of DCC 18.108.050(C)(1).
  - 9. ~~Residential-d~~ 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 18.128 and a conditional use permit.
- 1. Public buildings and public utility buildings and structures.
  - 2. Club, lodge, or fraternal organization.
  - 3. Commercial off-street parking lot.
  - 4. Bus passenger station.
  - 5. Interval ownership and/or time-share unit or the creation thereof.
  - 6. Miniature golf.
  - 7. Bed and breakfast inn.
  - 8. Inn.
  - 9. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Bowling alley.

- b. Car wash.
- c. Dancing or music school, nursery school, kindergarten, and day-care facility.
- d. Theater exceeding 4,000 square feet in floor area.
- e. Veterinary clinic or kennel operated entirely within an enclosed building.
- f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- 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~~~~ple family residential~~ dwelling ~~units~~, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
  - a. No dwelling unit shall have more than three bedrooms.
  - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
  - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. ~~Residential-d~~Dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
  - a. ~~Residential-d~~Dwelling units shall be developed above first floor commercial use.
  - b. No dwelling unit shall have more than two bedrooms.
  - c. Individual dwelling units shall not exceed 850 square feet of floor area.
  - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

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

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;

2. The use will primarily employ a work force from the community and surrounding rural area; and
  3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet in height.
- F. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of No requirements 100 feet.
  - ~~3.~~ Lot Depth. 100 feet.
  - ~~4.~~3. Front YardSetback. The front yards-setback shall be a minimum of 10 feet.
  - ~~5.~~4. Side YardSetback. None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side yard-setback shall be a minimum of 10 feet. The required side yards-setbacks shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  - ~~6.~~5. Rear YardSetback. None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear yard-setback shall be a minimum of 10 feet. The required rear yard-setback shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  - ~~7.~~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 10/9/2024*

#### **[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.
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 space, 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~~~~family Dwelling~~~~Residential~~, 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 space, 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 barbeque 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 space 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. Senior housing/assisted living or active adult development, excluding nursing homes.
  12. Townhomes, subject to paragraphs (E)(1) and (2).
  13. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.
  14. 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. Religious institutions or assemblies.
- B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.128, Conditional Use Permits.
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 ~~residence~~dwellling 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 space 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-~~Unitfamily- Dwellings~~~~Residential buildings~~ or Townhomes.
2. Notwithstanding subsection (E)(1), above, the following uses are allowed in Multi-~~Unitfamily- Dwellings~~ ~~Residential buildings~~ or Townhomes:
  - a. Live/work ~~residences.~~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 ~~residence~~dwelling unit is subject to the following conditions.
  - a. One or more walls of the ~~residence-dwelling unit~~ ~~adjoin-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 ~~residence~~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 ~~residence~~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 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. Building 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 building that exceeds 60 feet in height is not greater than 40,000 square feet of the footprint.
3. Townhomes may not exceed 40 feet in height.
4. Multi-~~Unitfamily- Dwellings Residential buildings~~ that are not Mixed Use Structures may not exceed 50 feet in height.
5. The height of all other buildings 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 building 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 ~~adjoining-abutting~~ sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface 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. Buildings 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 ~~yardsetback~~: the front ~~yard-setback~~ shall be a minimum of 10 feet.
  - a. Where a lot ~~or parcel~~ has more than one front ~~yardlot line~~, only one front ~~yard 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 ~~yard~~-setback requirements.
2. Side ~~yardsetback~~: 0 feet.

3. Rear yardsetback: 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 building that is 45 feet or lower.
    2. 20 feet from the TC District boundary for any portion of a building 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 building 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 building that is 45 feet or lower.
    2. 10 feet from the TC District boundary for any portion of a building 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 building 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 building 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 building that is 45 feet in height or lower.
    2. 15 feet from the TC District boundary for any portion of a building 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 building 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 enclosed 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 “enclosed 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 building 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 building footprints of Multi-~~Unitfamily Dwellings Residential~~ 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 building 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 building 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 footprint and location of new buildings or parking areas. The exact footprints and locations of buildings and parking areas shall be determined during site plan review.

- I. 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, 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 and residential dwelling units, including Multi-~~Unitfamily~~ Dwellings ~~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

**18.108.060 Resort; R District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District:
1. Resort facility developed in a building or buildings of any size which house any combination of:
    - a. Meeting room, convention and banquet facility.
    - b. Resort recreation facilities.
    - c. Property sales and rental office.
    - d. Hotel, motel and lodging facility with up to 100 units in a single building.
    - e. Maintenance facility associated with resort and recreation operations.
    - f. Storage building necessary for and associated with resort, recreation, and/or property development.
    - g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.
  2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
  3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
  4. Interval ownership and/or time-share unit or the creation thereof.
  5. Multi-~~unit~~~~ple family-residential~~ dwellings ~~units~~-subject to and consistent with the standards of the RM District.
  6. Recreational path.
  7. Residential facility.
  8. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot or parcel requirements of the R District and house any combination of:
    - a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
    - b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).

- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
  2. Religious institutions or assemblies, club, or fraternal organization.
  3. School.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 40 feet in height.
- D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of No requirements 100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - ~~4.3.~~ Front YardSetback. The front yard-setback shall be a minimum of 10 feet.
  - ~~5.4.~~ Side YardSetback. None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side yard-setbacks shall be a minimum of 10 feet. The required side yard-setbacks shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~6.5.~~ Rear YardSetback. None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear yard-setback shall be a minimum of 10 feet. The required rear yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~7.6.~~ 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 10/9/2024*

#### **[18.108.070 Resort Marina; RA District](#)**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RA District:
1. Marina.
  2. Park, playground, and picnic and barbecue area.
  3. Recreational path.
  4. Restaurant, bar and cocktail lounge existing as of March 31, 1998.

5. Religious institutions or assemblies.
- B. Height Regulations. No building or 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. Lot Area. No requirements.
  2. Lot Width. Minimum of ~~No requirements~~100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - ~~4.3.~~ Front YardSetback. The front yard-setback shall be a minimum of 10 feet.
  - ~~5.4.~~ Side YardSetback. None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side yard-setback shall be a minimum of 10 feet. The required side yard-setbacks shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~6.5.~~ Rear YardSetback. None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear yard-setback shall be a minimum of 10 feet. The required rear yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~7.6.~~ 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*

#### **[18.108.080 Resort Golf Course; RG District](#)**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RG District:
1. Golf course.
  2. Golf course accessory uses.
  3. Recreational path.
  4. Religious institutions or assemblies.
- B. Height Regulations. No building or 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. Lot Area. No requirements.
  2. Lot Width. Minimum of ~~No requirements~~100 feet.
  - ~~3. Lot Depth. 100 feet.~~

~~4.3.~~ Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 10 feet.

~~5.4.~~ Side ~~YardSetback~~. None, except when a side lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the side ~~yard-setback~~ shall be a minimum of 10 feet. The required side ~~yard-setbacks~~ shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

~~6.5.~~ Rear ~~YardSetback~~. None, except when a rear lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the rear ~~yard-setback~~ shall be a minimum of 10 feet. The required rear ~~yard-setback~~ shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

~~7.6.~~ 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*

#### **18.108.090 Resort Equestrian; RE District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RE District:
1. Equestrian facility.
  2. Recreational path.
  3. Park, playground, and picnic and barbecue area.
  4. A building or buildings each not exceeding 8,000 square feet of floor space which house any combination of:
    - a. Retail sales, rental and repair services commonly associated with equestrian facilities.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 feet in height.
- C. Lot ~~or Parcel~~ Requirements. The following lot ~~or parcel~~ requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. ~~Minimum of No requirements~~ 100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - ~~4.3.~~ Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 10 feet.
  - ~~5.4.~~ Side ~~YardSetback~~. None, except when a side lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the side ~~yard-setback~~ shall be a minimum of 10 feet. The required side ~~yard-setbacks~~ shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

~~6.5.~~ Rear ~~Yard~~Setback. None, except when a rear lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the rear ~~yard-setback~~ shall be a minimum of 10 feet. The required rear ~~yard-setback~~ shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

~~7.6.~~ Lot Coverage. No requirements.

#### HISTORY

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

#### **18.108.100 Resort Nature Center; RN District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RN District:
1. Nature center.
  2. Recreational path.
  3. Observatory.
  4. Religious institutions or assemblies.
  5. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot or parcel requirements of the RN District and house any combination of:
    - a. Restaurant and food service commonly associated with and customarily appurtenant to the uses permitted outright in the RN District.
    - b. Retail sales, rental, and repair services commonly associated with uses permitted outright in the RN District.
- B. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.100(A).
1. All structures shall be sited on those portions of the property which contain mature trees.
  2. Mature trees shall be retained to the maximum extent possible considering physical constraints associated with developing the property.
  3. Development within the treed area shall occur in a manner whereby a minimum of 50 percent of a finished structure will be screened from surrounding properties and portions of the subject property which do not contain mature trees.
  4. The Planning Director or Hearings Body may require the establishment of additional landscape material to ensure that 50 percent of a finished structure will be screened from surrounding properties and portions of the subject property which do not contain mature trees.

- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- D. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of ~~No requirements~~ 100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - 4.3. Front YardSetback. The front yard-setback shall be a minimum of 10 feet.
  - 5.4. Side YardSetback. None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side yard-setback shall be a minimum of 10 feet. The required side yard-setbacks shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - 6.5. Rear YardSetback. None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear yard-setback shall be a minimum of 10 feet. The required rear yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - 7.6. 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*

#### **18.108.110 Business Park; BP District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Residential uses existing as of March 31, 1997.
  2. Administrative, educational and other related facilities in conjunction with a use permitted outright.
  3. Library.
  4. Recreational path.
  5. Post office.
  6. Religious institutions or assemblies.
  7. Child care facilities, nurseries, and/or preschools.
  8. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:  
Retail/rental store, office and service establishment, including but not limited to the following:

- a. Automobile, motorcycle, boat, recreational vehicle, trailer or truck sales, rental, repair or maintenance business, including tire stores and parts stores.
  - b. Agricultural equipment and supplies.
  - c. Car wash.
  - d. Contractor's office, including but not limited to, building, electrical, plumbing, heating and air conditioning, painter, etc.
  - e. Construction equipment sales, rental, and/or service.
  - f. Exterminator services.
  - g. Golf cart sales and service.
  - h. Lumber yard, home improvement or building materials store.
  - i. Housekeeping and janitorial service.
  - j. Dry cleaner and/or self-service laundry facility.
  - k. Marine/boat sales and service.
  - l. Restaurant, bar and cocktail lounge including entertainment.
  - m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
9. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
- a. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
  - b. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials, including but not limited to cloth, paper, leather, precious or semi-precious metals or stones, etc.
  - c. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, or the rendering of fats and oils.
  - d. Warehouse and distribution uses in a building or buildings each less than 10,000 square feet of floor area.
10. Employee housing structures.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
- 1. Public buildings and public utility structures and yards, including railroad yards.
  - 2. A dwelling unit for a caretaker or watchman working on a developed property.

3. Law enforcement detention facility.
  4. Parking lot.
  5. Radio and television broadcast facilities.
  6. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    - a. Bowling alley.
    - b. Theater.
    - c. Veterinary clinic and/or kennel.
    - d. Marijuana retailing, subject to the provisions of DCC 18.116.330.
  7. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
    - a. Warehouses and distribution uses in a building or buildings exceeding 10,000 square feet of floor area.
    - b. Distillery and beer/ale brewing facility, including wholesale sales thereof.
    - c. Self/mini storage.
    - d. Trucking company dispatch/terminal.
    - e. Solid waste/garbage operator, not including solid waste disposal or other forms of solid waste storage or transfer station.
- C. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.110(A) or (B):
1. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across the street from a lot or parcel in a residential district.
  2. Storage, loading, and parking areas shall be screened from residential zones.
  3. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential lot or parcel.
- D. Special Requirements for Large Scale Uses.
- Any of the uses listed in DCC 18.108.110(A)(8) or (B)(6) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.110, the surrounding rural area shall be that area



identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;

2. The use will primarily employ a work force from the community and surrounding rural area; and
  3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 45 feet in height.
- F. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of No requirements-100 feet.
  - ~~3. Lot Depth. Each lot shall have a minimum depth of 100 feet.~~
  - ~~4.3.~~ Front YardSetback. The front yard-setback shall be a minimum of 25 feet.
  - ~~5.4.~~ Side YardSetback. No side yard-setback required, except when adjoining-abutting a lot or parcel in an RS or RM District and then the required side yard-setback shall be 50 feet. No side yards-setbacks are required on the side of a building adjoining-abutting a railroad right of way.
  - ~~6.5.~~ Rear YardSetback. No rear yard-setback required, except when adjoining-abutting a lot or parcel in an RS or RM District and then the rear yard-setback shall be 50 feet. No rear yard-setback is required on the side of a building adjoining-abutting a railroad right of way.
  - ~~7.6.~~ Lot Coverage. Lot coverage shall not exceedThe maximum lot coverage by buildings and structures shall be 50 percent of the total lot or parcel area.
- G. Special Requirements for Employee Housing
1. The following definitions shall apply to DCC 18.108.110(A)(10):
 

“Employee” shall mean a person who earns a living by working in the hospitality, food and beverage, outdoor recreation or tourism industry (i) in or within two (2) miles of the Sunriver Urban Unincorporated Community Boundary, or (ii) at Mt. Bachelor Ski and Summer Resort.

“Employer” shall mean a person or entity who employs at least 50 full- or part-time Employees, as defined above, within the Sunriver Urban Unincorporated Community.

“Employee Housing Structure” shall mean a dormitory or similar dwelling structure whose sole purpose is to serve the housing needs of Employees, and the occupancy of which is restricted to Employees. For the purposes of this section, “dormitory” is defined as a building primarily providing sleeping and residential quarters for large numbers of people, and may include common areas and kitchen facilities.

2. Employee's spouse, partner and minor children shall only be allowed if compelled by either state or federal law.
3. Employee Housing Structures must be owned and operated by an Employer.
4. Employees, as defined above, who are not employed by an Employer, as defined above, shall only be permitted to reside in an Employee Housing Structure if the Employee's employer has a signed housing agreement with the Employer operating the Structure.
5. Parking Requirements. Employee Housing Structures must provide as a minimum one vehicular parking space for every 3 beds provided, and bicycle parking for at least one space for every two beds provided.
  - a. For Employee Housing Structures constructed in one or more phases, the parking requirements may be reduced to no fewer than one space for every six beds if the applicant demonstrates at the time of site plan approval that a lesser parking ratio will continue to provide adequate parking as required by DCC 18.116.030(D)(9).

#### HISTORY

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

*Amended by Ord. [2012-002](#) §1 on 2/27/2012*

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

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

*Amended by Ord. [2019-008](#) §1 on 3/6/2019*

*Amended by Ord. [2020-004](#) §1 on 2/19/2020*

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

*Amended by Ord. [2021-004](#) §6 on 5/27/2021*

*Amended by Ord. [2021-013](#) §12 on 4/5/2022*

#### **[18.108.120 Community General; CG District](#)**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
  1. School.
  2. Utility substation, utility equipment storage and repair yard, and pump station.
  3. Golf course.
  4. Tennis court.
  5. Swimming pool.
  6. Park, playground, and picnic and barbecue area.
  7. Nature center.
  8. Putting green.
  9. Recreational path.

10. Equestrian facility.
  11. Boat dock.
  12. Health and fitness facilities.
  13. Amphitheater.
  14. Observatory.
  15. Administrative and office facility associated with a community association or community use.
  16. Police facility.
  17. Fire station.
  18. Public works facility.
  19. Community center.
  20. Religious institutions or assemblies.
  21. Warehouse and storage facilities accessory to and in conjunction with any use permitted outright in this district.
  22. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot or parcel requirements of the CG District and house any combination of:
    - a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
    - ~~b.~~ Retail sales, rental, and repair services commonly associated with uses permitted outright or
    - ~~c.~~ b. conditionally in the CG District.
- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed 30 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 No requirements 100 feet.
  - ~~3. Lot Depth. 100 feet.~~

~~4.3.~~ Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 10 feet.

~~5.4.~~ Side ~~YardSetback~~. None, except when a side lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the side ~~yard-setback~~ shall be a minimum of 10 feet. The required side ~~yard-setback~~ shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

~~6.5.~~ Rear ~~YardSetback~~. None, except when a rear lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the rear ~~yard-setback~~ shall be a minimum of 10 feet. The required rear ~~yard-setback~~ shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

~~7.6.~~ Lot Coverage. No requirements.

#### HISTORY

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

*Amended by Ord. [2014-020](#) §1 on 1/6/2015*

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

*Amended by Ord. [2024-008](#) §13 on 10/9/2024*

#### **18.108.130 Community Recreation; CR District**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. Park, playground, and picnic and barbecue area.
2. Swimming pool.
3. Tennis court.
4. Basketball court.
5. Ball fields, including but not limited to, football, baseball, softball, and soccer.
6. Running track.
7. Health and fitness facility.
8. Racquetball court.
9. Recreational path.
10. Winter sports facilities, including but not limited to ice skating rink and/or cross country ski center.
11. Facilities developed in conjunction with and which are customarily accessory to any use permitted outright or conditionally in this district, including but not limited to restrooms, storage facilities, parking areas and pavilions/shelters.
12. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot ~~or parcel~~ requirements of the CR District and house any combination of:

- a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
  - b. Retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the CG District.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- C. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of No requirements 100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - ~~4.3. Front YardSetback.~~ The front yard-setback shall be a minimum of 10 feet.
  - ~~5.4. Side YardSetback.~~ None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side yard-setback shall be a minimum of 10 feet. The required side yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~6.5. Rear YardSetback.~~ None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear yard-setback shall be a minimum of 10 feet. The required rear yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~7.6. Lot Coverage.~~ No requirements.

#### HISTORY

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

#### [18.108.140 Community Limited; CL District](#)

- A. Uses Permitted Outright. The following uses are permitted outright:
1. Picnic and barbecue areas, including picnic tables and benches.
  2. Recreational path.
- B. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of No requirements 100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - ~~4.3. Front YardSetback.~~ The front yard-setback shall be a minimum of 10 feet for bike and pedestrian paths, and picnic tables and benches fixed to the ground.

~~5-4.~~ Side ~~Yard~~Setback. None, except when a side lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the side ~~yard-setback~~ for bike and pedestrian paths, and picnic tables and benches fixed to the ground shall be a minimum of 10 feet.

~~6-5.~~ Rear ~~Yard~~Setback. None, except when a ~~side-rear~~ lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ in an RS or RM District, and then the ~~side-rear yard-setback~~ for bike and pedestrian paths, and picnic tables and benches fixed to the ground shall be a minimum of 10 feet.

~~7-6.~~ Lot Coverage. No requirements.

#### HISTORY

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

#### 18.108.150 Community Neighborhood; CN District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. School.
  2. Utility substation, pump station, and utility equipment storage and repair yard.
  3. Sewage treatment facility.
  4. Tennis court.
  5. Swimming pool.
  6. Park, playground, and picnic and barbecue area.
  7. Recreational path.
  8. Equestrian facility.
  9. Health and fitness facility.
  10. Amphitheater.
  11. Observatory.
  12. Religious institutions or assemblies.
  13. Daycare facility.
  14. Administrative and office facility associated with a community association or community use.
  15. Community center.
  16. Police facility.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- C. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:

1. Lot Area. No requirements.
2. Lot Width. Minimum of ~~No requirements~~100 feet.
- ~~3. Lot Depth. 100 feet.~~
- ~~4.3.~~ Front ~~Yard~~Setback. The front ~~yard~~-setback shall be a minimum of 10 feet.
- ~~5.4.~~ Side ~~Yard~~Setback. None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side ~~yard~~-setback shall be a minimum of 10 feet. The required side ~~yard~~-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
- ~~6.5.~~ Rear ~~Yard~~Setback. None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear ~~yard~~-setback shall be a minimum of 10 feet. The required rear ~~yard~~-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
- ~~7.6.~~ Lot Coverage. No requirements.

#### HISTORY

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

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

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

*Amended by Ord. [2024-008](#) §13 on 10/9/2024*

#### **18.108.160 Airport; A District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
  1. Runway, fuel storage and sales and emergency repair.
  2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
  3. Farm use as defined in DCC Title 18.
  4. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
  1. Farm accessory buildings and uses.
  2. Utility facility necessary for public service, except land disposal sites.
  3. Golf course.
  4. Park, playground, other recreational site or facility or community service facility.
  5. Excavation, grading, and fill Fill and/or removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270.

C. Use Limitations. In an A District, the following limitations and standards shall apply to all uses permitted:

1. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, powerlines, etc., shall not exceed 35 feet.
2. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
3. All parking demand created by any use permitted by DCC 18.108.160 shall be accommodated on the subject premises entirely off-street.
4. No use permitted by DCC 18.108.160 shall require the backing of traffic onto a public or private street or road right of way.
5. No power lines shall be located in clear zones.
6. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.

D. Dimensional Standards. In an A District, the following dimensional standards shall apply:

1. The minimum lot size shall be determined subject to the provisions of DCC 18.108.160 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations, or as deemed necessary by the Planning Director or Hearings Body to maintain air, land, and water resource quality, protect ~~adjoining~~ abutting and area land uses, and to ensure resource carrying capacities are not exceeded.
2. An airport related use or structure ~~located adjacent to~~ abutting or across the street from an existing residential use ~~or~~ platted residential lot, or platted residential parcel shall not exceed 70 percent lot coverage and shall require off street parking and loading areas.
3. The minimum setback between any structure and an arterial right of way shall be 100 feet. The minimum setback between any structure and a collector right of way shall be 50 feet. The minimum setback between any structure and all local streets shall be 20 feet.
4. The minimum setback between any structure and a property line ~~adjoining~~ abutting a residential use, ~~or residential~~ lot, or residential parcel shall be 50 feet.
5. The minimum lot ~~or parcel street~~ frontage shall be 50 feet.
6. The minimum side setback between any structure and a ~~property lot~~ line shall be three feet, and the minimum total of ~~both the~~ side setbacks shall be 12 feet.
7. The minimum rear setback between any structure and a rear ~~property lot~~ line shall be 25 feet.



8. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
9. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
10. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary runway surface and approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits beginning at the sides of and at the same elevation as they approach surface and extending to where they intersect the conical surface.
11. Horizontal Zone. Established at 150 feet above the airport elevation.
12. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

#### HISTORY

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

*Amended by Ord. [2023-001](#) §15 on 5/30/2023*

#### **[18.108.170 Utility; U District](#)**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
  1. Utility substation, utility equipment storage and repair yard, and pump station.
  2. Sewage treatment facility.
  3. Utility transmission lines.
  4. Water treatment facility.
  5. Wells, pumping equipment and related facilities for the provision of water within the Sunriver UUC.
  6. Public buildings, public utility structures and yards, including railroad yards.
  7. Administrative, office and storage facilities appurtenant to a use permitted outright.
  8. Irrigation systems and irrigation ponds.
  9. Facilities similar to those listed above which are mandated by the Oregon Department of Environmental Quality (DEQ).
  10. Cable television facility, including but not limited to office and equipment buildings, satellite dish, antennas, etc.

11. Wireless telecommunications facility.
  12. Microwave and radio communication towers.
- B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.
- C. Lot or Parcel Requirements. The following lot or parcel requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. Minimum of No requirements 100 feet.
  - ~~3. Lot Depth. 100 feet.~~
  - ~~4.3.~~ Front YardSetback. The front yard-setback shall be a minimum of 10 feet.
  - ~~5.4.~~ Side YardSetback. None, except when a side lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the side yard-setback shall be a minimum of 10 feet. The required side yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~6.5.~~ Rear YardSetback. None, except when a rear lot line is adjoining-abutting a lot or parcel in an RS or RM District, and then the rear yard-setback shall be a minimum of 10 feet. The required rear yard-setback shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
  - ~~7.6.~~ Lot Coverage. No requirements.

#### HISTORY

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

#### **[18.108.175 Utility; U District/Limited Use Combining District](#)**

A fire training facility is permitted subject to the applicable provisions of DCC 18.116 and 18.124.

#### HISTORY

*Adopted by Ord. [2014-022](#) §1 on 11/26/2014*

#### **[18.108.180 Forest; F District](#)**

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
  2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are

portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use.

3. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities. Gravel extraction and processing not covered by DCC 18.108.180 is governed by DCC 18.52.
  4. Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
  5. Farm use as defined in ORS 215.203.
  6. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
  7. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
  8. Exploration for mineral and aggregate resources as defined in ORS 517.
  9. Towers and fire stations for forest fire protection.
  10. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
  11. Water intake facilities, canals, and distribution lines for farm irrigation and ponds.
  12. Uninhabitable structures accessory to fish and wildlife enhancement.
- B. Conditional uses permitted. The following uses and their accessory uses may be allowed in the Forest District, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
1. Television, microwave and radio communication facilities and transmission towers.
  2. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
  3. Reservoirs and water impoundments.
  4. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights of way 50 feet or less in width.

5. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
6. Commercial composting for which the Oregon Department of Environmental Quality has granted a permit or a similar approval, together with equipment, facilities or buildings necessary for operation, subject to DCC 18.128.015 and 18.128.120.

#### HISTORY

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

*Amended by Ord. [98-016](#) §2 on 3/11/1998*

*Amended by Ord. [2001-040](#) §1 on 12/5/2001*

*Amended by Ord. [2020-007](#) §15 on 10/27/2020*

*Amended by Ord. [2023-001](#) §15 on 5/30/2023*

#### **[18.108.190 Flood Plain; FP Combining District](#)**

- A. Designated Areas. The Flood Plain Combining District includes all areas within the Sunriver UUC designated as “Special Flood Hazard Areas” in the report entitled “The Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas,” dated September 28, 2007, with accompanying flood insurance rate maps.
- B. Conditional Uses. Uses permitted either outright or conditionally in the underlying district with which the FP Combining District is combined shall be allowed as conditional uses in the FP Combining District, subject to the provisions of DCC 18.108.190(C) and DCC 18.128 and other applicable sections of this title.
- C. Use Limits. All uses proposed within the FP Combining District shall be subject to DCC 18.96.060 through 18.96.085 and DCC 18.96.100, 18.96.120 through 18.96.140.
- D. Height Regulations. The height regulations for the FP Combining District shall be those which are established in the underlying district with which the FP Combining District is combined.
- E. Lot or Parcel Requirements. The lot or parcel dimension and yard-setback requirements for the FP Combining District shall be those which are established in the underlying district with which the FP Combining District is combined.

#### HISTORY

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

*Amended by Ord. [2007-019](#) §2 on 9/28/2007*

#### **[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](#)

**[18.110.010 Purpose](#)**

The purpose of the Resort Community Zone is to provide standards and review procedures for development in the communities of Black Butte Ranch and The Inn of the Seventh Mountain/Widgi Creek. The provisions of this chapter shall apply to any Resort Community that is planned pursuant to OAR 660 Division 22.

#### HISTORY

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

#### 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. Single-~~unit~~~~family~~ dwelling.
  2. Residential home.
  3. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
  4. Timeshare units at the Inn of the Seventh Mountain.
  5. 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. Livestock and horse grazing on common area in Black Butte Ranch.
  7. Police or security facility.
- B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
  1. Resort facility, as that term is defined in DCC Title 18.
  2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
  3. Resort utility facilities, as that term is defined in DCC Title 18.
  4. Property sales and rental office.
  5. Hotel or motel.
  6. Daycare facility.
  7. Fire station.
  8. Post office.
  9. Multi-~~unit~~~~ple~~~~family~~ 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 10/9/2024*

**[18.110.030 Widgi Creek Residential District](#)**

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

- A. Single-~~unit family~~ dwelling.
- B. Residential home.
- C. Residential facility.
- D. Timeshare units.

HISTORY

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

**[18.110.040 Black Butte Ranch Surface Mining/Limited Use Combining District](#)**

- A. Outright Permitted Uses. The following uses are allowed outright:
  1. Mining, processing and storage of aggregate within the 8.6-acre area which has a valid Oregon Department of Geology and Mineral Industries (DOGAMI) exemption.
  2. Outdoor equipment storage.
  3. Effluent/sludge storage and disposal.
  4. Composting activities.
  5. Forest uses including woody debris disposal.
- B. Site Plan. The following use is permitted subject to DCC 18.52:
  1. Mining, processing and storage of aggregate once mining affects more than five acres outside the 8.6-acre area with a valid DOGAMI exemption.

C. Uses Permitted Subject to Site Plan Review. The following uses are permitted in an area reclaimed after mining, subject to DCC 18.124:

1. Solid waste transfer station.
2. Equipment repair shop or other maintenance facilities.

#### HISTORY

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

#### 18.110.050 Black Butte Ranch-Utility/Limited Use Combining District

A. Uses Permitted Outright. The following uses are permitted outright:

1. Outdoor or enclosed storage, large equipment or general.
2. Effluent/sludge storage and disposal.
3. Composting activities.
4. Forest uses including woody debris disposal.
5. Recreational vehicle or other outdoor equipment storage for resort property owners or visitors.

B. Uses Permitted Subject to Site Plan. The following uses are permitted west of McCallister Road, subject to DCC 18.124:

1. Telephone communications facility or other utility uses, also subject to DCC 18.128 if applicable.
2. Equipment repair shop or other maintenance facilities.
3. Housekeeping facility.
4. Employee housing, subject to a minimum 250' setback from the surface mining limited use combining district and DCC 18.56.
5. Administration offices.

#### HISTORY

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

#### 18.110.060 Development Standards

A. Setbacks.

1. Single-~~Unit Family~~ Dwelling. The following setbacks shall be maintained for single-unit family dwellings and accessory uses on residential lots or parcels:
  - a. Front ~~Yard~~Setback. ~~The F~~front yard setbacks shall be a minimum of 20 feet at Black Butte Ranch and The Inn of the Seventh Mountain, Front setbacks shall be a minimum of and 30 feet at Widgi Creek. If a lot or parcel at Widgi Creek

contains multiple front lot lines, at least one front setback shall be a minimum of 30 feet and all other front setbacks shall be a minimum of 20 feet.

- b. Side ~~YardSetback~~. The side ~~yard-setback~~ shall be a minimum of 10 feet, ~~except on the street side of a corner lot the side yard shall be a minimum of 20 feet.~~
  - c. Rear ~~YardSetback~~. The rear ~~yard-setback~~ shall be a minimum of 20 feet.
  - d. In Black Butte Ranch a lesser setback shall be approved based on written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of a lesser setback based on documented ARC approval does not constitute a land use decision by the County.
2. All Other Uses. The following setbacks shall be maintained for buildings and structures used for purposes other than a single-~~unit family~~ dwelling and residential accessory uses, unless a greater setback is required pursuant to site plan review or other applicable provisions of DCC Title 18:
- a. Front ~~YardSetback~~. The front ~~yard-setback~~ shall be a minimum of 10 feet.
  - b. Side ~~YardSetback~~. Zero feet except that, when a side lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ used for single-~~unit family dwelling~~ residential purposes, the side ~~yard-setback~~ shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  - c. Rear ~~YardSetback~~. Zero feet except that, when a rear lot line is ~~adjoining-abutting~~ a lot ~~or parcel~~ used for residential purposes, the rear ~~yard-setback~~ shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  - d. Perimeter Setback. All uses in the Black Butte Ranch Surface Mining or Utility Limited Use Combining Districts shall maintain a minimum setback of 50 feet from a perimeter boundary ~~adjacent to~~~~abutting~~ land zoned for forest uses.
  - e. Forest Zone Setback. New uses ~~adjacent to~~~~abutting~~ land zoned Forest shall have a minimum setback of 20 feet from the Forest zone boundary.
- B. Other Setbacks. The following setbacks shall be maintained for buildings and structures, based on the applicable provision(s) of DCC Title 18:
1. Solar Setback. The setback from the north lot line shall meet the solar access setback requirements in DCC 18.116.180 for south roof protection.
  2. Waterway Setback. All structures, buildings, or similar permanent fixtures shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
  3. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.



4. Rimrock Setbacks. Setbacks from rimrocks shall be maintained as provided in DCC 18.84 or DCC 18.116.160, whichever is applicable.
5. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.
6. Floodplain. The applicable provisions in DCC 18.96 shall be met.

C. Building Height.

1. Resort Facility and Resort Utility Building. No resort facility or resort utility building or structure shall be erected or enlarged to exceed 40 feet, or 30 feet when the provisions in DCC 18.84.080 are applicable, unless a variance for a greater height is approved. For the purposes of DCC 18.110.060(C)(1) an application for a height variance may be granted provided the Planning Director or Hearings Body makes only the following findings:
  - a. The proposed height does not exceed the height limitation of the appropriate fire agency's (either Black Butte Ranch Rural Protection Fire District or City of Bend Fire Department) fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the agency; and
  - b. The proposed additional height will not adversely impact scenic views from ~~adjoining-abutting residences-dwelling units~~ or ~~adjoining-abutting~~ residential building sites.
  - c. Approval of a height variance in a state scenic waterway shall be conditioned upon receipt of approval from the Oregon Parks and Recreation Department.
2. All Other Buildings. No building or structure used for purposes other than a resort facility or resort utility, including a single-~~unit family~~ dwelling, shall be erected or enlarged to exceed 30 feet in height, except as provided by DCC 18.120.040.
3. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.

D. Lot Coverage.

1. Single-~~unit family~~ dwelling. The maximum lot coverage by a single-~~unit family~~ dwelling ~~and accessory structures~~ shall be 40 percent of the total lot ~~or parcel~~. In Black Butte Ranch a greater lot coverage shall be approved based on documentation of written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of greater lot coverage based on documented ARC approval does not constitute a land use decision by the County.
2. All Other Buildings. The maximum lot coverage ~~by buildings and structures used~~ for purposes other than a single-~~unit family~~ dwelling shall be determined by the spatial requirements for ~~yard~~-setbacks, landscaping, parking, and utilities.

E. Off-Street Parking and Loading.

1. Single-~~Unit Family~~ Dwelling. Off-street parking shall be provided for a minimum of two motor vehicles per dwelling.

2. All Other Uses. Off-street parking and loading shall be provided subject to the requirements of DCC 18.116.
- F. Outdoor Lighting All outdoor lighting shall be installed in conformance with DCC 15.10.
  - G. ~~Excavation, Grading, and Fill and or~~ Removal. ~~Excavation, grading, and fill~~ ~~Fill and or~~ removal within the bed and banks of a stream or lake, or in a wetland, shall be subject to DCC 18.128.040(W), unless the activity meets the exception provisions in DCC 18.120.050.
  - H. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.
  - I. Lot ~~or Parcel~~ Requirements.
    1. Single-~~Unit Family~~ Dwelling. A new lot ~~or parcel~~ for a single-~~unit family~~ dwelling served by a community or public sewerage system shall have a minimum area of 6,000 square feet and a minimum average width of 60 feet, except that a corner lot shall have a minimum average width of 70 feet. A new lot ~~or parcel~~ for a single-~~unit family~~ dwelling served by an on-site septic system shall have a minimum area of 22,000 square feet and a minimum average width of 100 feet. Any new residential lot ~~or parcel~~ shall have a minimum width at the street of 50 feet, except for a lot ~~or parcel~~ on a cul-de-sac, in which case the minimum width shall be 30 feet.
    2. All Other Uses. Every lot ~~or parcel~~ created for purposes other than residential use shall have dimensions for lot area, width ~~and depth~~ necessary for ~~yard~~ setbacks, landscaping, parking, and utilities for the proposed use.
  - J. Land Divisions.
    1. General. Notwithstanding any provision to the contrary contained herein or in other parts of the County Code, roads within the Resort Community Zone may be private roads and new lots or parcels may be created that have access from, and frontage on, private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards of DCC Title 17. An agreement acceptable to the County Road Department and County Legal Counsel shall be required for the maintenance of new private roads.
    2. Zero Lot Line Subdivision. Notwithstanding any provision to the contrary contained herein, zero lot line subdivisions for single-~~unit family dwellings residences~~ shall be allowed in the Resort Community Zone in accordance with the provisions of DCC Chapter 17.20. Zero lot line subdivisions are not subject to the setback provisions of 18.110.060(A), solar setback standards of 18.110.060(B)(1), lot coverage provisions of 18.110.060(D), or lot requirements of 18.110.060(I)(1).

#### HISTORY

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

Amended by Ord. [2005-041](#) §2 on 8/24/2005

#### **CHAPTER 18.112 LIMITED USE COMBINING ZONE; LU**

[18.112.010 Purpose](#)[18.112.020 Combining Zone Requirements](#)[18.112.030 Procedures](#)[18.112.040 Use Limitations](#)[18.112.050 Adoption](#)[18.112.060 Official Plan/Zoning Map](#)[18.112.070 Site Plan Requirement](#)**[18.112.010 Purpose](#)**

- A. The purpose of the LU Zone is to limit the list of permitted uses and general activities allowed in the underlying zone, when a plan amendment and zone change rezones a lot or parcel to that underlying zone through the taking of an exception to a statewide land use planning goal under ORS 197.732.
- B. The LU Zone is an overlay zone which may be applied, where appropriate, to plan amendments/zone changes effected by either a "physically developed" exception under ORS 197.732(1)(a), an "irrevocably committed" exception under ORS 197.732(1)(b), or a "reasons" exception under ORS 197.732(1)(c).
- C. The LU Zone, when adopted, shall carry out the requirement of Oregon Administrative Rule 660 04 018 that where a goal exception is taken, permitted uses shall be limited to those uses justified by the exception statement.

## HISTORY

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

*Amended by Ord. [88-022](#) §1 on 6/8/1988*

**[18.112.020 Combining Zone Requirements](#)**

When the LU Zone is applied, the uses permitted in the underlying zone shall be limited to those uses and general activities specifically set forth in the ordinance adopting the underlying zone and the LU Zone. Any change in those uses and general activities must be made through the plan/land use regulation amendment process.

## HISTORY

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

*Amended by Ord. [88-022](#) §1 on 6/8/1988*

**[18.112.030 Procedures](#)**

The LU Zone shall be applied through the plan amendment and rezoning process at the time the underlying plan and/or zone designation is being changed.

## HISTORY

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

*Amended by Ord. [88-022](#) §1 on 6/8/1988*

**[18.112.040 Use Limitations](#)**

The following limitations shall apply to the underlying zone when the LU Zone is applied: In all cases, the Hearings Body shall establish that:

- A. The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the goal exception taken.
- B. A review of all zones in DCC Title 18 demonstrates that no existing zone adequately limits the uses and general activities.
- C. The LU Zone, when applied to the underlying zone, is consistent with the Comprehensive Plan and other applicable policies of the County.

#### HISTORY

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

*Amended by Ord. [88-022](#) §1 on 6/8/1988*

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

#### **[18.112.050 Adoption](#)**

The ordinance adopting the underlying zone and the LU Zone shall set forth those specific uses and general activities which will be permitted or conditional uses. The description of the permitted and conditional uses may be qualified as necessary to achieve the purpose of the LU Zone.

#### HISTORY

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

*Amended by Ord. [88-022](#) §1 on 6/8/1988*

#### **[18.112.060 Official Plan/Zoning Map](#)**

The official plan/zoning map shall be amended to show an LU suffix on any lot or parcel where the LU Zone has been applied.

#### HISTORY

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

*Amended by Ord. [88-022](#) §1 on 6/8/1988*

#### **[18.112.070 Site Plan Requirement](#)**

- A. In addition to limiting the uses in the underlying zone where the LU Zone is applied, the County may also require approval of the location of buildings, access, parking, screening, and other site planning considerations in order to assure the compatibility of the permitted uses within the area.
- B. The process for reviewing the site plan shall be described at the time of the LU Zone application. Site plan requirements may be added by specific reference in the LU adopting ordinance. Specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval. Separate site plan approval shall not be required for any uses subject to a conditional use permit.

## HISTORY

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

Amended by Ord. [88-022](#) §1 on 6/8/1988

**CHAPTER 18.113 DESTINATION RESORTS ZONE; DR**

[18.113.010 Purpose](#)

[18.113.020 Applicability](#)

[18.113.025 Application To Existing Resorts](#)

[18.113.030 Uses In Destination Resorts](#)

[18.113.040 Application Submission](#)

[18.113.050 Requirements For Conditional Use Permit And Conceptual Master Plan Applications](#)

[18.113.060 Standards For Destination Resorts](#)

[18.113.070 Approval Criteria](#)

[18.113.075 Imposition Of Conditions](#)

[18.113.080 Procedure For Modification Of A Conceptual Master Plan](#)

[18.113.090 Requirements For Final Master Plan](#)

[18.113.100 Procedure For Approval Of Final Master Plan](#)

[18.113.110 Provision Of Streets, Utilities, Developed Recreational Facilities And Visitor-Oriented Accommodations](#)

[18.113.120 Conservation Easement To Protect Resource Site](#)

**18.113.010 Purpose**

- A. The purpose of the DR Zone is to establish a mechanism for siting destination resorts to ensure compliance with LCDG Goal 8 and the County Comprehensive Plan. The destination resort designation is intended to identify land areas which are available for the siting of destination resorts, but which will only be developed if consistent with the purpose and intent of DCC 18.113 and Goal 8.
- B. The DR Zone is an overlay zone. The DR Zone is intended to provide for properly designed and sited destination resort facilities which enhance and diversify the recreational opportunities and the economy of Deschutes County. The DR Zone will ensure resort development that compliments the natural and cultural attractiveness of the area without significant adverse effect on commercial farming and forestry, environmental and natural features, cultural and historic resources and their settings and other significant resources.
- C. It is the intent of DCC 18.113 to establish procedures and standards for developing destination resorts while ensuring that all applicable County Comprehensive Plan policies are achieved.
- D. It is the intent of DCC 18.113 to ensure that all elements of a destination resort which are proposed are financially secured in a manner which will protect the public's interest should the development not be completed as proposed.
- E. It is not the intent of DCC 18.113 to site developments that are in effect rural subdivisions, whose primary purpose is to serve full-time residents of the area.

## HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

**18.113.020 Applicability**

- A. The provisions of DCC 18.113 shall apply to proposals for the development of destination resorts, as defined in DCC Title 18, in areas designated DR by the County zoning maps. The provisions of DCC 18.113 shall not apply to any development proposal in an area designated DR other than a destination resort.
- B. When these provisions are applicable, they shall supersede all other provisions of the underlying zone. Other provisions of the zoning ordinance, made applicable by specific map designations, such as the SMIA, AH, CH, FP or LM, or otherwise applicable under the terms of the zoning ordinance text shall remain in full force and effect, unless otherwise specified herein.
- C. The provisions of DCC 18.113 apply to destination resorts sited through the Goal 2 exception process.

## HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

**18.113.025 Application To Existing Resorts**

Expansion proposals of existing developments approved as destination resorts shall meet the following criteria:

- A. Meet all criteria of DCC 18.113 without consideration of any existing development; or
- B. Meet all criteria of DCC 18.113 for the entire development (including the existing approved destination resort development and the proposed expansion area), except that as to the area covered by the existing destination resort, compliance with setbacks and lot sizes shall not be required.

If the applicant chooses to support its proposal with any part of the existing development, applicant shall demonstrate that the proposed expansion will be situated and managed in a manner that it will be integral to the remainder of the resort.

## HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

**18.113.030 Uses In Destination Resorts**

The following uses are allowed, provided they are part of, and are intended to serve persons at, the destination resort pursuant to DCC 18.113.030 and are approved in a final master plan:

- A. Visitor-oriented accommodations designed to provide for the needs of visitors to the resort:
  1. Overnight lodging, including lodges, hotels, motels, bed and breakfast facilities, time share units, and similar transient lodging facilities;
  2. Convention and conference facilities and meeting rooms;

3. Retreat centers;
  4. Restaurants, lounges, and similar eating and drinking establishments; and
  5. Other similar visitor-oriented accommodations consistent with the purposes of DCC 18.113 and Goal 8.
- B. Developed recreational facilities designed to provide for the needs of visitors and residents of the resort;
1. Golf courses and clubhouses;
  2. Indoor and outdoor swimming pools;
  3. Indoor and outdoor tennis courts;
  4. Physical fitness facilities;
  5. Equestrian facilities;
  6. Wildlife observation shelters;
  7. Walkways, bike paths, jogging paths, equestrian trails;
  8. Other similar recreational facilities consistent with the purposes of DCC 18.113 and Goal 8.
- C. Residential accommodations:
1. Single-unit family dwellings;
  2. Duplexes, triplexes, fourplexes, and multi-unit family dwellings;
  3. Condominiums;
  4. Townhouses;
  5. Living quarters for employees;
  6. Time-share projects.
- D. Commercial services and specialty shops designed to provide for the visitors to the resort:
1. Specialty shops, including but not limited to delis, clothing stores, bookstores, gift shops, and specialty food shops;
  2. Barber shops/beauty salons;
  3. Automobile service stations limited to fuel sales, incidental parts sales and minor repairs;
  4. Craft and art studios and galleries;
  5. Real estate offices;

6. Convenience stores;
  7. Psilocybin service centers licensed by the Oregon Health Authority, subject to DCC 18.128.015;
    - a. For a lawfully established destination resort, the establishment of a psilocybin service center in any area approved for commercial services or specialty shops pursuant to an approved final master plan does not require modification of an approved conceptual master plan or final master plan.
  8. Other similar commercial services which provide for the needs of resort visitors and are consistent with the purposes of DCC 18.113 and Goal 8.
- E. Uses permitted in open space areas generally include only those uses that, except as specified herein, do not alter the existing or natural landscape of the proposed open space areas. No improvements, development, or other alteration of the natural or existing landscape shall be allowed in open space areas, except as necessary for development of golf course fairways and greens, hiking and bike trails, lakes and ponds and primitive picnic facilities including park benches and picnic tables. Where farming activities would be consistent with identified preexisting open space uses, irrigation equipment and associated pumping facilities shall be allowed.
- F. Facilities necessary for public safety and utility service within the destination resort.
- G. Other similar uses permitted in the underlying zone consistent with the purposes of DCC 18.113.030.
- H. Accessory Uses in Destination Resorts:
1. The following accessory uses shall be permitted provided they are ancillary to the destination resort and consistent with the purposes of DCC 18.113 and Goal 8:
    - a. Transportation-related facilities excluding airports;
    - b. Emergency medical facilities;
    - c. Storage structures and areas;
    - d. Kennels as a service for resort visitors only;
    - e. Recycling and garbage collection facilities;
    - f. A psilocybin product manufacturer licensed by the Oregon Health Authority, so long as the use is in conjunction with a psilocybin service center;
    - g. Other similar accessory uses consistent with the purposes of DCC 18.113 and Goal 8.

#### HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

Amended by Ord. 2022-015 §1 on 4/4/2023



### 18.113.040 Application Submission

The authorization of a permit for a destination resort shall consist of three steps.

- A. Conceptual Master Plan and Conditional Use Permit for Destination Resort. A conceptual master plan (CMP) shall be submitted which addresses all requirements established in DCC 18.113.040. The CMP application shall be processed as if it were a conditional use permit under DCC Title 22, shall be subject to DCC 18.128.010, 18.128.020 and 18.128.030 and shall be reviewed for compliance with the standards and criteria set forth in DCC 18.113.
- B. Final Master Plan. The applicant shall prepare a final master plan (FMP) which incorporates all requirements of the County approval for the CMP. The Planning Director shall review the FMP to determine if it complies with the approved CMP and all conditions of approval of the conditional use permit. The Planning Director shall have the authority to approve, deny or return the FMP to the applicant for additional information. When interpretations of the Planning Director involve issues which are discretionary, the FMP approval shall be treated as a land use permit in accordance with DCC Title 22.
- C. Site Plan Review. Each element or development phase of the destination resort must receive additional approval through the required site plan review (DCC 18.124) or subdivision process (DCC Title 17). In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 18.113 and the FMP.

#### HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

### 18.113.050 Requirements For Conditional Use Permit And Conceptual Master Plan Applications

The CMP provides the framework for development of the destination resort and is intended to ensure that the destination resort meets the requirements of DCC 18.113. The CMP application shall include the following information:

- A. Illustrations and graphics to scale, identifying:
  1. The location and total number of acres to be developed as a planned destination resort;
  2. The subject area and all land uses adjacent to the subject area;
  3. The topographic character of the site;
  4. Types and general location of proposed development uses, including residential and commercial uses;
  5. Major geographic features;
  6. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether streets will be public or private;
  7. Major pedestrian, equestrian, and bicycle trail systems;

8. Important natural features of the site, including habitat of threatened or endangered species, streams, rivers, wetlands and riparian vegetation within 200 feet of streams, rivers and wetlands.
  9. All uses proposed within landscape management corridors identified by the comprehensive plan or zoning ordinance.
  10. The location and number of acres reserved as open space, buffer area, or common area. Areas designated as "open space," "buffer area," or "common area" should be clearly illustrated and labeled as such;
  11. All proposed recreational amenities;
  12. Proposed overall density.
- B. Further information as follows:
1. A description of the natural characteristics of the site and surrounding areas, including a description of resources and the effect of the destination resort on the resources; methods employed to mitigate adverse impacts on resources; analysis of how the overall values of the natural features of the site will be preserved, enhanced or utilized in the design concept for the destination resort; and a proposed resource protection plan to ensure that important natural features will be protected and maintained. Factors to be addressed include:
    - a. Compatibility of soil composition for proposed development(s) and potential erosion hazard;
    - b. Geology, including areas of potential instability;
    - c. Slope and general topography;
    - d. Areas subject to flooding;
    - e. Other hazards or development constraints;
    - f. Vegetation;
    - g. Water areas, including streams, lakes, ponds, and wetlands;
    - h. Important natural features;
    - i. Landscape management corridors;
    - j. Wildlife.
  2. A traffic study which addresses (1) impacts on affected County, city and state road systems and (2) transportation improvements necessary to mitigate any such impacts. The study shall be submitted to the affected road authority (either the County Department of Public Works or the Oregon Department of Transportation, or both) at the same time as the conceptual master plan and shall be prepared by a licensed traffic engineer to the minimum standards of the road authorities.

3. A description of how the proposed destination resort will satisfy the standards and criteria of DCC 18.113.060 and 18.113.070;
4. Design guidelines and development standards defining visual and aesthetic parameters for:
  - a. Building character;
  - b. Landscape character;
  - c. Preservation of existing topography and vegetation;
  - d. Siting of buildings; and
  - e. Proposed standards for minimum lot area, width, frontage, lot coverage, setbacks, and building heights.
5. An open space management plan which includes:
  - a. An explanation of how the open space management plan meets the minimum standards of DCC 18.113 for each phase of the development;
  - b. An inventory of the important natural features identified in the open space areas and any other open space and natural values present in the open space;
  - c. A set of management prescriptions that will operate to maintain and conserve in perpetuity any identified important natural features and other natural or open space values present in the open space;
  - d. Deed restrictions that will assure that the open space areas are maintained as open space in perpetuity.
6. An explanation of public use of facilities and amenities on the site.
7. A description of the proposed method of providing all utility systems, including the location and sizing of the utility systems;
8. A description of the proposed order and schedule for phasing, if any, of all development including an explanation of when facilities will be provided and how they will be secured if not completed prior to closure of sale of individual lots, parcels, or units;
9. An explanation of how the destination resort has been sited or designed to avoid or minimize adverse effects or conflicts on adjacent lands. The application shall identify the surrounding uses and potential conflicts between the destination resort and adjacent uses within 660 feet of the boundaries of the lots, lots, parcel, or parcels upon which the resort is to be developed. The application shall explain how any proposed buffer area will avoid or minimize adverse effects or conflicts;
10. A description of the proposed method for providing emergency medical facilities and services and public safety facilities and services including fire and police protection;

11. A study prepared by a hydrologist, engineering geologist, or similar professional certified in the State of Oregon describing:
  - a. An estimate of water demands for the destination resort at maximum buildout, including a breakdown of estimated demand by category of consumption, including but not limited to residential, commercial, golf courses and irrigated common areas;
  - b. Availability of water for estimated demands at the destination resort, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of water supply for the destination resort; (3) identification of the area that may be measurably impacted by the water used by the destination resort (water impact area) and an analysis supporting the delineation of the impact area; and (4) a statistically valid sampling of domestic and other wells within the impact area;
  - c. A water conservation plan including an analysis of available measures which are commonly used to reduce water consumption. This shall include a justification of the chosen water conservation plan. The water conservation plan shall include a wastewater disposal plan utilizing beneficial use of reclaimed water to the maximum extent practicable. For the purposes of DCC 18.113.050, beneficial uses shall include, but are not limited to:
    1. Irrigation of golf courses and greenways;
    2. Establishment of artificial wetlands for wildlife habitation.
12. An erosion control plan for all disturbed land, as required by ORS 468. This plan shall include storm and melt water erosion control to be implemented during all phases of construction and permanent facilities or practices for the continuing treatment of these waters. This plan shall also explain how the water shall be used for beneficial use or why it cannot be used as such;
13. A description of proposed sewage disposal methods;
14. Wildfire prevention, control, and evacuation plans;
15. A description of interim development including temporary structures related to sales and development;
16. Plans for owners' associations and related transition of responsibilities and transfer of property;
17. A description of the methods of ensuring that all facilities and common areas within each phase will be established and will be maintained in perpetuity;
18. A survey of housing availability for employees based upon income level and commuting distance;

19. An economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist(s) or financial analyst(s) shall be provided which includes:
  - a. An analysis which addresses the economic viability of the proposed development;
  - b. Fiscal impacts of the project including changes in employment, increased tax revenue, demands for new or increased levels of public services, housing for employees and the effects of loss of resource lands during the life of the project.
20. A solid waste management plan;
21. A description of the mechanism to be used to ensure that the destination resort provides an adequate supply of overnight lodging units to maintain compliance with the 150-unit minimum and 2 and one-half to 1 ratio set forth in DCC 18.113.060(D)(2). The mechanism shall meet the requirements of DCC 18.113.060(L);
22. If the proposed destination resort is in a SMIA combining zone, DCC 18.56 shall be addressed;
23. If the proposed destination resort is in an LM combining zone, DCC 18.84 shall be addressed;
24. A survey of historic and cultural resources inventoried on an acknowledged Goal 5 inventory;
25. Other information as may reasonably be required by the Planning Director to address the effect of the proposed development as related to the requirements of DCC Title 18.

#### HISTORY

*Adopted by Ord. [92-004](#) §13 on 2/7/1992*

*Amended by Ord. [2007-005](#) §2 on 2/28/2008*

*Amended by Ord. [2013-008](#) §2 on 7/5/2013*

#### **[18.113.060 Standards For Destination Resorts](#)**

The following standards shall govern consideration of destination resorts:

- A. The destination resort shall, in the first phase, provide for and include as part of the CMP the following minimum requirements:
  1. At least 150 separate rentable units for visitor oriented overnight lodging as follows:
    - a. The first 50 overnight lodging units must be constructed prior to the closure of sales, rental, or lease of any residential dwellings ~~or~~ lots, or parcels.
    - b. The resort may elect to phase in the remaining 100 overnight lodging units as follows:

1. At least 50 of the remaining 100 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 5 years of the closure of sale of individual lots, parcels, or units, and;
  2. The remaining 50 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 10 years of the closure of sale of individual lots, parcels, or units.
  3. If the developer of a resort guarantees a portion of the overnight lodging units required under subsection 18.113.060(A)(1)(b) through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within 4 years of the date of execution of the surety bond or other equivalent financial assurance.
  4. The 2.5:1 accommodation ratio required by DCC 18.113.060(D)(2) must be maintained at all times.
- c. If a resort does not chose to phase the overnight lodging units as described in 18.113.060(A)(1)(b), then the required 150 units of overnight lodging must be constructed prior to the closure of sales, rental, or lease of any residential dwellings ~~or~~, lots, or parcels.
2. Visitor oriented eating establishments for at least 100 persons and meeting rooms which provide seating for at least 100 persons.
  3. The aggregate cost of developing the overnight lodging facilities, developed recreational facilities, and the eating establishments and meeting rooms shall be at least \$ 7,000,000 (in 1993 dollars).
  4. At least \$ 2,333,333 of the \$7,000,000 (in 1993 dollars) total minimum investment required by DCC 18.113.060(A)(3) shall be spent on developed recreational facilities.
  5. The facilities and accommodations required by DCC 18.113.060(A)(2) through (4) must be constructed or financially assured pursuant to DCC 18.113.110 prior to closure of sales, rental or lease of any residential dwellings, ~~or~~ lots, or parcels, or as allowed by DCC 18.113.060(A)(1).
- B. All destination resorts shall have a minimum of 160 contiguous acres of land. Acreage split by public roads or rivers or streams shall count toward the acreage limit, provided that the CMP demonstrates that the isolated acreage will be operated or managed in a manner that will be integral to the remainder of the resort.
- C. All destination resorts shall have direct access onto a state or County arterial or collector roadway, as designated by the Comprehensive Plan.
- D. A destination resort shall, cumulatively and for each phase, meet the following minimum requirements:

1. The resort shall have a minimum of 50 percent of the total acreage of the development dedicated to permanent open space, excluding yards, streets and parking areas. Portions of individual residential lots or parcels and landscape area requirements for developed recreational facilities, visitor oriented accommodations, or multi-unit family dwelling or commercial uses established by DCC 18.124.070 shall not be considered open space;
  2. Individually owned residential units that do not meet the definition of overnight lodging in DCC 18.04.030 shall not exceed two and one-half such units for each unit of visitor oriented overnight lodging. Individually owned units shall be considered visitor oriented lodging if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through one or more central reservation and check in service(s) operated by the destination resort or by a real estate property manager, as defined in ORS 696.010.
    - a. The ratio applies to destination resorts which were previously approved under a different standard.
- E. Phasing. A destination resort authorized pursuant to DCC 18.113.060 may be developed in phases. If a proposed resort is to be developed in phases, each phase shall be as described in the CMP. Each individual phase shall meet the following requirements:
1. Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of DCC 18.113 and Goal 8.
  2. The first phase and each subsequent phase of the destination resort shall cumulatively meet the minimum requirements of DCC 18.113.060 and DCC 18.113.070.
  3. Each phase may include two or more distinct noncontiguous areas within the destination resort.
- F. Destination resorts shall not exceed a density of one and one-half dwelling units per acre including residential dwelling units and excluding visitor oriented overnight lodging.
- G. Dimensional Standards:
1. The minimum lot area, width, lot coverage, frontage, and yard setback requirements, and building heights otherwise applying to structures in underlying zones and the provisions of DCC 18.116 relating to solar access shall not apply within a destination resort. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP. In determining these standards, the Planning Director or Hearings Body shall find that the minimum specified in the CMP are adequate to satisfy the intent of the comprehensive plan relating to solar access, fire protection, vehicle access, visual management within landscape management corridors and to protect resources identified by LCDC Goal 5 which are identified in the Comprehensive Plan. At a minimum, a 100-foot setback shall be maintained from all streams and rivers. Rimrock setbacks shall be as provided in DCC Title 18. No lot or parcel for a single-unit family dwelling residence shall exceed an overall project average of 22,000 square feet in size.
  2. Exterior setbacks.

- a. Except as otherwise specified herein, all development (including structures, site-obscuring fences of over three feet in height, and changes to the natural topography of the land) shall be setback from exterior property lines as follows:
    1. Three hundred fifty feet for commercial development including all associated parking areas;
    2. Two hundred fifty feet for multi-unit family dwelling development and visitor oriented accommodations (except for single-unit-family-dwellings-residences) including all associated parking areas;
    3. One hundred fifty feet for above finished grade development other than that listed in DCC 18.113.060(G)(2)(a)(1) and (2);
    4. One hundred feet for roads;
    5. Fifty feet for golf courses; and
    6. Fifty feet for jogging trails and bike paths where they abut private developed lots or parcels and no setback for where they abut public roads and public lands.
  - b. Notwithstanding DCC 18.113.060(G)(2)(a)(3), above finished grade development other than that listed in DCC 18.113.060(G)(2)(a)(1) and (2) shall be set back 250 feet in circumstances where state highways coincide with exterior property lines.
  - c. The setbacks of DCC 18.113.060 shall not apply to entry roadways and signs.
- H. Floodplain requirements. The floodplain zone (FP) requirements of DCC 18.96 shall apply to all developed portions of a destination resort in an FP Zone in addition to any applicable criteria of DCC 18.113. Except for floodplain areas which have been granted an exception to LCDC goals 3 and 4, floodplain zones shall not be considered part of a destination resort when determining compliance with the following standards;
1. One hundred sixty acre minimum site;
  2. Density of development;
  3. Open space requirements.
- A conservation easement as described in DCC Title 18 shall be conveyed to the County for all areas within a floodplain which are part of a destination resort.
- I. The Landscape Management Combining Zone (LM) requirements of DCC 18.84 shall apply to destination resorts where applicable.
  - J. ~~Excavation, grading, and fill~~ Fill and/or removal within the bed and banks of a stream or river, or in a wetland, shall be a separate conditional use subject to all pertinent requirements of DCC Title 18.



- K. Time share units not included in the overnight lodging calculations shall be subject to approval under the conditional use criteria set forth in DCC 18.128. Time share units identified as part of the destination resort's overnight lodging units shall not be subject to the time share conditional use criteria of DCC 18.128.
- L. The overnight lodging criteria shall be met, including the 150-unit minimum and the 2-1/2 to 1 ratio set forth in DCC 18.113.060(D)(2).
1. Failure of the approved destination resort to comply with the requirements in DCC 18.113.060(L)(2) through (6) will result in the County declining to accept or process any further land use actions associated with any part of the resort and the County shall not issue any permits associated with any lots, parcels, or site plans on any part of the resort until proof is provided to the County of compliance with those conditions.
  2. Each resort shall compile, and maintain, in perpetuity, a registry of all overnight lodging units.
    - a. The list shall identify each individually-owned unit that is counted as overnight lodging.
    - b. At all times, at least one entity shall be responsible for maintaining the registry and fulfilling the reporting requirements of DCC 18.113.060(L)(2) through (6).
    - c. Initially, the resort management shall be responsible for compiling and maintaining the registry.
    - d. As a resort develops, the developer shall transfer responsibility for maintaining the registry to the homeowner association(s). The terms and timing of this transfer shall be specified in the Conditions, Covenants & Restrictions (CC&Rs).
    - e. Resort management shall notify the County prior to assigning the registry to a homeowner association.
    - f. Each resort shall maintain records documenting its rental program related to overnight lodging units at a convenient location in Deschutes County, with those records accessible to the County upon 72 hour notice from the County.
    - g. As used in this section, "resort management" includes, but is not limited to, the applicant and the applicant's heirs, successors in interest, assignees other than a home owners association.
  3. An annual report shall be submitted to the Planning Division by the resort management or home owners association(s) each February 1, documenting all of the following as of December 31 of the previous year:
    - a. The minimum of 150 permanent units of overnight lodging have been constructed or that the resort is not yet required to have constructed the 150 units;

- b. The number of individually-owned residential platted lots or parcels and the number of overnight-lodging units;
- c. The ratio between the individually-owned residential platted lots or parcels and the overnight lodging units;
- d. For resorts for which the conceptual master plan was originally approved on or after January 1, 2001, the following information on each individually-owned residential unit counted as overnight lodging.
  1. Who the owner or owners have been over the last year;
  2. How many nights out of the year the unit was available for rent;
  3. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 18.113;
  4. Documentation showing that these units were available for rental as required.
- e. For resorts for which the conceptual master plan was originally approved before January 1, 2001, the following information on each individually owned residential unit counted as overnight lodging. Notwithstanding anything to the contrary in Deschutes County Code, these resorts may count units that are not deed-restricted and/or do not utilize a central check-in system operated by the resort so long as such units meet the Oregon statutory definition of overnight lodgings in Eastern Oregon
  1. For those units directly managed by the resort developer or operator.
    - A. Who the owner or owners have been over the last year;
    - B. How many nights out of the year the unit was available for rent;
    - C. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 18.113;
    - D. Documentation showing that these units were available for rent as required.
  2. For all other units.
    - A. Address of the unit;
    - B. Name of the unit owner(s);
    - C. Schedule of rental availability for the prior year. The schedule of rental availability shall be based upon monthly printouts of the availability calendars posted on-line by the unit owner or the unit owner's agent.

- f. This information shall be public record subject to the non-disclosure provisions in ORS Chapter 192.
4. To facilitate rental to the general public of the overnight lodging units, each resort shall set up and maintain in perpetuity a telephone reservation system..
5. Any outside property managers renting required overnight lodging units shall be required to cooperate with the provisions of this code and to annually provide rental information on any required overnight lodging units they represent to the central office as described in DCC 18.113.060(L)(2) and (3).
6. Before approval of each final plat, all the following shall be provided:
  - a. Documentation demonstrating compliance with the 2-1/2 to 1 ratio as defined in DCC 18.113.060(D)(2);
  - b. Documentation on all individually-owned residential units counted as overnight lodging, including all of the following:
    1. Designation on the plat of any individually-owned units that are going to be counted as overnight lodging;
    2. Deed restrictions requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
    3. An irrevocable provision in the resort Conditions, Covenants and Restrictions ("CC&Rs) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
    4. A provision in the resort CC&R's that all property owners within the resort recognize that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(3) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;
    5. Inclusion of language in any rental contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation and check in service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation and check-in service operated by the resort or by a real estate property manager, as defined in ORS 696.010, and that failure to meet the conditions in DCC 18.113.060(L)(6)(b)(5) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.

7. Compliance Fee.

- a. In the event that a resort that was originally approved before January 1, 2001 fails to report compliance with the 2.5:1 ratio in a calendar year as reported in accordance with 18.113.060(L)(3)(e), the remedy shall be that such resort shall pay a compliance fee due not later than April 15 of the year following the year in which the shortfall occurred.
- b. The compliance fee will be calculated as follows:
  1. First, by calculating the average per unit transient lodging tax paid by the resort the prior calendar year by dividing the total amount paid by the resort in transient lodging taxes for the prior calendar year by the sum of the number of overnight units managed by the resort for which the resort paid transient lodging taxes that same year and the number of timeshare units;
  2. Second, by multiplying that average per unit transient lodging tax amount by the number of additional overnight lodging units that would have been necessary to comply with the 2.5:1 ratio for the applicable calendar year.
- c. If the Resort were to apply to create more residential lots or parcels, the Resort may not apply the compliance fee to meet the 2.5:1 ratio of individually-owned residential units to overnight lodging units per DCC 18.113.060(D)(2) and will have to demonstrate compliance per the new reporting methods or construct more overnight lodging units in order to comply with the 2.5:1 ratio.

HISTORY

*Adopted by Ord. [92-004](#) §13 on 2/7/1992*

*Amended by Ord. [2007-005](#) §2 on 2/28/2008*

*Amended by Ord. [2013-008](#) §2 on 7/5/2013*

*Amended by Ord. [2015-016](#) §7 on 3/28/2016*

*Amended by Ord. [2016-003](#) §1 on 4/5/2016*

*Repealed by Ord. [2018-005](#) §12 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

**[18.113.070 Approval Criteria](#)**

In order to approve a destination resort, the Planning Director or Hearings Body shall find from substantial evidence in the record that:

- A. The subject proposal is a destination resort as defined in DCC 18.040.030.
- B. All standards established by DCC 18.113.060 are or will be met.
- C. The economic analysis demonstrates that:

1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by DCC 18.113.
  2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved.
  3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land.
  4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort, will constitute a primary attraction to visitors, based on the economic feasibility analysis.
- D. Any negative impact on fish and wildlife resources will be completely mitigated so that there is no net loss or net degradation of the resource.
- E. Important natural features, including but not limited to significant wetlands, riparian habitat, and landscape management corridors will be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands will be maintained. Alterations to important natural features, including placement of structures, is allowed so long as the overall values of the feature are maintained.
- F. The development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- G. Destination resort developments that significantly affect a transportation facility shall assure that the development is consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:
1. Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;
  2. Providing transportation facilities adequate to support the proposed development consistent with Oregon Administrative Rules chapter 660, Division 12; or
  3. Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.  
A destination resort significantly affects a transportation facility if it would result in levels of travel or access that are inconsistent with the functional classification of a facility or would reduce the level of service of the facility below the minimum acceptable level identified in the relevant transportation system plan.
    - a. Where the option of providing transportation facilities is chosen, the applicant shall be required to improve impacted roads to the full standards of the affected

authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development as determined by the traffic study or the recommendations of the affected road authority.

- b. Access within the project shall be adequate to serve the project in a safe and efficient manner for each phase of the project.
- H. The development will not create the potential for natural hazards identified in the County Comprehensive Plan. No structure will be located on slopes exceeding 25 percent. A wildfire management plan will be implemented to ensure that wildfire hazards are minimized to the greatest extent practical and allow for safe evacuation. With the exception of the slope restriction of DCC 18.113.070, which shall apply to destination resorts in forest zones, wildfire management of destination resorts in forest zones shall be subject to the requirements of DCC 18.40.070, where applicable, as to each individual structure and dwelling.
- I. Adequate public safety protection will be available through existing fire districts or will be provided onsite according to the specification of the state fire marshal. If the resort is located outside of an existing fire district the developer will provide for staffed structural fire protection services. Adequate public facilities to provide for necessary safety services such as police and fire will be provided on the site to serve the proposed development.
- J. Streams and drainage. Unless otherwise agreed to in writing by the ~~adjoining-abutting~~ property owner(s), existing natural drainages on the site will not be changed in any manner which interferes with drainage patterns on ~~adjoining-abutting~~ property. All surface water drainage changes created by the development will be contained on site in a manner which meets all standards of the Oregon State Department of Environmental Quality (DEQ). The erosion control plan for the subject development will meet all standards of ORS 468.
- K. Adequate water will be available for all proposed uses at the destination resort, based upon the water study and a proposed water conservation plan. Water use will not reduce the availability of water in the water impact areas identified in the water study considering existing uses and potential development previously approved in the affected area. Water sources shall not include any perched water table. Water shall only be taken from the regional aquifer. Where a perched water table is pierced to access the regional aquifer, the well must be sealed off from the perched water table.
- L. The wastewater disposal plan includes beneficial use to the maximum extent practicable. Approval of the CMP shall be conditioned on applicant's making application to DEQ for a Water Pollution Control Facility (WPCF) permit consistent with such an approved wastewater disposal plan. Approval shall also be conditioned upon applicant's compliance with applicable Oregon Administrative Rules regarding beneficial use of waste water, as determined by DEQ. Applicant shall receive approval of a WPCF permit consistent with this provision prior to applying for approval for its Final Master Plan under DCC 18.113.
- M. The resort will mitigate any demands it creates on publicly-owned recreational facilities on public lands in the surrounding area.

- N. Site improvements will be located and designed to avoid or minimize adverse effects of the resort on the surrounding land uses. Measures to accomplish this may include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas, and similar types of buffers; and setback of structures and other developments from adjacent land uses.
- O. The resort will be served by an on-site sewage system approved by DEQ and a water system approved by the Oregon State Health Division except where connection to an existing public sewer or water system is allowed by the County Comprehensive Plan, such service will be provided to the resort.
- P. The destination resort will not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents permitted or conditional uses of surrounding properties.
- Q. Commercial, cultural, entertainment or accessory uses provided as part of the destination resort will be contained within the development and will not be oriented to public highways adjacent to the property. Commercial, cultural and entertainment uses allowed within the destination resort will be incidental to the resort itself. As such, these ancillary uses will be permitted only at a scale suited to serve visitors to the resort.
- The commercial uses permitted in the destination resort will be limited in type, location, number, dimensions and scale (both individually and cumulatively) to that necessary to serve the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:
1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to the resort, or the use is necessary for operation, maintenance or promotion of the destination resort; and
  2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.
- R. A plan exists to ensure a transfer of common areas, facilities such as sewer, water, streets and responsibility for police and fire protection to owners' associations or similar groups if contemplated. If such transfer is not contemplated, the owner or responsible party shall be clearly designated. Adequate open space, facility maintenance and police and fire protection shall be ensured in perpetuity in a manner acceptable to the County.
- S. Temporary structures will not be allowed unless approved as part of the CMP. Temporary structures will not be allowed for more than 18 months and will be subject to all use and site plan standards of DCC Title 18.
- T. The open space management plan is sufficient to protect in perpetuity identified open space values.

#### HISTORY

*Adopted by Ord. [92-004](#) §13 on 2/7/1992*

*Amended by Ord. [92-032](#) §1 on 4/15/1992*

*Amended by Ord. [2007-005](#) §2 on 2/28/2008*

#### **[18.113.075 Imposition Of Conditions](#)**

The standards made applicable by DCC 18.113 may be met by the imposition of conditions calculated to insure that the standard will be met.

#### HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

#### **18.113.080 Procedure For Modification Of A Conceptual Master Plan**

Any substantial change, as determined by the Planning Director, proposed to an approved CMP shall be reviewed in the same manner as the original CMP. An insubstantial change may be approved by the Planning Director. Substantial change to an approved CMP, as used in DCC 18.113.080, means an alteration in the type, scale, location, phasing, or other characteristic of the proposed development such that findings of fact on which the original approval was based would be materially affected.

#### HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

#### **18.113.090 Requirements For Final Master Plan**

It shall be the responsibility of the applicant to provide a Final Master Plan (FMP) which includes text and graphics explaining and illustrating:

- A. The use, location, size, and design of all important natural features, open space, buffer areas, and common areas;
- B. The use and general location of all buildings, other than residential dwellings and the proposed density of residential development by location;
- C. Preliminary location of all sewer, water, storm drainage, and other utility facilities and materials, and specifications and installation methods for water and waste water systems;
- D. Location and widths of all roads, streets, parking, pedestrian ways, equestrian trails, and bike paths;
- E. Methods to be employed to buffer and mitigate potential adverse impacts on adjacent resource uses and property;
- F. Building elevations of visitor-oriented accommodations, recreational facilities, and commercial services sufficient to demonstrate the architectural character of the proposed development;
- G. A description of all commercial uses including approximate size and floor area;
- H. The location of or distance to any emergency medical facilities and public safety facilities;
- I. When a phase includes a residential subdivision, a general layout of the subdivision shall include the number of lots or parcels, minimum and maximum lot sizes, and approximate location of roadways shall be included;
- J. A description of measures taken, with copies of deed restrictions, CC&R's and rental contracts, to implement the requirements of DCC 18.113.060(L).



- K. A description of measures taken, with copies of deed restrictions and a final management plan, to implement the open space management plan required by DCC 18.113.
- L. The status of all required off-site roadway improvements.
- M. Methods to be employed for managing automobile traffic demand.
- N. A copy of a WPCF permit issued by DEQ consistent with the requirements of DCC 18.113.070(L).

#### HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

Amended by Ord. [2007-005](#) §2 on 2/28/2008

#### **18.113.100 Procedure For Approval Of Final Master Plan**

- A. The FMP shall be submitted in a form approved by the County Planning Director consistent with DCC Title 22 for a development permit. The Planning Director shall review the FMP and if the Planning Director finds that all standards of the CMP have been met, the FMP shall be approved in writing without notice. If approval the FMP involves the exercise of discretion, the FMP shall be treated as a land use action and notice shall be provided in accordance with DCC Title 22;
- B. If the Planning Director finds evidence in the FMP of a substantial change from the CMP, the Planning Director shall advise the applicant to submit an application for modification or amendment of the CMP.

#### HISTORY

Adopted by Ord. [92-004](#) §13 on 2/7/1992

#### **18.113.110 Provision Of Streets, Utilities, Developed Recreational Facilities And Visitor-Oriented Accommodations**

- A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities, and visitor-oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots, parcels, or units.
- B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities, and visitor-oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.

#### HISTORY

Adopted by Ord. [92-003](#) §1 on 2/7/1992

Amended by Ord. [92-004](#) §13 on 2/7/1992

#### **18.113.120 Conservation Easement To Protect Resource Site**

- A. If a tract to be used as a destination resort contains a resource site designated for protection in an acknowledged comprehensive plan pursuant to open spaces, scenic and historic areas, and natural resource goals, that tract of land shall preserve the resource site by conservation

easement sufficient to protect the resource values of the resource site in accordance with ORS 271.715 to 271.795.

- B. A conservation easement under DCC 18.113.120 shall be recorded with the property records of the tract on which the destination resort is sited.

## HISTORY

Adopted by Ord. [2007-005](#) §2 on 2/28/2008

### **CHAPTER 18.116 SUPPLEMENTARY PROVISIONS**

[18.116.010 Authorization Of Similar Uses](#)

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[18.116.036 Special Parking Provisions For The Sunriver Town Center \(TC\) District](#)

[18.116.040 Accessory Uses](#)

[18.116.050 Manufactured Homes](#)

[18.116.070 Placement Standards For Manufactured ~~Homes~~Dwellings](#)

[18.116.080 Manufactured ~~Home~~Dwelling Or RV As A Temporary ~~Residence~~Dwelling Unit On An Individual Lot Or Parcel During Construction](#)

[18.116.090 A Manufactured ~~Home~~Dwelling Or Recreational Vehicle As A Temporary ~~Residence~~Dwelling unit For Medical Condition](#)

[18.116.095 Recreational Vehicle As A ~~Residence~~Dwelling Unit On An Individual Lot Or Parcel](#)

[18.116.100 Building Projections](#)

[18.116.120 Fences](#)

[18.116.130 Hydroelectric Facilities](#)

[18.116.140 Electrical Substations](#)

[18.116.150 Endangered Species](#)

[18.116.160 Rimrock Setbacks Outside Of LM Combining Zone](#)

[18.116.170 Solar Height Restrictions](#)

[18.116.180 Building Setbacks For The Protection Of Solar Access](#)

[18.116.190 Solar Access Permit](#)

[18.116.200 \(Repealed\)](#)

[18.116.210 Residential Homes And Residential Facilities](#)

[18.116.215 Family Child Care Provider](#)

[18.116.220 Conservation Easements On Property Adjacent To Rivers And Streams; Prohibitions](#)

[18.116.230 Standards For Class I And II Road Projects](#)

[18.116.240 Protection Of Historic Sites](#)

[18.116.250 Wireless Telecommunications Facilities](#)

[18.116.260 Rock Crushing Outside The SM Zone](#)

[18.116.270 Conducting Filming Activities In All Zones](#)

[18.116.280 Home Occupations](#)

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[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 Accessory Dwelling Units In RR10 And MUA Zones](#)

[18.116.360 Nursery Schools](#)

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

### **18.116.010 Authorization Of Similar Uses**

- A. The purpose of DCC 18.116.010 is to, consistent with provisions of state law, provide for land uses not specifically listed in any zone, but which are similar in character, scale, impact and performance to a permitted or conditional use specified in a particular zone.
- B. Review Criteria. A similar use may be authorized by the Planning Director or Hearings Body provided that the applicant establishes that the proposed use meets the following criteria:
  1. The use is not listed specifically in any zone;
  2. The use is similar in character, scale, impact and performance to one or more of the permitted or conditional uses listed for the zone in which it is proposed; and
  3. The use is consistent with any applicable requirements of state law with respect to what uses may be allowed in the particular zone in question.

Any similar use authorized by the Planning Director or Hearings Body shall conform to the applicable standards and requirements of the zone in which it is located, including any requirements for conditional use review set forth in DCC 18.128.

- C. Procedure:
  1. A property owner may initiate a request for authorization of a similar use by filing an application with the Planning Division on forms prescribed by the division.
  2. The Planning Director or Hearings Body shall consider a request for authorization of a similar use under the requirements of Title 22, the Deschutes County Uniform Development Procedures Ordinance.

#### HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

### **18.116.020 Clear Vision Areas**

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline finished grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the finished grade.

B. A clear vision area shall consist of a triangular area on the corner of a lot or parcel at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining-abutting the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B)(1) and (2). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the County:

1. In an agricultural, forestry, or industrial zone, the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.
2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

Right of way Width	Clear vision
80 feet or more	20 feet
60 feet	30 feet
50 feet and less	40 feet

**HISTORY**

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

**18.116.030 Off-Street Parking And Loading**

- A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:
  1. Commercial, industrial, and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

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

5,000-30,000	1
30,000-100,000	2
100,000 and Over	3

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

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

3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.
  4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
  5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.
- D. Number of Spaces Required. Off-street parking shall be provided as follows:

1. Residential.

Use	Requirements
<del>One Single-Unit Dwelling, two Duplex, and three family dwellings</del> <u>Three-Unit Dwelling</u>	2 spaces per dwelling unit

Multi- <del>unit family</del> dwelling containing four or more dwelling units: Studio or efficiency unit	0.75 space per unit
1 bedroom	1.00 space per unit
2 bedroom	1.50 space per unit
3 bedroom	2.25 space per unit
4 bedroom	2.50 space per unit
Apartment/hotel, <del>rooming or boarding house</del>	0.50 space guest parking per dwelling unit
Quad or quint dwelling	4.50 spaces per quad and 5.50 spaces per quint

## 2. Commercial Residential.

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

## 3. Institutions.

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

## 4. Places Of Public Assembly.

Use	Requirements
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 space.

## 5. Commercial Amusements.

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

## 6. Commercial.

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

## 7. Industrial.

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

## 8. 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 of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures, lots, or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, 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 evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.
3. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot or parcel with the dwelling. 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 ~~Yard~~Setback Area. Required parking and loading spaces for multi-unit family dwellings or commercial and industrial uses shall not be located in a required front ~~yard~~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 yardsetback 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 adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
- a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
  - b. Diagonal parking (60 degree), each with 11 feet of curb;
  - c. Perpendicular parking (90 degree), each with 10 feet of curb;
  - d. Curb space must be connected to the lot 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 of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight-sight-obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
  2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining-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 adjacent property line or a street right of way.
- G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:
- 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**

Parking Angle	Stall Width	20' Stall	Aisle Width-One Way*	Curb Length Per Car	Bay Width
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0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0 2	31.0
	10'-0"	10.0	12.0	2.0	32.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0
*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

#### [18.116.031 Bicycle Parking](#)

New development and any construction, renovation, or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.

##### A. Number and Type of Bicycle Parking Spaces Required.

##### 1. General Minimum Standard.

- a. All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces.
  - b. Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.
  - c. When the proposed use is located outside of an unincorporated community, a destination resort, and a rural commercial zone, exceptions to the bicycle parking standards may be authorized by the Planning Director or Hearings Body if the applicant demonstrates one or more of the following:
    1. The proposed use is in a location accessed by roads with no bikeways and bicycle use by customers or employees is unlikely.
    2. The proposed use generates less than 50 vehicle trips per day.
    3. No existing buildings on the site will accommodate bicycle parking and no new buildings are proposed.
    4. The size, weight, or dimensions of the goods sold at the site makes transporting them by bicycle impractical or unlikely.
    5. The use of the site requires equipment that makes it unlikely that a bicycle would be used to access the site. Representative examples would include, but not be limited to, paintball parks, golf courses, shooting ranges, etc.
2. Special Minimum Standards.
- a. ~~Multi-Unit Family Dwellings Residences~~. Every residential use of four or more dwelling units shall provide at least one bicycle parking space for each unit. In those instances in which the residential complex has no garage, required spaces shall be sheltered.
  - b. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
  - c. Schools. Schools, both public and private, shall provide one bicycle parking space for every 25 students, half of which shall be sheltered.
  - d. Colleges. One-half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.
3. Trade Off with Motor Vehicle Parking Spaces.
- a. One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking.

1. Any deleted motor vehicle space beyond the one allowed above shall be replaced with at least one bicycle spaces.
  2. If such additional parking is to be located in the area of the deleted automobile parking space, it must meet all other bicycle parking standards.
  - b. The Hearings Body or Planning Director may authorize additional bicycle parking in exchange for required motor vehicle parking in areas of demonstrated, anticipated, or desired high bicycle use.
4. Calculating number of bicycle spaces.
    - a. Fractional spaces shall be rounded up to the next whole space.
    - b. For facilities with multiple uses (such as a commercial center) bicycle-parking requirements shall be calculated by using the total number of motor vehicle spaces required for the entire development.
- B. Bicycle Parking Design.
1. General Description.
    - a. Sheltered Parking. Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.
    - b. Unsheltered parking may be provided by bicycle racks.
  2. Location.
    - a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space.
      1. Bicycle parking shall be located in areas of greatest use and convenience to bicyclist.
      2. Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.
      3. Bicycle parking shall not impede or create a hazard to pedestrians.
      4. Parking areas shall be located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.
    - b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.

- c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.
- 3. Dimensional Standards.
  - a. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
  - b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
  - c. Each required bicycle parking space shall be accessible without moving another bicycle.
- 4. Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.
- 5. Security.
  - a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
  - b. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.
- 6. Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planning Director.

#### HISTORY

*Adopted by Ord. [93-005](#) §4 on 4/21/1993*

*Amended by Ord. [2010-010](#) §1 on 7/1/2010*

#### **18.116.035 Bicycle Commuter Facilities**

- A. Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.

- B. This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation, or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.

HISTORY

Adopted by Ord. [93-005](#) §5 on 4/21/1993

**[18.116.036 Special Parking Provisions For The Sunriver Town Center \(TC\) District](#)**

- A. Required Motor Vehicle Parking. The following motor vehicle parking requirements apply to development in the Town Center (TC) District of the Sunriver UUC in lieu of the requirements of DCC 18.116.030(D):

Use	Requirements
Townhomes and Multi- <del>Unit family Dwellings Residential buildings</del> with 8 units or less: Studio or Efficiency	1.00 space per unit
1 bedroom	1.00 space per unit
2 bedrooms	1.50 space per unit
3 bedrooms	2.00 spaces per unit
4 bedrooms	2.00 spaces per unit
Mixed Use Structures and Multi- <del>Unit family Dwellings Residential buildings</del> with more than 8 units: Studio or Efficiency	1.00 space per unit
1 bedroom	1.00 space per unit
2 bedrooms	1.00 space per unit
3 bedrooms	1.50 spaces per unit
4 bedrooms	2.00 spaces per unit
Hotel	1.0 space per unit + 1 space per 2 full-time employees
Lock Off Areas	.5 parking space, in addition to base parking for unit



Live/Work Units	.5 parking space for work area, in addition to base parking for dwelling unit
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- B. Requirements for Other Uses. The number of spaces required for Town Center (TC) District of Sunriver UUC uses not listed above shall be determined by using the charts provided by DCC 18.116.030 (D).
- C. Uses not specifically listed in the tables of subsection (A), above or DCC 18.116.030(D) shall be provided with adequate parking as required by the Planning Director or Hearings Body.
- D. Transportation Demand Management.
1. In the Town Center (TC) District of Sunriver UUC, motor vehicle parking requirements may be reduced based on implementation of a Transportation Demand Management (TDM) plan.
    - a. The TDM is subject to the approval of the Planning Director or Hearings Body in accordance with the following criteria:
      1. The proposed TDM plan will reduce the need for motor vehicle parking;
      2. The reduction is to a level of parking that is lower than the amount of parking required by DCC 18.116.030; and
      3. The applicant has demonstrated to the County that the TDM measures will remain in place.
    2. A TDM plan may include, but is not limited to, the following elements:
      - a. Bicycle Parking: Motor vehicle parking requirements may be reduced in exchange for bicycle parking, as described in 18.16.031.
      - b. Shuttle Service: Motor vehicle parking requirements may be reduced by up to ten percent where frequent shuttle or transit service connects on-site residential/employment uses to transportation hubs (including airports) as well as nearby commercial centers and recreational areas.
      - c. Satellite Parking: Parking may be provided at a distance greater than 500 feet when in conjunction with a coordinated shuttle service.
- E. General Provisions. Off-Street Parking. The following parking requirements apply to development in the Town Center (TC) District of the Sunriver UUC in lieu of the requirements of DCC 18.116.030(E):
1. More Than One Use on One or More Lot or Parcels. In the event several uses occupy a single structure, lot, or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.

2. Joint Use of Facilities.

- a. The off-street parking requirements of two or more uses, structures, lots, or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, lots, or parcels that their operations and parking needs do not conflict at any point of time.
- b. Further, the total parking required for two or more land uses may be reduced to reflect pedestrian and internal trips between/among multiple uses in the Sunriver commercial core area.
- c. If the uses, structures, lots, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

3. Location of Parking Facilities.

- a. Off-street parking spaces for dwellings shall be located on the same lot or parcel with the dwelling.
- b. 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, except when provided in conjunction with connecting shuttle service, as identified in DCC 18.116.036(D)(2).
- c. Such parking shall be located in a safe and functional manner as determined during site plan approval.
- d. 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 use.

5. For Multi-~~Unit family Dwellings Residential uses~~ allowed by DCC 18.108.055(A)(6), minimum parking requirements may be satisfied through tandem parking, whereby two vehicles are accommodated end-to-end, provided the tandem parking spaces are used to meet the parking requirements for a single dwelling unit only.

F. Bicycle Parking.

1. The provisions of DCC 18.116.031(B)(6) may be used to modify the bicycle parking requirements of DCC 18.116.031 and 18.116.035.

2. Subsection (E)(2), above, regarding the joint use of parking facilities shall be applied to determine bicycle parking requirements for the Town Center District of the Sunriver UUC.

#### HISTORY

Adopted by Ord. [2008-015](#) §3 on 6/30/2008

#### [18.116.040 Accessory Uses](#)

An accessory use shall comply with all requirements for a ~~principal-primary~~ use, except as DCC Title 18 specifically allows to the contrary, and shall comply with the following limitations:

- A. The primary use of the property must be established or applied for prior to issuance of any building or land use permits for [any](#) accessory structure ~~or structures~~.
  1. Exception:
    - a. ~~A Building-building~~ permit for a ramada or carport may be issued without establishment [of](#) or application ~~of for a~~ primary use if all other criteria for issuance are met; ~~-~~
    - b. Land use, building, or environmental health permits, or extensions of such permits sought to correct existing code violations for the subject property shall be issued if all other criteria for issuance are met; ~~or-~~
    - c. A building permit for a ~~n~~ accessory structure or structures not exceeding a combined total of 2,000 square feet in size, with no windows, with only one floor, an operable garage door, no plumbing or stack vents through the roof or walls, and not requiring plumbing or mechanical permits, [shall be issued if all other criteria for issuance are met.](#)
- B. [A property owner is prohibited from installing any one of the following facilities described in \(B\)\(1-3\) within an accessory structure, unless the property owner signs and records a Deschutes County restrictive covenant prohibiting use of the structure as a dwelling unit. If a property owner signs and records a Deschutes County restrictive covenant prohibiting use of the structure as a dwelling unit, only one of the following facilities may be installed within an accessory structure in accordance with this subsection \(B\):](#)
  1. [A full bath; or](#)
  2. [A sink outside a bath and one or more of the following:](#)
    - a. [A dishwashing machine; a refrigerator; or](#)
  3. [A sink outside a bath and:](#)
    - a. [Laundry appliances](#)
- C. [Notwithstanding \(B\), more than one of the facilities identified in \(B\)\(1-3\) may be installed within any accessory structure, if an approved land use permit includes a finding that the proposed use is allowed on the subject lot or parcel.](#)

D. A kitchen may not be installed within any accessory structure, unless an approved land use permit includes a finding that the proposed use is allowed on the subject lot or parcel.

B-E. A side ~~yard-setback~~ or rear ~~yard-setback~~ may be reduced to five feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more, and does not exceed a height of one story nor an area of 450 square feet.

C-F. Boats and trailers, travel trailers, trailers, pickup campers or coaches, motorized dwellings, and similar recreational equipment may be stored on a lot or parcel, but not used as an accessory use in any zone provided that:

1. In a residential zone, parking or storage in a front ~~yard-setback area~~ or in a ~~side-yard setback area adjoining-abutting~~ a street other than an alley shall be permitted only on a driveway.
2. Parking or storage shall be at least three feet from a ~~n-interior~~ side lot line.

D-G. \_\_\_\_\_ A manufactured home-dwelling may be stored on an individual lot or parcel if permitted pursuant to a land use approval subject to obtaining a zoning approval from the Planning Division and subject to the following:

1. Storage period shall not exceed one year.
2. No utilities other than electric may be connected.
3. The mobile-manufactured home-dwelling shall not be inhabited.
- ~~4. The subject lot is not located in a CH, Conventional Housing Combining Zone.~~

#### HISTORY

Amended by Ord. [91-038](#) §3 on 9/30/1991

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

Amended by Ord. [95-077](#) §2 on 12/20/1995

Amended by Ord. [96-057](#) §1 on 8/21/1996

#### **18.116.045 Exceptions to Permitted Dwelling Unit Facilities**

A. A property owner is prohibited from installing the following facilities in a dwelling unit unless the property owner signs and records a Deschutes County restrictive covenant prohibiting use of the dwelling unit as multiple dwelling units:

1. A sink outside a kitchen or bath, and one or more of the following:
  - a. A dishwashing machine; a refrigerator.

B. More than one kitchen may be installed within a dwelling unit, if an approved land use permit includes a finding that the proposed use is allowed on the subject lot or parcel.

~~18.116.050 Manufactured Homes~~ **18.116.050 Manufactured Dwellings**

Manufactured ~~Home-Dwelling~~ Classes. For purposes of these regulations, manufactured ~~homes~~ dwellings are divided into the following types:

- A. A Class A manufactured ~~home-dwelling~~ shall:
1. Have more than 1,000 square feet of ~~occupied space~~ floor area in a double section or larger multi-section unit;
  2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
  3. Have wheels, axles, and hitch mechanisms removed;
  4. Have utilities connected subject to the requirements of the Building Codes ~~Agency~~ Division and manufacturer's specifications;
  5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
  6. Have roofing materials of a type customarily used on site constructed ~~residences~~ dwelling units, including ~~wood shakes or shingles~~, asphalt or fiberglass shingles, or corrugated mat finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and
  7. Have siding materials of a type customarily used on site-constructed ~~residences-dwelling~~ units such as clapboard, horizontal vinyl or aluminum lap-siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.
- B. A Class B manufactured ~~home-dwelling~~ shall:
1. Have at least 750 square feet of occupied space in a single, double, expand or multi-section unit;
  2. Be placed on a foundation, as specified by the manufacturer. Skirting shall be required;
  3. Have wheels, axles, and hitch mechanisms removed;
  4. Have utilities connected subject to the requirements of the Building Codes ~~Agency~~ Division and manufacturer's specifications;
  5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
  6. Have roofing materials of a type customarily used on site constructed ~~residences~~ dwelling units, including ~~wood shakes or shingles~~, asphalt or fiberglass shingles, or corrugated matte finish colored metal and tile materials, but not including

high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and

7. Have siding materials of a type customarily used on site constructed ~~residences-dwelling units~~ such as clapboard, horizontal vinyl or aluminum lap siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.
- C. A Class C manufactured ~~home-dwelling~~ shall:
1. Have at least 576 square feet of occupied space, excluding tipouts and hitches;
  2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
  3. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976, or bear the Oregon Department of Commerce "Insignia of Compliance"; and
  4. Have utilities connected subject to the requirements of the Building Codes ~~Agency Division~~ and manufacturer's specifications.
- D. A Class D manufactured ~~home-dwelling~~ shall:
1. Have more than 320 square feet of occupied space;
  2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required; and
  3. Have utilities connected subject to requirements of the Building Codes ~~Agency Division~~ and manufacturer's specifications.

#### HISTORY

Adopted by Ord. [81-042](#) §1-3 and 4 on 12/3/1981

Amended by Ord. [89-004](#) §§3 and 5 on 3/24/1989

Amended by Ord. [91-005](#) §38-41 on 3/4/1991

Amended by Ord. [91-017](#) §§1-3 and 4 on 4/17/1991

Amended by Ord. [91-038](#) §4 on 9/30/1991

Amended by Ord. [93-043](#) §§19B-E on 8/25/1993

Amended by Ord. [2000-033](#) §7 on 12/6/2000

Amended by Ord. [2001-013](#) §1 on 2/14/2001

Amended by Ord. [2004-013](#) §12 on 9/21/2004

#### ~~18.116.070 Placement Standards For Manufactured Homes~~**18.116.070 Placement Standards For Manufactured Dwellings**

- A. As defined in DCC 18.116.050, Class A and B manufactured ~~homes-dwellings~~ shall be permitted as follows, subject to the requirements of the underlying zone:
1. In the following zones, ~~except where there is a Conventional Housing Overlay Zone (CH):~~ Any EFU zone, MUA-10, F-1, F-2, RR-10, any area zoned as an unincorporated

community (as that term is defined herein), RSR-M, RSR-5, and FP as the primary dwelling, and R-I and SM as a caretaker's residenceedwelling unit.

2. In manufactured home-dwelling parks and subdivisions.
  3. As permitted in DCC 18.116.080 and 18.116.090.
  4. Class A and B manufactured homes-dwellings are not permitted in any historic district or on any historic site.
- B. Class C manufactured homes-dwellings shall be permitted as follows:
1. Except as otherwise allowed in DCC 18.116.070, on lots or parcels 10 acres in size or larger.
  2. As a secondary accessory farm dwelling.
  3. In manufactured home-dwelling parks and manufactured home-dwelling subdivisions.
  4. As permitted in DCC 18.116.080 and 18.116.090.
  5. As a replacement to an existing non-conforming manufactured home-dwelling destroyed by fire or other natural act, or as an upgrade to an existing manufactured homedwelling.
  6. In the following subdivisions: Rockview II, Tetherow Crossing, Chaparral Estates, Crystal Acres, Hidden Valley Mobile Estates, Johnson Acres, Seven Peaks, Sun Mountain Ranches, Deschutes River Homesites Rimrock Addition, Happy Acres, Rancho El Sereno, Whispering Pines, Bend Cascade View Estates, Raintree, Holmes Acres, La Pine Meadows North, Pine Crest Ranchettes, Dora's Acres, Pierce Tracts, Roan Park, South Forty, Tomes, Crooked River Ranch, Dale Acres, Replat/Hillman, Lake Park Estates, Mary K. Falls Estates.
  7. Class C manufactured homes-dwellings are not permitted in any historic district or on any historic site.
- C. An exception may be granted by the Planning Director or Hearings Body to allow a Class C manufactured home-dwelling to be placed in a subdivision which is not listed in DCC 18.116.070(B)(6), where all of the following conditions exist:
1. The manufactured home-dwelling is specifically designed or has been substantially modified for wheelchair or disabled access (disabled accessible manufactured homedwelling).
  2. There are Class C manufactured homes-dwellings in the subdivision located within one-quarter mile of the lot or parcel upon which the manufactured home-dwelling will be placed.
  3. The disabled accessible manufactured home-dwelling and lot or parcel upon which the manufactured home-dwelling is to be placed were purchased by the applicant prior to February 22, 1989.

- D. Class D manufactured homes-dwellings shall be permitted as follows:
1. In manufactured home-dwelling parks and subdivisions.
  2. As permitted in DCC 18.116.080 and 18.116.090.
  3. Class D manufactured homes-dwellings are not permitted in any historic district or on any historic site.

#### HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 81-042 §5 on 12/3/1981

Amended by Ord. 89-004 §§3 and 5 on 3/24/1989

Amended by Ord. 89-014 §1 on 5/10/1989

Amended by Ord. 89-016 §1 on 7/12/1989

Amended by Ord. 91-005 §§42 and 43 on 3/4/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 96-003 §8 on 3/27/1996

Amended by Ord. 2000-033 §8 on 12/6/2000

#### **18.116.080 Manufactured Dwelling or RV as A Temporary Dwelling Unit During Construction** **Manufactured Home Dwelling Or RV As A Temporary Residence Dwelling Unit On An Individual Lot** **During Construction**

A manufactured home-dwelling of any class or a recreational vehicle may be authorized as a temporary residence-dwelling unit on an individual lot or parcel and shall comply with the following additional provisions:

- A. The manufactured home-dwelling or recreational vehicle shall be placed upon a lot or parcel for which a building permit for a housingdwelling unit has been obtained.
- B. The manufactured home-dwelling or recreational vehicle shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housingdwelling unit on the same site/lot or parcel.
- C. Electric, water, and sewer utility connections shall be made to the manufactured home-dwelling or recreational vehicle.
- D. The manufactured home-dwelling shall be removed from the lot or parcel not later than 18 months following the date on which the building permit for the housingdwelling unit is issued or not later than two months following the date of final building inspection of the housingdwelling unit, whichever occurs first. The habitation of the recreational vehicle must cease, and its connection to all utilities other than electric must be discontinued not later than 18 months following the date on which the building permit for the housingdwelling unit is issued or not later than two months following the completion of the housingdwelling unit, whichever occurs first.
- E. All evidence that the manufactured home-dwelling has been on the lot or parcel shall be removed within the 30 days following the removal of the manufactured homedwelling.



- F. A recreational vehicle used as a temporary dwelling unit shall meet the same setbacks required of a manufactured dwelling or single-unit family dwelling on the subject lot or parcel.
- G. 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.
- H. 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

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

Amended by Ord. [89-004](#) §4 on 3/24/1989

Amended by Ord. [91-005](#) §44 on 3/4/1991

Amended by Ord. [93-043](#) §19F on 8/25/1993

Amended by Ord. [2023-001](#) §16 on 5/30/2023

#### **18.116.090 A Manufactured Dwelling or Recreational Vehicle as a Temporary Hardship Dwelling A Manufactured Home Dwelling Or Recreational Vehicle As A Temporary Residence Dwelling Unit For Medical Condition**

- A. Unless otherwise allowed pursuant to DCC 18.116.095(C), a temporary use permit for one manufactured home-dwelling of any class or one recreational vehicle on a lot or parcel in addition to an existing dwelling unit may be granted when a medical condition exists. In the Exclusive Farm Use and Forest zones only, an existing building may be used as a temporary dwelling unit. For the purposes of this section, “existing” means the building was in existence on or before March 29, 2017.
- B. The person with a medical condition must be either one of the property owners or a relative of one of the property owners.
- C. For the purposes of this section, a relative is defined as a grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt, or first cousin.
- D. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.
- E. The temporary use permit shall be reviewed annually for compliance with the terms of DCC 18.116.090.
- F. The manufactured home-dwelling shall be removed or the recreational vehicle shall be vacated, and disconnected from any electric, water, or sewer facility connection for which a permit has been issued not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist. In the Exclusive Farm Use and Forest zones the existing building will be converted to a permitted non-residential use within 90 days following the date the medical condition requiring the temporary use permit ceases to exist.

- G. If a recreational vehicle is used as a ~~medical~~ hardship dwelling, it shall have a bathroom, and shall meet the minimum setbacks for the zone in which it is located.
- H. The applicant shall obtain all necessary permits from the County Building and Environmental Health Divisions prior to initiating the use.
- I. 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.
- J. 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

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

Amended by Ord. [89-004](#) §5 on 3/24/1989

Amended by Ord. [91-005](#) §45 on 3/4/1991

Amended by Ord. [2008-022](#) §2 on 11/10/2008

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

Amended by Ord. [2017-001](#) §1 on 2/27/2017

Amended by Ord. [2023-001](#) §16 on 5/30/2023

#### [18.116.095 Recreational Vehicle As A Temporary Residence-Dwelling Unit 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 ~~residential~~ dwelling unit; 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 ~~in~~ a manufactured dwelling park, mobile home park, or recreational vehicle park, and used as a temporary dwelling ~~unit~~:
  - 1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
  - 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
- 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~~ family 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 after the date the single-unit dwelling or manufactured dwelling first became uninhabitable.
- D. 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.
- E. A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on-site.
- F. A recreational vehicle used as a residential dwelling unit or temporary dwelling unit shall meet the same setbacks required of a permanent dwelling on the subject lot or parcel.
- G. 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.
- H. 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

#### **18.116.100 Building Projections**

Cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than three feet into a required front, rear, or side setback area, provided that the projection is not closer than three feet to a property line. ~~Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet into a required yard, provided that the projection is not closer than three feet to a property line.~~

#### HISTORY

Adopted by Ord. [91-038](#) §4 on 9/30/1991

#### **18.116.120 Fences**

- A. Fences which form a solid barrier or are sight obstructive shall not exceed three and one-half feet in height when located in a required front yard-setback area or in a clear vision area.
- B. Fences in Wildlife Area Combining Zones shall be designed in conformance with the requirements of DCC 18.88.

- C. All fences shall comply with the requirements of DCC Title 15.

HISTORY

*Amended by Ord. [92-042](#) §3 on 8/5/1991*

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

*Amended by Ord. [2020-012](#) §4 on 9/22/2020*

**[18.116.130 Hydroelectric Facilities](#)**

- A. No new hydroelectric facilities shall be constructed, and no existing hydroelectric facilities shall be enlarged or expanded in size of area or generating capacity, on the following rivers and streams within Deschutes County:
1. Deschutes River, from its headwaters to River Mile 227, above, but not including Wickiup Dam, and from Wickiup Dam to River Mile 171 below Lava Island Falls;
  2. Crooked River;
  3. Fall River;
  4. Little Deschutes River;
  5. Spring River;
  6. Paulina Creek;
  7. Whychus Creek; and
  8. Tumalo Creek.
- B. Hydroelectric facilities are allowed as a conditional use on the Deschutes River at Wickiup Dam, and from River Mile 171 below Lava Island Falls downstream to the northern Deschutes County line. Such conditional use shall be governed by the conditions set forth in DCC 18.128.260.

HISTORY

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

*Amended by Ord. [86-018](#) §17 on 6/30/1986*

**[18.116.140 Electrical Substations](#)**

Electrical substations, whether as an outright or conditional use, shall submit a site plan complying with the provisions of DCC Title 18 to the Planning Department.

HISTORY

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

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

**[18.116.150 Endangered Species](#)**

Developments which occur in areas which may disturb species (plant or animal) listed by the U.S. Environmental Protection Agency or the Department of Fish and Wildlife as endangered shall prepare an

acceptable protection plan for use during and after construction (e.g., a nest protection plan for developments in the vicinity of Bald Eagle nesting sites).

#### HISTORY

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

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

#### **[18.116.160 Rimrock Setbacks Outside Of LM Combining Zone](#)**

All structures, including decks, within 50 feet from the edge of a rimrock, as defined in DCC 18.04.030, shall be subject to site review if visible from the river or stream. Prior to approval of any structure within 50 feet of a rimrock, the Planning Director or Hearings Body shall make the following findings:

- A. All structures, including decks, shall be set back a minimum of 20 feet from the edge of the rimrock.
- B. The height of the structure shall not exceed the setback from the edge of the rimrock.
- C. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
- D. Where multiple structures are proposed on a [lot or](#) parcel of land, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the effected area. This shall require a maintenance of at least 65 percent open space along all rimrocks.

#### HISTORY

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

*Amended by Ord. [81-015](#) §1 on 4/14/1981*

*Amended by Ord. [82-013](#) §2 on 5/25/1982*

*Amended by Ord. [85-016](#) §2 on 7/3/1985*

*Amended by Ord. [86-053](#) §21 on 6/30/1986*

*Amended by Ord. [88-004](#) §1 on 1/27/1988*

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

*Amended by Ord. [92-034](#) §3 on 4/8/1992*

#### **[18.116.170 Solar Height Restrictions](#)**

No building, structure, or nonexempt vegetation may exceed the solar height restriction established on a burdened property by the solar access of a benefited property.

#### HISTORY

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

*Amended by Ord. [83-037](#) §25 on 6/1/1983*

#### **[18.116.180 Building Setbacks For The Protection Of Solar Access](#)**

- A. Purpose. The purpose of DCC 18.116.180 is to provide as much solar access as practical during the winter solar heating hours to existing or potential buildings by requiring all new structures, excepting [lots or parcels](#) less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 "lot width," and located in the Neighborhood Planning Area of the

Urban Unincorporated Community – La Pine, to be constructed as far south on their lots or parcels as is necessary and feasible.

- B. Standards. Every new structure or addition to an existing structure, excepting lots or parcels less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 “lot width,” and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine, shall meet the following standards for a solar setback from the north lot line, except as provided in DCC 18.116.180(B)(3):
1. South Wall Protection Standard. The south wall protection standard is based on an eight-foot solar fence on the subject property's north lot line which allows solar radiation on a neighboring building's south wall above two feet from the ground, assuming a 20-foot setback from the common property line to the neighboring building. Solar setbacks for the south wall protection standards can be calculated with the diagram in Appendix A-1 or estimated with the table in Appendix A-2. Final determination of solar setback distance is made by entering the following variables into the Deschutes County Shadow Length computer program:
    - a. Pole height;
    - b. The eight-foot fence height;
    - c. The scale of the plot plan submitted in feet per inch; and
    - d. Degrees of slope of the land from east to west and from north to south.
    - e. If a setback meeting this requirement is not feasible due to physical constraints of the lot or parcel, including, but not limited to, rock outcroppings, septic systems, existing legal restrictions, or lot dimensions, as determined by the Planning Director or Hearings Body, then the structure or addition must be located as far to the south on the lot or parcel as feasible and must meet the standard set forth in DCC 18.116.180(B)(2).
  2. South Roof Protection Standard. The south roof protection standard is based on a 14 foot solar fence on the subject property's north lot line which allows for solar radiation on a neighboring building above eight feet from ground level and assuming a 20 foot setback from the common boundary line to the neighboring building. Solar setbacks for this standard can be calculated using the diagram in Appendix B-1 or estimated using the table in Appendix B-2. Final determination of the setback will be made using the Shadow Length computer program by specifying a 14-foot solar fence and additional site specific information as listed in DCC 18.116.180(B)(1).
  3. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:
    - a. That the structure cannot be located on the lot or parcel without violating the requirements contained in Appendix B; and

- b. That the structure is built with its highest point as far to the south as feasible; and
    - 1. That the structure is a single ~~unit-family-dwelling-residence~~ with a highest point less than or equal to 16 feet high; or, if not a single ~~unit-family-dwelling-residence~~;
    - 2. That it is a permitted or conditional use for the lot or parcel.
4. Exemptions.
- a. The governing body may exempt from the provision of DCC 18.116.180 any area where it is determined that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zones in which taller buildings are planned.
  - b. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director or Hearings Body.
  - c. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure is in conformance with a solar height restriction as provided in DCC Title 17, the Subdivision/Partition Ordinance, as amended.
5. Variances.
- a. The Planning Director or Hearings Body may authorize a variance from the requirements of DCC 18.116.180.
  - b. A variance may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:
    - 1. The variance does not preclude the reasonable use of solar energy or insolation by future buildings on the ~~property-lots or parcels~~ to be shaded;
    - 2. The variance does not diminish any solar access which benefits a habitable structure on adjacent lots or parcels;
  - c. Shaded ~~property-lots or parcels~~.
    - 1. Notwithstanding DCC 18.116.180(B)(5)(b)(1) and (2), if property is to be shaded that is other than the property for which the variance is sought, in order for the County to approve the variance, the applicant must provide written consent to the shading from the owner or owners of all ~~property-lots or parcels~~ to be shaded.

2. The written consent shall be recorded in the Deschutes County Official Records.
3. The written consent shall be on a form provided by the County and shall contain the following information:
  - A. The notarized signatures of all owners and registered leaseholders who hold an interest in the ~~property-lots or parcels~~ being shaded;
  - B. A statement that the solar access provided in DCC 18.116.180 is waived for that particular structure and the County is held harmless for any damages resulting from the waiver-;
  - C. A statement that the waiver applies only to the specific ~~building structure(s) or buildings~~ to which the waiver is granted;
  - D. A description and drawing of the shading which would occur; and
  - E. A statement binding all successors in interest.

#### HISTORY

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

Amended by Ord. [83-037](#) §3 on 6/1/1983

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

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

Amended by Ord. [2004-013](#) §12 on 9/21/2004

Amended by Ord. [2006-035](#) §2 on 12/4/2006

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

Amended by Ord. [2018-006](#) §13 on 11/20/2018

#### [18.116.190 Solar Access Permit](#)

- A. Purpose. The purpose of DCC 18.116.190 is to provide solar access to productive solar collectors by establishing limitations, on a case by case basis, for the growth of vegetation on certain lots ~~or parcels~~ in the vicinity of a productive solar collector.
- B. Application for Solar Access Permit.
  1. Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.
  2. The application for a solar access permit shall be on forms prescribed by the County and shall contain, at a minimum:
    - a. A legal description of the applicant's lot ~~or parcel~~, including a statement that the applicant is the owner of the lot ~~or parcel~~, and a description of the nature of the applicant's interest in the lot ~~or parcel~~;



- b. Documentation to show that the solar collector is or will be a productive solar collector within one year of application;
  - c. Descriptive drawings of the solar collector showing its dimensions and precise location;
  - d. A sun chart and a statement of the solar heating hours for which solar access is sought;
  - e. A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighboring lot or parcel;
  - f. A statement that trimming the vegetation on the applicant's lot or parcel will not permit an alternative location that would lessen the burden on a neighboring lot or parcel;
  - g. A list of the lots and/or parcels that are within 150 feet to the south, southeast, or southwest of the solar collector, including streets, alleys, and other unbuildable areas; a legal description for each such lot and/or parcel; the owner of record and his-the address; the exempt vegetation located on the lot or parcel; and any existing nonexempt vegetation likely to encroach on the protected area;
  - h. A statement that none of the lots or parcels impacted is located on a north-facing slope with a grade that exceeds, on average, 15 percent; and
  - i. A plot plan showing the location of and delineating all exempt and nonexempt vegetation as shown on the sunchart photograph as well as any nonexempt vegetation not shown on the sunchart which may encroach on the protected area in the future. The plot plan shall also include:
    1. The exact site of the solar collector, its height, and its orientation.
    2. Scale.
    3. An indication of true north.
    4. A survey of the lot or parcel.
3. The solar access permit application shall be approved if:
- a. The solar collector is or will be a productive solar collector;
  - b. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under DCC 18.116.190(B)(3)(b) if the applicant could trim his own vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot or parcel. A solar access permit shall also be denied under DCC 18.116.190(B)(3)(b) if there is an alternate location that would impose a lesser burden on a neighboring lot, ~~or lots,~~ parcel, or parcels;

- c. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21;
  - d. The solar access provided by the permit does not burden any lot or parcel with a north facing slope with a grade that exceeds, on average, 15 percent; or which is more than 150 feet from the solar collector; and
  - e. The application is accurate and complete.
- C. Solar Access Permit Issuance and Recordation.
- 1. Upon the approval of an application, the County shall issue and acknowledge a solar access permit creating the solar access requested in the application.
  - 2. Upon receiving such a permit, the County Clerk shall:
    - a. Record the solar access permit in the chain of title of the applicant's lot or parcel and of each neighboring lot or parcel identified in the application; and
    - b. Keep a copy of the approved application on file in County records.
  - 3. The form of the solar access permit shall be as prescribed by the County and shall contain, at a minimum:
    - a. A legal description of the applicant's lot or parcel and each neighboring lot and/or parcel to be burdened by the solar access created by the solar access permit; and
    - b. A complete description of the solar access restrictions applicable to each neighboring lot and/or parcel, including the solar heating hours during which solar access is provided, and a sun chart showing the plotted skyline, including vegetation and structures, and a scaled drawing showing the size and location of the protected area and its orientation with respect to true south; and
    - c. A reference to where the approved application may be obtained.
- D. Obligation Created by Solar Access Permit. The owner of any lot or parcel burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot or parcel that shades the protected area created by the solar access permit, provided that there is no vegetation on the lot or parcel benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot or parcel if the vegetation existed at the time of permit application as shown on the plot plan; and for all other vegetation, by the owner of the burdened lot or parcel. Before any trimming is required, the collector owner must certify that the collector is still productive.
- E. Termination of Solar Access Permit.
- 1. The Planning Director or Hearings Body shall terminate the solar access permit with respect to all or part of the neighboring lots and/or parcels burdened by the solar access

permit if a petition for termination is submitted by the applicant or the applicant's successor in interest or the collector is not productive for 12 consecutive months.

2. The County Clerk shall record the termination of the solar access permit in the chain of title of each lot and/or parcel affected by the termination.

#### HISTORY

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

Amended by Ord. [83-037](#) §3 on 6/1/1983

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

Amended by Ord. [93-043](#) §19G on 8/25/1993

#### **[18.116.200 \(Repealed\)](#)**

#### HISTORY

Repealed by Ord. [98-062](#) on 12/9/1998

#### **[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.

#### HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [2024-008](#) §15 on 10/9/2024

#### **[18.116.215 Family Child Care Provider](#)**

- A. A family child care provider's home shall be considered a residential use of property, permitted in all areas zoned for residential and commercial purposes, including areas zoned for single-unit family dwellings.
- B. The family child care provider's home is subject to the same restrictions imposed on any residential dwelling in the same residential or commercial zone.

#### HISTORY

Adopted by Ord. [97-003](#) §3 on 6/4/1997

Amended by Ord. [2020-010](#) §6 on 7/3/2020

#### **[18.116.220 Conservation Easements On Property Adjacent To Rivers And Streams; Prohibitions](#)**

- A. As a condition of approval of all land use actions involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Paulina Creek, Whychus Creek, and Tumalo Creek, the property owner shall convey to the County a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," affecting all property on the subject lot or parcel which is within 10 feet of the ordinary high water mark of the river or stream.

- B. The form of the conservation easement shall be as prescribed by the County and may contain such conditions as the County deems necessary to carry out the purposes described in DCC 18.04.030, "Conservation Easement."
- C. Any public access required as part of a conservation easement shall be subject to the following conditions:
1. Public access shall be limited to foot traffic for recreational purposes and the putting in or taking out of boats.
  2. Unless otherwise permitted by the affected property owner, public access does not allow public passage through other private property to gain access to the property subject to the conservation easement.
  3. Unless otherwise permitted by state law, County ordinance or the property owner, no person on the subject property as a result of a public access requirement of a conservation easement shall deposit solid waste, damage or remove any property, (including wildlife and vegetation) maintain or ignite fires or fireworks, discharge firearms, or camp.

#### HISTORY

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

*Amended by Ord. [86-054](#) §2 on 6/30/1986*

*Amended by Ord. [89-004](#) §3 on 3/24/1989*

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

#### **[18.116.230 Standards For Class I And II Road Projects](#)**

Class I and II road or street projects shall be reviewed against the applicable Comprehensive Plan Transportation Plan element, shall be consistent with applicable road standards and shall meet the following criteria:

- A. Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.
- B. Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).
- C. Retention of scenic quality, including tree preservation.
- D. Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.
- E. In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.
- F. Consideration of the potential developmental impact created by the facility.
- G. Cost effectiveness.

## HISTORY

Adopted by Ord. [93-043](#) §19H on 8/25/1993

### **18.116.240 Protection Of Historic Sites**

Historic sites listed and described on the County's Goal 5 inventory, contained in the Resource Element of the comprehensive plan, shall be protected or not protected in accordance with programs set forth in the ESEE determinations for each individual site, adopted as part of the Resource Element of the comprehensive plan and any comprehensive plan policies specifically applicable to the site, and as specified in DCC Chapter 2.28, Historic Preservation and Historic Landmarks Commission. The uses allowed and dimensional standards prescribed by the underlying zoning designations for designated historic sites are not otherwise affected by the historic designation.

## HISTORY

Adopted by Ord. [94-030](#) §1 on 6/8/1994

Amended by Ord. [2014-009](#) §4 on 8/6/2014

### **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 adjacent-abutting property-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 property-lot lines according to the required setbacks of the underlying zone. A monopole shall be set back from any adjacent dwelling a distance equal to the height of the monopole, 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-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.

#### 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*

#### **18.116.260 Rock Crushing Outside The SM Zone**

- A. The following standards apply to all on-site rock crushing activity outside the SM zone:
1. The subject property has received site plan, tentative plat or final plat approval for the construction or maintenance activity for which on-site rock crushing occurs;
  2. Rock crushing equipment has a valid Oregon Department of Environmental Quality air contaminant discharge permit;
  3. The volume of material excavated on-site does not exceed the amount necessary to complete on-site construction and maintenance;
  4. Rock crushing equipment and all activity directly associated with crushing such as truck traffic is located at least 500 feet from the nearest noise-sensitive or dust-sensitive use or structure, unless an exception to this standard is allowed pursuant to DCC 18.116.260(F);
  5. No off-site material is brought on site for crushing;
  6. Rock crushing equipment is removed from the site within 30 days of completing the crushing activity; and

7. Excavated and crushed material not used for on-site construction or landscaping is removed from the site prior to occupancy, where a site plan is approved, or within 60 days of completing all road, utility or other improvements where a tentative or final plat is approved.
- B. On-site rock crushing for on-site construction and maintenance is permitted outright in any zone, except Flood Plain (FP), or in any combining zone, except Wildlife Area (WA), Landscape Management (LM), or Sensitive Bird and Mammal Habitat (SBMH), if the requirements of DCC 18.116.260(A) and the following standards are met:
1. Rock crushing activity, including set up and crushing, occurs for no more than 60 consecutive days on a site within any one-year period;
  2. Rock crushing occurs Monday through Friday, between 7:00 a.m. and 5:00 p.m., and not on legal holidays; and
  3. Water is available on-site to provide dust control.
- C. Except for the activity allowed outright as set forth under DCC 18.116.260(B), a temporary use permit for rock crushing for on-site construction and maintenance may be permitted in any zone or combining zone subject to approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.260(D).
- D. Use limitations. On-site rock crushing provided for in DCC 18.116.260(C) may be approved upon satisfaction of the requirements in DCC 18.166.260(A) and the following:
1. The site under consideration is suitable for rock crushing and rock crushing is compatible with the existing uses within 500 feet of the rock crushing equipment, based upon the proposed duration of use of the equipment and the natural and physical features of the site, including but not limited to, general topography, natural hazards, and natural resource values;
  2. An engineer registered in Oregon verifies in writing that the operation of the rock crushing equipment will meet applicable DEQ noise standards; and
  3. Sufficient water is available on-site to provide approved methods of dust control.
- E. Application requirements. An application for a temporary use permit for on-site rock crushing shall contain the following:
1. A detailed explanation of the proposed construction and rock crushing activities, including the duration and operating characteristics of rock crushing;
  2. A map drawn to scale showing the location of property boundaries, setbacks to the rock crushing activity, and any topographic features in the immediate vicinity of the proposed rock crusher;
  3. A written explanation describing how each of the requirements in DCC 18.116.260(D) will be met; and



4. Any additional information which will assist in the evaluation of the proposed rock crushing.
- F. Setback exceptions. An exception to the setback requirement in DCC 18.116.260(A) shall be allowed pursuant to a notarized written agreement for a lesser setback made between the owner of the noise sensitive or dust-sensitive use or structure located within 500 feet of the proposed rock crushing activity and the owner or operator of the rock crusher.

#### HISTORY

*Adopted by Ord. [97-006](#) §2 on 3/5/1997*

*Repealed by Ord. [2018-005](#) §13 on 10/10/2018*

*Amended by Ord. [2019-010](#) §1 on 5/8/2019*

#### **18.116.270 Conducting Filming Activities In All Zones**

Any use of land or activity involving on-site filming and accessory and supporting activities as those terms are defined in DCC 18.116.270 shall be governed by the provisions of DCC 18.116.270 and shall govern in any conflict with other provisions of DCC Title 18 or DCC Title 22.

- A. On-site filming and activities accessory to on-site filming are permitted outright in any zone or combining zone of the County if:
  1. The activity would involve no more than 45 days on any site within any one-year period; or
  2. The activity does not involve erection of sets that remain in place for filming longer than any 45-day period and does not involve fill ~~and-or~~ removal activities regulated by DCC Title 18, involve activities within a sensitive habitat area governed by DCC 18.90, or involve activities, improvements, or structures covered by DCC 18.96; and
  3. All evidence of filming activity and sets is removed from the site and the site is restored to its previous condition within 15 days after the filming is complete.
- B. Except for the activities allowed outright as set forth under DCC 18.116.270(A), on-site filming and activities accessory to and/or supporting on-site filming may be conducted in any zone or combining zone subject to the approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.270(C). For the purposes of DCC 18.116.270(B) only, "support activities" shall include office administrative functions such as payroll and scheduling; the use of campers, truck trailers and similar temporary facilities; and temporary facilities used for housing of security personnel.
- C. Use Limitations. Any use of land or activity involving on-site filming and activities accessory to and/or supporting on-site filming provided for under DCC 18.116.270(B) may be approved upon satisfaction of the following criteria:
  1. General Limitations.
    - a. The site under consideration is suitable for the proposed filming or accessory activity based upon the following factors:

1. The design, operating characteristics and duration of the use;
  2. Adequacy of transportation access to the site; and
  3. The natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values.
- b. The proposed use will be compatible with the existing uses on surrounding properties based upon the factors listed in DCC 18.116.270(C)(1)(a)(1), (2) and (3).
2. Special Limitations. In addition to the general limitations set forth under DCC 18.116.270(C)(1)(a) and (b), the following additional special limitations shall be applied, where applicable:
- a. Filming and accessory or supporting activities proposed for a site designated as exclusive farm use by the zoning ordinance shall be subject to applicable provisions of ORS 215.296.
  - b. Filming and accessory or supporting activities involving structures or improvements regulated under DCC 18.96 (flood plain zone) shall be subject to the applicable provisions of DCC 18.96 unless the Federal Emergency Management Agency authorizes a waiver of the provisions of DCC 18.96.
  - c. Filming and accessory or supporting activities necessitating fill or removal activities shall comply with the applicable provisions of DCC 18.128.270, except that no conservation agreement shall be required where the fill is associated with a temporary structure or improvement and such fill would be removed along with the temporary structure or improvement under a fill ~~and or~~ removal permit required by the County.
  - d. Filming and accessory or supporting activities shall not be allowed in any sensitive habitat area designated under DCC 18.90 during the nesting period identified in the ESEE for each site.
3. At the completion of filming, any structure or improvement for which land use approval would otherwise be required shall obtain the required approvals or the structure or improvement shall be removed. The County may require the applicant to post a bond in an amount sufficient to cover the cost of removal for any such structure or improvement.
4. The standards of DCC 18.116.270(B) may be met by the imposition of conditions calculated to ensure that this standard will be met.
- D. Procedures for review. All applications subject to DCC 18.116.270 shall be processed in accordance with DCC Title 22 with the exception that the Board of County Commissioners shall be the initial hearings body.
- E. Definitions.

1. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" means:
  - a. Filming and site preparation, construction of sets, staging, make-up and support services customarily provided for on site filming.
  - b. Production of advertisements, documentaries, feature films, television series and other film productions that rely on the qualities of the zone in which the filming is to be located in more than an incidental way.
2. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" do not include:
  - a. Facilities for marketing, editing and other such activities that are allowed only as a home occupation; or
  - b. Construction of new structures that require a building permit

#### HISTORY

*Adopted by Ord. [97-007](#) §1 on 2/5/1997*

*Amended by Ord. [2018-005](#) §13 on 10/10/2018*

*Repealed & Reenacted by Ord. [2019-010](#) §1 on 5/8/2019*

#### [18.116.280 Home Occupations](#)

- A. Home Occupations Permitted Outright In All Zones.
  1. Home occupations that operate from within a dwelling unit, have characteristics that are indistinguishable from the residential use of a dwelling unit, and meet the criteria in paragraph (A)(2) shall be considered uses accessory to the residential use of a dwelling unit.
  2. Home occupations under this subsection that meet the following criteria are uses permitted outright under Title 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance, in all zones:
    - a. Is conducted within a dwelling unit only by residents of the dwelling unit;
    - b. Does not serve clients or customers on-site;
    - c. Does not occupy more than 25 percent of the floor area of the dwelling unit;
    - d. Does not produce odor, dust, glare, flashing lights, noise, smoke, or vibrations in excess of that created by normal residential use.
    - e. Does not include the on-site advertisement, display, or sale of stock in trade.
- B. Types. In addition to the home occupations allowed in Section A above, three Types of home occupations maybe allowed with limitations on location and intensity of allowed uses. Type 1 allows low intensity uses and Types 2 and 3 allow progressively greater intensity of uses.

- C. Type 1. Where permitted outright, a Type 1 home occupation does not require a land use permit but shall be subject to the following criteria. A Type 1 home occupation:
1. ~~Does not require a~~ There is no minimum ~~lot parcel size~~ area for the subject lot or parcel.
  2. Is conducted within a dwelling unit or a residential accessory structure only by residents of the dwelling unit.
  3. Does not occupy more than 25 percent of the combined floor area of the dwelling unit, including any attached garages, and one (1) residential accessory structure.
  4. Creates no more than five (5) trips to the ~~site~~ subject lot or parcel per day for customers or clients, including parcel delivery services;
  5. May include employees or contractors that work off-site;
  6. Does not produce prolonged odor, dust, glare, flashing lights, ~~or~~ noise, smoke, ~~and/or~~ vibrations in excess of that created by normal residential use.
  7. Does not involve the on-site advertisement display or sale of stock in trade, other than vehicle or trailer signage.
  8. Does not include building or ground mounted signs.
  9. Does not include outside storage of equipment or materials used in the operation of the home occupation.
  10. Has adequate access and on-site parking for not more than one (1) customer, or delivery vehicle at any given time.
  11. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled equipment (trailer) which shall not exceed 3,000 pounds gross vehicle weight.
  12. Complies with all requirements of the Deschutes County Building Safety ~~Division~~ and ~~the Environmental Health~~ Onsite Wastewater ~~Divisions~~ and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
  13. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
  14. Does not involve any external changes to the dwelling unit in which the home occupation will be established that would give the dwelling unit an outward appearance of a business.
  15. Allows for servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling unit, attached garage, or residential accessory structure.

D. Type 2. A Type 2 home occupation may be allowed as a conditional use with an approved conditional use permit subject to the approval criteria below. A Type 2 home occupation is not subject to the approval criteria for a conditional use permit in DCC Chapter 18.128.015 or a site plan review under DCC Chapter 18.124. Type 2 home occupations are subject to the standards of the zone in which the home occupation will be established. A Type 2 home occupation:

1. Is conducted ~~from on~~ a ~~property lot or parcel with a minimum lot area of that is at least~~ one-half (1/2) ~~of an acre in size~~.
2. Is conducted within a dwelling unit and/or an accessory structure by residents of the dwelling and no more than two (2) employees who report to the ~~subject property lot or parcel~~ for work.
3. May include employees or contractors that work off site.
4. Does not occupy more than 25 percent, up to a maximum of 1,500 square feet, of the combined floor area of the dwelling unit, including any attached garages, and one (1) accessory structure.
5. May include on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
6. Creates no more than ten (10) business-related vehicle trips to the ~~site subject lot or parcel~~ per day by employees, customers or clients, and parcel delivery services.
7. Has adequate access and on-site parking for not more than four (4) customer and employee, or delivery vehicles at any given time.
8. Is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for operation.
9. Does not involve any external changes to the dwelling unit or the accessory structure in which the home occupation will be established that would give any building an outward appearance of a business.
10. Does not produce prolonged odor, dust, glare, flashing lights, noise, smoke, or vibrations in excess of that created by normal residential use.
11. Complies with all requirements of the Deschutes County Building Safety ~~Division~~ and ~~the Environmental Health Onsite Wastewater~~ Divisions and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
12. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08 that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support shall not exceed 6 feet in height and is located on the property from which the home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.

13. May be subject to an annual inspection, as a condition of an approval, to ensure compliance with the requirements of this section and the conditions of an approved conditional use permit.
  14. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled trailer which shall not exceed 10,000 pounds gross vehicle weight.
  15. Does not include outside storage of equipment or materials used in operation of the home occupation.
  16. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
  17. All employee, customer, and delivery vehicle parking spaces shall be on-site and shall be located outside of the required ~~zone~~-setback areass.
  18. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone(s) where it is located.
  19. Does not include structural alterations affecting the residential appearance of a building to accommodate the home occupation except when otherwise required by law, and, then, only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
  20. Allows servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling unit, attached garage, or accessory structure.
  21. Does not include the following activities:
    - a. Repair, towing, or storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, trailers, recreational vehicles, and boats.
    - b. Detailing, painting, and upholstery of motorized vehicles.
    - c. Businesses that store and use vehicles with a gross vehicle weight rating of greater than or equal to 15,000 pounds or equipment with an operating weight greater than or equal to 10,000 pounds.
    - d. Appliance repair.
    - e. Welding or machine shop.
- E. Type 3. Type 3 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established, in DCC Section 18.128.015, and the following limitations.
- A Type 3 home occupation:
1. Is conducted ~~from on~~ a property lot or parcel with a minimum lot area of that is at least one-half (1/2) of an acre in size.

2. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
3. Is conducted within a dwelling unit and/or an accessory structure by residents of the dwelling unit and no more than two (2) employees who report to the ~~property-subject lot or parcel~~ for work. May have a maximum of five (5) employees at the home occupation located on property in an EFU, MUA10, or RR10 zone and if the lot or parcel has a lot area of that is at least 10 acres ~~in size~~.
4. May include employees or contractors that work off site.
5. Does not occupy more than 35 percent of the combined floor area of the dwelling unit, including any attached garages~~s~~, and one (1) accessory structure.
6. May include on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
7. Creates no more than twenty (20) business-related vehicle trips to the ~~site-subject lot or parcel~~ per day by employees, customers or clients, including parcel delivery services.
8. Has adequate access and on-site parking for not more than five (5) customer, employee, or delivery vehicles at any given time.
9. Is limited to the hours and days of operation proposed by an applicant and approved with a conditional use permit.
10. Does not involve any external changes to the dwelling unit or accessory structure in which the home occupation will be established that would give the dwelling an outward appearance of a business.
11. Does not produce prolonged odor, dust, glare, flashing lights, noise~~s~~, smoke, or vibrations in excess of that created by normal residential use.
12. Complies with all requirements of the Deschutes County Building Safety ~~Division~~ and ~~the Environmental Health~~Onsite Wastewater ~~Division~~s and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
13. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08 that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support structure shall not exceed 6 feet in height and is located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
14. May include outside storage of equipment and materials on lots or parcels approved for a home occupation, not to be included in the 35 percent of combined floor area.

15. Allows for servicing, inspecting, loading, and or dispatching vehicles and equipment incidental to the home occupation and stored within the buffered and screened outside area.
  16. Requires review of the home occupation approval every 12 months by the planning division to ensure compliance with the requirements of this section and the conditions required for approval of the use.
  17. Conducts all home occupation activities within one or more structures on the property that are of a type normally associated with the zone where it is located.
  18. Locates all employee, customer, and delivery vehicle parking spaces on-site and outside of the required ~~zone~~-setback areass.
  19. Parks all vehicles used by the operator to conduct the home occupation that have a gross vehicle weight of 15,000 or more pounds in a garage, an accessory structure, or within a screened area according to the requirements of DCC 18.116.280(E)(21)(a) through (e).
  20. No structural alteration affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
  21. Includes no outside storage unless the subject ~~property lot or parcel~~ has a lot area of at least is 10 or more acres in size and the storage is setback a minimum of 20 feet from all ~~property lot~~ lines, and is maintained to screen materials and equipment from ~~residences dwelling units~~ on adjacent properties. The form of screening may include, but is not limited to:
    - a. A sight-obscuring fence, as defined in DCC 18.04.030.
    - b. Intervening tree cover.
    - c. Topography.
    - d. Existing buildings on site.
    - e. Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.
- F. Prohibited Uses: The following marijuana uses shall be prohibited as any home occupation:
1. Marijuana production;
  2. Marijuana processing;
  3. Marijuana retailing; and
  4. Marijuana wholesaling.



## HISTORY

Adopted by Ord. [2004-002](#) §24 on 4/28/2004

Amended by Ord. [2007-021](#) §1 on 1/18/2008

Amended by Ord. [2016-015](#) §10 on 7/1/2016

### [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 ~~yard~~-setback areass;
  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)(1).
- 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

#### **18.116.300 Wind Energy Systems That Generate Less Than 100 KW**

- A. DCC 18.116.300 applies only to non-commercial wind energy systems generating less than 100 kW of electricity.
- B. For purposes of this section, all tower height measurements are to be taken from the ground to the top of the turbine blade.
- C. Outright Permitted in All Zones, subject to the applicable provisions in this section:
  - 1. A wind energy system that is accessory to the primary use of the property and is no higher than thirty-six (36) feet in height.
  - 2. A wind energy system that is accessory to the primary use of the property generating 0 to 15 kW of electricity, greater than thirty-six (36) feet in height.
- D. Site Plan Review: A wind energy system that generates greater than 15 to 100 kW of electricity shall be permitted in all zoning classifications where accessory structures are permitted, subject to DCC Chapter, 18.124, Site Plan Review.
- E. Setback:
  - 1. 0 to 100 kW wind energy systems for which the tower is 36 feet in height or less must, for all parts of the wind energy system, meet the setback requirements for accessory structures based on the underlying zoning.
  - 2. 0 to 100 kW wind energy systems for which the tower is greater than 36 feet in height shall not allow any part of the wind energy system structure to extend closer than one times the height of the tower from the installation site to the nearest property boundaries.
- F. All wind energy systems subject to DCC 18.116.300(A) are also subject to the following:
  - 1. Noise:
    - a. Wind energy systems shall not exceed 60 decibels, as measured at the nearest property boundaries.
    - b. The noise level may be exceeded during short-term events such as utility outages and/or severe storms.
  - 2. Lighting: A wind tower or wind energy system shall not be artificially lighted unless such lighting is required by the FAA.

3. Signs: All signs, both temporary and permanent are prohibited, except as follows:
  - a. Manufacturer's or installer's identification on the wind generator; or,
  - b. Appropriate warning signs and placards.
4. Approved Wind Energy generator: Wind turbines must have been approved by Oregon Department of Energy or any other wind energy certification programs recognized by the American Wind Energy Association.
5. State Code Compliance:
  - a. All wind energy systems shall comply with the currently adopted edition of the Oregon Structural Specialty Code, or if accessory to a single ~~unit family~~ dwelling, the Oregon Residential Specialty Code.
  - b. Compliance with the National Electrical Code: Electrical permit applications shall be accompanied by a one-line diagram showing the system components and size and type of equipment in sufficient detail to demonstrate compliance with the current edition of the National Electrical Code.
6. Compliance with FAA Regulations: Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Utility Notification:
  - a. Wind energy systems shall not be installed until evidence has been given to the Planning Division that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
  - b. A wind energy system that supplies sufficient energy such that all uses on the property upon which the wind energy system is located are self-sufficient and completely independent of any other public or private energy utility shall be exempt from this requirement.
8. The color of the wind energy system shall be either an unobtrusive stock color from the manufacturer or painted in a non-reflective, unobtrusive color that blends in with the surrounding environment.
9. Prior to issuance of a building permit, the property owner shall record against the property a "Condition of Approval Agreement" that certifies the wind energy system will either be removed from the property or laid down on the ground, horizontally, at the property owner's sole expense, when use has been discontinued from operating for more than one (1) year.

#### HISTORY

Adopted by Ord. [2011-009](#) §1 on 10/17/2011

#### [18.116.310 Traffic Impact Studies](#)

- A. For purposes of DCC 18.116.310, the transportation system includes public and private roads, intersections, sidewalks, bike facilities, trails, and transit systems.
- B. The applicant shall meet with County staff in a pre-application conference to discuss study requirements, then generate the traffic study and submit it concurrently with the land use application.
- C. Guidelines for Traffic Impact Studies
  1. All traffic impact studies shall be stamped and signed by the registered professional engineer who is licensed in the State of Oregon and is otherwise qualified to prepare traffic studies.
  2. The County Engineer shall determine when the report has satisfied all the requirements of the development's impact analysis. Incomplete reports shall be returned for completion.
  3. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development.
    - a. No Report is required if there are fewer than 50 trips per day generated during a weekday.
    - b. Site Traffic Report (STR): If the development or change in use will cause the site to generate 50-200 daily trip ends, and less than 20 peak hour trips, a Site Traffic Report may be required at the discretion of the County Engineer.
    - c. Traffic Impact Analysis (TIA): If the development or change in use will generate more than 200 trip ends and 20 or more peak hour trips, then a Traffic Impact Analysis (TIA) shall be required.
  4. The peak hour shall be the highest continuous hour of traffic measured between 4:00 and 6:00 PM, unless site trip generation characteristics warrant consideration of alternative periods as determined by the County Engineer. (An example would be a use with a high 7:00 and 9:00 AM peak and a low PM peak such as a school.)
- D. Traffic Study Area
  1. After consulting with other affected jurisdictions, the County Engineer shall determine the impact analysis area.
  2. The impact analysis study area shall include, at a minimum:
    - a. All site access points to the public roadway system via either a driveway or private roadway;
    - b. Nearest intersecting collector or arterial roads to the development that would experience an increase of 25 additional peak hour trips;
    - c. Any other collector or arterial intersection requested by staff.

E. Study Time Frames

The analysis shall include the following time frames:

1. Existing conditions (including approved, but not yet built developments as identified by the County Engineer);
2. Completion year of each significant phase of the development;
3. Five year forecast after build out for each phase of development or the final phase of development.
4. Generators of large volumes of traffic (>5,000 daily and >500 peak hour trips), zone changes, and any destination resort development will also require an analysis of traffic conditions in a twenty-year horizon.

F. Minimum Study Requirements for a Site Traffic Report (STR)

The minimum study requirements for a Site Traffic Report are:

1. A vicinity map showing the location of the project in relation to the transportation system of the area;
2. Trip generation forecast using data from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless more appropriate data is available and approved by the County Engineer;
3. Trip distribution and assignment;
4. Safety analysis of the site accesses, including sight distance and operation characteristics;
5. Description of the proposed development and surrounding land uses;

G. Minimum Study Requirements for a Traffic Impact Analysis (TIA)

The minimum study requirements for a Traffic Impact Report are:

1. A vicinity map showing the location of the project in relation to the transportation system of the area;
2. All of the elements of a STR;
3. Traffic signal progression analysis and interconnection if a new signal is proposed;
4. A response in the final report to any supplemental study issues identified by other affected jurisdictions;
5. Appropriate traffic calming techniques if the project distributes trips to a residential local road and is projected to increase the volumes on that road to a volume greater than 1,000 ADT;
6. Trip generation forecasts using data from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless the County Engineer approves an alternate data source;

7. Trip distribution assumptions are based on historical data, existing and future travel characteristics, and capacity constraints;
8. A complete description and drawing of the proposed development.
9. Existing traffic volumes;
10. Existing and future levels of service, average vehicle delay and volume /capacity ratios (V/C) for all intersections within the study area for conditions with and without the proposed project;
11. Forecast traffic volumes with and without the development;
12. Safety analysis of the site accesses, include sight distance and operation characteristics;
13. Analysis of right and left turn lane warrants (Oregon Department of Transportation (ODOT) standards);
14. Analysis of parking needs of the proposed development;
15. When needed, warrant analysis for traffic control devices;
16. Findings and conclusions including a recommendation of suggested potential mitigation for off-site impacts and an evaluation of the effectiveness of those solutions.

#### H. Operation And Safety Standards.

The minimum operational and safety standards for use on Deschutes County's system are:

1. The minimum level of service for intersections and roads, during the P.M. Peak Hour, shall be LOS "D" as determined by the most current published version of the Transportation Research Board's Highway Capacity Manual.
2. For state highway intersections, the performance standard shall be determined by the Oregon Highway Plan or ODOT-approved alternative standard or target.
3. The minimum sight distance for driveways and intersections is defined in AASHTO's "GEOMETRIC DESIGN OF HIGHWAYS AND STREETS" and the AASHTO "Design Guidelines for Very-Low Volume Local Roads (< 400 ADT)".

#### I. Mitigation

1. The applicant shall be responsible to mitigate any safety or capacity problems that are caused by their proposed development.
2. At the County Engineer's discretion, if there are pre-existing safety deficiencies and/or capacity failures at relevant intersections or road frontages within the impact analysis area, then no additional development shall be allowed until a solution that accounts for the proposed project's additional impacts is funded or built.

#### HISTORY

Adopted by Ord. [2014-017](#) §1 on 9/24/2014

### **18.116.320 Medical Marijuana Dispensary**

Medical marijuana dispensaries shall meet the following requirements:

- A. The location is subject to the Oregon Medical Marijuana Act under ORS Chapter 475.
- B. The hours of operation shall not exceed 10:00am to 7:00pm.
- C. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300-475.346, and meeting the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
- D. The dispensary must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.
- E. The addition or conversion of the dispensary to recreational use marijuana sales and distribution is a change of the use and subject to County land use review and approval for alteration of the medical marijuana dispensary use.

#### HISTORY

Adopted by Ord. [2015-004](#) §10 on 4/22/2015

### **18.116.330 Marijuana Production, Processing, Retailing, And Wholesaling**

- A. Applicability. Section 18.116.330 applies to:
  1. Marijuana Production in the EFU, MUA-10, and RI zones, subject to a land use permit applied for from July 1, 2016 to April 21, 2021, so long as said permit was approved and the use was initiated pursuant to DCC 22.36. New land use permits for marijuana production in aforementioned zones are prohibited by Ordinance No. 2021-004.
  2. Marijuana Processing in the EFU, MUA-10, TeC, TeCR, TuC, TuI, RI, and SUBP zones, subject to a land use permit applied for from July 1, 2016 to April 21, 2021, so long as said permit was approved and the use was initiated pursuant to DCC 22.36. New land use permits for marijuana processing in aforementioned zones are prohibited by Ordinance No. 2021-004.
  3. Marijuana Retailing in the RSC, TeC, TeCR, TuC, TuI, RC, RI, SUC, SUTC, and SUBP zones.
  4. Marijuana Wholesaling in the RSC, TeC, TeCR, TuC, RC, SUC, and SUBP zones.
- B. Continued marijuana production and marijuana processing. So long as the permit was approved and the use was initiated pursuant to DCC 22.36, marijuana production and processing subject to land use permits applied for from July 1, 2016 to April 21, 2021 may continue as nonconforming uses pursuant to DCC 18.120.010. Prior to the initiation of the use, said land use permits may only be modified pursuant to the criteria established by DCC 22.36.040, Modification of Approval. A change in ownership of a property with a land use permit for marijuana production or processing, or a change in ownership of a business engaged in marijuana production or processing, shall not be deemed a change of circumstances requiring a modification of approval pursuant to DCC 22.36.040 or an alteration of a nonconforming use pursuant to DCC 18.120.010. Relocation of a marijuana production or processing use to a

different lot or parcel is prohibited by DCC 18.120.010 and DCC 22.36.040 as any location change will have a greater adverse impact on the neighborhood and/or significant additional impacts on surrounding properties. In addition to conditions of approval specified in each land use permit, the following standards shall govern continued marijuana production and processing:

1. Minimum Lot Area.
  - a. In the EFU and MUA-10 zones, the subject legal lot of record shall have a minimum lot area of five (5) acres.
2. Indoor Production and Processing.
  - a. In the MUA-10 zone, marijuana production and processing shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar non-rigid structures is prohibited.
  - b. In the EFU zone, marijuana production and processing shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
  - c. In all zones, marijuana production and processing are prohibited in any outdoor area.
3. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
  - a. Lots or pParcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
  - b. Lots or pParcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
    1. The marijuana production operation was lawfully established prior to January 1, 2015; and
    2. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
  - c. Lots or pParcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
  - d. Lots or pParcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
  - e. Lots or pParcels equal to or greater than 60 acres in lot area: 40,000 square feet.



4. Maximum Building Floor Area. In the MUA-10 zone, the maximum building floor area used for all activities associated with marijuana production and processing on the subject property shall be:
  - a. ~~Lots or p~~Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
  - b. ~~Lots or p~~Parcels equal to or greater than 10 acres: 5,000 square feet.
5. Limitation on License/Grow Site per ~~Lot or~~ Parcel. No more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA) registered medical marijuana grow site shall be allowed per legal parcel or lot.
6. Setbacks. The following setbacks shall apply to all marijuana production and processing areas and buildings:
  - a. Minimum ~~Yard~~ Setback ~~/~~ Distance from Lot Lines: 100 feet.
  - b. Setback from an off-site dwelling: 300 feet. For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application to Deschutes County.
  - c. Exception: Any reduction to these setback requirements may be granted by the Planning Director or Hearings Body provided the applicant demonstrates the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.
7. Separation Distances. Minimum separation distances shall apply as follows:
  - a. The use shall be located a minimum of 1,000 feet from:
    1. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
    2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
    3. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures; and
    4. National monuments and state parks.
  - b. For purposes of DCC 18.116.330(B)(7), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.330(B)(7)(a) to the closest point of the buildings and land area occupied by the marijuana producer or marijuana processor.

- c. A change in use of another property to those identified in DCC 18.116.330(B)(7) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(7) if the use is:
      1. Pending a local land use decision;
      2. Licensed or registered by the State of Oregon; or
      3. Lawfully established.
8. Access. Marijuana production over 5,000 square feet of canopy area for mature marijuana plants shall comply with the following standards.
  - a. Have frontage on and legal direct access from a constructed public, county, or state road; or
  - b. Have access from a private road or easement serving only the subject property.
  - c. If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement. The written consent shall:
    1. Be on a form provided by the County and shall contain the following information;
    2. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;
    3. Include a description of the proposed marijuana production or marijuana processing operation; and
    4. Include a legal description of the private road or easement.
9. Lighting. Lighting shall be regulated as follows:
  - a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.
  - b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
  - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
10. Odor. As used in DCC 18.116.330(B)(10), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.

- a. The building shall be equipped with an effective odor control system which must all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
  - b. An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
  - c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.
  - d. The odor control system shall:
    - 1. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or
    - 2. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by (1) above.
  - e. The system shall be maintained in working order and shall be in use.
11. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
- a. Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans, and similar functions shall not exceed 30dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m. the following day.
  - b. Sustained noise from marijuana production is exempt from protections of DCC 9.12 and ORS 30.395, Right to Farm. Intermittent noise for accepted farming practices is permitted.
12. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
- a. Subject to 18.84, Landscape Management Combining Zone approval, if applicable.
  - b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
  - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.

- d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
13. Water. The applicant shall provide:
  - a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
  - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
  - c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.
14. Fire protection for processing of cannabinoid extracts. Processing of cannabinoid extracts shall only be permitted on properties located within the boundaries of or under contract with a fire protection district.
15. Utility Verification. A statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided.
16. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
17. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
18. Residency. In the MUA-10 zone, a minimum of one of the following shall reside in a dwelling unit on the subject property:
  - a. An owner of the subject property;
  - b. A holder of an OLCC license for marijuana production, provided that the license applies to the subject property; or
  - c. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.
19. Nonconformance. All medical marijuana grow sites lawfully established prior to June 8, 2016 by the Oregon Health Authority shall comply with the provisions of DCC 18.116.330(B)(9) by September 8, 2016 and with the provisions of DCC 18.116.330(B)(10-12, 16, 17) by December 8, 2016.

## 20. Prohibited Uses.

- a. In the EFU zone, the following uses are prohibited:
  1. A new dwelling used in conjunction with a marijuana crop;
  2. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
  3. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction with a marijuana crop; and Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.
  4. Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.
- b. In the MUA-10 Zone, the following uses are prohibited:
  1. Commercial activities in conjunction with farm use when carried on in conjunction with a marijuana crop.
- c. In the EFU, MUA-10, and Rural Industrial zones, the following uses are prohibited on the same property as marijuana production:
  1. Guest Lodge.
  2. Guest Ranch.
  3. Dude Ranch.
  4. Destination Resort.
  5. Public Parks.
  6. Private Parks.
  7. Events, Mass Gatherings and Outdoor Mass Gatherings.
  8. Bed and Breakfast.
  9. Room and Board Arrangements.

### C. Marijuana Retailing. Marijuana retailing, including recreational and medical marijuana sales, shall be subject to the following standards and criteria:

1. Hours. Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m. on the same day.
2. Odor. The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana plant odor off premise by a person of normal sensitivity.
3. Window Service. The use shall not have a walk-up or drive-thru window service.

4. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
5. Minors. No person under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer, except as allowed by state law.
6. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot or parcel or within the same building with any marijuana social club or marijuana smoking club.
7. Separation Distances. Minimum separation distances shall apply as follows:
  - a. The use shall be located a minimum of 1,000 feet from:
    1. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
    2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
    3. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed family child care which occurs at or in residential structures;
    4. National monuments and state parks; and
    5. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
  - b. For purposes of DCC 18.116.330(B)(7), distance shall be measured from the lot line of the affected property to the closest point of the building space occupied by the marijuana retailer. For purposes of DCC 18.116.330(B)(7)(a)(vi), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
  - c. A change in use to another property to a use identified in DCC 18.116.330(B)(7), after a marijuana retailer has been licensed by or registered with the State of Oregon shall not result in the marijuana retailer being in violation of DCC 18.116.330(B)(7).

#### D. Annual Reporting

1. An annual report is required unless the approved applicant has (a) secured a license from the OLCC; (b) operated through at least one growing season; and (c) obtained a passing inspection from the Community Development Department. Thereafter, mandated annual reporting is not applicable unless the license is modified, in which case annual reporting is required until (a), (b), and (c) are once again satisfied. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:
  - a. Documentation demonstrating compliance with the:
    1. Land use decision and permits.
    2. Fire, health, safety, waste water, and building codes and laws.
    3. State of Oregon licensing requirements.
  - b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116. 330(C)(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
  - c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
  - d. Marijuana Control Plan to be established and maintained by the Community Development Department.
  - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
  - f. This information shall be public record subject to ORS 192.502(17).

#### HISTORY

*Adopted by Ord. [2016-015](#) §10 on 7/1/2016*

*Amended by Ord. [2018-012](#) §3 on 11/23/2018*

*Repealed & Reenacted by Ord. [2019-012](#) §1,2 on 12/2/2019*

*Amended by Ord. [2020-007](#) §16 on 10/27/2020*

*Amended by Ord. [2021-004](#) §7 on 5/27/2021*

*Amended by Ord. [2021-011](#) §1 on 12/7/2021*

*Amended by Ord. [2021-012](#) §1 on 12/28/2021*

*Amended by Ord. [2021-013](#) §13 on 4/5/2022*

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

- A. Applicability. Section 18.116.340 applies to:
1. All marijuana production registered by OHA prior to June 1, 2016; and
  2. All marijuana production registered by OHA on or after June 1 2016 until the effective date of Ordinances 2016-015, 2016-16, 2016-17, and 2016-18, at which time Ordinances 2016-015 through Ordinance 2016-018 shall apply.
- B. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by September 15, 2016:
1. Lighting. Lighting shall be regulated as follows:
    - a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.
    - b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
    - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
- C. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by December 15, 2016:
1. Odor. As used in DCC 18.116.330(B)(10), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.
    - a. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
    - b. An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
    - c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.
    - d. The odor control system shall:
      1. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or



2. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by i. above.
      - e. The system shall be maintained in working order and shall be in use.
2. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
  - a. Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m. the following day.
  - b. Sustained noise from marijuana production is not subject to the Right to Farm protections in DCC 9.12 and ORS 30.395. Intermittent noise for accepted farming practices is however permitted.
3. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
  - a. Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
  - b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
  - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
  - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
4. Water. The applicant shall provide:
  - a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
  - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
  - c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.

5. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
  6. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
  7. Inspections and Annual Reporting. All marijuana production registered by OHA prior to June 1, 2016 shall comply with DCC 18.116.340(D)(8) when site locations are identified or otherwise disclosed by the State of Oregon.
- D. All new marijuana production registered by OHA on or after June 1, 2016 shall comply with DCC 18.116.340(A-C) and the following standards:
1. Shall only be located in the following zones
    - a. EFU;
    - b. MUA-10; or
    - c. Rural Industrial in the vicinity of Deschutes Junction.
  2. Minimum Lot Area.
    - a. In the EFU and MUA-10 zones, the subject property shall have a minimum lot area of five (5) acres.
  3. Maximum Building Floor Area. In the MUA-10 zone, the maximum building floor area used for all activities associated with medical marijuana production on the subject property shall be:
    - a. ~~Lots or p~~Parcels from 5 acres to less than 10 acres in area: 2,500 square feet.
    - b. ~~Lots or p~~Parcels equal to or greater than 10 acres: 5,000 square feet.
  4. Setbacks. The following setbacks shall apply to all marijuana production areas and buildings:
    - a. Minimum ~~Yard~~Setback ~~f~~Distance from Lot Lines: 100 feet.
    - b. Setback from an off-site dwelling: 300 feet.  
For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application submitted to Deschutes County.
    - c. Exception: Reductions to these setback requirements may be granted at the discretion of the Planning Director or Hearings Body provided the applicant demonstrates that the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

5. Indoor Production and Processing.
  - a. In the MUA-10 zone, marijuana production shall be located entirely within one or more fully enclosed buildings with conventional or post framed opaque, rigid walls and roof covering. Use of greenhouses, hoop houses, and similar structures is prohibited,
  - b. In the EFU zone, marijuana production shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
  - c. In all zones, marijuana production is prohibited in any outdoor area.
6. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
  - a. Lots or pParcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
  - b. Lots or pParcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
    1. The marijuana production operation was lawfully established prior to January 1, 2015; and
    2. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
  - c. Lots or pParcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
  - d. Lots or pParcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
  - e. Lots or pParcels equal to or greater than 60 acres in lot area: 40,000 square feet.
7. Separation Distances. Minimum separation distances shall apply as follows:
  - a. The use shall be located a minimum of 1,000 feet from:
    1. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010. et seq., including any parking lot appurtenant thereto and any property used by the school;
    2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;

3. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures; and
  4. National monuments and state parks.
- b. For purposes of DCC 18.116.330(B)(7), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.330(B)(7)(a) to the closest point of the buildings and land area occupied by the marijuana producer or marijuana processor.
  - c. A change in use of another property to those identified in DCC 18.116.330(B)(7) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(7) if the use is:
    1. Pending a local land use decision:
    2. Registered by the State of Oregon: or
    3. Lawfully established.
8. Access. Marijuana production over 5,000 square feet of canopy area for mature marijuana plants shall comply with the following standards.
- a. Have frontage on and legal direct access from a constructed public, county, or state road; or
  - b. Have access from a private road or easement serving only the subject property.
  - c. If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement. The written consent shall:
    1. Be on a form provided by the County and shall contain the following information;
    2. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;
    3. Include a description of the proposed marijuana production or marijuana processing operation; and
    4. Include a legal description of the private road or easement.
9. Residency. In the MUA-10 zone, a minimum of one of the following shall reside in a dwelling unit on the subject property:
- a. An owner of the subject property; or

- b. A person registered with the OHA as a person designated to produce marijuana by a registry identification cardholder, provided that the registration applies to the subject property.

10. Annual Reporting. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fees as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:

- a. Documentation demonstrating compliance with the:
  - 1. Land use decision and permits.
  - 2. Fire, health, safety, waste water, and building codes and laws.
  - 3. State of Oregon licensing requirements.
- b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.330(0(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
- c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
- d. Marijuana Control Plan to be established and maintained by the Community Development Department.
- e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
- f. This information shall be public record subject to ORS 192.502(17).

11. Prohibited Uses.

- a. In the EFU zone, the following uses are prohibited:;
  - 1. A new dwelling used in conjunction with a marijuana crop
  - 2. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
  - 3. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(21)(a), carried on in conjunction a marijuana crop; and.
  - 4. Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.

- b. In the MUA-10 Zone, the following uses are prohibited:
  - 1. Commercial activities in conjunction with farm use when carried on in conjunction with a marijuana crop.
- c. In the EFU, MUA-10, and Rural Industrial zones, the following uses are prohibited on the same property as marijuana production:
  - 1. Guest Lodge.
  - 2. Guest Ranch.
  - 3. Dude Ranch.
  - 4. Destination Resort.
  - 5. Public Parks.
  - 6. Private Parks.
  - 7. Events, Mass Gatherings and Outdoor Mass Gatherings.
  - 8. Bed and Breakfast.
  - 9. Room and Board Arrangements.

#### HISTORY

*Adopted by Ord. [2016-019](#) §1 on 6/1/2016*

*Amended by Ord. [2018-012](#) §3 on 11/23/2018*

*Repealed & Reenacted by Ord. [2019-012](#) §1,2 on 12/2/2019*

*Amended by Ord. [2021-004](#) §7 on 5/27/2021*

#### **18.116.350 Historic Home Accessory Dwelling Units In RR-10 And MUA Zones**

##### A. As used in this section:

1. “Historic accessory dwelling unit” means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, “auxiliary” means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot as the single-family dwelling.
2. “Area zoned for rural residential use” means land that is not located inside an urban growth boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
3. “Historic home” means a single-family dwelling constructed between 1850 and 1945.
4. “New” means that the dwelling being constructed did not previously exist in residential or nonresidential form. “New” does not include the acquisition, alteration, renovation or remodeling of an existing structure.

5. “Place a manufactured homedwelling” means the placement of a manufactured home dwelling that did not previously exist on the subject lot of record; it may include the placement of a manufactured home-dwelling that was previously used as a dwelling on another lot or parcel and moved to the subject lot of record.
  6. “Single-family-dwelling” means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.
- B. An owner of a lot or parcel within an area zoned for rural residential use (RR10 and MUA zones) may construct a new single-family dwelling or place a manufactured home on the lot or parcel, provided:
1. The lot or parcel is not located in an area designated as an urban reserve as defined in ORS 195.137;
  2. The lot or parcel is at least two acres in size;
  3. A historic home is sited on the lot or parcel;
  4. The owner converts the historic home to a historic accessory dwelling unit upon completion of the new single-family dwelling or placement of a manufactured home; and
  5. The historic accessory dwelling unit may be required to comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.
- C. The construction of a historic accessory dwelling unit under subsection (B) of this section is a land use action subject to DCC 22.20.
- D. An owner that constructs a new single-family dwelling or places a manufactured home under subsection (B) of this section may not:
1. Subdivide, partition, or otherwise divide the lot or parcel so that the new single-family dwelling or manufactured home is situated on a different lot or parcel from the historic accessory dwelling unit.
  2. Alter, renovate, or remodel the historic accessory dwelling unit so that the square footage of the historic accessory dwelling unit is more than 120 percent of the historic home’s square footage at the time construction of the new single-family dwelling commenced.
  3. Rebuild the historic accessory dwelling unit if the structure is deemed a dangerous building due to fire or other natural disaster, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines “dangerous building” as “Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.”
  4. Construct an additional accessory dwelling unit on the same lot or parcel.

- E. A new single-family dwelling constructed or a manufactured home placed under this section may be required to be served by the same water supply source as the historic accessory dwelling unit.
- F. Owner occupancy of either the historic accessory dwelling unit or the new single-family dwelling is not required. However, the historic accessory dwelling unit and new single-family dwelling place under this section may not be used simultaneously for short-term rentals of thirty (30) consecutive days or less.

#### HISTORY

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

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

Amended by Ord. [2023-014](#) §3 on 12/1/2023

#### **[18.116.355 Residential Accessory Dwelling Units In The RR-10 And MUA Zones](#)**

- A. As used in this section:
  1. “Accessory dwelling unit” means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, “auxiliary” means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
  2. “Accessory dwelling unit structure” means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.
  3. “Rural residential use” means a lot or parcel located in the RR-10 or MUA-10 Zones, consistent with the definition in ORS 215.501.
  4. “Safe evacuation plan” means an identifiable route on a right(s)-of-way and any onsite driveways from the accessory dwelling unit to a staged evacuation area.
  5. “Single-family dwelling” means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type. For the purposes of this chapter, “single-family dwelling” shall be synonymous with “single-unit dwelling” as defined in DCC 18.04.030.
  6. “Staged evacuation area” means a public or private location that occupants of the accessory dwelling unit may evacuate to reorganize.
  7. “Useable floor area” means all areas of an accessory dwelling unit included within the surrounding exterior walls, exclusive of garages, carports, decks, and porch covers.
  8. “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.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned RR-10 or MUA-10, provided all of the following standards are met:
1. One single-family dwelling is sited on the lot or parcel:
    - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
    - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
  2. There is no guest-house, temporary residence-dwelling unit as identified in DCC 18.116.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
    - a. An existing lawfully established guest-house, temporary residence-dwelling unit as identified in DCC 18.116.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.
  3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
  4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
  5. The lot area is at least two acres in size, 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 in size.
  6. The accessory dwelling unit structure will have a minimum setback of 100 feet from adjacent properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone and combining zones.
  7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.
  8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
    - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.

9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.
10. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.
11. The accessory dwelling unit provides for all of the following:
  - a. Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with section 11(a)i and 11(a)(ii), or section 11(a)(iii):
    1. A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
      - A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
      - B. Private roads, as permitted by DCC Title 18, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; and
    2. 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;
    3. 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 property meets minimum fire district requirements to provide emergency services to the property;
  - b. A safe evacuation plan; and
  - c. For private properties utilized as staged evacuation areas, written authorization from the property owner(s) of the staged evacuation area that the occupants of the accessory dwelling unit may evacuate to the staged evacuation area.

12. Wildfire Hazard Mitigation Building Code Standards:

- a. If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:
  - 1. For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:
    - A. The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code.
- b. If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:
  - 1. The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code.

13. Wildfire Hazard Mitigation Defensible Space Standards:

- a. If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:
  - 1. For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:
    - A. The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392.
- b. If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:
  - 1. Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit that is owned or controlled by the owner:
    - A. Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders, or other similar materials; and
    - B. Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be

pruned to at least eight feet in height. Dead fuels shall be removed; and

- C. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and
- D. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.

- 2. Prior to issuance of building permits, the property owner(s) 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 accessory dwelling unit on land that is owned or controlled by the owner.

14. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

15. A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:

- a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and
- b. Placement or construction of any additional dwelling unit, guest-house, or any other temporary ~~residence-dwelling unit~~ as identified in DCC 18.116.090.

16. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.

17. At the time of application, a letter confirming that the supplier of water is "Willing and Able to Serve" the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.

18. An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).

19. If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.
20. Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 18.116.355(A)(8) and consistent with ORS 90.100.

HISTORY

Adopted by Ord. [2023-014](#) §3 on 12/1/2023

**18.116.360 Nursery Schools**

- A. Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from ~~adjoining-abutting~~ lots or parcels.
- B. Nursery schools in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

HISTORY

Adopted by Ord. [2020-010](#) §6 on 7/3/2020

**18.116.380 Psilocybin Manufacturing, Service Centers, And Testing Laboratories**

- A. Applicability. Section 18.116.380 applies to:
  1. Psilocybin Manufacture as a Farm Use in the EFU, F-1, and F-2 zones.
  2. Psilocybin Manufacture as a Processing Use in the EFU, F-1, and F-2 zones.
  3. Psilocybin Service Centers in the EFU, RC, RSC, SUC, SUTC, TeC, and TuC zones.
  4. Psilocybin Testing Laboratories in the RI and Tul zone.
- B. Psilocybin Manufacture as a Farm Use. Psilocybin manufacture as a farm use shall be subject to the following standards:
  1. Indoor Fungi Cultivation. Psilocybin-producing fungi must be grown indoors. Fungi cultivation is prohibited in any outdoor area.
  2. Setbacks. Setback requirements shall be applied from the underlying zone.
  3. Separation distances.
    - a. Psilocybin manufacture as a farm use shall be located a minimum of 1,000 feet from:
      1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (l)(a); and
- b. Notwithstanding DCC 18.116.380(D)(3)(a). psilocybin manufacture as a farm use may be located within 1,000 feet of a school if:
  1. The psilocybin service center is not located within 500 feet of:
    - A. A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
    - B. A private or parochial elementary or secondary school. teaching children as described in ORS 339.030 (l)(a).
  2. The Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin manufacture as a farm use.
4. Prohibited Uses.
  - a. In the EFU zone, the following uses are prohibited:
    1. A new dwelling used in conjunction with a psilocybin-producing fungi crop;
    2. A farm stand, as described in DCC 18.16.038(1) used in conjunction with a psilocybin-producing fungi crop.
  - C. Psilocybin Manufacture as a Processing Use. Psilocybin manufacture as a processing use shall be subject to the standards in DCC 18.16.025(1).
  - D. Psilocybin service centers. Psilocybin service centers shall be subject to the following standards:
    1. Co-Location. The operation of a psilocybin service center may be carried on in conjunction with a psilocybin-producing fungi crop in the Exclusive Farm Use zone subject to either DCC 18.16.030(E) or 18.16.030(M).
    2. Prohibited Uses.
      - a. In zones other than Exclusive Farm Use zone, a psilocybin service center as a Home Occupation or Commercial Activity in Conjunction with Farm Use.
    3. Separation distances.
      - a. Psilocybin service centers shall be located a minimum of 1,000 feet from:
        1. A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
        2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (l)(a)

- b. Notwithstanding DCC 18.116.380(D)(3)(a), a psilocybin service center may be located within 1,000 feet of a school if:
  - 1. The psilocybin service center is not located within 500 feet of:
    - A. A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or
    - B. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (l)(a); and
  - 2. The Oregon Health Authority determines that there is a physical or geographic barrier capable of preventing children from traversing to the premises of the psilocybin service center.
- 4. Setbacks. Setback requirements shall be applied from the underlying zone.
- 5. Hours of Operation. Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:59 p.m. on the same day, unless a facilitator determines that it is appropriate to continue an administration session beyond 11:59 PM local time, subject to the requirements in OAR 333-333-5250(3).

#### HISTORY

Adopted by Ord. [2022-014](#) §8 on 4/4/2023

#### **CHAPTER 18.120 EXCEPTIONS**

[18.120.010 Nonconforming Uses](#)

[18.120.020 Nonconforming Lot Sizes](#)

[18.120.030 Exceptions To ~~Yard~~ Setback Requirements](#)

[18.120.040 Building Height Exceptions](#)

[18.120.050 Fill ~~And-Or~~ Removal Exceptions](#)

#### **18.120.010 Nonconforming Uses**

Except as otherwise provided in DCC Title 18, the lawful use of a building, structure or land existing on the effective date of DCC Title 18, any amendment thereto or any ordinance codified therein may be continued although such use or structure does not conform with the standards for new development specified in DCC Title 18. A nonconforming use or structure may be altered, restored or replaced subject to DCC 18.120.010. No nonconforming use or structure may be resumed after a one-year period of interruption or abandonment unless the resumed use conforms with the provisions of DCC Title 18 in effect at the time of the proposed resumption.

- C. Expansion or Replacement of a Nonconforming Structure.
  - 1. Nonconforming Structure. For the purposes of DCC 18.120.010, a nonconforming structure is one that was lawfully established and violates current setbacks of DCC Title 18 but conforms with respect to use.
  - 2. Replacement or Expansion without Additional Encroachment in Setback Area. A nonconforming structure may be replaced with a new structure of the same size on the

same footprint as the preexisting nonconforming structure or may be expanded with an addition that does not project into the required setback area at any point, subject to all other applicable provisions of DCC Title 18.

3. Replacement or Expansion with Additional Encroachment in Setback Area. Replacement or expansion of a nonconforming structure that would involve an additional projection into the front, side, or rear ~~yard~~ setback area at any point along the footprint of the existing or preexisting structure may be allowed provided such additional projection into the setback area (1) does not exceed 900 square feet; (2) does not exceed the floor space of the existing or preexisting structure; (3) does not cause the structure to project further toward the front, side or rear property lines than the closest point of the existing or preexisting structure; and (4) meets the variance approval standards set forth in DCC 18.132.025(A)(1) through (4).

Such replacements or expansions must conform with all other applicable provisions of DCC Title 18.

D. Expansion of a Nonconforming School in the Exclusive Farm Use Zone.

1. Notwithstanding ORS 215.130, 215.213, 215.283 or DCC 18.16, 18.116, 18.124, 18.128, a public or private school, including all buildings essential to the operation of the school, formerly allowed pursuant to ORS 215.213(1)(a) or 215.283(1)(a), as in effect before January 1, 2010, may be expanded provided:
  - a. The expansion complies with ORS 215.286;
  - b. The school was established on or before January 1, 2009;
  - c. The expansion occurs on a tax lot:
    1. On which the school was established; or
    2. Contiguous to and, on January 1, 2015, under the same ownership as the tax lot on which the school was established; and
  - d. The school is a public or private school for kindergarten through grade 12.
2. An expansion cannot be denied under DCC 18.120.010(B) upon any rule or condition establishing:
  - a. A maximum capacity of people in the structure or group of structures;
  - b. A minimum distance between structures; or
  - c. A maximum density of structures per acre.

E. Verification of Nonconforming Use.

1. Subject to the procedures set forth in DCC 18.120.010 and in DCC Title 22 for processing declaratory rulings, the planning division will verify whether or not a use constitutes a valid nonconforming use in accordance with the provisions of DCC 18.120.010 and



applicable state law. Verification of the existence of a nonconforming use is required prior to or concurrent with any application to alter or restore the use.

2. Subject to DCC 18.120.010(F)(2), the applicant shall demonstrate all of the following:
  - a. The nonconforming use was lawfully established on or before the effective date of the provisions of the zoning ordinance prohibiting the use or had proceeded so far toward lawful completion as of the date it became nonconforming that a right to complete and maintain the use would be vested;
  - b. The nonconforming use as it existed on the date it became nonconforming, considering the nature and the extent of the actual use of the property, has continued without abandonment or interruption; and
  - c. Any alteration in the nature and extent of the nonconforming use was done in compliance with applicable zoning ordinance standards governing alterations of non-conforming uses.
3. For purposes of determining whether an abandonment or interruption of use has occurred, the following shall apply:
  - a. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be one year.
  - b. An abandonment or interruption in a use or portion thereof may arise from the complete cessation of actual use of a property for a one-year period or may arise from a change in the nature or extent of the use made of the property for a one-year period or more.
  - c. An interruption or abandonment that constitutes less than full cessation of the use or a portion thereof may, in accordance with DCC 18.120.010(F)(4), result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued.
  - d. Absent an approved alteration, a change in the nature of the use may result in a determination that the use has been abandoned or has ceased if there are no common elements between the activities of the previous use and the current use.
  - e. Change of ownership or occupancy shall not constitute an interruption or abandonment, provided that, absent an approved alteration, the continuing use made of the property falls within the allowed scope of use made of the property by previous owners or occupants.
  - f. Factors to be considered in determining whether there has been a change in the nature and/or extent of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated with the use (including off-site impacts of those activities),

the frequency of use, the hours of operation, changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.

- F. Maintenance of a nonconforming use. Normal maintenance of a verified nonconforming use or structure shall be permitted. Maintenance does not include alterations which are subject to DCC 18.120.010(E).
- G. Restoration or replacement of a nonconforming use. A verified nonconforming use may be restored or replaced if all of the following criteria are met:
  - 1. Restoration is made necessary by fire, natural disaster, or other casualty;
  - 2. The nonconforming use is restored or replaced on the same location and is the same size or smaller than it was prior to the damage or destruction; and
  - 3. The restoration or replacement of the nonconforming use is commenced within one year of the damage or destruction.
- H. Alteration of a nonconforming use.
  - 1. The alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement.
  - 2. Any other alteration to a nonconforming use may be permitted subject to all applicable provisions of DCC Title 18, including site plan review and upon a finding that the alteration will have no greater adverse impact on the neighborhood.
  - 3. For the purposes of DCC 18.120.010(F)(2), an “alteration of a nonconforming use” shall include any change in the use of the property that would constitute a change in the nature or extent of the use of the property.
- I. Procedure.
  - 1. Any application for verification of a nonconforming use or to expand, alter, restore, or replace a nonconforming use shall be processed in conformance with the applicable procedures set forth in DC 18.120.010 and the applicable procedures of DCC Title 22, the Deschutes County Uniform Development Procedures Ordinance.
  - 2. Notwithstanding DCC 22.20.010, the initial decision on an application for an alteration of a nonconforming use shall be made administratively, without a public hearing. The Planning Director may give prior notice of the pending application pursuant to DCC 22.20.020.
  - 3. Except as allowed by DCC 18.120.010(F)(3)(a), the burden of proof shall be on a verification applicant to prove the existence, continuity, nature and extent of the use.
    - a. Notwithstanding DCC 22.24.050, if an applicant demonstrates by a preponderance of the evidence that the nature and extent of the use sought to be verified is of the same nature and extent as the use of the property for the ten-year period immediately preceding the application, without interruption or

abandonment, it shall be presumed that the nonconforming use, as proven, lawfully existed at the time the use became nonconforming and has continued without interruption or abandonment until the date of application.

- b. The presumption may be rebutted by a preponderance of evidence showing that the use was unlawful prior to the time it became nonconforming, or that the use prior to the ten-year period was of a different nature or different in extent than the use, as proven, or that the use prior to the ten-year period was interrupted or abandoned. If the presumption is so rebutted, the presumption shall disappear and be of no further aid to the applicant.
4. If the proof demonstrates the continued existence of a valid non-conforming use, but of a different nature or extent than that claimed by the applicant, the Hearings Body may declare there to be a valid nonconforming use to the extent proven.
  5. An approval of a verification, replacement or restoration of a nonconforming use verification shall not be conditioned; an approval shall be sufficiently detailed to describe the allowed parameters of the verified use. However, an approval of an alteration of a nonconforming use may be conditioned in a manner calculated to ensure mitigation of adverse impacts so that the change has no greater adverse impact to the neighborhood.
  6. After a decision has been rendered on an application for a verification of a nonconforming use (including any appeals provided for under DCC Title 22 and under state law), the applicant shall not be entitled to reapply under DCC 22.28.040 for another verification determination involving the same use of the property.

#### HISTORY

*Adopted by Ord. [PL-15](#) §6.010 on 11/1/1979*

*Amended by Ord. [91-038](#) §1 on 9/30/1991*

*Amended by Ord. [93-043](#) §20 on 8/25/1993*

*Amended by Ord. [95-050](#) §1 on 6/28/1995*

*Amended by Ord. [98-037](#) §1 on 8/26/1998*

*Amended by Ord. [2004-013](#) §13 on 9/21/2004*

*Amended by Ord. [2020-022](#) §1 on 5/20/2020*

*Amended by Ord. [2021-013](#) §14 on 4/5/2022*

#### **[18.120.020 Nonconforming Lot Sizes](#)**

- A. Any lot or parcel of land, or portion thereof, which is to be dedicated to a public or other entity for a road, canal, railroad, utility, or other public use shall be exempt from the minimum lot size area requirements set forth by DCC Title 18.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizesareas, where applicable, shall be considered as standard metes and bounds land section division, (i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.); lot sizesareas, therefore, may be reasonably smaller than set forth by DCC Title 18 if a total section

acreage reduction is due to a survey adjustment or other man made barriers over which the applicant has had no control.

- C. Any lot or parcel that is smaller than the minimum lot area required in any zone may be occupied by an allowed use in that zone provided that:
1. The lot or parcel is a lot of record, as defined in DCC 18.04.030, Lot of record.
  2. The use conforms to all other requirements of that zone.
  3. If there is a ~~an~~ lot area deficiency, residential use shall be limited to a single-unit dwelling ~~unit~~.
  4. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right of way created after June 30, 1993, shall be exempt from the minimum lot ~~dimension-area~~ of 10 acres ~~in-size~~. Such lots or parcels may be partitioned only as separated by the right of way and shall not have a lot area be smaller ~~less~~ than one acre.

#### HISTORY

Adopted by Ord. [PL-15](#) §6.020 on 11/1/1979

Amended by Ord. [87-015](#) §§1 and 2 on 6/10/1987

Amended by Ord. [93-034](#) §2 on 6/30/1993

Amended by Ord. [2017-015](#) §2 on 11/1/2017

#### 18.120.030 Exceptions To ~~Yard-Setback~~ Requirements

The following exceptions to ~~yard-setback~~ requirements ~~are may be~~ authorized for a lot or parcel in any zone:

- A. If there are buildings on both lots ~~or parcels adjoining-abutting~~ an intervening lot or parcel that are within 100 feet of the intervening lot or parcel, and the buildings have front ~~yards-setbacks~~ of less than the minimum required ~~depth minimum~~ for the zone, the ~~depth of the front yard setback~~ for the intervening lot or parcel need not exceed the average ~~depth measurement~~ of the front ~~yards-setbacks~~ of the ~~adjoining-abutting~~ lots or parcels.
- B. Cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than three feet into a required front, rear, or side setback area, provided that the projection is not closer than three feet to a lot line-.
- C. The following features are not subject to front, rear, or side setbacks:
1. Steps, terraces, platforms, and porches having no roof covering;
  2. Utility infrastructure, at or below finished grade;
  3. Utility poles and transmission lines;
  4. Utility boxes not interfering with the vision clearance requirements;

5. Outdoor improvements at finished grade, including, but not limited to, paved areas, driveways, or walkways;
6. Signs conforming to the requirements of DCC Title 15 and Title 18.
7. Fences conforming to the requirements of DCC 18.116.120.

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- ~~A.~~ Architectural features such as cornices, eaves, sunshades, gutters, chimneys and flues may project into a required yard in accordance with DCC 18.116.100. Also, steps, terraces, platforms, porches having no roof covering and fences not interfering with the vision clearance requirements may project into a required yard. Signs conforming to the requirements of DCC Title 18 and all other applicable ordinances shall be permitted in required yards.
- ~~B.~~ Canopies: The yard between a canopy and any lot line shall be a minimum of 10 feet, except that a smaller setback may be permitted if specifically allowed in a given zone.
- ~~C.~~D. An addition to an existing residential-lawfully established dwelling unit which is within 100 feet from the ordinary high water mark along a stream, river, or lake may be constructed provided ~~that~~ the addition is for residential dwelling purposes, no part of the addition is closer to the stream, river, or lake than the existing residential structure, the floor area for the addition is 900 square feet ~~in area~~ or less and does not exceed the area of floor space of the existing structure, and the addition conforms with all other setbacks and building limitations.
- ~~D.~~E. Dwellings on lots or parcels created prior to November 1, 1979, may be granted an exception to the 100-foot setback from the ordinary high water mark along a stream, river, or lake subject to DCC Title 22, the Uniform Development Procedures Ordinance, and the following conditions:
1. An application shall be filed which includes:
    - a. A detailed explanation of the planned development.
    - b. An explanation of why an exception is necessary.
    - c. A site plan, drawn to scale, and accompanied by such drawings, sketches, and descriptions necessary to describe and illustrate the proposed development. The site plan shall, at a minimum, include:
      1. An inventory of existing vegetation, including trees on the lot or parcel located within 200 feet of the ordinary high water mark along the stream, river, or lake. The inventory shall be in sufficient detail to allow the review and evaluation of the impacts of the proposed development.
      2. Proposed modifications of the vegetation on the lot or parcel within 200 feet of the ordinary high water mark along the stream or lake, including the size, species, and approximate locations of existing vegetation to be retained and new vegetation proposed to be placed upon the site.
      3. Existing and proposed site contours.

4. The locations and dimensions of all structures, property lines, easements, ordinary high water mark lines ~~or marks~~, utilities, and uses.
  5. Other site elements and information that will assist in the evaluation of the proposed development.
- d. An explanation of how the proposed development will satisfy each of the exception criteria set forth in DCC 18.120.030(E)(4)(b).
2. An exception may be granted only upon findings that:
- a. The structure to be sited is a dwelling unit that is no greater than 40 feet in depth (including garages, carports, and decks);
  - b. Adherence to the 100-foot setback would create a hardship, as defined in DCC 18.120.030(E)(3), preventing such a dwelling unit from being sited on the lot or parcel;
  - c. The site plan protects and enhances the vegetative fringe between the dwelling unit and the stream, river, or lake to the degree necessary to meet the requirements set forth in the applicable goals and policies of the Comprehensive Plan; and
  - d. A conservation easement providing that the elements of the site plan will be carried out and maintained as approved, in perpetuity, for the area between the ordinary high water mark and the dwelling unit has been conveyed to the County.
3. For the purposes of DCC 18.120.030, a hardship exists in one or more of the following situations:
- a. Adherence to setbacks required by the zoning ordinance in effect at the time of the application made under DCC 18.120.030 would prevent the dwelling from being sited on the lot or parcel, if the 100-foot setback were observed;
  - b. The siting of a legal on-site disposal system, placed on the lot or parcel prior to November 1, 1979, makes it impossible for the dwelling unit to meet the 100-foot setback;
  - c. Any approved initial on-site sewage disposal system and replacement system other than a sand filter system cannot be sited on the lot or parcel in a manner that will allow the dwelling unit to meet the ~~100-foot~~100-foot setback requirement;
  - d. If the only initial on-site sewage disposal system for which approval can be obtained is a sand filter system and such a system and its replacement system cannot be sited on the lot or parcel in a manner that will allow the dwelling unit to meet the 100-foot setback requirement; or

- e. Dwelling units exist on both adjoining-abutting lots or parcels that are closer to the stream, river, or lake than the proposed dwelling unit and such existing dwelling units are located within 40 feet of the proposed dwelling unit. If utilization of a sand filter system as a replacement system will allow such a dwelling unit to meet the 100-foot setback, no exception shall be granted for reasons of on-site sewage disposal constraints.
4. Dwelling units qualifying for a setback exception under the criteria set forth above shall be located as follows:
    - a. Except as set forth in DCC 18.120.030(E)(4)(b), the dwelling unit must be located as far as possible from the ordinary high water mark line of the stream, river, or lake, allowing for the hardship constraints identified for the property.
      1. In instances where use of a sand filter system for a replacement system would allow the dwelling unit to be located further from the stream, river, or lake than if another type of replacement system were utilized, the dwelling unit shall be sited in a manner to allow only enough room for the approved initial on-site sewage disposal system and a sand filter system as a replacement system.
    - b. Where a dwelling unit qualifies for a setback by virtue of DCC 18.120.030(E)(3)(e), the dwelling unit may be set back at a distance from the ordinary high water mark consistent with the adjoining housesdwelling units on the abutting lots or parcels, but in no case shall any part of such dwelling unit be located closer to the ordinary high water line-mark than a line extending between the points of the adjoining housesdwelling units on the abutting lots or parcels that are closest to the stream, river, or lake.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [81-003](#) §1 on 1/21/1981

Amended by Ord. [81-005](#) §1 on 1/27/1981

Amended by Ord. [84-002](#) §1 on 3/21/1984

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [90-020](#) §2 on 6/6/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [93-043](#) §§20A and B on 8/25/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2004-013](#) §13 on 9/21/2004

#### **18.120.040 Building Height Exceptions**

- A. The following structures or structural parts are not subject to the building height limitations of DCC Title 18, except in the Airport Development Zone, Airport Safety Combining Zone, or Landscape Management Combining Zone:

1. ~~chimneys~~ Chimneys and vents, not more than three feet six inches above the highest point of the roof;
  2. ~~V~~ Vertical support structures for telephone and power transmission lines in utility easements or public rights-of-way, not requiring a site plan review as defined in DCC 18.124.060;
  3. ~~F~~ Flagpoles not exceeding 40 feet;
  4. ~~A~~ Agricultural structures-buildings or equine facilities as defined in DCC 18.04.030 not exceeding 36 feet; and
  5. ~~A~~ Amateur radio facilities as outlined in DCC Title 18.116.290.
- ~~1. This exception does not apply to the an Airport Development Zone, Airport Safety Combining Zone, or Landscape Management Combining Zone.~~

B. The following structures or structural parts may receive exceptions to the building height limitations of DCC Title 18 if approved as part of a Site Plan Review, as defined in DCC 18.124.060 and subject to the criteria contained therein. However, this exception does not supersede the more restrictive requirements that are found in the Airport Safety Combining Zone or Landscape Management Combining Zone:

1. ~~non~~ Non-commercial wind energy systems generating less than 100 kW of electricity;
2. ~~public~~ Public schools;
3. ~~vertical~~ Vertical support structures for telephone and power transmission lines requiring a site plan;
4. ~~S~~ Structures that are necessary for public safety; and
- 2.5. ~~F~~ Flagpoles. ~~This exception does not supersede the more restrictive requirements that are found in the Airport Safety Combining Zone or Landscape Management Combining Zone.~~

B.C. An exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by DCC 18.120.040(A) may be approved upon findings that:

1. The structure is not located in a Landscape Management Zone, except when the structure is a single-unit family dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flagpoles, or other projections from the roof of the structure;
2. The structure is not located within 100 feet of any rimrock, as defined in DCC 18.04.030;
3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department; and



4. The proposed additional height will not adversely impact scenic views from existing nearby ~~residences~~dwelling units.
5. The proposed structure shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.

~~C.D.~~An exception to building height limitations for agricultural ~~structures~~buildings or equine facilities may be approved upon findings that the applicant meets the criteria listed in DCC 18.120.040(C)(1) through (3) and demonstrates that the proposed structure is:

1. An agricultural ~~structure~~building or equine facility as defined in DCC 18.04.030;
2. Located in an EFU or Forest zone; and
3. Necessary to conduct generally accepted farming practices that are typical or customary of Deschutes County farmers who are regularly involved in the proposed type of agriculture. The applicant shall document satisfaction of this criterion by submitting evidence or testimony from an authorized representative of the Deschutes County Farm Bureau.

#### HISTORY

*Adopted by Ord. [PL-15](#) §6.050 on 11/1/1979*

*Amended by Ord. [92-036](#) §1 on 4/29/1992*

*Amended by Ord. [92-055](#) §10 on 8/17/1992*

*Amended by Ord. [93-043](#) §20C on 8/25/1993*

*Amended by Ord. [96-035](#) §1 on 4/24/1996*

*Amended by Ord. [98-035](#) §1 on 6/10/1998*

*Amended by Ord. [2001-004](#) §3 on 5/23/2001*

*Amended by Ord. [2001-033](#) §1 on 10/10/2001*

*Amended by Ord. [2008-007](#) §3 on 8/18/2008*

*Amended by Ord. [2011-009](#) §1 on 10/17/2011*

#### **18.120.050 Fill ~~And-Or~~ Removal Exceptions**

- A. Fill ~~and-or~~ removal activities involving the removal of vegetation are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume and such fill or removal activities are undertaken for the purpose of:
  1. Removal of diseased or insect-infested trees or shrubs or of rotten or damaged trees that present safety hazards, or
  2. Normal maintenance and pruning of trees and shrubs.
- B. The following fill ~~and-or~~ removal activities may be authorized by the Planning Director or Hearings Body upon a finding that no adverse impacts will occur to the water resources of Deschutes County:
  1. Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.

2. Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities and similar public and semipublic facilities, provided such fill or removal does not alter the existing characteristics of the stream, river or wetland.
  3. Fill or removal for maintenance and repair of nonconforming structures or boat docks.
  4. Emergency actions taken to mitigate fill ~~and or~~ removal violations when such emergency actions are intended to have a beneficial impact on fish and wildlife habitat and are determined to be the actions with the least overall impacts on the surrounding area, considering hydrologic factors; impact on water quality, on aquatic life and habitat and wildlife and habitat; the recreational, aesthetic and economic values of the affected water resources; and existing stream bank stabilization problems.
  5. Fish and wildlife habitat enhancement projects approved or sponsored by the Oregon Department of Fish and Wildlife.
- C. Fill ~~and or~~ removal activities conducted by an Irrigation District involving piping work in existing canals and ditches within wetlands are permitted outright.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [86-056](#) §3 on 6/30/1986

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §13 on 12/12/2001

#### **CHAPTER 18.124 SITE PLAN REVIEW**

[18.124.010 Purpose](#)

[18.124.020 Elements Of Site Plan](#)

[18.124.030 Approval Required](#)

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[18.124.090 Right Of Way Improvement Standards](#)

#### **18.124.010 Purpose**

DCC 18.124.010 provides for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

### 18.124.020 Elements Of Site Plan

The elements of a site plan are: The layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, bicycle parking, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures and street furniture.

#### HISTORY

*Adopted by Ord. [PL-15](#) §7.020 on 11/1/1979*

*Amended by Ord. [93-005](#) §6 on 4/21/1993*

*Amended by Ord. [93-043](#) §22D on 8/25/1993*

### 18.124.030 Approval Required

- A. No building, grading, parking, land use, sign, or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered, or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.
- B. The provisions of DCC 18.124.030 shall apply to the following:
  1. All conditional use permits where a site plan is a condition of approval;
  2. Multi-unit ~~ple-family~~ dwellings with more than three units;
  3. All commercial uses that require parking facilities;
  4. All industrial uses;
  5. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, land disposal sites, schools, utility facilities, religious institutions or assemblies, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities, and livestock sales yards; and
  6. As specified for Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).
  7. Non-commercial wind energy system generating greater than 15 to 100 kW of electricity.
- C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables, and horse events not requiring a conditional use permit.
- D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.
- E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

Amended by Ord. [86-032](#) §1 on 4/2/1986  
 Amended by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [91-038](#) §1 on 9/30/1991  
 Amended by Ord. [94-008](#) §14 on 6/8/1994  
 Amended by Ord. [2003-034](#) §2 on 10/29/2003  
 Amended by Ord. [2011-009](#) §1 on 10/17/2011  
 Repealed by Ord. [2018-005](#) §14 on 10/10/2018  
 Amended by Ord. [2019-010](#) §1 on 5/8/2019  
 Amended by Ord. [2020-001](#) §15 on 4/21/2020  
 Amended by Ord. [2023-001](#) §17 on 5/30/2023

#### **18.124.040 Contents And Procedure**

- A. Any site plan shall be filed on a form provided by the Planning Department and shall be accompanied by such drawings, sketches and descriptions necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
- B. Prior to filing a site plan, the applicant shall confer with the Planning Director or his representative concerning the requirements for formal application.
- C. After the pre-application conference, the applicant shall submit a site development plan, an inventory of existing plant materials including all trees six inches in diameter or greater and other significant species, a landscape plan and architectural drawings including floor plans and elevations.
- D. The site plan shall indicate the following:
  1. Access to the site from adjacent rights of way, streets, and arterials.
  2. Parking and circulation areas.
  3. Location, dimensions (height and bulk), and design of buildings and signs.
  4. Orientation of windows and doors.
  5. Entrances and exits.
  6. Private and shared outdoor recreation spaces.
  7. Pedestrian circulation.
  8. Public play areas.
  9. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.
  10. Areas to be landscaped.
  11. Exterior lighting.
  12. Special provisions for disabled persons.

13. Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.
  14. Signs.
  15. Public improvements.
  16. Drainfield locations.
  17. Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long term parking facilities.
  18. Any required bicycle commuter facilities.
  19. Other site elements and information which will assist in the evaluation of site development.
- E. The landscape plan shall indicate:
1. The size, species and approximate locations of existing natural plant materials proposed to be retained and new plant materials proposed to be placed on site.
  2. Proposed site contouring.
  3. An explanation of how drainage and soil erosion is to be dealt with during and after construction.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-005](#) §7 on 4/21/1993*

*Amended by Ord. [2003-034](#) §2 on 10/29/2003*

#### **[18.124.050 Decision On Site Plan](#)**

- A. The Planning Director or Hearings Body may deny the site plan or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in DCC Title 18.
- B. The Planning Director or Hearings Body as a condition of approval may require that the applicant file with the County a performance bond or other security approved by the governing body to assure full and faithful performance of any required improvements. The bond shall be for the dollar amount plus 10 percent of the estimated cost of the improvements.
- C. Planning Director or Hearings Body review shall be subject to DCC Title 22, the Uniform Development Procedures Ordinance.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [86-032](#) §1 on 4/2/1986*

*Amended by Ord. [91-020](#) §1 on 5/29/1991*

### 18.124.060 Approval Criteria

Approval of a site plan shall be based on the following criteria:

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
- F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.
- H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. ~~lot~~ setbacks, etc.).
- J. All exterior lighting shall be shielded so that direct light does not project off-site.
- K. Transportation access to the site shall be adequate for the use.
  1. Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.
  2. Mitigation for transportation-related impacts shall be required.
  3. Mitigation shall meet applicable County standards in DCC 18.116.310, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [93-043](#) §21, 22 and 22A on 8/25/1993

Amended by Ord. [2010-018](#) §2 on 6/28/2010

Amended by Ord. [2018-006](#) §14 on 11/20/2018

Amended by Ord. [2018-012](#) §4 on 11/23/2018

Repealed & Reenacted by Ord. [2019-012](#) §1,2 on 12/2/2019

### **18.124.070 Required Minimum Standards**

- A. Private or shared outdoor recreation areas in residential developments.
1. Private Areas. Other than a development in the Sunriver UUC Town Center District, each ground-level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened, or otherwise designed to provide privacy for unit residents and their guests.
  2. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:
    - a. Units with one or two bedrooms: 200 square feet per unit.
    - b. Units with three or more bedrooms: 300 square feet per unit.
  3. Usable outdoor recreation space shall be provided in the Sunriver UUC Town Center District on a district-wide basis as follows:
    - a. A minimum of one hundred square feet of outdoor recreation space per Multi-~~Unit family Dwelling-unit~~ or ~~Townhome-Townhouse~~ that is accessible to residents or guests staying in Multi-~~Unit family Dwellings~~ or ~~Townhome Townhouse~~ units.
    - b. Outdoor recreation spaces may include bicycle paths, plazas, play areas, water features, ice rinks, pools, and similar amenities that are located outdoors.
    - c. Outdoor recreation space must include recreation for children who are district residents, such as a maintained playground area with approved equipment such as swings or slides.
  4. Storage. In residential developments, convenient areas shall be provided for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.
- B. Required Landscaped Areas.
1. The following landscape requirements are established for multi-~~unit family dwellings~~, commercial ~~developments~~, and industrial developments, subject to site plan approval:

- a. A minimum of 15 percent of the lot area shall be landscaped.
  - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.
2. In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:
- a. A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
  - b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.
  - c. A landscaped strip separating a parking or loading area from a street shall contain:
    1. Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
    2. Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.
    3. Vegetative ground cover.
  - d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
  - e. The landscaping in a parking area shall have a width of not less than five feet.
  - f. Provision shall be made for watering planting areas where such care is required.
  - g. Required landscaping shall be continuously maintained and kept alive and attractive.
  - h. Maximum height of tree species shall be considered when planting under overhead utility lines.

C. Non-motorized Access.

1. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.
2. Pedestrian Access and Circulation:
  - a. Internal pedestrian circulation shall be provided in new commercial, office, and multi-unit ~~family dwelling residential~~ developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.



- b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-~~unit~~ ~~family~~ ~~dwelling~~, public, or park use.
- c. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.
- d. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
- e. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.

D. Commercial Development Standards:

- 1. New commercial buildings shall be sited at the front ~~yard~~-setback line for lots or parcels with one frontage, and at both front ~~yard~~-setback lines for corner lots or parcels, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District and properties fronting Spring River Road in the Spring River Rural Commercial Zone. The building(s) and any eaves, overhangs, or awnings shall not interfere with the required clear vision area at corners or driveways.
- 2. To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the interior, rear, or non-street side of the complex may be located and oriented toward private interior streets within the development if consistent with all other standards of paragraph (1) above and this paragraph. Interior streets used to satisfy this standard may have on-street parking and shall have sidewalks along the street in front of the building. Such sidewalks shall connect to existing or future sidewalks on public streets accessing the site. The master plan for the shopping complex shall demonstrate that at least one half of the exterior perimeter of the site that abuts each public street, will be developed with buildings meeting the standards of paragraphs (D)(1) or (D)(3) of this subsection.
- 3. An increase in the front ~~yard~~-setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it desirable to site the new building beyond the minimum street setback:
  - a. Existing development on the site;

- b. Lot or parcel configuration;
  - c. Topography of the lot or parcel;
  - d. Significant trees or other vegetative features that could be retained by allowing a greater setback;
  - e. Location of driveway access. Such an increase in the front yard-setback shall be the minimum necessary to accommodate the reason for the increase.
  - f. Architectural features, driveways, landscaping areas equal to or greater than the depth of the structure, and outdoor commercial areas, when at least one half of the structure meets the minimum street setback.
4. Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District. Off-street parking proposed with a shopping complex, as defined by this title, and intended to serve buildings located in the interior or rear of the complex may have parking in front of the building provided the overall master plan for the site satisfies paragraph (2) of this subsection.

#### HISTORY

*Adopted by Ord. [PL-15](#) §7.070 on 11/1/1979*

*Amended by Ord. [93-005](#) §8 on 4/21/1993*

*Amended by Ord. [93-043](#) §22B on 8/25/1993*

*Amended by Ord. [93-063](#) §3 on 12/15/1993*

*Amended by Ord. [97-078](#) §7 on 12/31/1997*

*Amended by Ord. [2001-044](#) §5 on 10/10/2001*

*Amended by Ord. [2002-033](#) §1 on 9/25/2002*

*Amended by Ord. [2006-008](#) §8 on 8/29/2006*

*Amended by Ord. [2008-015](#) §4 on 6/30/2008*

*Amended by Ord. [2020-017](#) §3 on 1/29/2021*

#### **[18.124.080 Other Conditions](#)**

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- A. An increase in the required yardssetbacks.
- B. Additional off street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, type, location, orientation, and number of lights.
- E. Limitations on the number and location of curb cuts.

- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals, and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- I. Landscaping of the site.
- J. Traffic Impact Study as identified in Title 18.116.310.
- K. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.

#### HISTORY

*Adopted by Ord. [93-043](#) §22C on 8/25/1993*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

*Amended by Ord. [2006-005](#) §1 on 6/20/2006*

*Amended by Ord. [2014-017](#) §1 on 9/24/2014*

#### **[18.124.090 Right Of Way Improvement Standards](#)**

Any dedications or improvements to the road right of way required under DCC 18.124 shall meet the standards for road right of way improvements set forth in DCC Title 17 and any standards for right-of-way improvements set forth in DCC Title 18 for the particular zone in question.

#### HISTORY

*Adopted by Ord. [97-003](#) §4 on 6/4/1997*

#### **[CHAPTER 18.128 CONDITIONAL USE](#)**

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- [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 \(Single-Unit ~~Family-Dwelling~~ Residential Uses Only\)](#)
- [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 ~~And-Or~~ Removal](#)
- [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](#)

### **18.128.010 Operation**

- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.
- B. In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.

## HISTORY

Adopted by Ord. [PL-15](#) §8.010 on 11/1/1979

Amended by Ord. [86-032](#) §1 on 4/2/1986

### **18.128.015 General Standards Governing Conditional Uses**

Except for those conditional uses permitting individual single-~~unit family~~ dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

- A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:
  1. Site, design and operating characteristics of the use;
  2. Adequacy of transportation access to the site; and
  3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards, and natural resource values.
- B. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).
- C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to ensure that the standard will be met.

## HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [92-047](#) §1 on 7/15/1992

Amended by Ord. [2020-007](#) §17 on 10/27/2020

### **18.128.020 Conditions**

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

- A. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare, or odor.
- B. Require a special ~~yard-setback~~ or other open space or a change in lot area or lot dimension.
- C. Require a limitation on the height, size, or location of a structure.
- D. Specify the size, number, location, and nature of vehicle access points.
- E. Increase the required street dedication, roadway width, or require additional improvements within the street right of way.
- F. Designate the size, location, screening, drainage, surfacing, or other improvement of a parking or loading area.

- G. Limit or specify the number, size, location, height, and lighting of signs.
- H. Limit the location and intensity of outdoor lighting and require shielding.
- I. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.
- J. Specify the size, height, and location of any materials to be used for fencing.
- K. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.
- L. Require that a site plan be prepared in conformance with DCC 18.124.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [83-037](#) §24 on 6/1/1983

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §3 on 9/30/1991

#### **[18.128.030 Performance Bond](#)**

The Planning Director or Hearings Body may require the applicant to furnish the County with a performance bond or other adequate form of assurance to guarantee development in accordance with the standards and conditions attached in granting a conditional use permit.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

#### **[18.128.040 Specific Use Standards.](#)**

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.050 through DCC 18.128.370.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [80-206](#) §4 on 10/13/1980

Amended by Ord. [84-015](#) §3 on 7/18/1984

Amended by Ord. [84-023](#) §4 on 8/1/1984

Amended by Ord. [85-002](#) §9 on 2/13/1985

Amended by Ord. [86-018](#) §1 on 6/30/1986

Amended by Ord. [86-056](#) §§3 and 4 on 6/30/1986

Amended by Ord. [87-032](#) §1 on 12/9/1987

Amended by Ord. [89-008](#) §1 on 3/29/1989

Amended by Ord. [90-014](#) §§39 and 40 on 7/12/1990

Amended by Ord. [91-005](#) §§46 and 47 on 3/4/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [94-008](#) §15 on 6/8/1994

Amended by Ord. [94-053](#) §6 on 12/7/1994  
 Amended by Ord. [2000-033](#) §9 on 12/6/2000  
 Amended by Ord. [2024-008](#) §16 on 10/9/2024

### **18.128.050 Airports, Aircraft Landing Fields, Aircraft Charter, Rental, Service Maintenance Facilities Not Located In The A-D Zone**

The Planning Director or Hearings Body shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [93-043](#) §23 on 8/25/1993  
 Amended by Ord. [95-075](#) §1 on 11/29/1995

### **18.128.060 Automobile Wrecking Yard Or Junkyard**

Before being issued a conditional use permit, an automobile wrecking yard or junkyard shall meet the following requirements:

- A. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.
- B. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside of the enclosed area while at the establishment or business.
- C. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall occur from an enclosed building or within the fenced area.
- D. If applicable, the proposal shall conform to state regulations.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [95-075](#) §1 on 11/29/1995

### **18.128.070 Cemeteries**

The Planning Director or Hearings Body shall find that the terrain and soil types of a proposed location are suitable for interment, and that the nature of the subsoil and drainage will not have a detrimental effect on groundwater sources or domestic water supplies in the area of the proposed use.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [95-075](#) §1 on 11/29/1995

### 18.128.080 Hospital, Nursing Home, Convalescent Home, Retirement Home

- A. Such a use shall be authorized as a conditional use only upon finding that sufficient area is provided for the building, required ~~yards-setbacks~~, and off-street parking.
- B. The applicant shall address the following issues in the application:
  1. Probable growth and needs thereof.
  2. Site location relative to land uses in the vicinity.
  3. Conformity with Deschutes County Road Department standards for proposed access to and from principal streets and the probable effect of the proposal on the traffic volume of ~~adjoining-abutting~~ and nearby streets.
- C. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
- D. Except as provided in Section 18.80.028 of the A-S zone, such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the ~~yard-setback~~ dimensions in each case are equal to at least two-thirds of the height of the principal structure.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [93-043](#) §23A on 8/25/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-013](#) §2 on 1/28/1998

Amended by Ord. [2004-013](#) §14 on 9/21/2004

Amended by Ord. [2006-008](#) §9 on 8/29/2006

Amended by Ord. [2018-003](#) §2 on 1/25/2018

Amended by Ord. [2020-001](#) §16 on 4/21/2020

### 18.128.090 Religious Institutions, Medical Clinic, Veterinary Clinic, Club, Lodge, Et Al

In considering the above, the Planning Director or Hearings Body may authorize the conditional use after it has been determined that the following will be provided:

- A. Access from principal streets subject to Deschutes County Road Department standards.
- B. Off-street parking subject to DCC 18.116.030.
- C. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise, glare, odor and other adverse impacts.
- D. Playgrounds, religious institutions or assemblies, recreation facilities and community centers in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991



Amended by Ord. [95-075](#) §1 on 11/29/1995  
 Amended by Ord. [98-013](#) §§3 on 1/28/1998  
 Amended by Ord. [2020-001](#) §16 on 4/21/2020

### **18.128.100 Dog Pounds And Kennels**

The Planning Director or Hearings Body may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Hearings Officer may require a sight-obscuring fence or hedge and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [95-075](#) §1 on 11/29/1995

### **18.128.110 Home Occupations (Repealed)**

#### HISTORY

Repealed by Ord. [2004-002](#) §25 on 4/28/2004

### **18.128.120 Disposal Site**

The Planning Director or Hearings Body may authorize a disposal site as a conditional use, subject to the following standards:

- A. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.
- B. The proposed site shall be located in or as near as possible to the area being served.
- C. The proposed site shall be located at least one-quarter mile from any existing dwelling, home, or public road (except the access road).
- D. The proposed site shall be provided with a maintained all-weather access road.
- E. Applications for a conditional use permit to establish a commercial composting facility under this category shall also meet the following criteria:
  1. The proposed facility shall be effectively screened from adjacent residential uses and scenic roadways. The proposed facility may use existing topography and trees and/or introduced landscaped material.
  2. The proposed facility shall employ practices of material handling and processing that prevent noise and odors from impacting ~~residences-dwelling units~~ at least one-quarter mile from the site.
  3. The proposed facility shall employ practices of material handling and processing that control debris and dust and ensure material is contained on site.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2001-040](#) §2 on 12/5/2001

Amended by Ord. [2020-007](#) §17 on 10/27/2020

**[18.128.130 Commercial Use Or Accessory Use Not Wholly Enclosed Within A Building, Or A Retail Establishment, Office, Service Commercial Establishment, Et Al](#)**

In any zone, these uses may be permitted conditionally subject to the following standards:

- A. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when he finds such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
- B. In addition to the requirements of the applicable zone, the Planning Director or Hearings Body may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
- C. In order to avoid unnecessary traffic congestion and hazards, the Planning Director or Hearings Body may limit access to the property.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

**[18.128.140 Commercial Amusement Establishment](#)**

A commercial amusement establishment may be authorized after consideration of the following factors:

- A. Adequacy of access from principal streets together with the probable effect of traffic volumes on ~~adjoining~~ ~~abutting~~ and nearby streets.
- B. Adequacy of off-street parking.
- C. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

**[18.128.150 Manufactured ~~Home-Dwelling~~ Park](#)**

A manufactured home-dwelling park shall be built to state standards in effect at the time of construction, or in the case of pre-existing parks in MUA-10 and RR-10 zones, at the time of permitting under DCC 18.128.150, and the following provisions:

- A. Evidence that the park will be eligible for a certificate of sanitation as required by state law.
- B. The space provided for each manufactured home-dwelling shall be provided with piped potable water and electrical sewerage connections.
- C. The number of spaces for manufactured homes-dwellings shall not exceed 12 for each acre of the total acres in the manufactured home-dwelling park. The Planning Director or Hearings Body may vary this density as follows:
  - 1. If dedicated open space equals 50 percent or more of the total area of the park, a 10 percent increase in units per acre may be granted.
  - 2. If, in addition to the amenity in DCC 18.128.150(C)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, an additional 5 percent increase in units per acre may be granted.
  - 3. If, in addition to the amenities in DCC 18.128.150(C)(1) and (2), a recreation/community building is provided, an additional 10 percent increase in units per acre may be granted. (Maximum total increase of units through application of DCC 18.128.150(C) = 25 percent.)
- D. A manufactured home-dwelling pad shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the home, exclusive of space provided for the common use of tenants, such as roadways, general use structure, parking spaces, walkways and areas for recreation and landscaping.
- E. No manufactured home-dwelling pad in the park shall be located closer than 15 feet from another manufactured home-dwelling pad or from a general use building in the park. No manufactured home-dwelling accessory building or other building or structure on a manufactured home-dwelling space shall be closer than 10 feet from a manufactured home-dwelling accessory building or other building or structure on another manufactured home-dwelling space. No manufactured home-dwelling pad or other building or structure shall be within 25 feet of a public street property boundary or 10 feet of another property boundary.
- F. Facilities shall be provided to assure that there will be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the management of the park.
- G. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.
- H. If the park provides spaces for 50 or more manufactured home-dwelling units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.

- I. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way.
- J. A minimum of at least 2,500 square feet plus 100 square feet per manufactured home-dwelling space shall be provided for recreational play area, group or community activities. The Planning Director or Hearings Body may require this area to be protected from streets, parking areas or the like by a fence or the equivalent that conforms to fence regulations, but is at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacings, or buildings suitable for recreational use. No recreation facility created within a manufactured home-dwelling park only to satisfy the requirements of DCC 18.128.150 shall be open to the general public.
- K. A parking space shall be provided for each manufactured home-dwelling space on the site. Additional guest parking spaces shall be provided in every manufactured home-dwelling park within 200 feet of the manufactured home-dwelling spaces served, at a ratio of one parking space for each two manufactured home-dwelling spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
- L. All manufactured home-dwelling parks over 10 acres in area shall be located with access on a street designated as a collector street.
- M. All manufactured home-dwelling parks containing a total site area of five acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- N. Lighting shall be installed along the access ways of the manufactured home-dwelling park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and manufactured home-dwelling spaces shall be underground.
- O. Roadways within the park shall be improved with an all-weather dustless surface and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.
- P. All manufactured home-dwelling parks shall have a minimum lot size of one acre.
- Q. When expanding an existing manufactured home-dwelling park with additional manufactured home-dwelling or recreational vehicles spaces in MUA-10 or RR-10 zones as permitted therein, the park shall satisfy all of the criteria of DCC 18.128.150 and 18.128.170 as applicable 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. [95-075](#) §1 on 11/29/1995

Amended by Ord. [96-038](#) §3 on 6/12/1996

Amended by Ord. [2006-008](#) §9 on 8/29/2006

Amended by Ord. [2009-018](#) §3 on 11/5/2009

### 18.128.160 Multi-Unit Family Dwelling Complex

A multi-~~unit family~~ dwelling complex shall comply with the following provisions prior to occupancy:

- A. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:
  1. If dedicated open space which is developed and landscaped equals 50 percent or more of the total area of the site, a maximum of 10 percent increase in the number of units may be granted.
  2. If in addition to open space as provided in DCC 18.128.160(A)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, the number of units permitted may be increased an additional five percent.
  3. If in addition to open space and playgrounds as provided in DCC 18.128.160(A)(1) and (2), an approved recreational community building is provided, an additional 10 percent increase of units may be granted.
  4. The maximum total increase in dwelling units made possible by development of open space, playgrounds, and recreational facilities shall be 25 percent of the number of units otherwise allowed.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the complex. Bicycle storage shall be allowed in the provided sheltered bicycle parking facilities (one parking space per unit for complexes of four units or more).
- C. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the nearest city.
- D. A minimum of 2,500 square feet plus 100 square feet per dwelling unit shall be provided for recreation, including but not limited to, playgrounds, playing fields and facilities for group and community activities. The area shall be improved with grassy areas, landscaping, surfacing, equipment, or buildings suitable for recreational use. The Hearings Body may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70 percent of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
- E. All such complexes with more than 20 dwelling units shall be located to have access on a street designated as a collector unless otherwise approved by the Planning Director or Hearings Body.
- F. All such complexes shall provide both an ingress and egress.
- G. All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the Planning Director or Hearings Body.

- H. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity and provide security for occupants of the subject complex.
- I. All accessory structures associated with such a complex shall be set back 50 feet from the property line of an ~~adjoining-abutting~~ single-unit family dwelling residential lot, parcel, or use.
- J. Sewer and water facilities shall be provided according to Oregon Department of Environmental Quality standards.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-005](#) §9 on 4/21/1993*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

#### **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. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- J. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.
- K. Building spaces required by DCC 18.128.170(I) and (J) shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
- L. Except for the access roadway into the park, the park shall be screened on all sides by a ~~sight~~ sight-obscuring fence not less than six feet in height, unless otherwise approved by the Planning Director or Hearings Body.
- M. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
- N. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
- O. Access to the recreational vehicle park shall be from an arterial or collector street.
- P. When expanding a recreational vehicle park with additional recreational vehicle or manufactured home-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*

#### **[18.128.180 Radio, Television Tower, Utility Station Or Substation](#)**

- A. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
- B. The use may be required to be fenced and landscaped.
- C. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
- D. Transmission towers, posts, overhead wires, pumping stations and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-043](#) §23B on 8/25/1993*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

#### **18.128.190 Schools**

- A. Secondary schools shall provide a site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
- B. Notwithstanding DCC 18.128.190(A), private academic secondary schools with an enrollment of fewer than 50 students shall provide a minimum site area of one acre for every 10 students of predicted ultimate enrollment, with a minimum site area of not less than two acres.
- C. Schools in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

*Amended by Ord. [97-022](#) §1 on 3/19/1997*

*Amended by Ord. [98-013](#) §4 on 1/28/1998*

*Amended by Ord. [2020-010](#) §7 on 7/3/2020*

#### **18.128.200 Cluster Development (Single-Unit ~~Family-Dwelling~~ Residential Uses Only)**

- A. Such uses may be authorized as a conditional use only after consideration of the following factors:
  1. Need for residential uses in the immediate area of the proposed development.
  2. Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.
  3. Effect of the development on the rural character of the area.
  4. Effect of the development on agricultural, forestry, wildlife or other natural resource uses in the area.



- B. The conditional use shall not be granted unless the following findings are made:
1. All development and alterations of the natural landscape, will be limited to 35 percent of the land and at least 65 percent shall be kept in open space. In cases where the natural landscape has been altered or destroyed by a prior land use, such as surface mining, dam construction or timber removal, the County may allow reclamation and enhancement of the open space area if enhancement creates or improves wetlands, creates or improves wildlife habitat, restores native vegetation or provides for agricultural or forestry use of the property after reclamation.
  2. The area not dedicated to open space or common use may be platted as residential dwelling lots or parcels that are a minimum of two acres and a maximum of three acres in size. Their use shall be restricted to single-~~unit family dwelling~~ use. Single-~~unit family dwelling~~ use may include accessory uses and County authorized home occupations. Uses permitted in the open space area may include the management of natural resources, trail systems or other outdoor uses that are consistent with the character of the natural landscape.
  3. In the Wildlife Area Combining Zone, in addition to compliance with the WA zone development restrictions, uses and activities must be consistent with the required Wildlife Management Plan. The Plan shall be approved if it proposes all of the following in the required open space area:
    - a. Preserves, protects and enhances wildlife habitat for WA zone protected species as specified in the Deschutes County Comprehensive Plan; and
    - b. Prohibits golf courses, tennis courts, swimming pools, marinas, ski runs or other developed recreational uses of similar intensity. Low intensity recreational uses such as properly located bicycle, equestrian and pedestrian trails, wildlife viewing areas and fitness courses may be permitted; and
    - c. Provides a supplemental, private open space area on home lots ~~or parcels~~ by imposing a special yard-setback of 100 feet on ~~yards-lot lines adjacent to abutting~~ required open space areas. In this yard-setback area, no structures other than fences consistent with DCC 18.88.070 may be constructed. The size of the yard setback area may be reduced during development review if the County finds that, through the review of the wildlife management plan, natural landscape protection, or wildlife values will achieve equal or greater protection through the approval of a reduced setback. In granting an adjustment, the County may require that a specific building envelope be shown on the final plat or may impose other conditions that assure the natural resource values relied upon to justify the exception to the special yard-setback requirements will be protected.
    - d. Off-road motor vehicle use shall be prohibited in the open space area.
    - e. Adequate corridors on the cluster property to allow for wildlife passage through the development.

4. All lots or parcels within the development shall be contiguous to one another except for occasional corridors to allow for human passage, wildlife travel, natural features such as a stream or bluff, or development of property divided by a public road which shall not be wider than the average lot width, unless the Planning Director or Hearings Body finds that special circumstances warrant a wider corridor.
5. All applicable subdivision or partition requirements contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
6. The total number of units shall be established by reference to the lot size standards of the applicable zoning district and combining zones.
7. The open space of the proposed development shall be platted as a separate lot or parcel or in common ownership of some or all of the clustered lots or parcels. For any open space or common area provided as a part of the cluster development, the owner shall submit proof of deed restrictions recorded in the County records. The deed restrictions shall preclude all future rights to construct a residential dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary. The deed shall also assure that the use of the open space shall be continued in the use allowed by the approved cluster development plan, unless the whole development is brought inside an urban growth boundary. If open space is to be owned by a homeowner's association or if private roads are approved, a homeowner's association must be formed to manage the open space and/or road areas. The bylaws of the association must be recorded prior to or concurrent with the filing of the final plat. If the open space is located within the Wildlife Area Combining Zone, the management plan for the open space must be recorded with the deed restrictions or bylaws of the homeowner's association.
8. Notwithstanding any provision to the contrary in other parts of the County's land use regulations, roads within a cluster development may be private roads and lots or parcels may be created that front on private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards under DCC Title 17. An agreement acceptable to the Road Department and County Legal Counsel shall be required for the maintenance of private roads. Public roads may be required where street continuation standards of DCC Title 17 call for street connections and the County finds that the benefits of street extension are significant and needed in the future, given the established pattern of street development on adjoining-abutting properties and transportation distribution needs. The area dedicated for public road rights of way within or adjacent to a planned or cluster development or required by the County during cluster development review shall be subtracted from the gross acreage of the cluster development prior to calculating compliance with open space requirements.
9. All service connections shall be the minimum length necessary and underground where feasible.
10. The number of new dwelling units to be clustered does not exceed 10.

11. The number of new lots or parcels to be created does not exceed 10.
12. The development is not to be served by a new community sewer system or by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.
13. The development will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use, and will not significantly increase the cost of accepted farm or forest practices there.
14. All dwellings in a cluster development must be setback a minimum of 100 feet from the boundary-lot line of an adjacent-abutting lot or parcel zoned Exclusive Farm Use that is receiving special assessment for farm use.

C. All applications shall be accompanied by a plan with the following information:

1. A plat map meeting all the subdivision requirements of DCC Title 17, the Subdivision/Partition Ordinance.
2. A draft of the deed restrictions required by DCC 18.128.200(B)(7).
3. A written document establishing an acceptable homeowners association assuring the maintenance of common property, if any, in the development. The document shall include a method for the resolution of disputes by the association membership, and shall be included as part of the bylaws.
4. In the WA Combining Zone, the applicant shall submit an evaluation of the property with a Wildlife Management Plan for the open space area, prepared by a wildlife biologist that includes the following:
  - a. A description of the condition of the property and the current ability of the property to support use of the open space area by wildlife protected by the applicable WA zone during the periods specified in the comprehensive plan; and
  - b. A description of the protected species and periods of protection identified by the comprehensive plan and the current use of the open space area; and
  - c. A management plan that contains prescriptions that will achieve compliance with the wildlife protection guidelines in the comprehensive plan. In overlay zones that are keyed to seasons or particular times of the year, restrictions or protections may vary based on the time of year. The management plan may also propose protections or enhancements of benefit to other types of wildlife that may be considered in weighing use impacts versus plan benefits.
5. Photographs and a narrative description of the natural landscape features of the open space areas of the subject property. If the features are to be removed or developed, the applicant shall explain why removal is appropriate.
6. A description of the forestry or agricultural uses proposed, if any.

D. Dimensional Standards:

1. Setbacks and height limitations shall be as prescribed in the zone in which the development is proposed unless adequate justification for variation is provided the Planning Director or Hearings Body.
  2. Minimum area for a cluster development shall be determined by the zone in which it is proposed.
- E. Conditions for phased development shall be specified and performance bonds shall be required by the Planning Director or Hearings Body to assure completion of the project as stipulated, if required improvements are not completed prior to platting.
- F. Developments with private roads shall provide bicycle and pedestrian facilities that comply with the private road requirements of Title 17.
- G. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., in the following situations. Connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, shall be as straight as possible, and shall not be more than 400 feet long.
1. Where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 400 feet and by at least 50 percent over other available routes.
  2. For schools or commercial uses where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 200 feet or by at least 50 percent over other available routes.
  3. For cul-de-sacs or dead end streets where a street connection is determined by the Hearings Officer or Planning Director to be unfeasible or inappropriate provided that a bicycle or pedestrian connection is not required where the logical extension of the road that terminates in a cul-de-sac or dead end street to the nearest boundary of the development would not create a direct connection to an area street, sidewalk or bikeway.

The County may approve a cluster development without bicycle or pedestrian connections if connections interfere with wildlife passage through the subdivision, harm wildlife habitat or alter landscape approved for protection in its natural state.

- H. A Conditions of Approval Agreement for the cluster development shall be recorded prior to or concurrent with the final plat for the development.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-005](#) §11 on 4/21/1993*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

*Amended by Ord. [2004-024](#) §2 on 12/20/2004*

*Amended by Ord. [2015-016](#) §8 on 3/28/2016*

Repealed by Ord. [2018-005](#) §15 on 10/10/2018

Amended by Ord. [2019-010](#) §1 on 5/8/2019

### 18.128.210 Planned Development

- A. Such uses may be authorized as a conditional use only after consideration of the following factors:
1. Proposed land uses and densities.
  2. Building types and densities.
  3. Circulation pattern, including bicycle and pedestrian circulation, and a demonstration of how those facilities connect to the County transportation facilities. Private developments with private roads shall provide bicycle and pedestrian facilities.
  4. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., wherever the addition of such a connection would reduce the walking or cycling distance to a connecting street by 400 feet and by at least 50 percent over other available routes. These connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, and should not be more than 100 feet long if possible.
  5. Parks, playgrounds, open spaces.
  6. Existing natural features.
  7. Environmental, social, energy, and economic impacts likely to result from the development, including impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
  8. Effect of the development on the rural character of the area.
  9. Proposed ownership pattern.
  10. Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).
  11. Waste disposal facilities.
  12. Water supply system.
  13. Lighting.
  14. General timetable of development.
- B. The conditional use may be granted upon the following findings:
1. All subdivision restrictions contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
  2. The proposed development conforms to the Comprehensive Plan.

3. Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
  4. The proposal is in harmony with the surrounding area or its potential future use.
  5. The system of ownership and the means of developing, preserving and maintaining open space is adequate.
  6. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
  7. Sixty-five percent of the land is to be maintained in open space.
  8. Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation, and special terrain features.
- C. All applications for planned developments shall include the materials and information required for approval of a subdivision as specified in DCC Title 17, the Subdivision/Partition Ordinance and the materials and information required for approval of a conditional use as specified in DCC Title 18.
1. Approval for the conditional use application and the planned development application may be given simultaneously.
- D. Dimensional Standards:
1. Setbacks and height limitations shall be as determined by the Planning Director or Hearings Body upon review of the evidence submitted.
  2. Densities shall not exceed that established by the underlying zone.
  3. The minimum lot area, width, frontage, and ~~yard-setback~~ requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. An equivalent overall density factor may be utilized in lieu of the appropriate minimum lot area.
  4. Minimum size for a planned development shall be 40 acres.
- E. Any commercial use permitted outright in an area zoned as an unincorporated community as that term is defined herein will be allowed in a planned development, subject to the following conditions:
1. Each use shall be wholly enclosed in a building.
  2. The total area of such uses shall not exceed three percent of the total area of the planned development.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [93-005](#) §11 on 4/21/1993

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [96-003](#) §9 on 3/27/1996

Repealed by Ord. [2018-005](#) §15 on 10/10/2018

Amended by Ord. [2019-010](#) §1 on 5/8/2019

### **18.128.220 Planned Communities**

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.210(B), except that there must be an additional finding that the planned community will actually function as an independent community.
- C. All applications shall be submitted in the form and with the materials required of subdivisions as required by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements of DCC Title 18 for the approval of conditional uses.
- D. Dimensional standards shall be determined as specified in DCC 18.128.210(D), except that the minimum size for a planned community shall be 640 acres.
- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the Planning Director or Hearings Body to assure completion of the project as stipulated.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

### **18.128.230 Dude Ranches**

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.220(B).
- C. All applications shall be submitted in the form and with the materials required of subdivisions by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements in DCC Title 18 for the approval of conditional uses.
- D. Dimensional standards are the same as those in DCC 18.128.210(D), except that the density of a dude ranch may be greater or less than the density of the underlying zone upon findings by the Planning Director or Hearings Body that the change is warranted and that the proposed density does not violate the purpose of the underlying zone or other terms of DCC Title 18.
- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased

development shall be specified and performance bonds required by the Planning Director or Hearings Body to assure completion of the project as stipulated.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [92-004](#) §12 on 2/7/1992*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

#### **[18.128.240 Shopping Complex](#)**

Such uses may be authorized as a conditional use only after a determination is made by the Planning Director or Hearings Body.

- A. That the public interest will be served by approval of the proposal based on analysis of environmental, social and economic and energy impacts likely to result from the development. Analysis may include, but not be limited to, consideration of impacts on public facilities such as roads, water supplies, sewer systems and police and fire protection.
- B. That the entire complex shall be completed within two years or a master plan shall be submitted that explains the phased development of the project. The master plan shall specify a timetable of completion for all phases of the project. The master plan shall be fully implemented within five years or an extension shall be sought subject to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.
- C. That there is adequate area for the buildings, landscaping, parking, septic systems and access to serve the proposed development.
- D. That the use is consistent with the character of the area and is not detrimental to the land use pattern of the area.
- E. That the proposed shopping complex is to be developed and managed as a total entity, with a plan for maintenance of all elements of the site plan.
- F. The proposed shopping complex is appropriate for serving the needs of rural residents in the area.
- G. The proposed shopping complex will not attract residents outside the rural area to be serviced.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [95-018](#) §3 on 4/26/1995*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

#### **[18.128.250 High-Temperature Geothermal Wells And Small-Scale Geothermal Energy Facilities](#)**

- A. Applicants shall provide the following information:
  1. Project Description. A detailed narrative which describes the applicant's plan of operations for exploration, production, utilization, and/or injection. This description shall



include estimated starting and completion dates for each activity or phase of the project. It shall also include a concise but comprehensive discussion of the project's expected environmental impacts. This narrative shall also include as an exhibit a statement describing the applicability of all local, state or federal inventories of Statewide Planning Goal 5 resources in the project vicinity.

2. Maps. As may be required by the Planning Director or Hearings Body, maps shall be submitted on readily reproducible transparencies as follows:
  - a. A topographic map, of a scale not less than one inch to one-half mile, on which the following are shown: All pertinent property ownership and geothermal lease boundaries; the location of all proposed, existing and abandoned geothermal wells and/or energy facilities; all existing and planned access roads; major drainage patterns of the project's operational area; and significant environmental features and natural resource locations, including but not limited to: Mineral or aggregate deposits, fish and wildlife habitats, ecologically or scientifically notable natural area, outstanding scenic views, wetlands, surface water bodies, wilderness areas, historic and cultural sites and recreation trails and facilities.
  - b. A map of the project site, of a scale not less than one inch to 50 feet, on which is shown a detailed layout of all drilling pads, sumps, equipment, buildings, pipelines, power lines and related facilities.
  - c. Other specialized maps, plans or drawings as may be required by the Planning Director or Hearings Body, including but not limited to: A larger-scale map to show any of the foregoing information if details cannot be satisfactorily indicated on the smaller scale map; detailed engineering drawings for any construction at a location on steep terrain, potentially unstable ground or other geologically or environmentally sensitive areas; and engineering drawings of new road construction or existing road modification when such roads are in rugged terrain, or pass through or near environmentally sensitive areas.
3. Emergency Contingency Plan. A detailed emergency contingency plan which addresses prevention or control of fires, blow-outs, pollution incidents, accidents, injuries and adverse weather conditions. This plan shall describe the following:
  - a. How the emergency will or might affect the applicant's operations; or endanger personnel, public health, safety or the environment.
  - b. Measures proposed to prevent, control, mitigate or minimize the possible negative effects of emergency incidents.
  - c. Procedures for training and instructing personnel as to proper procedures for preventing, controlling or minimizing the impacts of emergency incidents.
  - d. Where and how stand-by emergency control equipment and services are to be obtained in the event of an emergency incident.

- e. Notification list with order of notification, including names, telephone numbers and addresses of the applicant's responsible officials and those of applicable emergency service agencies.
  - f. Where and how first aid, and minor and major medical aid will be obtained if needed during work on the project.
4. For drilling applications, a narrative and diagrammatic description of the following:
- a. The type and capacity of drilling equipment to be used.
  - b. The expected drilling schedule.
  - c. The drilling method to be used; type of circulating media to be used, (e.g., water, mud, foam, air or combination thereof); chemical additives to be used; circulating media cooling measures to be employed; and amounts of reserve circulating media and water to be kept on the drill site. If toxic materials are to be used, protective measures must be explained in detail.
  - d. The number and type of workers to be employed during drilling.
  - e. The safety provisions and emergency shutdown procedures to be used for protection of the public health and environment.
  - f. The planned use, source, quality and consumption rate for any outside water supply.
  - g. The method and locations for disposal of wastes.
  - h. A description of the intended site restoration procedures to be used after completion of drilling.
  - i. When approved by the Planning Director or Hearings Body, applications for prospect wells, as defined by ORS 522.005(15), may satisfy the information requirements of DCC 18.128.250(A)(1) through (4), above by submission of a copy of the applicant's prospect well permit application to the Oregon Department of Geology & Mineral Industries.
5. For energy facility applications, a narrative and diagrammatic description of the following:
- a. The structures, equipment and support facilities to be used in the project and their manner of operation.
  - b. A description of the purpose and operational characteristics of the major components in the energy facility, including schematic flow diagrams.
  - c. An artist's rendering which illustrates the visual appearance of the facility and its immediate environs after completion.
  - d. A time schedule for the installation and start-up of the facility.

- e. The number and type of construction and permanent workers to be employed at the facility.
  - f. The safety provisions and emergency shutdown procedures to be used in the facility for protection of the public health and environment, including a schedule for testing and maintaining safety devices.
  - g. The planned use, source, quality and consumption rate for any outside water supply.
  - h. The method and locations for disposal of wastes.
  - i. A description of facility monitoring to assure continuing compliance with applicable noise, air and water quality standards and regulations and for other potentially significant environmental impacts.
  - j. A description of the intended abandonment and site restoration procedures to be used if and when the facility is permanently taken out of operation.
- B. The siting, drilling, operation and abandonment of wells and energy facilities shall comply with the following standards:
1. Excluded Areas. No activity shall be permitted in inventoried natural resource areas, as defined by Oregon Statewide Planning Goal 5, which the County has determined to be unsuitable for any use other than the inventoried natural resource pursuant to Geothermal Policy 4(f) of the Comprehensive Plan.
  2. Scenic Protection. Activities shall be designed and conducted to be as compatible as practical with surrounding scenic and visual characteristics. Energy facilities shall be designed to minimize their visual profile and they shall be painted or prepared to be nonreflective and of colors which blend with and reduce contrast with surrounding landscape colors.
  3. Fish and Wildlife Protection. Activities shall be designed, conducted and monitored, so as to assure protection of surrounding fish and wildlife resources. Activities shall not encroach upon or jeopardize habitat areas which are necessary to sustain local or migratory populations of fish and wildlife determined by the County to be significant.
  4. Protection of Historic and Cultural Resources. Activities shall be designed and conducted to avoid disturbance of historic and cultural resources. If such resources are discovered, the applicant shall cease construction or operations and inform the County of the discovery within 48 hours. Thereafter, the applicant shall submit a plan for preservation and interpretation of such resources and implement the plan before resumption of construction or operations.
  5. Access Roads. Activities shall be designed and constructed to utilize existing roads as much as practical.
  6. Signs. All well and facility sites shall have a sign of not less than three, nor more than six, square feet in surface area prominently erected, which displays the site's name or

identification number; the operator's name, address and phone number; the name and phone number of the operator's representative to be contacted in the event of an emergency.

7. Earth Work. Drill pads, pipeline routes, facility sites and roads shall be designed and constructed as follows:
  - a. Plans for drill pads, pipelines, facility sites and roads shall be prepared by a registered civil engineer.
  - b. Upon commencement of site work, topsoil shall be removed and stockpiled for later respreading over disturbed areas prior to revegetation in accordance with DCC 18.128.250(C). Except for large stumps, vegetation removed during initial site work shall be chipped, stockpiled and respread with topsoil. Stumps shall be buried outside of fills. Vegetation beyond the site perimeter shall not be disturbed; the clearing limits for the site shall be specified in plans submitted to the County. Buffer zones of undisturbed soil and vegetation shall be maintained for 500 feet on either side of stream courses. Roads and pipelines crossing riparian areas shall be designed and constructed at minimum widths and in consideration of maximum erosion control.
  - c. Fills shall be compacted to a minimum of 90 percent relative density (ASTM D-1557) to minimize erosion. If significant erosion occurs, the applicant shall take prompt remedial action.
  - d. Fill slopes shall not exceed a gradient of 2:1. The toes of all fills shall be stabilized with rock or keyed into stable soil and placed to reduce erosion potential to an absolute minimum. Revegetation of fill slopes shall be carried out subject to DCC 18.128.250(C). Cut slopes shall not exceed a gradient of 1.5:1. Modification of these slope gradients may be made upon written approval of the Deschutes County Public Works Director.
  - e. Subdrains shall be provided under all fills where natural drainage courses and seepage are evident.
  - f. No drill pads, pipelines, facility sites or access roads shall be allowed on potentially active landslides.
  - g. Grading and filling shall be designed to channel storm runoff to existing natural drainages. Energy dissipaters and collection devices to reduce the erosion force of unnatural runoff shall be provided.
  - h. Sumps shall be designed to withstand both static loads and dynamic loads imposed by potential seismic events. Sumps shall be constructed of material compacted to a minimum of 90 percent relative density (ASTM D1557), and shall be lined with either clay or an equivalent impermeable membrane. Safety fencing may be required.

- i. Sumps shall be operated in a way that will preclude overtopping. Three feet of free board shall be maintained at all times when sumps are in use. Upon completion of drilling and testing, sumps shall be purged of environmentally harmful chemicals and precipitates and backfilled immediately.
8. Pipelines. All pipelines shall be designed and constructed in accordance with applicable state standards. Pipelines shall be subsurface at road crossings, unless it is demonstrated that no significantly adverse visual impacts will result from above-ground crossings. In no case shall pipelines impede vehicular traffic. Catch basins and drainages to acceptable receptacles shall be installed and continuously maintained in order to contain condensate.
9. Noise. Activities shall be conducted in compliance with Oregon Department of Environmental Quality noise standards. Noise from drilling and facility operation shall be muffled and times of operation limited to prevent a public nuisance as defined by DEQ. The County may require noise monitoring and reporting over and above that required by the Department of Environmental Quality.
10. Fire Protection. Activities shall be designed and conducted to provide fire protection measures acceptable to the County, any adjacent land management agency and any fire district in which the project is located.
11. Waste Disposal. All wastes generated by a project, including but not limited to refuse, drilling fluids, drill cuttings, sand, precipitates and other solids shall be disposed of in a manner and at a location in conformance with Oregon Department of Environmental Quality standards.
12. Public Safety. Activities shall be designed and conducted to prevent access by unauthorized persons to unattended equipment and operational areas.
13. Air Quality. Activities shall be designed and conducted to comply with the air quality standards of the Oregon Department of Environmental Quality. Operational areas and access roads shall be regularly sprinkled with clean water to control dust. Except for prospect drilling, as defined by ORS 522.005(15), the County may require establishment of a meteorological station and meteorological monitoring at the site.
14. Water Quality. Activities shall be designed and conducted to comply with the water quality standards of the Oregon Department of Environmental Quality. The equipment service and fuel transfer areas, and the area occupied by drilling rigs shall drain into sumps. No fluids of any type shall be allowed to enter stream courses.
15. Subsidence and Induced Seismicity. Activities shall be designed and conducted to minimize the potential for land subsidence or induced seismicity which could result from the withdrawal and/or injection of geothermal fluids. Except for prospect drilling, as defined by ORS 522.005(15), the County may also require establishment of a monitoring program to gauge such impacts during operations. If either subsidence or induced seismicity is determined by the County to present a significant hazard, the County may

require remedial action including, but not limited to, reduced production rates, increased injection of waste water or other nontoxic fluids or suspension of production.

16. Clean-up. Upon completion of each phase of a project, the site shall be promptly cleared of all trash, refuse and other waste material. All drilling equipment shall be removed from well pads within 60 days of the completion of a well.
  17. Well Drilling Completion Notice. Applicants shall notify the County in writing of completed well drilling and testing within seven days of said completion. Applicants shall notify the County in writing of suspended drilling within seven days of said suspension, when such suspension is expected to last longer than 180 days.
  18. Standby Wells. Wells which have encountered geothermal resources and which are awaiting connection to a pipeline or energy facility shall be maintained at a minimum steam-bleeding rate in compliance with Oregon Department of Geology and Mineral Industry standards. The area surrounding the wellhead pads of standby wells and producing wells shall be subject to the revegetation requirements of DCC 18.128.250(C).
  19. Re Entry of Wells. Applicants may redrill or otherwise re-enter the same well-bore of any well for which a conditional use permit has already been issued as long as all conditions for the use permit continue to be met.
  20. Site Abandonment and Restoration. When a well or facility is permanently abandoned, the applicant shall remove all equipment, structures and other related material within 180 days from the date operations cease. Thereafter, the applicant shall regrade the area of operations to match original land contours as closely as practical and shall revegetate the area subject to DCC 18.128.250(C).
- C. Revegetation. Following the completion of well drilling, or the permanent abandonment of a well or facility, the applicant shall revegetate the area of operations as follows:
1. Previously stockpiled topsoil and chipped vegetation shall be respread over disturbed areas prior to reseeding.
  2. Disturbed areas shall be reseeded with native plants and grasses in the first fall following completion of drilling or site abandonment. Temporary fencing of reseeded areas may be required to facilitate revegetation. The revegetation shall be evaluated by the County during the first spring following initial reseeding, and if determined to have resulted in less than a 75 percent survival rate, additional revegetation shall be required in the immediately succeeding fall season.

#### 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. [93-043](#) §23C-G on 8/25/1993*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

#### **[18.128.260 Hydroelectric Facilities](#)**

- A. The criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Planning Director or Hearings Body that the proposal meets each of the following criteria, where applicable:
1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
  2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
  3. The facility will maintain or enhance to the greatest extent possible the existing scenic, visual, environmental and aesthetic qualities of the affected stretch of the river.
  4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
  5. The facility will maintain or enhance existing fish and wildlife habitat and will have no adverse impact upon any threatened or endangered fish, wildlife or plant species or their habitat.
  6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river except during construction of the facility when adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
    - a. Deposit or create a zone for the deposit of sediments in the river at or adjacent to the site;
    - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in streamflow; or
    - c. Create the potential for or result in spillage, leakage or discharge of oil, waste products, chemicals or other substances which could reach the river.
  7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site except during construction of the facility, during which time soil or bank erosion and destruction of bank habitat will be minimized.
  8. The facility and its operation will maintain existing public access to the affected stretch of the river.
  9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area or U. S. Forest Service Special Interest Area.
  10. The facility will not be located on any stretch of the river that is being studied or recommended for inclusion in either the Federal Wild and Scenic Rivers Program or the

State Scenic Waterways Program, unless location of the facility at that site would not preclude inclusion of the stretch in the state or federal program.

11. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
  12. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features including building elevations of the powerhouse and other structures, excavation plans, a narrative describing where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
  2. Detailed plans for meeting the criteria set forth in DCC 18.128.260(B)(1).
  3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
  4. A cash deposit, performance bond or other security acceptable to Deschutes County in an amount equal to 100 percent of the estimated cost of river enhancement.
  5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:
    - a. A program timetable;
    - b. Projected gross revenues from the proposed facility;
    - c. Projected program expenditures and the percentage of gross revenues they represent;
    - d. Projected water savings and the percentage of known current water losses they represent;
    - e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;
    - f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the minimum streamflow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and



- g. A declaration that the applicant will enter into an agreement with the County to fulfill all of the requirements in DCC 18.128.260(B)(1) through (5) before beginning construction.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [86-018](#) §1 on 6/30/1986

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

#### 18.128.270 Fill ~~And Or~~ Removal

Except as otherwise provided in DCC Title 18, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use subject to the following standards:

- A. An application shall be filed containing a plan with the following information:
1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
  2. An explanation of why the fill or removal is necessary.
  3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
    - a. An inventory of existing vegetation.
    - b. The proposed modifications, if any, to the vegetation.
    - c. Existing and proposed site contours.
    - d. Location of property lines, easements, and high water marks.
    - e. Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
  2. That the public facility and service uses and related facilities cannot, as a practical matter, be located outside of the wetland or bed and banks of the stream or river.
  3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream or river.

4. That erosion will be adequately controlled during and after construction.
  5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
  6. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
  2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
  3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
  4. That such construction and maintenance is designed to minimize the adverse impact on the site.
  5. That erosion will be adequately controlled during and after construction.
  6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
  7. That the specific location of a site for a public park, recreation area, natural and outdoor education area, historic and scientific area, wildlife refuges, public boat launching ramps, public docks and walkways will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
- D. Except for uses identified in DCC 18.128.270(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:
1. Shall be granted only after consideration of the following factors:
    - a. The effects on public or private water supplies and water quality.
    - b. The effects on aquatic life and habitat, and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.

- c. Recreational, aesthetic and economic values of the affected water resources.
  - d. Effects on the hydrologic characteristics of the water body such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank and flood hazards.
  - e. The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.
2. Shall not be granted unless all of the following conditions are met:
- a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
  - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
  - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
  - d. That erosion will be adequately controlled during and after the project.
  - e. That the essential character, quality, and density of existing vegetation will be maintained. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, aesthetic resources, and to prevent erosion.
  - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
  - g. That a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," shall be conveyed to the County, which provides, at a minimum, that all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot or parcel, within 10 feet of any wetland, river, or stream.

#### 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. [93-043](#) §23H-J on 8/25/1993*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

#### **[18.128.280 Surface Mining Of Non-Goal 5 Mineral And Aggregate Resources](#)**

These uses are subject to the following standards:

- A. An application shall be filed containing the following information:
  - 1. A detailed explanation of the project and why the surface mining activity is necessary.

2. A site plan drawn to scale and accompanied by any drawings, sketches and descriptions necessary to describe and illustrate the proposed surface mining.
- B. A conditional use permit shall not be issued unless the applicant demonstrates at the time of site plan review that the following conditions are or can be met:
1. The surface mining is necessary to conduct or maintain a use allowed in the zone in which the property is located.
  2. Erosion will be controlled during and after the surface mining.
  3. The surface mining activity can meet all applicable DEQ noise control standards and ambient air quality and emission standards.
  4. Sufficient water is available to support approved methods of dust control and vegetation enhancement.
  5. The surface mining does not adversely impact other resources or uses on the site or adjacent properties, including, but not limited to, farm use, forest use, recreational use, historic use and fish and wildlife habitat as designed or through mitigation measures required to minimize these impacts.
- C. If the surface mining actively involves the maintenance or creation of man made lakes, water impoundments or ponds, the applicant shall also demonstrate, at the time of site plan review, that the following conditions are or can be met:
1. There is adequate water legally available to the site to maintain the water impoundment and to prevent stagnation.
  2. The soil characteristics or proposed lining of the impoundment are adequate to contain the proposed water and will not result in the waste of water.
  3. Where the impoundment bank slope is steeper than three feet horizontal to one foot vertical, or where the depth is six feet or deeper, the perimeter of the impoundment is adequately protected by methods such as fences or access barriers and controls.
  4. The surface mining does not adversely affect any drainages, all surface water drainage is contained on site, and existing watercourses or drainages are maintained so as not to adversely affect any surrounding properties.
- D. Limitations
1. Excavation does not include crushing or processing of excavated material.
  2. A permit for mining of aggregate shall be issued only for a site included on the County's non-significant mineral and aggregate resource list.
  3. Hours of operation shall be 7:00 a.m. to 6:00 p.m. - Monday through Saturday. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §14 on 12/12/2001

**[18.128.290 Storage, Crushing And Processing Of Minerals In Conjunction With The Maintenance Or Construction Of Public Roads Or Highways](#)**

A conditional use permit for these uses shall be subject to the following standards:

- A. An application shall be filed containing the following information:
  1. A detailed explanation of the project, including the duration and operation characteristics of the site.
  2. A site plan drawn to scale and accompanied by such drawings, sketches, and descriptions as are necessary to describe and illustrate the proposed project.
- B. A conditional use permit for storage, crushing and processing of minerals to be used in conjunction with maintenance and construction of public roads and highways shall be subject to all applicable general operation standards established by DCC 18.52.110, except DCC 18.52.110(J), (K) and (L).

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

**[18.128.300 Mini-Storage Facility](#)**

- A. Each individual space for rent or sale shall be less than 1000 square feet.
- B. Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles, and similar vehicles placed within designated spaces on an all-weather surfaced area which is surrounded by a sight-obscuring fence at least six feet in height.
- C. ~~Yards-Setback areas~~ shall be permanently landscaped.
- D. ~~Yard-Setbacks from lot lines dimensions adjacent to abutting~~ residential zones shall be the same as required ~~yards-setbacks~~ within the residential zone.
- E. Parking shall be provided for office space associated with the mini-storage facility at one (1) space for every 300 square feet of office space. A minimum of two (2) parking spaces shall be provided for all mini-storage facilities regardless of office size.
- F. All structures shall be fenced and visually screened.

- G. Traffic lanes shall be 12 feet wide with an additional 10-foot parking lane, except where the traffic lane does not serve the storage units. All areas provided for vehicle access, parking and movement shall be improved to minimum public road standards.
- H. A ~~residence dwelling unit~~ for a caretaker or 24-hour on-site manager is permitted.
- I. There shall be only one access from each adjacent street.
- J. Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes.

#### HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [2001-025](#) §1 on 6/13/2001

Amended by Ord. [2008-008](#) §2 on 3/18/2008

#### **18.128.310 Bed And Breakfast Inn**

- A. Bed and breakfast inns shall be restricted to owner-occupied single-~~unit family dwellingsresidences~~.
- B. Bed and breakfast inns located in farm or forest zones shall utilize existing dwellings or dwellings conforming to the requirements of those zones relating to single-~~unit family~~-dwellings.
- C. No more than three sleeping rooms shall be available for the accommodation of inn visitors.
- D. No more than eight guests shall be accommodated at any one time.
- E. Occupancies shall be limited to not more than 30 consecutive days.
- F. Breakfast shall be the only meal provided to inn guests.
- G. The exterior of the building shall maintain a residential appearance.
- H. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.
- I. One off-street parking space shall be provided for each guest room in addition to parking required for the ~~residence~~~~dwellling unit~~.
- J. Approval shall be conditioned upon compliance with all applicable state building code requirements and state sanitation requirements.
- K. Bed and breakfast inns in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

#### HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-013](#) §5 on 1/28/1998

### 18.128.320 Campgrounds

A conditional use permit for a campground may be issued only when the following criteria are met:

- A. Campgrounds shall provide patrons with opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding and other similar activities. Outdoor recreation does not include commercial uses such as miniature golf courses, go-cart tracks or rental of equipment or animals.
- B. Street access shall be provided as follows:
  1. The campground shall obtain direct access from a street or road designated as an arterial or collector by the Deschutes County Comprehensive Plan.
  2. Access to the campground shall be adequate to handle the anticipated traffic generated by the use.
  3. The Deschutes County Public Works Department or the State Highway Division may require refuge lanes for left-hand turns and deceleration lanes for right-hand turns where necessary for public safety.
- C. Water supply and sewage disposal shall be provided as follows:
  1. Applicant shall demonstrate that there is adequate potable water available at the site to serve the campground. When the water is to be supplied from a well, a well log is required to show that an ample supply of water will be available for the campground it will serve.
  2. Plans for water supply and sewage disposal improvements must be approved by the State Health Division and the Department of Environmental Quality.
  3. Evidence shall be provided to demonstrate that the campground will be eligible for a certificate of sanitation as required by the Oregon Department of Environmental Quality.
- D. A campground shall conform to state standards specified in OAR Chapter 918, Division 650 and the following:
  1. Sixty-five percent of a lot or parcel developed as a campground shall be retained as open space. Natural vegetation shall be maintained in open space areas to the fullest extent possible. Walkways, roadways, parking spaces, structures, service areas, and campsites shall not be considered open space.
  2. The space provided for each campsite shall be not less than 1600 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, landscaped areas and parking spaces other than those assigned to particular campsites.
  3. Campgrounds shall provide potable water, toilet and shower facilities, lighting, picnic tables and garbage collection sites for the convenient use of campers as specified in OAR 918.650. Water and electric lines shall be placed underground.

4. Campgrounds shall not provide campsite hookups for sewage disposal or electricity. A centralized sewage dump station that meets state standards may be provided.
5. Roadways permitting one-way traffic shall be not less than 10 feet wide and those permitting two-way traffic shall not be less than 20 feet wide. Where parking is allowed on the margin of the road, an additional 10 feet shall be added for each parking lane. Roadways shall be improved with an all-weather, dustless surface.
6. Except for the access roadway serving the campground, no vehicular or pedestrian access shall be allowed out of the campground. Fences shall be provided which prevent trespass to property not under the control of the campground owner.
7. Each campsite shall be provided with at least one parking space which shall be paved or covered with crushed gravel and designed to promote drainage of surface runoff.
8. Campgrounds shall be surrounded by buffer strips of existing vegetation or landscaping.
9. To promote privacy and preserve the integrity of the natural setting, campgrounds shall retain existing vegetation to the fullest extent practical.
10. ~~Yards and~~ Setbacks.
  - a. Campsites or parking spaces shall not be located within the ~~yard and~~ setback areas required by the County for permanent buildings in the zone in which the campground is located.
  - b. No developed portion of the campground shall be located within 100 feet of the right of way of any road or ~~property lot~~ line of a lot ~~or parcel~~ not part of the campground.
  - c. No developed portion of the campground shall be located closer than 300 feet from a road in a Landscape Management overlay zone.
  - d. Setback requirements in DCC 18.128.320(D)(10)(b) and (c) may be waived upon a finding by the Planning Director or Hearings Body that the developed portion of the campground will be sufficiently screened and buffered from neighboring properties or the protected landscape area.
11. Tent campers and recreational vehicles shall not remain in the campground for more than 30 days in any 60-day period.
12. The campground shall be licensed as a tourist facility by the State Department of Health as specified in ORS 446, unless operated by a public entity, timber company or private utility.
13. One dwelling unit may be allowed for a resident caretaker or proprietor.

#### HISTORY

Adopted by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995



Amended by Ord. [2004-013](#) §14 on 9/21/2004

Amended by Ord. [2020-007](#) §17 on 10/27/2020

### **18.128.330 Microwave And Radio Communication Towers In The SM Zone**

A conditional use permit for siting of a microwave or radio communication tower and accessory equipment structures in the SM Zone shall be subject to the criteria of DCC 18.128.340 and the following criteria:

- A. Towers shall be limited to monopole towers of under 150 feet and lighted only as prescribed by aviation safety regulations.
- B. Towers and accessory equipment structures shall be located only on portions of an SM-Zoned site that do not overlay economically viable mineral or aggregate deposits and that minimize conflicts with mining operations at the site.
- C. Such facilities proposed in an SM Zone where the underlying or surrounding comprehensive plan designation is for forest use must demonstrate compliance with the criteria set forth in DCC 18.36.040.
- D. No new parcels or lots shall be created for siting of the proposed tower.
- E. Such facilities must not conflict with any site plan which has been previously approved by the County.

#### HISTORY

Amended by Ord. [95-046](#) §3 on 7/12/1995

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [97-017](#) §8 on 3/12/1997

### **18.128.340 Wireless Telecommunications Facilities**

An application for a conditional use permit for a wireless telecommunications facility or its equivalent in the Forest or Surface Mining Zones shall comply with the applicable standards, setbacks, and criteria of the base zone and any combining zone and the following requirements. Site plan review under DCC 18.124 including site plan review for a use that would otherwise require site plan review under DCC 18.84 shall not be required.

- A. Application Requirements. An application for a wireless telecommunications facility shall comply with the following meeting, notice, and submittal requirements:
  1. Neighborhood Meeting. Prior to submission of a land use application for a wireless telecommunications facility, the applicant shall provide notice of and hold a meeting with interested owners of property nearby to a potential facility location. To the greatest extent practicable, the neighborhood meeting shall be held in the general vicinity of the proposed wireless telecommunications facility. Notice shall be in writing and shall be mailed no less than 10 days prior to the date set for the meeting to owners of record of property within:

- a. One thousand three hundred twenty feet for a tower or monopole no greater than 100 feet in height, and
  - b. Two thousand feet for a tower or monopole at least 100 feet and no higher than 150 feet in height. Such notice shall not take the place of notice required by DCC Title 22.
2. Pre-Application Conference. Applicant shall attend a scheduled pre-application conference prior to submission of a land use application. The applicant shall provide the proposed location of the required neighborhood meeting for review by Planning Division staff to ensure compliance with subsection A(1) above. An application for a wireless telecommunications facility permit will not be deemed complete until the applicant has had a pre-application conference with Planning Division staff.
3. Submittal Requirements. An application for a conditional use permit for a wireless telecommunications facility shall include:
- a. A copy of the blank lease form.
  - b. A copy of the applicant's Federal Communications Commission license.
  - c. A map that shows the applicant's search ring for the proposed site and the properties within the search ring, including locations of existing telecommunications towers or monopoles.
  - d. A copy of the written notice of the required neighborhood meeting and a certificate of mailing showing that the notice was mailed to the list of property owners falling within the notice area designated under DCC 18.128.340(A)(1).
  - e. A written summary of the neighborhood meeting detailing the substance of the meeting, the time, date and location of the meeting and a list of meeting attendees.
  - f. A site plan showing the location of the proposed facility and its components. The site plan shall also identify the location of existing and proposed landscaping, any equipment shelters, utility connections, and any fencing proposed to enclose the facility.
  - g. A copy of the design specifications, including proposed colors, and/or elevation of an antenna array proposed with the facility.
  - h. An elevation drawing of the facility and a photographic simulation of the facility showing how it would fit into the landscape.
  - i. A copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Aviation as to whether or not aviation lighting would be required for the proposed facility.
- B. Approval Criteria: An application for a wireless telecommunication facility will be approved upon findings that:

1. The facility will not be located on irrigated land, as defined by DCC 18.04.030.
2. The applicant has considered other sites in its search area that would have less visual impact as viewed from nearby ~~residences~~ dwelling units than the site proposed and has determined that any less intrusive sites are either unavailable or do not provide the communications coverage necessary. To meet this criterion, the applicant must demonstrate that it has made a good faith effort to co-locate its antennas and microwave dishes on existing monopoles in the area to be served. The applicant can demonstrate this by submitting a statement from a qualified engineer that indicates whether the necessary service can or cannot be provided by co-location within the area to be served.
3. The facility is sited using trees, vegetation, and topography to the maximum extent practicable to screen the facility from view of nearby ~~residences~~ dwelling units.
4. A tower or monopole located in an LM Zone is no taller than 30 feet. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
5. In all cases, the applicant shall site the facility in a manner to minimize its impact on scenic views and shall site the facility using trees, vegetation, and topography in order to screen it to the maximum extent practicable from view from protected roadways. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
6. Any tower or monopole is finished with natural wood colors or colors selected from amongst colors approved by Ordinance 97-017.
7. Any required aviation lighting is shielded to the maximum extent allowed by FAA and/or ODOT-Aeronautics regulations.
8. The form of lease for the site does not prevent the possibility of co-location of additional wireless telecommunication facilities at the site.
9. Any tower or monopole shall be designed in a manner that it can carry the antennas of at least one additional wireless carrier. This criterion may be satisfied by submitting the statement of a licensed structural engineer licensed in Oregon that the monopole or tower has been designed with sufficient strength to carry such an additional antenna array and by elevation drawings of the proposed tower or monopole that identifies an area designed to provide the required spacing between antenna arrays of different carriers.
10. Any approval of a wireless telecommunication facility shall include a condition that if the facility is left unused or is abandoned by all wireless providers located on the facility for more than one year the facility shall be removed by the landowner.

#### HISTORY

Amended by Ord. [97-017](#) §8 on 3/12/1997

Amended by Ord. [97-063](#) §2 on 11/12/1997

Amended by Ord. [2000-019](#) §2 on 9/6/2000

Amended by Ord. [2010-011](#) §2 on 6/16/2010

Amended by Ord. [2018-006](#) §15 on 11/20/2018

### **18.128.350 Guest Lodge**

- A. The exterior of the building shall maintain a residential appearance.
- B. One off-street parking space shall be provided for each guest room in addition to parking to serve the residents.
- C. The lodge shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic, or trespass.
- D. Occupancies for individuals shall be limited to not more than 30 consecutive days.
- E. Meals shall be served to registered overnight lodge guests only and shall not be provided to the public at large.

#### HISTORY

Amended by Ord. [97-029](#) §3 on 5/14/1997

### **18.128.360 Guest Ranch**

A guest ranch established under DCC 18.16.037 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360(C), the guest lodging units cumulatively shall:
  1. Include not less than four nor more than 10 overnight guest lodging units, and;
  2. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of the lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.
- B. The guest ranch shall be located on a lawfully established unit of land that:
  1. Is at least 160 acres in size;
  2. Contains the dwelling of the person conducting the livestock operation; and
  3. Is not classified as high value farmland as defined in DCC 18.04.030.
- C. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described under DCC 18.128.360(B), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.
- D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding and swimming. Intensively developed recreational facilities including golf courses or campgrounds identified in DCC 18.16.030 through 18.16.033, shall not be allowed in conjunction with a guest

ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.

- E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests, and individuals attending a special event at the guest ranch.
  - 1. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch.
  - 2. The sale of individual meals to persons who are not guests of the guest ranch, an individual accompanying a guest, or an individual attending a special event at the guest ranch shall not be allowed.
- F. The exterior of the buildings shall maintain a residential appearance.
- G. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.
- H. All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.
- I. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- J. Occupancies shall be limited to not more than 30 days.
- K. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.
- M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.
- N. A guest ranch that is authorized under this section shall submit an annual report, that shall be made available to the public upon request, to the Community Development Department by the real property owner or licensee, if different, each February 1 documenting the following:
  - 1. The size of the guest ranch's livestock operation;
  - 2. The income that the guest ranch obtained from:
    - a. Livestock operations; and
    - b. Guest ranch activities; and
  - 3. Other information to ensure ongoing compliance with this section or any condition of approval.

#### HISTORY

Amended by Ord. [98-056](#) §2 on 9/23/1998

Amended by Ord. [2001-043](#) §1 on 12/5/2001

Amended by Ord. [2004-001](#) §3 on 7/14/2004

Amended by Ord. [2004-020](#) §2 on 10/13/2004

Amended by Ord. [2010-022](#) §3 on 7/19/2010

Amended by Ord. [2018-006](#) §15 on 11/20/2018

Repealed & Reenacted by Ord. [2018-006](#) §15 on 11/20/2018

Amended by Ord. [2021-007](#) §3 on 7/9/2021

### **18.128.370 Time-Share Unit**

A time-share unit established under this subsection shall meet the following conditions:

- A. Any time-share unit project shall have its primary access on an arterial or collector street.
- B. New time-share units may be developed in vacant areas in the applicable zoning districts provided that such developments comply with DCC 18.128.370(A), and the following:
  1. That such development has a minimum site size of 10 acres, except within the UUC-Sunriver Zone.
  2. That such development is appropriately buffered by the use of ~~yards~~setbacks, landscaping, etc., from ~~adjoining-abutting~~ properties as determined during site plan review considering the need for privacy and the effects of noise.
- C. The Planning Director or Hearings Body may require bonds to assure installation and maintenance of landscaping, parking and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners' association, that will assure maintenance of such facilities.
- D. No structure shall be utilized as a time-share unit unless all the units in the structure or particular phase of the development are used as time-share units for this purpose.

#### HISTORY

Adopted by Ord. [2000-033](#) §9 on 12/6/2000

### **18.128.380 Procedure For Taking Action On Conditional Use Application**

The procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application on forms provided by the Planning Department.
- B. Review of the application shall be conducted according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

#### HISTORY

Adopted by Ord. [PL-15](#) §8.060 on 11/1/1979

Amended by Ord. [86-032](#) §1 on 4/2/1986

### **18.128.390 Time Limit On A Permit For A Conditional Use**

Duration of permits issued under DCC 18.128 shall be as set forth in DCC 22.36.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [95-018](#) §4 on 4/26/1995*

#### **[18.128.400 Occupancy Permit](#)**

The Planning Director or Hearings Body may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of DCC Title 18. The Planning Director or Hearings Body shall consider such a requirement for any use authorized by a conditional use permit for which the ordinance requires on-site or off-site improvements or where such conditions have been established by the Planning Director or Hearings Body upon approval of such use. The requirement of an occupancy permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Planning Director or Hearings Body. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated to the Planning Director or the building inspector by the Hearings Body at the time of approval of a specific conditional use permit.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

#### **[18.128.410 Time-Share Unit \(Repealed\)](#)**

#### HISTORY

*Repealed by Ord. [2000-033](#) on 12/6/2000*

#### **[18.128.420 Building Permit For An Approved Conditional Use](#)**

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Director or Hearings Body. Any substantial change in the approved plan shall be submitted to the Planning Director or the Hearings Officer as a new application for a conditional use.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [89-004](#) §3 on 3/24/1989*

*Amended by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [91-038](#) §3 on 9/30/1991*

#### **[CHAPTER 18.132 VARIANCES](#)**

**[18.132.010 Variance Application](#)**

**[18.132.020 Authority Of Hearings Body](#)**

**[18.132.025 Minor Variances](#)**

**[18.132.030 Hearings Body Action On Variance](#)**

**[18.132.040 Variance Procedure](#)**

**[18.132.010 Variance Application](#)**

The Planning Director or Hearings Body may authorize area or use variance from the requirements of DCC Title 18. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

#### **[18.132.020 Authority Of Hearings Body](#)**

A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:

- A. Area variance.
  - 1. That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
  - 2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
  - 3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
  - 4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.
- B. Use variance.
  - 1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
  - 2. Each of the findings listed in DCC 18.132.020(A)(1), (2) and (4).
- C. Statutory Provisions.
  - 1. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [93-043](#) §24 on 8/25/1993*

*Amended by Ord. [2023-014](#) §4 on 12/1/2023*

#### **[18.132.025 Minor Variances](#)**



A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.

- A. In the case of a setback or size variance, the applicant shall show that the approval will result in:
1. More efficient use of the site;
  2. Preservation of natural features where appropriate;
  3. Adequate provision of light and privacy to ~~adjoining~~ abutting properties; and
  4. Preservation of topographic, vegetative and drainage features which would be adversely affected by application of the standards otherwise required by DCC Title 18.
- B. A lot or parcel that is smaller than the minimum lot size at the time of application may not be reduced by more than 10 percent from its current size without a variance.
- C. Notwithstanding B, above, a property may be reduced by more than 10 percent of its current size without a variance if :
1. The property is located outside of a Farm (EFU) or Forest (F) zone;
  2. The long-standing occupation area is different than the legal description in the deed for the subject property;
  3. The purpose of the property line adjustment is to correct the deed description to match the long-standing occupation lines of the properties; and
  4. The discrepancy between the deed lines and the occupation lines is documented by submittal of a narrative and maps prepared by an Oregon Licensed Professional Surveyor.
  5. As used in this sub-section, “long-standing” means in excess of ten (10) years.

#### HISTORY

*Adopted by Ord. [91-038](#) §3 on 9/30/1991*

*Amended by Ord. [2004-013](#) §15 on 9/21/2004*

*Amended by Ord. [2010-003](#) §1 on 7/6/2010*

#### **[18.132.030 Hearings Body Action On Variance](#)**

In granting or denying a variance, the Planning Director or Hearings Body shall make a written record of his findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The Planning Department shall keep the findings on file, and a copy of the variance granted and the condition thereof shall be recorded with the County Clerk.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

#### **[18.132.040 Variance Procedure](#)**

The variance application shall be processed according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

### **CHAPTER 18.136 AMENDMENTS**

#### 18.136.010 Amendments

#### 18.136.020 Rezoning Standards

#### 18.136.030 Resolution Of Intent To Rezone

#### 18.136.040 Record Of Amendments

#### **18.136.010 Amendments**

DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [95-050](#) §2 on 6/28/1995*

#### **18.136.020 Rezoning Standards**

The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:

- A. That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.
- B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.
- C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:
  1. The availability and efficiency of providing necessary public services and facilities.
  2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.
- D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [83-065](#) §1 on 12/21/1983*

Amended by Ord. [86-032](#) §1 on 4/2/1986  
 Amended by Ord. [91-020](#) §1 on 5/29/1991  
 Amended by Ord. [95-050](#) §4 on 6/28/1995

### **18.136.030 Resolution Of Intent To Rezone**

- A. If from the facts presented and findings and the report and recommendations of the Hearing Officer, as required by this Section, the County Commission determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the County Commission may indicate its general approval in principal of the proposed rezoning by the adoption of a "resolution of intent to rezone." This resolution shall include any conditions, stipulations or limitations which the County Commission may feel necessary to require in the public interest as a prerequisite to final action, including those provisions that the County Commission may feel necessary to prevent speculative holding of property after rezoning. Such a resolution shall not be used to justify "spot zoning" or to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning.
- B. The fulfillment of all conditions, stipulations and limitations contained in the resolution on the part of the applicant shall make such a resolution a binding commitment on the Board of County Commissioners. Upon completion of compliance action by the applicant, the Board shall, by ordinance, effect such rezoning. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent, including any time limit placed in the resolution, shall render the resolution null and void automatically and without notice, unless an extension is granted by the Board.
- C. Content of Site Plan. Where a site plan is required pursuant to Chapter 19.92, it shall include location of existing and proposed buildings, structures, accesses, off street parking and loading spaces and landscaping; existing and proposed topography; mechanical roof facilities, if subject property is so oriented as to become part of the view from adjacent properties; architectural perspective, layout and all elevations drawn without exaggerations, except where noted, including locations, area and design of signs and all landscaping.

#### HISTORY

Adopted by Ord. [95-050](#) §5 on 6/28/1995

### **18.136.040 Record Of Amendments**

All amendments to the text or map of DCC Title 18 shall be filed with the County Clerk.

#### HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979  
 Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

### **CHAPTER 18.140 ADMINISTRATIVE PROVISIONS**

#### 18.140.010 Administration

#### 18.140.020 Decisions

#### 18.140.030 Appeals

#### 18.140.040 Forms Of Petitions, Applications And Appeals

[18.140.050 Public Hearings](#)[18.140.060 County Environmental Health Approval](#)[18.140.070 Filing Fees](#)[18.140.080 Revocation](#)[18.140.090 Lot Size Requirement \(Repealed\)](#)**[18.140.010 Administration](#)**

The Planning Director or Hearings Body shall have the power and the duty to administer the provisions of DCC Title 18. The Board may appoint designees to issue zoning permits and to otherwise assist the Planning Director or Hearings Body in the processing of applications.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

**[18.140.020 Decisions](#)**

Approval or denial of an application for a use permitted by DCC Title 18 shall be based upon and accompanied by a statement that explains the criteria and standards relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

*Amended by Ord. [95-075](#) §1 on 11/29/1995*

**[18.140.030 Appeals](#)**

Appeals shall be as prescribed in DCC Title 22, the Uniform Development Procedures Ordinance.

## HISTORY

*Adopted by Ord. [PL-15](#) §11.030 on 11/1/1979*

*Amended by Ord. [86-032](#) §1 on 4/2/1986*

**[18.140.040 Forms Of Petitions, Applications And Appeals](#)**

Petitions, applications and appeals provided for in DCC Title 18 shall be made on forms provided by the County. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot [or parcel](#) to be built upon, the size and locations on the lot [or parcel](#) of all existing and proposed structures, the intended use of each structure, the number of individuals, if any, to be accommodated thereon, the relationship of the property to the surrounding area and such other information as needed to determine conformance with DCC Title 18.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

**[18.140.050 Public Hearings](#)**

Public hearings shall be as prescribed in DCC Title 22, the Uniform Development Procedures Ordinance.

#### HISTORY

*Adopted by Ord. [PL-15](#) §11.050 on 11/1/1979*

*Amended by Ord. [86-032](#) §1 on 4/2/1986*

#### **18.140.060 County Environmental Health Approval**

No zoning permit shall be issued for any use or structure which will have an individual sanitary subsurface disposal system until written approval is obtained by the applicant for said system from the County Environmental Health Division.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

#### **18.140.070 Filing Fees**

An application required by DCC Title 18 shall be accompanied by a filing fee in the amount set by order of the Board of County Commissioners.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

#### **18.140.080 Revocation**

- A. The Hearings Body may revoke or modify any permit granted under the provisions of DCC Title 18 on one or more of the following grounds:
  1. A permit may be revoked on the basis of fraud, concealment, misrepresentation or inaccurate information supplied on the application or offered by the applicant or his representative at a public hearing.
  2. A permit may be revoked on the basis that the use for which such permit was granted has ceased to exist or has been suspended for one year or more.
  3. A permit may be revoked or modified on the basis that the use for which the permit was granted was so exercised as to be detrimental to the public health, safety or welfare, or in such a manner as to constitute a nuisance.
  4. A permit may be revoked or modified on the basis that the conditions or terms of such permit have been substantially violated.
  5. Any permit granted pursuant to DCC Title 18 shall become null and void if not exercised within the time period specified in such permit or, if no time period is specified in the permit, within two years from the date of approval of said permit.
- B. Procedures for revocations shall be as set forth in DCC Title 22.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [84-023](#) §5 on 8/1/1984

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §4 on 9/30/1991

Amended by Ord. [95-018](#) §5 on 4/26/1995

Amended by Ord. [95-050](#) §6 on 6/28/1995

### **[18.140.090 Lot Size Requirement \(Repealed\)](#)**

## HISTORY

Repealed by Ord. [91-038](#) on 9/30/1991

### **CHAPTER 18.144 GENERAL PROVISIONS**

[18.144.010 Interpretation](#)

[18.144.020 Severability](#)

[18.144.030 Remedies](#)

[18.144.040 Violation Declared A Nuisance](#)

[18.144.050 Violation](#)

[18.144.060 Repeal](#)

[18.144.070 Repeal Of Ordinances As Affecting Existing Liabilities](#)

[18.144.080 Corrections](#)

[18.144.090 Enactment, Emergency Declared](#)

### **18.144.010 Interpretation**

Where the conditions imposed by a provision of DCC Title 18 are less restrictive than comparable conditions imposed by any other provisions which are more restrictive, the more restrictive shall govern.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

### **18.144.020 Severability**

The provisions of DCC Title 18 are severable. If any section, sentence, clause or phrase of DCC Title 18 is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the ordinance.

## HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

### **18.144.030 Remedies**

In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or any land is or is proposed to be used in violation of DCC Title 18, the Board of County Commissioners or a person whose interest in real property in the County is or may be affected by the violation may, in addition to other remedies provided by law, institute injunction, mandamus abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under state law, the person shall furnish an undertaking as provided in ORS 32.010 to 32.060.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [91-020](#) §1 on 5/29/1991*

#### **[18.144.040 Violation Declared A Nuisance](#)**

The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning or other use of land in violation of this title or of any permit, land use approval or status determination issued or made under this title is declared a nuisance.

#### HISTORY

*Adopted by Ord. [PL-15](#) §12.040 on 11/1/1979*

*Amended by Ord. [93-043](#) §25 on 8/25/1993*

#### **[18.144.050 Violation](#)**

The location, erection, construction, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning or other use of land in violation of any provision of DCC Title 18 or any permit, land use approval or status determination issued or made under DCC Title 18 is a Class A violation.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Amended by Ord. [83-026](#) §1 on 3/2/1983*

*Amended by Ord. [93-043](#) §26 on 8/25/1993*

*Amended by Ord. [2003-021](#) §39 on 4/9/2003*

#### **[18.144.060 Repeal](#)**

Deschutes County Zoning Ordinance PL-15 and all amendments thereto are hereby repealed.

#### HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

#### **[18.144.070 Repeal Of Ordinances As Affecting Existing Liabilities](#)**

The repeal of any ordinance by DCC Title 18 shall not release or extinguish any penalty, forfeiture or liability incurred under such ordinance, unless a provision of DCC Title 18 shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

**[18.144.080 Corrections](#)**

DCC Title 18 may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*

**[18.144.090 Enactment, Emergency Declared](#)**

An emergency is hereby declared and DCC Title 18 shall be and is hereby declared to be in full force and effect on and after the date of its enactment by the Board of County Commissioners.

## HISTORY

*Adopted by Ord. [PL-15](#) on 11/1/1979*

*Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991*



**TITLE 19 BEND URBAN GROWTH BOUNDARY ZONING ORDINANCE**

CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS

CHAPTER 19.08 ESTABLISHMENT OF ZONES AND ZONING MAPS

CHAPTER 19.12 URBAN AREA RESERVE ZONE UAR-10

CHAPTER 19.16 SURFACE MINING ZONE; SM

CHAPTER 19.20 SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2

CHAPTER 19.22 WESTSIDE TRANSECT ZONE; WTZ

CHAPTER 19.24 (REPEALED)

CHAPTER 19.28 URBAN STANDARD RESIDENTIAL ZONE; RS

CHAPTER 19.32 (REPEALED)

CHAPTER 19.36 (REPEALED)

CHAPTER 19.40 (REPEALED)

CHAPTER 19.44 (REPEALED)

CHAPTER 19.48 (REPEALED)

CHAPTER 19.52 (REPEALED)

CHAPTER 19.56 (REPEALED)

CHAPTER 19.60 (REPEALED)

CHAPTER 19.64 LIGHT INDUSTRIAL ZONE; IL

CHAPTER 19.68 (REPEALED)

CHAPTER 19.70 (REPEALED)

CHAPTER 19.72 FLOOD PLAIN COMBINING ZONE; FP

CHAPTER 19.76 SITE PLAN REVIEW

CHAPTER 19.80 OFF-STREET PARKING AND LOADING

CHAPTER 19.84 SPECIAL SETBACK PROVISIONS ON CERTAIN STREETS

CHAPTER 19.88 PROVISIONS APPLYING TO SPECIAL USE STANDARDS

CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS

CHAPTER 19.96 NONCONFORMING USES

CHAPTER 19.100 CONDITIONAL USE PERMITS

CHAPTER 19.104 PLANNED UNIT DEVELOPMENT APPROVAL

CHAPTER 19.106 DESTINATION RESORTS

CHAPTER 19.108 VARIANCES

CHAPTER 19.112 REVOCATION OF PERMITS OR VARIANCES

CHAPTER 19.116 AMENDMENTS, APPEALS AND PROCEDURES

CHAPTER 19.120 ENFORCEMENT AND PENALTIES

CHAPTER 19.124 LAND FOR PUBLIC PURPOSES

CHAPTER 19.128 SEVERABILITY AND VALIDITY

**CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS**

19.04.010 Title

19.04.020 Compliance With Title Provisions

19.04.025 (Repealed)

19.04.030 Applicability

19.04.040 Definitions

**19.04.010 Title**

DCC Title 19 shall be known as the "Zoning Ordinance" of the Bend Urban Area and of the land withdrawn from the City of Bend by the County by City Resolution 2459.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2017-009](#) §7 on 7/21/2017*

**19.04.020 Compliance With Title Provisions**

Except as provided in DCC 19.76, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the Bend Urban Area be commenced to be changed, nor shall any condition of or upon real property be caused or maintained after the effective date of DCC Title 19, except in conformity with DCC Title 19.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-041](#) on 6/1/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2016-023](#) §2 on 9/28/2016*

**19.04.025 (Repealed)****HISTORY**

*Adopted by Ord. [98-040](#) §1 on 8/26/1998*

*Repealed by Ord. [2016-023](#) §2 on 9/28/2016*

**19.04.030 Applicability**

DCC Title 19 applies to the Bend Urban Area and to the land withdrawn from the City of Bend by the County by City Resolution 2459. DCC Title 19A applies to lands inside the UA District.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2017-009](#) §7 on 7/21/2017*

**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 18.04.030 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." "Abutting" means having a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.~~

"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.~~

~~"Accessory structure or use" means a structure or use incidental, appropriate and subordinate to the main structure or use on the same lot.~~

~~"Adjacent" means near, close; for example, an Industrial Zone across the street or highway from a Residential Zone shall be considered as "adjacent."~~

~~"Adjoining." See "Abutting."~~

"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 ~~family-unit building~~ 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, a man-made space wholly or partly underground and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

"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 ~~family-unit~~ dwelling ~~unit~~ 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 multiple ~~family-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 adjacent-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, means any structure built and maintained for support, shelter or enclosure of persons, animals, chattels or property of any kind meeting the requirements of State Structural Specialty Code and Fire and Life Safety Code.~~

~~"Building Footprint" means the horizontal 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.~~

~~"Building height" means the vertical distance from the average contact ground level of the building to the highest point of the building.~~

"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 principal-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 principal-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.~~means a sewage disposal system which serves or is designed to serve more than 10 single residences or other users for the purpose of disposing of household liquid wastes, but is neither a municipal nor a public utility sewage disposal system, and must be approved by the appropriate government agency and must have legal financial provisions for long term operation and maintenance.~~

"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.~~means a domestic water supply source or distribution system which serves or is designed to serve more than three single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water system nor a public utility water system, and must have legal financial provisions for long term operation and maintenance.~~

"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. means a type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated, in part, by state law (ORS 91.657).~~

"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 ~~yardsetback 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 yards 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 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.

"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.

"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 dwelling unit, including a manufactured dwelling, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one housekeeping unit 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.

~~“Dwelling” means a building or portion thereof designed or used as the residence or sleeping place of one or more persons.~~

~~A. Dwelling, single family. A building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including Class A manufactured homes as described in DCC 19.88.280; excluding such temporary structures such as tents, teepees, travel trailers and other similar uses.~~

~~B. Dwelling, two family or duplex. A building designed or used for residence purposes by not more than two families and containing two dwelling units.~~

~~C. Dwelling, multiple family. A building or portion thereof designed or used as a residence by three or more families and containing three or more dwelling units.~~

~~“Dwelling unit” means one room, or a suite of two or more rooms, designed for and used by one family or housekeeping unit for living and sleeping purposes and having not more than one kitchen or kitchenette.~~

“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” means an individual, or two or more persons related by blood, marriage, adoption or guardianship, living together in a dwelling unit in which board or lodging may also be provided for not more than two additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, adoption or guardianship living together in a dwelling unit.~~

“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.~~ means a fence or planting arranged in such a way to obstruct vision throughout the year.

"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.

~~"Fill" means the deposit by artificial means of material at a location within the waters of any lake, river or stream, or in wetlands or riparian areas.~~

"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, ~~r~~ 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 ~~adjoining~~ 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~~ Insurance rate ~~Rate map~~ 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.~~ means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood ~~insurance~~ Insurance study ~~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.~~ means 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.

"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.~~ means the area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts, including the garage.

"Frontage" ~~means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private street.~~

"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 determined by one of the following methods:

1. Two-Point Average Method: The average of two points which shall be the highest finished grade abutting a structure and the lowest finished grade abutting the structure.

2. Perimeter Sampling Method: The average of eight measurements around the entire external perimeter of the structure, with measurement points spaced equidistantly along the 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.

~~“Grade or ground level” means the average elevation of the finished ground elevation at the centers of all walls of a building; the sidewalk elevation nearest the center of the wall shall constitute the ground level.~~

“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.

~~“Guest-house” 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. means an accessory building used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen or kitchenette facilities.~~

“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 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 Planning Commission or City Council.

~~“Height of building” as it pertains to structures, means the vertical distance from average grade to the highest point of the structure means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the center height between the highest and lowest points on other types of roofs.~~

“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 discreet, 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, and 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 means a parcel of land used or capable of being used under the regulations of DCC Title 19, lawfully created as such in accordance with the subdivision and partition laws or ordinances in effect at the same time of its creation.~~

~~"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".~~

~~means the total horizontal area contained within the lot lines; said area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 and smaller. The total horizontal net area within lot lines of a lot is that square footage of a lot that is free from roads, streets, rights of way or easements of access to other property. The Planning Director shall include in gross lot areas all streets, roads and easements of access to other property that would accrue to that lot if the road, street or easement were vacated, and shall treat the gross areas of lots that have never been previously described of record as other than fractions of a section as if the section contained 640 acres, in cases where a lot is sought to be partitioned.~~

~~"Lot, corner" means a lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot line.~~

~~"Lot coverage" means all areas of a lot or parcel covered by structures with surfaces greater than 18 inches above the finished grade means that percentage of the total lot area covered by structures as herein defined.~~



~~"Lot depth" means the horizontal distance between the front and the rear lot lines. In the case of a corner lot, the depth shall be the length of the longest front lot line.~~

~~"Lot, interior" means a lot or parcel of land other than a corner lot.~~

"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.
- A.D. "Lot Line, Side" means any lot line other than a front or rear lot line bounding a lot or parcel. "Lot line" means any line bounding a lot as herein defined.

~~"Lot line, front" means the property line abutting a street. Corner lots and thorough lots may have two or more front lot lines.~~

~~"Lot line, rear" means a lot line not abutting a street which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a lot line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.~~

~~"Lot line, side" means any lot line not a front lot line or a rear lot line.~~

"Lot of record" means:

- A. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:
  - 1. By partitioning land as defined in ORS 92.010(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, through" means an interior lot having a frontage on two streets and/or highways.~~

~~"Lot width" means the diameter of the largest circle that can be wholly contained within the boundaries of a lot or parcel means the horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the mean horizontal distance between the longest front lot line and the opposite lot line not abutting the street.~~

"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 home" means a detached single-family dwelling unit with all of the following characteristics:~~

- ~~A. —Designed for long term occupancy and containing sleeping accommodations, flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.~~
- ~~B. —Designed to be transported after fabrication on its own wheels or modular home on flatbed or other trailers on detachable wheels.~~

~~C.—Arriving at the site where it is to be occupied as a dwelling, complete, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.~~

~~D.—Does not conform to the Oregon State Structural Code as defined in ORS 456.750(9), or standards for prefabricated structures as defined in ORS 456.750(6).~~

~~"Manufactured home dwelling park" shall have the meaning set forth in ORS 446.003. means any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such a person.~~

"Manufactured ~~home dwelling~~ subdivision" means a subdivision designed and intended for residential use where residence is in manufactured ~~homes~~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 ~~or dwelling units~~ 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 land ~~or of 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.

~~"Northern lot line" means for the purposes of DCC 19.88.210, the northern lot line shall be the northerly edge of the lot on which an applicant's structure is located, unless directly north of the lot is an unbuildable area, in which case northern lot line means the northerly edge of the buildable area.~~

"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 ~~adjoining-abutting~~ or neighboring such open space.

"ORS" means Oregon Revised Statutes.

"Ordinary ~~high-High water~~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-Low water~~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. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.

"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 units or a number of uses, according to a plan which does not necessarily correspond in lot size, 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.

"~~Principal-Primary~~ building" means the largest building or buildings within a commercial center or business complex. Typically, these are the anchor tenants.

~~"Primary Principal 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. means the primary or predominant use to which the property is or may be devoted and to which all other uses on the premises are accessory.~~

"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 means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.~~

"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 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.

"Replat" shall have the meaning set forth in ORS 92.010.

~~"Residential" means any dwelling unit or group of units built or used for human occupancy.~~

"Residential care" means services provided to individuals, including such as 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.

~~"Residential care facility" means a facility that provides residential care for six or more physically disabled or socially dependent individuals and which is licensed by the State Department of Senior Services.~~

"Right of way" means the area between the boundary lines of a street, road, or other 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.
- ~~A-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. means the minimum allowable horizontal distance from a given point or line of reference, such as property line, to the nearest vertical wall or other element of a building or structure as defined herein.~~

"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.~~means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling. Does not include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured permanent foundation or assembly of the structure or any part thereof on its piling or foundations, or for a manufactured home not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the structure to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities).~~

"Structural alteration" means any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components.

"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 means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which required location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, driveways, walks and fences.~~

"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.

~~"Trailer park or recreation vehicle park" means a parcel of land upon which two or more trailers occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.~~

"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.

"Travel trailer" means a "camping vehicle" as defined by ORS, which is either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink and toilet.

"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~~means an area in which a structure~~

~~could not be built as a permitted use under existing development standards for the area under the existing Deschutes County Comprehensive Plan.~~

"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.

~~"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in DCC Title 19. In determining the required yard for properties abutting the Deschutes River, the edge of the river shall be determined by the ordinary high water mark which shall be the mark on the Deschutes River that will be found by examining the banks and ascertaining where the presence and action of water are so common and usual, and so long contained in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, and as it may naturally change.~~

~~"Yard, front" means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19. Distances referred to throughout DCC Title 19 shall constitute building setback requirements.~~

~~"Yard, rear" means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19.~~

~~"Yard, side" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19.~~

"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 10/9/2024

## **CHAPTER 19.08 ESTABLISHMENT OF ZONES AND ZONING MAPS**

### **19.08.010 Classification Of Zones**

### **19.08.020 Application Of Regulations To Zones Generally**

### **19.08.030 Zoning Map**

### **19.08.040 Interpretation Of Zoning Boundaries**

### **19.08.010 Classification Of Zones**

For the purpose of this title, the Bend Urban Area is divided into zones designated as follows:

<b>Zone</b>	<b>Map Symbols and Abbr. Designations</b>
Urban Area Reserve	UAR-10
Surface Mining	SM
Residential Suburban Low Density	SR-2 1/2
Residential Urban Standard Density	RS
Industrial Light	IL
Flood Plain	FP

#### **HISTORY**

Adopted by Ord. [PL-11](#) on 7/11/1979  
 Amended by Ord. [80-217](#) §1 Exhibit A on 12/18/1980  
 Amended by Ord. [96-042](#) §1 on 7/24/1996  
 Amended by Ord. [2016-023](#) §3 on 9/28/2016

### **19.08.020 Application Of Regulations To Zones Generally**

Except as hereinafter otherwise provided:

- A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose or in any manner that is not included among the uses hereinafter listed as permitted in the zone in which such building, land or premises is located.
- B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.

- C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner except in conformity with the ~~yard~~-setbacks, building location, site area, and coverage requirements hereinafter prescribed for the zone in which such building or open space is located.
- D. No ~~yard-setback area~~ or other open space provided about any building or on any building lot or parcel shall be considered as providing a ~~yard-setback area~~ or other open space for any other building or any other building lot or parcel for the purpose of complying with the provisions of DCC Title 19.
- E. Compliance with the Religious Land Use and Institutionalized Persons Act supersedes all other aspects of DCC Title 19.

#### HISTORY

*Adopted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2020-001](#) §18 on 4/21/2020*

#### **[19.08.030 Zoning Map](#)**

- A. The location and boundaries of the zones designated in DCC 19.08.010 are hereby established as shown on the map entitled "Zoning Map of the Bend Urban Area," hereinafter referred to as the "Zoning Map," dated with the effective date of DCC Title 19 and signed by the County Commissioners.
- B. The signed copy of said Zoning Map is maintained on file in the office of the County Clerk and hereby made a part of DCC Title 19. Any revisions or replacements of said map, when duly entered, signed and filed with the County Recorder as authorized by DCC 19.08.030(C), are a part of this title.
- C. When the zoning of any area is changed by the County Commission in the manner prescribed by DCC Title 19, the Planning Director shall cause the official zoning map to be revised so that it accurately portrays said change, and shall endorse on the map adjacent to said revision, the number of the ordinance by which the change of zone was affected. Failure to so revise the said map shall not effect the validity of any zone change. The County Commission may, from time to time, direct the Planning Director to replace the official zoning map, or portion thereof, with a map which includes all lawful changes of zone and city boundaries to date. Such map, or portion thereof, filed as a replacement, shall bear the number of the ordinance authorizing same and shall bear the dated, authenticating signatures of the County Commission. Any map, or portion thereof, thereby replaced, shall be retained in a separate file by the County Clerk.

#### HISTORY

*Adopted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.08.040 Interpretation Of Zoning Boundaries](#)**

In making a determination where uncertainty exists as to boundaries of any of the aforesaid zones as shown on said Zoning Map, the following rules shall apply:

- A. Where zone boundaries approximately follow streets, alleys or highways. Where zoning boundaries are indicated as approximately following the centerline or right-of-way line of streets, alleys or highways, such lines shall be construed to be such zoning boundaries.
- B. Vacation of public ways. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zone district ~~adjoining-abutting~~ each side of such street, alley or public way shall be automatically extended to the center of the former right of way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended zones.
- C. Where boundaries approximately follow lot lines. Where zone boundaries are indicated as approximately following lot lines, such lines shall be construed to be said boundaries. If a zone boundary divides a lot or parcel into two or more zones, the boundary shall be determined by using the scale of the map and measuring the distance from the property line or distances specified on the map.

#### HISTORY

Adopted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2009-002](#) §1,2 on 2/11/2009

### **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 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

#### [19.12.060 Off-Street Parking](#)

#### [19.12.070 Other Required Conditions](#)

#### **19.12.010 Purpose**

To serve as a holding category and to provide opportunity for tax differentials as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

#### **19.12.020 Permitted Uses**

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.



- B. Single-family-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. Accessory Dwelling Units, subject to DCC 19.92.150.
- H. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- I. Residential home.

#### 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 10/9/2024*

#### **[19.12.030 Conditional Uses](#)**

The following conditional uses may be permitted subject to a conditional use permit and the provisions of DCC 19.76 and 19.100.

- A. Dude or guest ranch.
- B. Commercial riding stable subject to DCC 19.88.020.
- C. Livestock sales yard.
- D. Commercial livestock feeding yard.
- E. Mining, quarrying or other extraction, processing or refining of ore of other natural resource material subject to DCC 19.88.100.
- F. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery within 200 feet of a lot or parcel in a residential zone and subject to DCC 19.88.030.
- G. Religious institution or assembly.

- H. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit.
- I. Public, parochial and private schools, but not including business, dancing, trade, technical or similar schools.
- J. Parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses, or similar uses.
- K. Recreation facility, public or private, but not including such intensive commercial recreation uses as a race track or amusement park.
- L. Utility substations or pumping stations with no equipment storage and sewage treatment facilities subject to DCC 19.88.120.
- M. Kennel or animal hospital subject to DCC 19.88.020.
- N. Planned unit development subject to DCC 19.104.
- O. Destination resort, where mapped in the Bend Area General Plan destination resort map, subject to DCC 19.106.
- P. A plant nursery subject to DCC 19.88.180.
- Q. Time share unit or the creation thereof, subject to DCC 19.88.230.
- R. Hydroelectric facility subject to DCC 19.88.190.
- S. Farm stands other than those permitted pursuant to DCC 19.12.020, subject to DCC 19.76 and DCC 19.100.090.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [80-217](#) §1 on 12/18/1980*

*Amended by Ord. [81-006](#) §1 on 2/4/1981*

*Amended by Ord. [83-045](#) §2 on 6/15/1983*

*Amended by Ord. [86-017](#) §3 on 6/30/1986*

*Amended by Ord. [88-042](#) §5 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [91-001](#) §3 on 1/28/1991*

*Amended by Ord. [99-001](#) §3 on 1/13/1999*

*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. [2020-001](#) §19 on 4/21/2020*

#### **[19.12.040 Height Regulations](#)**

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

### **19.12.050 Lot Requirements Dimensional Standards And Setbacks**

The following requirements shall be observed:

- A. Lot Area. Each lot or parcel shall have a minimum area of 10 acres.
- B. Lot Width. Each lot or parcel shall have a minimum average width of 300 feet with a minimum street frontage of 150 feet.
- C. Front YardSetback. The front yard-setback shall be a minimum of 50 feet from the existing street right-of-way line or the ultimate street right of way as adopted on the Comprehensive Plan or Official Map, except that any lot of record less than one acre in size lawfully created prior to (effect date of this title) shall have a minimum front yard-setback of 30 feet.
- D. Side YardSetback. There shall be a minimum side yard-setback of 10 feet.
- E. Rear YardSetback. There shall be a minimum rear yard-setback of 50 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §5 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

### **19.12.060 Off-Street Parking**

Off-street parking shall be provided as required in DCC 19.80.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

### **19.12.070 Other Required Conditions**

See DCC 19.88 applying to special uses where applicable.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

### **CHAPTER 19.16 SURFACE MINING ZONE; SM**

[19.16.010 Purpose](#)[19.16.020 Uses Permitted Outright](#)[19.16.030 Conditional Uses Permitted](#)[19.16.040 Dimensional Standards](#)[19.16.050 Use Setbacks](#)[19.16.060 Site Plan Review](#)[19.16.070 Site Plan Requirements](#)[19.16.080 Special Requirements Relating To Residential Areas](#)[19.16.090 Procedure Upon Filing Of Site Plan](#)[19.16.100 Approval Of Site Plan](#)[19.16.110 Bond](#)[19.16.120 Failure To Comply](#)[19.16.130 Exceptions](#)[19.16.140 SM Nonconforming Uses](#)[19.16.150 Nuisances](#)**[19.16.010 Purpose](#)**

The purpose of the Surface Mining Zone is to allow the extraction of surface mining materials needed by the community while protecting the health and safety of ~~adjoining-abutting~~ residents and uses.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[19.16.020 Uses Permitted Outright](#)**

In the SM Zone, the following uses and their accessory uses are permitted outright subject to the provisions of DCC 19.16:

- A. Extraction of all materials, sand, gravel, rock, cinders, pumice, topsoil, fill material (including select fill) and any other mineral or aggregate material.
- B. Crushing, processing, washing and sizing located at least one-half mile from a residential area.
- C. Caretaker's residence.
- D. Buildings, structures, apparatus, equipment and appurtenances necessary for these uses to be carried on.
- E. Sale of products produced from the site.

**HISTORY**

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[19.16.030 Conditional Uses Permitted](#)**

In an SM Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions subject to DCC 19.76 and 19.100:

- A. Ore smelter using materials from the site subject to stringent pollution controls.
- B. Crushing, processing, washing and sizing when located within one-half mile of a residential dwelling unit.
- C. Other related activities using materials found primarily on the site, such as concrete batching plants and mineral refining plants, when within one-half mile of a residential dwelling unit.
- D. Landfills when a written tentative approval by DEQ is submitted with the conditional use application.
- E. Utility facility.
- F. Hydroelectric facility, in accordance with DCC 19.88 and 19.100.
- G. Low intensity recreational uses in SM zones within the Inner Urban Growth Boundary, (IUGB), such as BMX bicycle tracks, ball fields, and parks and open space, subject to the criteria set forth in DCC 19.100.030 and the following:
  - 1. The surface mining shall have been completed on the area to be utilized for recreational purposes and the site reclaimed prior to or in conjunction with the proposed recreational use. These preconditions shall not apply where no resource exists on the area to be used.
  - 2. A showing that with respect to the proposed recreational use, the adjacent mining operation, as currently operated and as may foreseeably be operated in the future, will be able to operate without violating DEQ noise and dust standards applicable to noise or dust-sensitive uses.
  - 3. The applicant and/or proprietor of the recreational use shall sign and record in the Deschutes County Book of Records a statement declaring that the applicant and the applicant's successors will not now or in the future complain about permitted surface mining activities on the adjacent surface mining site.
  - 4. The proposed recreational use shall be setback 250 feet from existing surface mining operations and those that may foreseeably be located on the site in the future.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [86-017](#) §4 on 6/30/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [91-028](#) §1 on 7/17/1991*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.16.040 Dimensional Standards](#)**

In an SM Zone, the following dimensional standard shall apply: The minimum lot or parcel size shall be as determined by the Planning Director to be necessary for the protection of the public health, safety, and welfare.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.16.050 Use Setbacks**

- A. Uses within an SM Zone shall maintain a 100 foot setback from the property line when adjacent to a residential dwelling unit.
- B. Three hundred foot setback shall be maintained from the property lines adjoining-abutting roads that are in Landscape Management Areas as defined in the Comprehensive Plan, as well as from any stream or lake.
- C. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-041](#) §6 on 6/1/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.16.060 Site Plan Review**

(Not to apply to nonconforming uses as defined in DCC 19.16.140.) In an SM Zone, a use permitted outright or a conditional use shall be subject to the provisions of DCC 19.16.060. Before development of any new site or expansion of any existing site beyond the area covered by an existing state or county permit may begin after the effective date of DCC Title 19, a site plan shall be approved by the Planning Director. Construction and development of the site shall be in full conformance with the approved site plan.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.16.070 Site Plan Requirements**

A site plan shall provide for the following:

- A. A reclamation plan, meeting guidelines and in a format established by the County and satisfying such additional standards as are set forth herein.
- B. A maintenance program. All buildings, structures and equipment used for the production and processing of minerals and other materials affected by DCC Title 19 shall be maintained in such a manner as to assure that such buildings, structures and equipment will not become dilapidated

or hazardous. The reclamation plan shall also address disposition of buildings, structures and equipment used in production and processing of minerals and other materials, offices, storage garage and watchman's house or any remains thereof.

- C. Air, water and noise requirements. Air and water quality and noise level shall be in accordance with the requirements of state and federal laws and regulations and County ordinances.
- D. A complete description of all planned uses.
- E. The Planning Director may require the following at the time of site plan approval:
  - 1. An increase or decrease in required setbacks.
  - 2. Screening of the proposed use, or parts thereof, by fencing or landscaping.
  - 3. Limitations on lighting.
  - 4. An adequate plan for phased mining and reclamation of the site.
  - 5. Restrictions on the hours, days and noise levels of operation.
  - 6. Applicants may be required to provide dust-free site access roads near residential areas.
  - 7. When SM operations meet the criteria for conflict levels III or IV as specified below, the Planning Director may, in addition, place more stringent criteria upon the operations in accordance with DCC 19.16.080.
  - 8. Adequate water supplies to enable landscaping reclamation and dust control conditions are to be met.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.16.080 Special Requirements Relating To Residential Areas](#)**

- A. Unless the applicant can show that the natural topography of the site offers sufficient screening of the site from public view, the exposed side of the operation shall be screened with landscaped berms, hedges, walls, fences or similar devices to effectively screen the site from the public.
- B. If necessary, during the site plan review, the Planning Director may determine that meeting screening requirements is not economically feasible or physically possible.
- C. When an unusually high level of conflict exists off-site, stock piling and/or processing may be required.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

### 19.16.090 Procedure Upon Filing Of Site Plan

- A. Each application and site plan shall be reviewed by the Planning Director for conformance with DCC Title 19 and the Comprehensive Plan. The Director shall transmit the application to affected agencies for their review.
- B. Following receipt of the application, the Planning Director shall notify, in writing, the applicant and persons and agencies entitled to written notice as defined in County Ordinance No. 82-011. The Planning Director may hold a meeting with affected persons and the applicant to discuss the proposed plan before making his decision or only request written comments to be submitted. The entire process leading to a decision shall not exceed 45 days.
- C.
  1. If, after the Planning Director renders his decision, the applicant or affected persons feels it necessary, the applicant or affected person may appeal the decision to the Hearings Officer. If such a decision is referred to the Hearings Officer, he may at his discretion, either hold a public hearing and call for public testimony, or he may determine the case without open public testimony and hearing by weighing the evidence as presented by the Planning Director and the applicant and then making a decision. In either case, the procedure before the Hearings Officer shall follow the applicable portions of the Procedural Ordinance, No. 82-011. The Hearings Officer's decision may be appealed to the board by the applicant, affected person or Planning Director.
  2. Hearings Officer review, which shall occur when the site is submitted with a proposed zone change, shall follow in accordance with County Procedural Ordinance No. 82-011.
  3. The Planning Director's and/or Hearings Officer's decision shall be based on the impact of the proposed use on nearby uses of land, the impact of traffic on affected streets and roads and the economic, social and environmental impact on the community.
  4. The Planning Director and/or Hearings Officer shall approve a site plan only if in conformance with all applicable regulations, DCC Title 19 and the Comprehensive Plan.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [82-011](#) §3 on 8/9/1982*

*Amended by Ord. [86-033](#) §1 on 4/2/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

### 19.16.100 Approval Of Site Plan

(Not to apply to nonconforming uses as defined in DCC 19.16.140.)

- A. A site plan final approval shall expire 12 months from the date of approval unless the project has commenced in accordance with the approved site and reclamation plans. Upon petition by the original applicant showing good cause, an extension for an additional 12 months may be granted by the Planning Director. The operating approval shall be valid for a period of time specified by the reclamation plan, except as otherwise limited therein.



- B. The Planning Director or his designate shall review each site plan approval annually. A reasonable fee for this inspection shall be paid to the County by the permittee. Unless a violation of the site plan or obvious health or safety hazard is found, the permit shall be renewed. The Planning Director's decision may be appealed as in DCC 19.16.090(C).

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**19.16.110 Bond**

A bond or security deposit shall be required of all applicants sufficient to cover costs plus 10% of necessary road improvements, berming, reclamation, landscaping and other pertinent conditions.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**19.16.120 Failure To Comply**

- A. If the Planning Director determines that the permittee is not in compliance with the site plan, he may institute enforcement proceedings to require such compliance. Enforcement may include citing the permittee to District Court, injunctive proceedings or enforcement of the bond provisions.
- B. If a permittee fails to faithfully perform the reclamation required by his reclamation plan, or if the bond or security deposit required by DCC 19.16.110 is not sufficient to compensate the County for all reasonable necessary expenses incurred by it in performing the reclamation plan, the amount due shall be a lien upon all property, whether real or personal, owned by the permittee.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**19.16.130 Exceptions**

DCC Title 19 shall not apply to the following:

- A. Excavation or grading operations conducted in the process of farming or cemetery operations.
- B. Mineral and aggregate activities when assumed by the Oregon Division of State Lands pursuant to ORS 196.800 through 196.870.
- C. Nothing herein shall be construed to supersede the provisions of the Forest Practices Act (ORS 527.610 through 527.770, 527.990(1) and 527.992) and regulations thereunder which preempt County law.

## HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[19.16.140 SM Nonconforming Uses](#)**

This title shall not apply to uses having a valid state permit upon the date of adoption of this title. Expansion of existing uses beyond the area covered by state or county permit shall be consistent with this title.

## HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[19.16.150 Nuisances](#)**

Any use which creates a nuisance shall be reviewed by the Planning Director at the time of a citizen complaint or complaint by planning Department staff. Such review shall carry penalties as outlined in DCC 19.120.020.

## HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [80-217](#) §1 Exhibit A on 12/18/1980*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

**[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 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)[19.20.055 Land Divisions](#)[19.20.060 Off-Street Parking](#)[19.20.070 Other Required Conditions](#)**[19.20.010 Purpose](#)**

To encourage, accommodate, maintain and protect large lot suburban type residential development in areas with DEQ permitted community or municipal sewer systems or individual sewage disposal systems where soil will accommodate individual disposal systems and sewer service is not available and in areas which, because of location and physical characteristics, are well suited for such development.

## HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [93-018](#) §2 on 5/19/1993*

### 19.20.020 Permitted Uses

The following uses are permitted:

- A. Single-family 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. Accessory Dwelling Units, subject to DCC 19.92.150.
- F. Child care facility and/or preschool
- G. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- H. Residential home.

#### 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 10/9/2024*

### 19.20.030 Conditional Uses

The following conditional uses may be permitted subject to a conditional use permit as provided in DCC 19.76 and 19.100:

- A. Religious institution or assembly subject to DCC 19.88.040.
- B. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot or parcel in a residential district and subject to DCC 19.88.030.
- C. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit, and subject to DCC 19.88.050.
- D. Public, parochial and private schools, including kindergartens; but not including business, dancing, trade, technical or similar schools subject to DCC 19.88.160.

- E. Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses, or similar uses.
- F. Recreation facilities, public or private; but not including such intensive commercial recreation uses as a racetrack or amusement park.
- G. Utility substations or pumping stations with no equipment storage and sewage treatment facilities subject to DCC 19.88.120.
- H. Keeping of livestock subject to DCC 19.88.070.
- I. Kennel or commercial riding stable subject to DCC 19.88.020.
- J. Planned unit development subject to the provisions of DCC 19.104.
- K. Plant nurseries subject to DCC 19.88.180.
- L. Hydroelectric facility subject to DCC 19.88 and 19.100.
- M. Time share unit subject to DCC 19.88.230.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [81-006](#) §2 on 2/4/1981*

*Amended by Ord. [83-045](#) §3 on 6/15/1983*

*Amended by Ord. [86-017](#) §5 on 6/30/1986*

*Amended by Ord. [88-042](#) §7 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [91-001](#) §5 on 1/28/1991*

*Amended by Ord. [2020-001](#) §20 on 4/21/2020*

*Amended by Ord. [2020-010](#) §9 on 7/3/2020*

#### **[19.20.040 Height Regulations](#)**

No building or structure shall hereafter be erected, enlarged or structurally altered to exceed 30 feet in height.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.20.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)**

The following lot or parcel requirements shall be observed:

- A. Lot Area. Each lot or parcel shall have a minimum area of 2.5 acres, except as provided in DCC 19.20.055(A)(1)(b).
- B. Lot Width. Each lot or parcel shall be a minimum width of 200 feet.
- C. Front ~~Yard~~Setback. The front ~~yard~~-setback shall be a minimum of 40 feet.

- D. Side ~~Yard~~Setback. There shall be a minimum side ~~yard~~-setback on each side of a building of not less than 10 feet.
- E. Rear ~~Yard~~Setback. There shall be a rear ~~yard~~-setback ~~having a depth~~ of not less than 20 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

(Ord. 96-017 §1, 1996)

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §7 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [93-018](#) §4 on 5/19/1993

#### [19.20.055 Land Divisions](#)

- A. For subdivisions, residential planned unit developments, or land partitions resulting in more than two lots [or parcels](#), the following standards shall apply in addition to the requirements of DCC Title 17:
  - 1. Lot size.
    - a. The minimum lot [or parcel](#) size for single ~~family unit dwelling~~ residential uses shall be 2.5 acres.
    - b. For residential planned unit developments, lot [or parcel](#) sizes shall be consistent with a minimum housing density of 0.1 units per acre and a maximum density of 0.4 units per acre.
  - 2. Lot Layout. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject property or adjacent properties.
  - 3. Street Improvements. On-site street right of way sufficient to meet design standards required by the Transportation Plan shall be dedicated.
  - 4. Sewage Disposal.
    - a. Inside the acknowledged Bend Urban Growth Boundary connection of the lots [or parcels](#) to sewer shall be a condition of tentative plat approval. Unless required sewer improvements are bonded pursuant to DCC Title 17, sewer must be brought to the property line of each lot [or parcel](#) before the final plat can be approved. In instances where the sewer improvements are bonded, no building permits shall be issued until all sewer improvements have been made.
    - b. Outside the acknowledged Bend Urban Growth Boundary on-site individual sewage disposal systems may be used where soil will accommodate such systems.

- B. For partitions resulting in two lots or parcels, the following standards and criteria shall apply in addition to and notwithstanding any requirements of DCC Title 17:
1. Partition Configuration.
    - a. A two-lot partition shall consist of a segregated lot or parcel and a larger parent lot or parcel.
    - b. The segregated lot or parcel shall be no larger than 2.5 acres, unless additional area is required to accommodate an existing or proposed use, in which case the area shall be as small as possible to accommodate the use.
      1. In determining that the lot or parcel is as small as possible, consideration shall be limited to the area necessary for subsurface sewage disposal and reserve area, residential and accessory development, required setbacks, and any land necessary to accommodate allowable expansion of the use.
  2. Lot Layout. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject or adjacent properties.
  3. Street improvements.
    - a. Dedication of on-site street right of way sufficient to meet design standards required by the Transportation Plan shall be required.
    - b. Except as otherwise allowed in DCC 19.20.055(B)(3)(b)(1), (2) and (3), streets fronting on the lots or parcels shall be improved to urban standards, as set forth in DCC Title 17.
      1. Where both the parent and segregated lot or parcel are occupied by existing development, no additional street improvements are required.
      2. Where one of the two lots or parcels is developed, the street need not be brought up to urban standards at the time of partition. The undeveloped lot or parcel shall be subject to a development agreement in a form satisfactory to County Counsel requiring that the street fronting both lots or parcels resulting from the partition be improved to urban standards. This agreement shall be entered into with the county and recorded at the same time as the recording of the final plat. Such improvements must be made prior to the issuance of a building permit on the undeveloped lot or parcel.
      3. Where both lots or parcels are undeveloped at the time of partition, one lot or parcel shall be subject to the development agreement described in DCC 19.20.055(B)(3)(b)(2).

- c. A recorded nonremonstrance agreement in a form satisfactory to County Counsel, for future road or drainage improvements within the right of way abutting the lots or parcels shall be required.
4. Sewage Disposal.
  - a. Pursuant to DEQ rules, new development and existing nonresidential development shall be served by sewer when sewer is available.
  - b. Sewer is considered available if a sewer line is within 300 feet of a lot line of the parent lot or parcel unless there are topographic or man-made features which make connection physically impractical or the sewer provider determines that the sewer connection can be deferred.
  - c. Where an existing residence is served by a septic system and drain field, a sewer agreement in a form prepared by the City of Bend shall be executed with the city requiring hookup to the sewer system when sewer becomes available.
  - d. For undeveloped lots or parcels where sewer is not available, a sewer agreement shall be executed on a form prepared by the City of Bend setting forth the terms and conditions under which sewer services will be provided when sewer becomes available.
5. The property owner shall execute a consent to annexation to the City of Bend for the land area covered by the partition on a form prepared by the city, which form shall be recorded in the Deschutes County deed records no later than the time the plat is recorded.
6. A restrictive covenant shall be recorded for each lot or parcel in conjunction with the final plat that prohibits further division of those lots or parcels until the lot or parcel can be served by DEQ-permitted community or municipal sewer system and urban standard roads.

#### HISTORY

*Adopted by Ord. [93-018](#) §5 on 5/19/1993*

*Amended by Ord. [93-040](#) §1 on 7/14/1993*

*Amended by Ord. [98-005](#) §1 on 1/14/1998*

#### **[19.20.060 Off-Street Parking](#)**

Off-street parking shall be provided as required in DCC 19.80.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.20.070 Other Required Conditions](#)**

See DCC 19.88, applying to Special Uses, and DCC 19.76.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

**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 ~~Lot Requirements~~ 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](#)**19.22.010 Purpose**

To accommodate and provide standards for land located between urban and rural, forested, park or federal areas that provides a transitional residential development pattern with densities ranging from one unit per 2.5 to 10 acres to guide development of communities which are designed and managed to protect wildlife habitat and establish and maintain wildfire mitigation and prevention strategies.

## HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

**19.22.020 Permitted Uses**

The following uses and their accessory uses are permitted outright:

- A. Single ~~family-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. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- E. Residential home.

## 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 10/9/2024

**19.22.030 Conditional Uses**

The following uses and their accessory uses may be permitted subject to site plan review and a conditional use permit as provided in DCC 19.76, 19.88, and 19.100:



- A. Public, parochial and private schools, including nursery schools, kindergartens and day nurseries; but not including business, dancing, trade, technical or similar schools subject to DCC 19.88.160.
- B. Parks and recreation facilities, community buildings and fire stations; but not including storage or repair yards, warehouses, or similar uses.
- C. Utility facility, including wireless telecommunications facilities, subject to DCC 19.88.120.
- D. Religious institutions or assemblies.

#### HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2020-001](#) §21 on 4/21/2020

#### **19.22.040 Height Regulations**

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except for schools which shall not exceed 45 feet in height.

#### HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

#### **19.22.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks**

The following requirements shall be observed:

- A. Lot Area. Each lot or parcel shall have a minimum of 2.5 acres.
- B. Lot Width. Each lot or parcel shall be a minimum width of 125 feet.
- C. Front ~~Yard~~Setback. The front ~~yard~~-setback shall be a minimum of 40 feet.
- D. Side ~~Yard~~Setback. There shall be a minimum side ~~yard~~-setback of 30 feet.
- E. Rear ~~Yard~~Setback. There shall be a minimum rear ~~yard~~-setback of 30 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.
- G. Park Setback. The setback from Shevlin Park shall be a minimum of 100 feet.
- H. Slope Setback - Tumalo Creek Canyon. There shall be a minimum setback of 30 feet from the edge of the Tumalo Creek canyon rimrock.

#### HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2021-009](#) §1 on 6/18/2021

#### **19.22.060 Land Divisions**

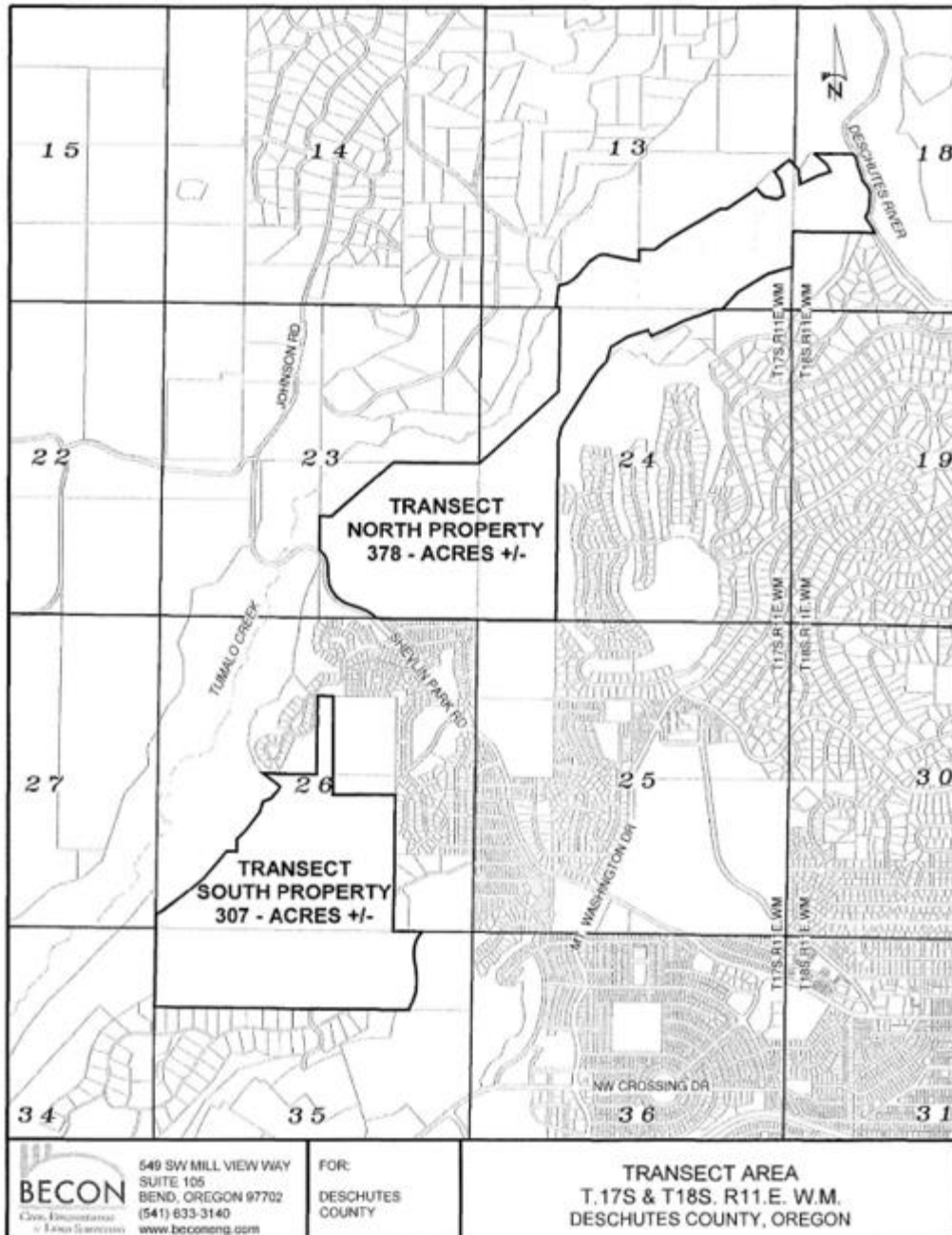
All residential subdivisions shall be master planned under DCC 17.16.050 and shall comply with the following.

- A. Master Development Plan Requirements. In addition to the overall master development plan requirements of DCC 17.16.050, such master development plans in the Westside Transect Zone shall also demonstrate:
1. The lot or parcel configuration, street layout, parking lots, trails and any open space, common areas, and public parks are designed to be compatible with existing or projected uses on adjacent properties and provide sufficient public access to and through the subject property;
  2. The development contributes to the preservation of natural and physical features of the site; and
  3. Compliance with provisions of the Oregon State Scenic Waterway Act and the Deschutes County Landscape Management Combining Zone, as applicable.
- B. Residential lots or parcels shall be limited to 100 residential lots or parcels for the North Transect and 87 residential lots or parcels for the South Transect, as depicted on Figure 1.
- C. The subdivision shall be designed in accordance with a Wildlife Habitat Management Plan and a Wildfire Mitigation Plan for the subdivided property as described below and submitted with the master development plan application.
1. A Wildlife Habitat Management Plan prepared by a professional biologist which identifies important wildlife habitat and migration corridors and contains provisions for deed restrictions or restrictive covenants which include but are not limited to the following components:
    - a. Dedicated open space and/or resource management corridors with specific enforceable measures to aid in wildlife migration and protect habitat within these areas.
    - b. Specific vegetation management standards for areas within the open space and/or resource management corridors to protect wildlife habitat funded through homeowner assessment and performed, monitored and enforced by the homeowners association.
    - c. Specific setbacks from wildlife corridors.
    - d. Provisions which demonstrate coordination with the Wildfire Mitigation Plan described below to establish joint management objectives and designated areas for wildlife habitat measures which are outside of the defensible space and wildfire mitigation areas.
    - e. Requirements for annual review of the plan by a professional biologist and a reporting of those findings and any recommended alterations to the plan to the homeowner association.
  2. A Wildfire Mitigation Plan prepared by a professional forester that identifies and includes enforceable measures to prevent the ignition and spread of wildfire, and contains provisions for deed restrictions and/or restrictive covenants, enforced by a

homeowners association, which include but are not limited to the following components:

- a. Requirement to develop and maintain all residential lots or parcels in compliance with the most current National Fire Protection Association (NFPA) Zone 1, 2 and 3 standards, containing concentric rings extending outward from the structure implementing the defense in depth approach, with Zone 1: 30 feet adjacent to structures, Zone 2: 30 to 100 feet from structures, and Zone 3: 100 to 200 feet from structures.
  - b. Enhanced construction design and materials to prevent home ignition from external fire sources.
  - c. Requirements and specific provisions for ongoing vegetation management funded through homeowner assessment and performed, monitored, and enforced by the homeowners association, as adopted by Deschutes County or as recommended in forest management plan, whichever standard is the most stringent.
  - d. Provisions which demonstrate coordination with the Wildlife Habitat Management Plan described above to establish joint management objectives and designated areas for wildlife habitat measures which are outside of the defensible space and wildfire mitigation areas.
  - e. Requirements for annual review of the plan by a professional forester and annual reporting of those findings and any recommended alterations to the plan to the homeowner association.
- D. A Stewardship Community Plan which includes provisions designed to educate residents of the unique resource values of the area and the community goals to utilize best management practices in the community development and operation to protect wildlife habitat and to establish and implement firewise community strategies.
- E. Mandate deed restrictions and/or restrictive covenants that implement lot or parcel-specific and applicable general provisions of the Wildlife Habitat Management and Wildfire Mitigation Plans. The deed restrictions and/or restrictive covenants must run with the land and must be enforceable by the homeowner association.
- F. Mandate that the recorded duties and obligations of the homeowners association compel the homeowners association to provide for enforcement of the deed and/or covenant restrictions, maintenance of any common property, open space or resource management corridors and private streets, and provide for the assessment and collection of fees to fund the deed and/or covenant restrictions.
- G. If phasing is proposed, a phasing plan for the tentative subdivision plats shall be provided. Each tentative subdivision application shall include a plat map meeting the subdivision requirements of DCC Title 17, the Subdivision / Partition Ordinance, except as may be specifically modified herein.

CHAPTER 19.22 - FIGURE 1



**HISTORY**

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2020-007](#) §18 on 10/27/2020

**19.22.070 Street Improvements**

Subject to applicable provisions of DCC Title 17, streets within the Westside Transect Zone may be private. For proposed private roads, on-street parking is prohibited and the owner shall submit proof of a

homeowner's association, deed restriction or the equivalent to assure continued ownership, maintenance and repair of the private streets.

- A. Notwithstanding the allowance for private roads, the county may determine that public road(s) are required to meet public access and/or regional transportation needs and goals, including but not limited to a collector road to provide north-south connectivity through the Westside Transect Zone. The owner and homeowners association shall be jointly liable and responsible for all costs associated with initial construction of any such public road (including the one-year guarantee).

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

**[19.22.080 Off-Street Parking](#)**

Off-street parking shall be provided as required in DCC 19.80.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

**[19.22.090 Fence Standards](#)**

The following fencing provisions shall apply for any fences constructed as a part of residential development:

- A. New fences shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provided equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:
1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.
  2. The height of the fence shall not exceed 48 inches above ground level.
  3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.
- B. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

**[CHAPTER 19.24 \(REPEALED\)](#)**

HISTORY

Amended by Ord. [92-009](#) §1 on 2/12/1992

Amended by Ord. [96-084](#) §1 on 12/4/1996

Repealed by Ord. [2016-023](#) on 9/28/2016

**[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 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)[19.28.055 Land Divisions](#)[19.28.060 Off-Street Parking](#)[19.28.070 Other Required Conditions](#)**[19.28.010 Purpose](#)**

The RS Zone is intended to provide for the most common urban residential densities in places where community sewer services are or will be available and to encourage, accommodate, maintain and protect a suitable environment for family living.

## HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

**[19.28.020 Permitted Uses](#)**

The following uses are permitted:

- A. Single-~~family 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 10/9/2024*

**[19.28.030 Conditional Uses](#)**

The following uses may be permitted subject to a conditional use permit and the provisions of DCC 19.76 and 19.100:

- A. Manufactured home subdivision subject to standards of DCC 19.88.280.

- B. Religious institutions or assemblies subject to DCC 19.88.040.
- C. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot or parcel in a residential district and subject to DCC 19.88.030.
- D. Public, parochial and private schools, including kindergartens; excluding business, dancing, trade, technical or similar schools subject to DCC 19.88.160.
- E. Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses, or similar uses.
- F. Recreation facilities, including country clubs, golf courses, swimming clubs, tennis clubs; but not including such intensive commercial recreation uses as a racetrack or amusement park.
- G. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
- H. Planned unit developments subject to provisions of DCC 19.104.
- I. Temporary subdivision tract offices.
- J. Rear lot or parcel development subject to site plan approval as provided in DCC 19.76 and DCC 19.88.130.
- K. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit and subject to DCC 19.88.050.
- L. Duplex in areas designated RS provided that each lot or parcel occupied by a duplex shall have a minimum area of 12,000 square feet.
- M. Two single-~~family-unit~~ dwellings on one lot or parcel in areas designated RS provided that each lot or parcel occupied by two single-~~family-unit~~ dwellings shall have a minimum area of 12,000 square feet and also provided that all ~~yard-setback~~ and coverage requirements set forth in DCC 19.28.050 are observed. In addition, no dwelling unit shall be located within 10 feet of any other dwelling unit on the same lot or parcel. There shall be provided for the rear dwelling unit unoccupied and unobstructed access not less than 15 feet wide to the street fronting the lot or parcel.
- N. Keeping of livestock subject to DCC 19.88.070.
- O. Moving in a single-~~family-unit~~ dwelling built prior to January 1, 1961.
- P. Manufactured ~~home-dwelling~~ park subject to DCC 19.88.280.
- Q. Condominiums.
- R. Plant nurseries subject to DCC 19.88.180.
- S. Time share unit or the creation thereof, subject to DCC 19.88.230.

- T. Hydroelectric facility in accordance with DCC 19.100 and DCC 19.88.190.
- U. Dwelling groups, subject to the provisions of DCC 19.88.250.
- V. Radio and television transmission facilities.
- W. Bed and breakfast inn, subject to the standards set forth in DCC 19.88.260.
- X. Residential care facility.
- Y. Zero Lot Line Subdivision or Partition. Regulations for a side ~~yard~~-setback may be waived for an approved zero lot line subdivision or partition.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [81-006](#) §4 on 2/4/1981

Amended by Ord. [83-045](#) §5 on 6/15/1983

Amended by Ord. [86-017](#) §7 on 6/30/1986

Amended by Ord. [88-042](#) §8 on 12/19/1988

Amended by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2020-001](#) §22 on 4/21/2020

Amended by Ord. [2020-010](#) §10 on 7/3/2020

#### [19.28.040 Height Regulations](#)

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### [19.28.050 Lot Requirements Dimensional Standards And Setbacks](#)

The following lot or parcel requirements shall be observed, provided that the Hearings Body or Planning Director may allow smaller lots, parcels, or different housing types in a new subdivision approved pursuant to this title and consistent with the Comprehensive Plan designations for preservation of forested areas or significant rock outcroppings when these lots or parcels are internal to the subdivision or after hearing if they are located on the edge of the new plat.

- A. Lot Area. Every lot or parcel shall have a minimum area of 6,000 square feet, except as provided in DCC 19.28.055(A)(1)(b).
- B. Lot Width. Every lot or parcel shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
- C. Frontage. Every lot or parcel shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac, this may be reduced to 30 feet.
- D. Front ~~Yard~~Setback. The front ~~yard~~-setback shall be either a minimum of 20 feet, except an existing 40 or 50 foot corner lot may have one front ~~yard~~-setback of 10 feet provided that the



garage or carport is at least 20 feet from the property line, or a minimum of 10 feet from the property line when the following conditions exist:

1. The lot or parcel is within a platted subdivision and the garage is setback a minimum of 20 feet from the front property line, and
  2. The lot or parcel fronts on a local public or private street.
- E. Side YardSetback. A side yard-setback shall be a minimum of five feet and the sum of the two side yards-setbacks shall be a minimum of 15 feet.
- F. Rear YardSetback. The rear yard-setback shall be a minimum of five feet.
- G. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.
- H. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §9 on 6/1/1983

Amended by Ord. [93-018](#) §9 on 5/19/1993

Amended by Ord. [97-082](#) §1 on 12/10/1997

#### [19.28.055 Land Divisions](#)

- A. For subdivisions, residential planned unit developments, or land partitions resulting in more than two lots or parcels, the following standards shall apply in addition to the requirements of DCC Title 17:
1. Lot size.
    - a. The minimum lot or parcel size for single family-unit dwelling residential uses shall be 6,000 square feet and the maximum single family-unit dwelling residential lot or parcel size shall be 20,000 square feet.
    - b. For residential planned unit developments, lot or parcel sizes shall be consistent with a minimum housing density of 2.3 units per acre and a maximum density of 7.3 units per acre.
  2. Lot Layout. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject property or adjacent properties.
  3. Street Improvements. On-site street right of way sufficient to meet design standards required by the Transportation Plan shall be dedicated.
  4. Sewer. All new lots or parcels shall be connected to a Department of Environmental Quality-permitted community or municipal sewer system.

- a. Connection of the lots or parcels to sewer shall be a condition of tentative plat approval. Unless required sewer improvements are bonded pursuant to DCC Title 17, sewer must be brought to the property line of each lot or parcel before the final plat can be approved. In instances where the sewer improvements are bonded, no building permits shall be issued until all sewer improvements have been made.
- B. For partitions resulting in two lots or parcels, the following standards and criteria shall apply in addition to and notwithstanding any requirements of DCC Title 17:
  1. Partition Configuration.
    - a. A two-lot partition shall consist of a segregated lot or parcel and a larger parent lot or parcel.
    - b. The segregated lot or parcel shall be no larger than 20,000 square feet, unless additional area is required to accommodate an existing or proposed use, in which case the area shall be as small as possible to accommodate the use.
      1. In determining that the lot or parcel is as small as possible, consideration shall be limited to the area necessary for subsurface sewage disposal and reserve area, residential and accessory development, required setbacks, and any land necessary to accommodate allowable expansion of the use.
    - c. A parent lot or parcel greater than 20,000 square feet and less than five acres in size requires a redevelopment plan. The redevelopment plan shall demonstrate that consistent with the requirements of DCC Title 17, it is feasible for the lot or parcel to accommodate future subdivision at the average density proposed in the Comprehensive Plan (4.8 units per acre).
      1. The redevelopment plan shall consist of a map showing proposed lots, parcels, or building envelopes, and roads to serve those lots, parcels, or building envelopes, and of restrictive covenants incorporating the redevelopment map and restricting further development of the parent lot or parcel except in conformance with the redevelopment map.
      2. The restrictive covenant shall be recorded in the Deschutes County deed records in conjunction with the recording of the partition plat.
  2. Layout of lots or parcels. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject or adjacent properties.
  3. Street improvements.
    - a. Dedication of on-site street right of way sufficient to meet design standards required by the Transportation Plan shall be required.

- b. Except as otherwise allowed in DCC 19.28.055(B)(3)(b)(1), (2) and (3), streets fronting on the lots or parcels shall be improved to urban standards, as set forth in DCC Title 17.
    1. Where both the parent and segregated lot or parcel are occupied by existing development, no additional street improvements are required.
    2. Where one of the two lots or parcels is developed, the street need not be brought up to urban standards at the time of partition. The undeveloped lot or parcel shall be subject to a development agreement in a form satisfactory to County Counsel requiring that the street fronting both lots or parcels resulting from the partition be improved to urban standards. This agreement shall be entered into with the County and recorded at the same time as the recording of the final plat. Such improvements must be made prior to the issuance of a building permit on the undeveloped lot or parcel.
    3. Where both lots or parcels are undeveloped at the time of partition, one lot or parcel shall be subject to the development agreement described in DCC 19.28.055(B)(3)(b)(2).
  - c. A recorded nonremonstrance agreement in a form satisfactory to County Counsel, for future road or drainage improvements within the right of way abutting the lots or parcels shall be required.
4. Sewer.
    - a. New development shall be served by sewer when sewer is available.
    - b. Sewer is considered available if a sewer line is within 300 feet of a lot line of the parent lot or parcel unless there are topographic or man-made features which make connection physically impractical or the sewer provider determines that the sewer connection can be deferred.
    - c. Where an existing residence is served by a septic system and drain field, a sewer agreement in a form prepared by the City of Bend shall be executed with the City requiring hookup to the sewer system when sewer becomes available.
    - d. For undeveloped lots or parcels where sewer is not available, a sewer agreement shall be executed on a form prepared by the City of Bend setting forth the terms and conditions under which sewer services will be provided when sewer becomes available.
  5. The property owner shall execute a consent to annexation to the City of Bend for the land area covered by the partition on a form prepared by the City, which form shall be recorded in the Deschutes County deed records no later than the time the plat is recorded.

6. A restrictive covenant shall be recorded for each lot or parcel in conjunction with the final plat that prohibits further division of those lots or parcels until the lot or parcel can be served by DEQ-permitted community or municipal sewer system and urban standard roads.

HISTORY

*Adopted by Ord. [93-018](#) §10 on 5/19/1993*

**[19.28.060 Off-Street Parking](#)**

Off-street parking shall be provided as required in DCC 19.80.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

**[19.28.070 Other Required Conditions](#)**

See DCC 19.88 applying to Special Uses, and DCC 19.76.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

**[CHAPTER 19.32 \(REPEALED\)](#)**

HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

**[CHAPTER 19.36 \(REPEALED\)](#)**

HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

**[CHAPTER 19.40 \(REPEALED\)](#)**

HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

**[CHAPTER 19.44 \(REPEALED\)](#)**

HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

**[CHAPTER 19.48 \(REPEALED\)](#)**

HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

**[CHAPTER 19.52 \(REPEALED\)](#)**

HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

**CHAPTER 19.56 (REPEALED)**

## HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

**CHAPTER 19.60 (REPEALED)**

## HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

**CHAPTER 19.64 LIGHT INDUSTRIAL ZONE; IL**19.64.010 Purpose19.64.020 Permitted Uses19.64.030 Conditional Uses19.64.040 Height Regulations19.64.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks19.64.060 Off-Street Parking And Loading19.64.070 Other Required Conditions**19.64.010 Purpose**

This zone is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the city.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

**19.64.020 Permitted Uses**

The following uses are permitted in the IL Zone subject to the provisions of DCC 19.76.

- A. Any permitted use in the IP Zone.
- B. Cold storage plants, including storage and office.
- C. Fuel oil distributors.
- D. Printing, publishing and book binding.
- E. Public utility buildings and yards.
- F. Veterinary clinic and hospitals operated entirely within an enclosed building.
- G. Light fabrication and repair shops, such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welding.
- H. Assembly, manufacture or preparation of articles and merchandise from the following previously prepared types of materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, leather, precious or semiprecious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding

sawmills, lumber mills, planing mills, molding plants, particle board, wafer board, plywood and pulp process) yarns and paint not employing a boiling process.

- I. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfume, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering and fermented foods, such as sauerkraut, vinegar and yeast.
- J. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding.
- K. Contractor's equipment, storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition.
- L. Manufacture of concrete products and ceramic products using only previously pulverized clay.
- M. Manufacture of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment.
- N. Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings and other devices employed by the medical and dental professions.
- O. Mini storage units.
- P. Planned unit developments subject to the provisions of DCC 19.104.
- Q. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.
- R. Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drug and electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.
- S. Public buildings.
- T. Child care facility and/or preschool.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §§27, 28 and 29 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [92-043](#) §2 on 5/20/1992*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2020-010](#) §11 on 7/3/2020*

#### **[19.64.030 Conditional Uses](#)**

The following Conditional Uses may be permitted subject to a Conditional Use Permit and the provisions of DCC 19.76 and 19.100:

- A. Building over 35 feet in height.
- B. Livestock feed and sales yard.
- C. Ambulance service.
- D. Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars and taverns.
- E. All types of automobile, motorcycle and truck sales, service, repair and rental. Automobile and truck service stations subject to DCC 19.88.
- F. Boat building and repair.
- G. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
- H. Trailer sales, storage, and rental.
- I. Commercial parking lot.
- J. Kindergarten.
- K. Hydroelectric facility in accordance with DCC 19.100 and DCC 19.88.190.
- L. Manufactured home sales and service.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-017](#) §13 on 6/30/1986

Amended by Ord. [88-042](#) on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [92-008](#) §1 on 2/5/1992

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2020-010](#) §11 on 7/3/2020

#### [19.64.040 Height Regulations](#)

No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 35 feet without a conditional use permit.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

#### [19.64.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

The following lot or parcel requirements shall be observed:

- A. Lot Area. No requirements.
- B. Lot Width. Each lot or parcel shall have a minimum width of 100 feet~~No requirements.~~

~~C.~~ ~~Lot Depth.~~ Each lot shall have a minimum depth of 100 feet.

~~D.C.~~ Front ~~YardSetback~~. Ten feet, except when abutting a lot or parcel in an R Zone, and then the front yard-setback shall be the front yard-setback required in the abutting R Zone.

~~E.D.~~ Side ~~YardSetback~~. None, except when abutting a lot or parcel in an R Zone, and then the side yard-setback shall be a minimum of 20 feet. The required side yard-setback shall be increased by one-half foot for each foot the building height exceeds 20 feet.

~~F.E.~~ Rear ~~YardSetback~~. None, except when abutting a lot or parcel in an R Zone, and then the rear yard-setback shall be a minimum of 20 feet. The required rear yard-setback shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

~~G.F.~~ Lot Coverage. No requirements.

~~H.G.~~          Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-041](#) §18 on 6/1/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### [19.64.060 Off-Street Parking And Loading](#)

Off-street parking and loading space shall be provided as required in DCC 19.80.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### [19.64.070 Other Required Conditions](#)

- A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot or parcel in an R Zone shall be conducted wholly within an enclosed building unless screened from the R Zone by a sight-obscuring fence or wall.
- B. Openings to structures on sides abutting to or across the street from an R Zone shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions that would have an adverse effect on property in the R Zone.
- C. Motor vehicle, boat or trailer rental, sales or storage lots shall be drained and surfaced with pavement, except in those portions of the lot maintained as landscaped areas.
- D. In any IL zone directly across the street from an R zone, the parking and loading area and outdoor display or storage areas shall be set back at least 10 feet from the right of way, and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining-abutting residential property. Such landscaping shall be maintained.



- E. Access points from a public road to properties in an IL zone shall be so located as to minimize traffic congestion and to avoid directing traffic onto access streets of a primarily residential character.
- F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.
- G. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
- H. All uses in the IL zone shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other zone.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §30 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **CHAPTER 19.68 (REPEALED)**

#### HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

#### **CHAPTER 19.70 (REPEALED)**

#### HISTORY

*Repealed by Ord. [2016-023](#) on 9/28/2016*

#### **CHAPTER 19.72 FLOOD PLAIN COMBINING ZONE; FP**

[19.72.010 Purpose](#)

[19.72.020 Application Of FP Zone](#)

[19.72.030 Warning And Disclaimer Of Liability](#)

[19.72.040 Alteration Of Watercourses](#)

[19.72.050 Permit For Use Or Development In An FP Zone](#)

[19.72.060 Structural Elevation Data Required](#)

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[19.72.090 Land Development Standards In A Flood Hazard Area](#)

[19.72.100 Manufactured Home Development Standards](#)

[19.72.110 Utilities Standards In A Flood Hazard Area](#)

[19.72.120 Floodways](#)

[19.72.130 Technical Variances](#)

[19.72.140 Historic Variance](#)

[19.72.150 Other Variances](#)

[19.72.160 Application For Variances](#)[19.72.170 Granting Of Variances](#)[19.72.010 Purpose](#)

It is the purpose of this zone to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazards so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.72.020 Application Of FP Zone](#)

- A. The FP Combining Zone shall apply to the area identified on the Flood Insurance Rate Map (FIRM) as special flood hazard areas inundated by 100-year flood and floodway areas. The FIA Flood Insurance Study for Bend and the FIRM map are hereby adopted and by this reference included herein. The A and AE zones shown on the FIRM map are hereby zoned FP.
- B. When base flood elevation data has not been provided on the FIRM, the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer DCC 19.72.020.
- C. Information to be obtained and maintained:
  1. Where base flood elevation data is provided through the Flood Insurance Study or as required in DCC 19.72.020(B), record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.

2. For all new or substantially improved flood proofed structures, record the actual elevation (in relation to mean sea level) of the structure's lowest floor. Obtain and maintain the flood proofing certifications required in DCC 19.72.070(B).

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.030 Warning And Disclaimer Of Liability**

The degree of flood protection required by DCC 19.72.030 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas will be free from flooding or flood damages. This title shall not create liability on the part of the County, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this title or any administrative decision made hereunder.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.040 Alteration Of Watercourses**

- A. Prior to any alteration or relocation of a watercourse, notice of the proposed alteration shall be given to affected, adjacent communities and the State Department of Water Resources and evidence of such notification submitted to the Federal Insurance Administration.
- B. The applicant shall maintain the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.050 Permit For Use Or Development In An FP Zone**

No development shall occur in an FP Zone unless a permit has been received for the work. Except for improvement of an existing structure which is less than substantial, as determined by the County, no permit shall be issued unless the work will be reasonably safe from flooding, and otherwise complies with this title. All necessary state, federal and local permits will be obtained as a condition of approval on any permit in an FP Zone. The following information shall be submitted with the permit application:

- A. The location of the property with reference to channel locations and flood profile elevations.
- B. The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and, for areas immediately adjacent

to a stream, two-foot for ground slopes between five and 10 percent and five-foot for greater slopes.

- C. The location of existing and proposed diking or revetments, if any.
- D. Review of building permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.060 Structural Elevation Data Required**

- A. A building permit application for substantial improvement to an existing structure or for a new structure within an FP Zone shall contain the following data referenced to mean sea level.
  - 1. The level of the lowest habitable floor and of any basement floor whether or not intended to be habitable.
  - 2. The level to which the structure is to be flood proofed, if applicable.
- B. A statement which notes whether the structure contains a basement.
- C. The information required by DCC 19.72.060 shall be maintained in the files of the Building Department with the subject building permit.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.070 Regulation Of Structures In An FP Zone**

- A. Residential Construction.
  - 1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
  - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- b. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - c. The bottom of all openings shall be no higher than one foot above grade.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities shall:
  - 1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of DCC 19.72.070 based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the county's building official.
  - 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in DCC 19.72.070(A)(1).
  - 5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates for buildings that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- C. Manufactured Homes. All manufactured homes to be placed or substantially improved within the FP zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of DCC 19.72.070(A)(2).

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.080 Construction Materials And Methods**

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- C. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.090 Land Development Standards In A Flood Hazard Area**

- A. In addition to the terms of DCC 19.72.070 and 19.72.080, a subdivision or other land development, including all utility facilities, within an FP zone shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.
- B. A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood-carrying capacity of the watercourse.
- C. A proposed land development of greater than either 50 lots or five acres shall include data showing the base flood elevation.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.100 Manufactured Home Development Standards**

- A. All manufactured homes to be placed or substantially improved within the FP zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of DCC 19.72.070(A)(2).
- B. The placement of a manufactured home in the floodway is prohibited.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1 on 2/11/2009*

#### **19.72.110 Utilities Standards In A Flood Hazard Area**

- A. A public utility or facility associated with a land development within an FP zone shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.
- B. Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.

- C. Any new or replacement sewerage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.72.120 Floodways](#)**

Located within areas of special flood hazard established in DCC 19.72.020(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If DCC 19.72.120(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of DCC 19.72.070.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.72.130 Technical Variances](#)**

A technical variance from the requirements of DCC 19.72 may be granted by the Planning Director or Hearings Body for new construction and for improvements to existing structures which could not otherwise be authorized, provided the construction or improvements are to be erected or installed on a lot or parcel of land one-half acre or less in size, contiguous to or substantially surrounded by lots or parcels with existing structures constructed below the minimum floor elevation established for flood protection purposes. A lot or parcel of land in excess of the one-half acre in single ownership on the effective date of this title is not excluded from the granting of a technical variance, but the burden of proof required for issuing the variance increases as the size of the property under single ownership increases, and the variance shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the lot or parcel for which a variance is sought.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.72.140 Historic Variance](#)**

A variance for historic preservation may be granted for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.150 Other Variances**

All other variance applications shall be considered according to the terms of DCC 19.108 and the following factors:

- A. The danger that materials may be swept onto others' property.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided to the community by the proposed facility.
- E. The necessity to the use of a waterfront location, where applicable.
- F. The availability of alternate locations not subject to flooding or erosion damage.
- G. The relationship of the use to the area floodplain management program.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected height, velocity, duration, rate of rise and sediment transport of floodwaters and the effect of wave action, if applicable, expected at the site.
- J. The cost of providing governmental and utility services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.72.160 Application For Variances**

Applicants for a variance shall include with their application the following information:

- A. The location of the property with reference to channel location and flood profile elevation.
- B. The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and for areas immediately adjacent to a stream, two-foot for ground slopes between five and 10 percent and five-foot for greater slopes.



C. The location of existing and proposed diking or revetments, if any.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.72.170 Granting Of Variances](#)**

The Hearings Body or Planning Director may grant a variance upon a finding that the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §32 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **CHAPTER 19.76 SITE PLAN REVIEW**

##### [19.76.010 Purpose](#)

##### [19.76.020 Site Plan Requirements](#)

##### [19.76.030 Noncompliance](#)

##### [19.76.040 Procedure](#)

##### [19.76.050 Other Conditions](#)

##### [19.76.060 Agreement And Security](#)

##### [19.76.070 Site Plan Criteria](#)

##### [19.76.075 Design Review Standards](#)

##### [19.76.080 Required Minimum Standards](#)

##### [19.76.090 Deschutes River Corridor Design Review](#)

#### **19.76.010 Purpose**

The purpose of site plan review is to ensure compliance with the objectives of DCC Title 19 and the Comprehensive Plan where development may cause a conflict between uses in the same or **adjoining abutting** zones by creating unsightly, unhealthful, or unsafe conditions and thereby adversely affecting the public health, safety and general welfare. The purpose shall also be to avoid creating undue burdens on public facilities and services. In considering a site plan, the Planning Director or Hearings Body shall take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **19.76.020 Site Plan Requirements**

In all zones, except for a single-family unit dwelling, duplex, or triplex unit, or an accessory dwelling unit, on one lot or parcel, all new uses, buildings, outdoor storage, or sales areas and parking lots, or alterations thereof shall be subject to the provisions of DCC 19.76.020. Site plan approval shall not be required where a proposed alteration of an existing building does not exceed 25 percent of the size of the original structure unless the Planning Director finds the original structure or proposed alteration does not meet the requirements of DCC Title 19 or other ordinances of the County.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2023-014](#) §8 on 12/1/2023*

#### **19.76.030 Noncompliance**

- A. Noncompliance with a final approved site plan or development agreement shall be treated as a zoning ordinance violation.
- B. The applicant shall demonstrate continued compliance with the approved landscape plan established under DCC 19.76.030.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **19.76.040 Procedure**

- A. Prior to filing a site plan application, the applicant shall be encouraged to confer with the Planning Department concerning the requirements of formal application.
- B. The site plan application shall be filed on a form provided by the Planning Department and shall be accompanied by drawings containing information as specified by the Planning Department. A minimum of eight copies of the site plan shall be submitted along with such additional information as is deemed necessary for the Planning Director or Hearings Body to adequately review the application.
- C. The Planning Director or Hearings Body shall approve, with or without conditions, or disapprove the site plan. In approving the plan, the Planning Director or Hearings Body shall find that all provisions of DCC Title 19 are complied with and that all buildings and facilities, access points, parking and loading facilities, lighting and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be minimal adverse effect on surrounding property. The decision of the Planning Director or Hearings Body shall be final unless appealed in accordance with the County's land use procedures.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **19.76.050 Other Conditions**

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 19 as a condition for site plan approval.

- A. An increase in the required ~~yards~~setbacks.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, location and number of lights.
- E. Limitations on the number and location of curb cuts.
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.
- G. Dedication of land or an easement for the creation or extension of Access Corridors for pedestrian and bicycle travel.
- H. Improvement, including, but not limited to, paving, curbing, installation of traffic signals, constructing sidewalks, striping bike lanes, or other improvements to the street system which serves the proposed use where the existing street system will be burdened by the proposed use.
- I. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- J. Landscaping of the site.
- K. Transit Facility or an easement for bus pullout if on a mass transit route.
- L. Location or orientation of buildings and entrances closer to street to serve pedestrians, bicyclists and/or mass transit use.
- M. Any other limitations or conditions which it considers necessary to achieve the purposes of DCC Title 19.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [93-018](#) §4 on 5/19/1993*

#### **19.76.060 Agreement And Security**

The developer and owner shall, as a condition of approval, execute a development agreement for any improvements required on a form approved by the County Counsel and may be required to file with the County a performance bond or other security as approved by the County Counsel to assure full performance of the required improvements. The bond shall be for the cost of the improvements plus 10 percent.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

**19.76.070 Site Plan Criteria**

Approval of a site plan shall be based on the following criteria:

- A. Safety and Privacy. Residential site plans shall be designed to provide a safe living environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
- B. Special Needs of Disabled. When deemed appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs and disabled parking stalls.
- C. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
- D. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, designs of parking areas and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.
- E. Buffering and Screening. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires and the like), loading and parking and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts to the site and neighboring properties.
- F. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
- G. Public Facilities. The proposed use shall not be an undue burden on public facilities, such as the street, sewer or water system.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

**19.76.075 Design Review Standards**

- A. Purpose. The purpose of DCC 19.76.075 is to provide design standards for commercial development within the CH, Highway Commercial zone. These standards ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility and innovation in site planning and development, including architecture, landscaping, transit, parking design, signs and enhancement of the special characteristics that make Bend a unique place to live. In addition to the standards of DCC 19.76.070, the following standards apply to all developments within the CH, Highway Commercial zone.

- B. Except as exempted by DCC 19.76.075(B), the provisions of DCC 19.76.075 shall apply to the following activities:
1. All new building construction.
  2. Any exterior modifications to existing buildings, including change of color.
  3. All new parking lots.
  4. All outdoor storage and display areas.
  5. All new signage.
  6. All building expansions greater than 10,000 square feet.
- C. Exemptions. DCC 19.76.075 does not apply to the following activities:
1. Maintenance of the exterior of an existing structure such as re-painting, re-roofing or re-siding where similar materials and colors are used or materials and colors are used that comply with DCC 19.76.075.
  2. Interior remodeling.
  3. Reconstruction of buildings which have been destroyed or substantially damaged by fire or natural causes. The building(s) shall be reconstructed on the same location as it existed prior to damage or destruction. Reconstruction shall commence within one year of the damage or destruction.
  4. Building expansions not exceeding 25 percent of the gross square footage of the original building and where the expansion does not exceed 10,000 square feet in area.
  5. Parking lot expansions not exceeding 25 percent of the gross square footage of the original lot and where the total amount of parking provided will not exceed 150 percent of the parking allowed by the Zoning Ordinance.
  6. Buildings that are listed in the Inventory of Historic Sites within the Bend Area General Plan, Exhibit "A," or buildings designated on the Historic National Landmarks Register.
- D. Standards for Approval. The Planning Director or Hearings Officer shall use the standards in DCC 19.76.075 and the criteria for site plan review to ensure compliance with the purpose of Design Review.
1. The standards of approval for buildings 30,000 gross square feet or less, and sites less than six acres in size are as follows:
    - a. Natural Features. Buildings shall be sited to protect areas of special interest as defined in the Bend Area General Plan. Other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

- b. Building Location and Orientation. New buildings shall have at least one ~~principal~~ primary building entrance oriented toward the primary frontage property line and comply with the transit requirements of OAR 660-12-045(4).
- c. Pedestrian Walkways:
1. Walkways from the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. This walkway is necessary for persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
  2. Walkways from Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed to provide access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building.
- d. Mechanical Equipment and Service Areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.
- e. Building Design:
1. Exterior Building Design. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.

2. **Architectural Features.** Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.  
In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in DCC 19.76.080.
3. **Building Materials.** The predominant building materials should be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
4. **Roof Design.** Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are required. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.
5. **Customer Entrances.** Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are required.
6. **Community Amenities.** Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are required and may be calculated as part of the landscaping requirement.
7. **Building and Sign Colors:**
  - A. Exterior colors shall be of low reflectance, subtle, neutral or earth tone.
  - B. The Deschutes County color guide provides samples of approved and prohibited colors.
  - C. The use of trademark colors shall require approval.

- D. The use of high intensity colors such as black, neon, metallic or florescent for the facade and/or roof of the building are prohibited except as approved for building trim.
8. Exterior Lighting and Flag Poles. Exterior lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property or streets. Light poles and/or fixtures and flag poles shall not exceed 25 feet in height.
  9. Signage. A comprehensive signage plan shall be required pursuant to DCC 15.08, Signs, except that pole signs are prohibited. Ground mounted signs shall not exceed 10 feet in height and eight feet in width. Wider signs may be allowed provided the total area of the sign does not exceed 80 square feet. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises. White, ivory and yellow backgrounds of internally illuminated signs shall not exceed 20 percent of the total sign area, including reader boards.
2. The standards of approval for buildings greater than 30,000 gross square feet and/or sites six acres or larger are as follows:
- a. Natural Features. Buildings shall be sited to protect areas of special interest as defined in the Bend Area General Plan. Other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
  - b. Building Location and Orientation. New buildings shall have at least one ~~principal~~ primary building entrance oriented toward the primary frontage property line and comply with the transit requirements of OAR 660-12-045(4).
  - c. Pedestrian Walkways:
    1. Walkways from the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. This walkway is necessary for persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
    2. Walkways from Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed to provide access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from



moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways shall be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building.

- d. Mechanical Equipment and Service Areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.
- e. Building Design:
  1. Exterior Building Design. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporated architectural features and landscaping for at least 30 percent of the wall length.
  2. Architectural Features. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.  
A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in DCC 19.76.080.
  3. Building Materials. The predominant building materials shall be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

4. **Roof Design.** Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are required. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.
  5. **Customer Entrance.** Each building shall have at least one clearly defined, highly visible customer entrance using a combination of the following architectural features: canopies, porticos, arcades, arches, wing walls, and permanent above grade integral planters.
  6. **Community Amenities.** Each building shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as a patio/seating area, water feature, art work or sculpture, clock tower, pedestrian plaza with park benches or other features acceptable to the review authority. These shall abut the primary entrance to the building.
  7. **Building and Sign Colors.** Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent colors for the facade and/or roof of the building are prohibited except as approved for building trim. The color guide provides samples of approved and prohibited colors. The use of trademark colors will require approval.
  8. **Exterior Lighting and Flag Poles.** Exterior lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property or streets. Light poles, light fixtures and flag poles shall not exceed 25 feet in height.
  9. **Signage.** A comprehensive signage plan shall be required pursuant to DCC 15.08, except that pole signs are prohibited. Ground mounted signs shall not exceed 15 feet in height and eight feet in width. Wider signs may be allowed provided that the total sign area does not exceed 120 square feet. All sign bases shall be constructed of materials compatible with the architecture of building(s) located on the premises. White, ivory and yellow backgrounds of internally illuminated signs shall not exceed 20 percent of the total sign area including reader boards.
- E. **Exceptions.** The Planning Director or Hearings Body is authorized to grant exceptions from the setbacks, height, landscaping, parking, and lot coverage standards if it can be determined that:
1. The exception is the minimum needed to achieve the purpose and objectives of DCC 19.76.075;

2. The exception does not adversely impact an adjacent building or property or create any unsafe pedestrian or vehicular situation; and
  3. The exception is necessary to create a more aesthetic or pleasing vista along the streets within the CH, Highway Commercial zone.
- F. Compliance with Plans. Construction, site development and landscaping shall comply with the approved plans, drawings, sketches and other documents approved by the Planning Director or Hearings Body.

#### HISTORY

Adopted by Ord. [97-038](#) §3 on 8/27/1997

#### 19.76.080 Required Minimum Standards

- A. Minimum Landscaping Standards. All developments subject to site plan approval shall meet the following minimum standards for landscaping:
1. A minimum of 15 percent of the area of a project shall be landscaped for ~~multifamily~~ multi-unit dwelling, commercial, and industrial developments, subject to site plan approval and the following requirements:
    - a. Landscape Plan. The applicant shall submit a complete landscape plan showing all live plant materials and non-plant materials to be installed on the site in order to meet the landscape requirement. The landscape plan shall also include written documentation of how the site will be prepared for plant material installation with an emphasis on soil quality and available depth.
    - b. Irrigation. All plant materials, except existing native plants not damaged during construction, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper water duration and ease of maintenance.
    - c. Non-Plant Materials. The use of certain non-plant materials as part of the landscape plan is highly encouraged. These materials may include the following: large landscape quality boulders, wood or concrete soil retaining devices, gravels, concrete garden amenities, approved mulch materials, stepping stones and water features. Borders for landscape beds abutting parking areas shall be constructed with extruded or poured-in-place concrete, retaining walls, sidewalks and/or other features acceptable to the County.
    - d. Plant Materials. Minimum plant material sizes and placement: (Note: Annual type plants will not be counted as part of the landscaping requirement unless permanent architectural or other non-movable features are specifically created for these type of plants.)
      1. Trees. A variety of tree species is encouraged as a way to provide visual interest and to protect against same species die out or disease. Acceptable tree species shall be those trees which are listed in DCC 19.76.080(A)(2)(g), readily available from local nurseries, tolerant of

Central Oregon climate, disease resistant, and do not create unusual maintenance problems. All deciduous trees shall be a minimum of two inches in diameter at breast height. Larger diameter trees are encouraged if soil conditions allow.

2. Ponderosa Pine. There shall be one native Ponderosa species of pine planted for every four deciduous trees required to be planted on the site. Pine trees may require larger planting beds due to their size at maturity. All coniferous trees, except Ponderosa, shall be a minimum of six feet in height. Ponderosa trees shall be a minimum of three feet in height. Larger Ponderosa trees are encouraged if readily available.
  3. Shrubs. All shrubs shall be a minimum of three gallons in size. Shrubs adjacent to parking areas with car overhang shall be planted at least three feet from the parking surface. Shrubs shall not be placed closer to other materials than the plant spread at maturity. At least 40 percent of the shrubs in the landscape plan shall include evergreens. The use of a variety of shrub types is encouraged.
  4. Ground covers. All ground covers shall be of sufficient size and quantity to provide for maximum coverage in five years based upon the species and growth pattern.
  5. Planting beds. Planting beds shall be of sufficient width to accommodate the plants at maturity. The planting beds along the perimeter of a building shall incorporate a mix of trees, shrubs and ground covers to buffer the building and reduce the apparent mass of the building as viewed from the street. The plant materials within the planting bed shall not create hiding areas or other security concerns.
2. Street Trees. The placement, spacing and pruning of street trees shall be as follows, although the Planning Director or Hearings Body may adjust the placement standard for special site conditions:
- a. Street trees shall be located a minimum of five feet from the face of a curb.
  - b. Street Trees shall be placed a maximum of 30 feet apart. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
  - c. An approved tree grate or other surface treatment shall be used for street trees planted in paved or concrete area.
  - d. As street trees grow, they shall be pruned to provide a minimum clearance of eight feet above sidewalk and 14 feet above street, alley or roadway surfaces.
  - e. Existing trees may be used as street trees if they are not killed or damaged from any new development. Sidewalks of variable width and elevation may be utilized to save existing street trees.

- f. Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list.
  - g. Street trees shall be those species suitable for the location in which they are placed. Approved tree species include:  
Trees with low mature tree height (25 feet or less) for use in areas under power lines or in small planting areas:  
Amur Maple/Acer ginnala Canada Red Cherry/Prunus Virginiana 'Shubert'  
Eastern Redbud/Cercis canadensis Flowering Crabapple/Malus 'variety'  
Hawthorn/Crataegus 'variety' Japanese Lilac Tree/Syringa reticulata  
Serviceberry/Amelanchier Medium mature tree height (30 to 45 feet): American Hornbeam/ Carpinus caroliniana Callery Pear/Pyrus calleryana Hedge  
Maple/Acer campestre Mountain Ash/Sorbus acuparia 'variety' Tall mature tree height (50 feet or larger): Birch/Betula pendula 'variety' Green Ash/Fraxinus pennsylvanica Honey Locust/Gleditsia tricanthos 'variety' Littleleaf Linden/Tilia cordata Norway Maple/Acer platanoides 'variety' Pin Oak/Quercus palustris Red Maple/Acer rubrum 'variety' Red Oak/Quercus rubra Other tree species: The Planning Director or Hearings Body may approve other tree species as necessary to achieve the purposes of DCC 19.76.080.
3. Areas of commercial and industrial zones used for vehicle maneuvering, parking, loading or storage shall be landscaped and screened as follows:
- a. Landscape coverage of the landscape area shall be 50 percent at the time of installation and 90 percent at five years.
  - b. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect.
  - c. Landscape buffers between parking areas, parking pods and internal streets shall have a minimum width of five feet with no car overhang and 10 feet with a car overhang.
  - d. Landscape buffers between parking and an abutting property line shall have a minimum width of 10 feet.
  - e. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.
  - f. There shall be a landscaped and/or screened buffer area a minimum distance of five feet between commercial uses.
  - g. There shall be a minimum width of 10 feet for landscape buffers between buildings adjacent to streets.
  - h. Landscape buffers shall consist of evergreen ground cover and shrubs mixed with a variety of flowering and deciduous species of trees and shrubs.

- i. Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
  4. Required landscaping shall be continuously maintained.
  5. Vegetation planted in accordance with an approved site plan shall be maintained by the owner, any heir or assignee. Plants or trees that die or are damaged shall be replaced and maintained.
- B. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development as follows:
  1. Units with one or two bedrooms: 200 square feet of lawn per unit.
  2. Units with three or more bedrooms: 300 square feet of lawn per unit.
- C. Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.
- D. Drainage. Surface drainage shall be contained on site.
- E. Bicycle Parking. The development shall provide the number and type of bicycle parking facility as required in DCC 19.80.080 and 19.80.090. The location and design of bicycle parking facilities shall be shown on the site plan.
- F. Internal Pedestrian Circulation. Internal pedestrian circulation shall be provided in new office parks and commercial developments through the clustering of buildings, construction of hard surface pedestrian walkway, and similar techniques.  
Walkways shall connect building entrances to one another and from building entrances to public street and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connection on adjacent properties planned or used for commercial, ~~multifamily~~multi-unit dwelling, institutional, or park use.
- G. Public Transit Orientation. New retail, office, and institutional buildings on lot or parcels within 600 feet of existing or planned transit routes shall provide preferential access to transit through the following measures:
  1. Orienting building entrances to a transit facility; or
  2. Locating buildings as close as possible to the transit route street.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §33 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [93-018](#) §5 on 5/19/1993

Amended by Ord. [97-038](#) §4 on 8/27/1997

#### [19.76.090 Deschutes River Corridor Design Review](#)

A. Purpose. It is the purpose of the Deschutes River Corridor Design Review to ensure compliance with the objectives of DCC Title 19 and the goals and policies relating to the Deschutes River in the Bend Area General Plan. The purpose shall also be to:

1. Recognize and respect the unusual natural beauty and character of the Deschutes River.
2. Conserve and enhance the existing riparian zone along the Deschutes River.
3. Allow the community flexibility in reviewing development proposals within the Areas of Special Interest that are designated on the Bend Area General Plan.
4. Maintain the scenic quality of the canyon and rimrock areas of the Deschutes River.
5. Conserve and enhance property values.

In considering a Design Plan, Deschutes County shall utilize an appropriate review body as described in DCC Title 22.24 and take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community.

B. The following areas and uses are exempt from the Deschutes River Design Review process:

1. Public streets and utility facilities existing as of the date of adoption of DCC Title 19. Notwithstanding anything to the contrary in DCC Title 19, a variance may be granted to the mandatory 40 foot setback for future public streets and utility facilities.
2. Irrigation facilities, canals and flumes existing as of the date of adoption of DCC Title 19.

C. Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a Design Review process.

1. Prior to filing a design review application, the applicant shall confer with the Planning Director concerning the requirements of formal application.
2. The design review application shall be filed on a form provided by the Planning Division and shall be accompanied by drawings and information as specified by the Planning Division. Copies of the plan shall be submitted and such additional information as is deemed necessary for the Planning Director or review body to adequately review the application.
3. The review body or Planning Director shall in accordance with DCC Title 19 and DCC Title 22 approve, approve with conditions, or disapprove the design plan. In approving the plan, the review body or Planning Director shall find that all provisions of DCC Title 19 are complied with and that all buildings and facilities, access points, parking loading facilities, lighting, and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be minimal adverse effect on surrounding property and the river corridor. The decision of the review body or Planning Director shall be final unless appealed in accordance with applicable provisions of DCC Title 22.

- D. Minimum Standards. All development within the Deschutes River Corridor shall meet the following minimum standards for development:
1. Building Setbacks. For the areas described below, the setback for all new development shall be a minimum of 100 feet from the ordinary high water mark unless the applicant can demonstrate that a lesser setback is warranted, due to lot or parcel size and shape, topography, preservation of natural vegetation, view corridors, and subject to the criteria in DCC 19.76.090(E). In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River. The term "new development" shall not include rebuilding an existing structure provided that the rebuilt structure is comparable in size, profile, use, and location to the structure that previously existed.
    - a. The east and west banks from the southern boundary of the City of Bend to the southern boundary of the Bend Urban Area;
    - b. The east and west banks from the northern boundary of the City of Bend to the northern boundary of the Bend Urban Area.
  2. Building Heights. Maximum structure height shall be limited to 30 feet at the minimum setback line. The review body may allow increases in building heights up to the allowed height in the underlying zone the farther the building sets back from the river. The review body may limit building height the closer to the river a building is allowed. The building height shall be measured from the lowest natural grade facing the river to the highest measurable point on or projecting from the roof of the structure.
- E. Site and Design Review Criteria. In addition to the minimum standards above, the review body shall review the development using the following design criteria:
1. Conservation of natural features. Major rock outcrops, stands of trees or other prominent natural features are an important part of the visual character and duality of the community. The review body shall review the applicant's proposal for impacts on these resources and may limit the amount of removal, require additional screening, or moving or reducing in size the development addition or structure in order to preserve to the greatest extent possible, existing natural features.
  2. Compatibility with existing area. The review body shall consider the relationship of the proposed development with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river and adjacent land use. The review body may establish increased setbacks, limitations of building heights, and limitations on the bulk and length of buildings, limitations on lighting, landscaping, fences, size and shape of windows facing the river, size and location of parking, and outdoor storage areas in order to carry out the purpose of DCC Title 19.
  3. Colors and Materials. The review body shall consider colors and materials. The review body may require new structures and additions to existing structures to be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site or colors that are compatible with adjacent buildings.



4. No large areas, including roofs, shall be finished with bright or reflective materials. Metal roofing material is permitted if it is nonreflective and of a color which blends with the surrounding vegetation and landscape.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [94-027](#) §3 on 6/15/1994

Amended by Ord. [2021-013](#) §15 on 4/5/2022

### **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](#)

#### **19.80.010 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 fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. 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 19.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### **19.80.020 Off-Street Loading**

- A. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table. 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:

Square Feet 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

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor space of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

- C. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- D. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
- E. Off-street parking areas used to fulfill the requirements of DCC Title 19 shall not be used for loading and unloading operations, except during periods of the day when not required to take care of parking needs.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### [19.80.030 Off-Street Parking](#)

Off-street parking space shall be provided and maintained as set forth in DCC 19.80.030 for all uses in all zones, except for the CB zone. 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 19 is changed. Improved off-street parking shall mean paved with two inches of paving.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### [19.80.040 Number Of Spaces Required](#)

Off-street parking shall be provided as follows:

A. Residential.

<del>One Single-unit, two duplex, and three-family triplex</del> dwellings:	2 spaces per dwelling unit.
<del>Multifamily Multi-unit</del> 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
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.

## 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 ½ 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 Commission. The Planning 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

**19.80.050 General Provisions; Off-Street Parking**

- A. More Than One Use on One or More Lot or Parcels. In the event several uses occupy a single structure, lot, or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
- B. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures, lots or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, lots, or parcels that their operations and parking needs do not overlap in 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 evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
- C. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot or parcel with the dwellings. All other off-street parking shall be located on the lot or parcel with the use or, if not located on the same lot or parcel, shall be first approved as a conditional use. The applicant must prove that the parking located on another lot or parcel is functionally located and that there is safe vehicular and pedestrian access to and from the use. The burden

of proving the existence of such off-premises parking arrangements rests upon the person who has the responsibility of providing parking.

- D. 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.
- E. Parking, Front ~~Yard~~Setback Area. Unless otherwise provided, required parking and loading spaces for ~~multifamily-multi-unit~~ dwellings, commercial, and industrial use shall not be located in a required front ~~yard~~setback area, but such space may be located within a required side or rear ~~yard~~setback area.
- F. Disabled Parking. The number, location and design of disabled parking spaces shall be as required by the building code. Buildings and uses in existence on April 30, 1993 that are retroactively required to provide disabled parking facilities may place the disabled spaces in the front ~~yard~~setback area if it is not possible to locate the parking elsewhere on the site.
- G. Shopping Center Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets, or transit stops. Ways to achieve this standard may include, but are not limited to:
  - 1. Location and orientation of buildings closer to the street to minimize pedestrian and bicycle travel through a parking area;
  - 2. Providing one or more raised walkways through the parking areas;
  - 3. Providing one or more walkways protected by landscaping and parking bumpers with areas across vehicle aisles delineated by nonasphaltic material in a different color or texture than the parking areas;
  - 4. Connecting on-site pedestrian walkways and bikeways to other existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas.
- H. Maximum parking. The maximum number of parking spaces for a commercial development with a gross floor area of 30,000 square feet or greater, or a site with more than six acres shall not exceed 150 percent of the required parking.
- I. Reduction In Required Parking. The total number of required motor vehicle parking spaces for an industrial, commercial, and office use may be reduced by five percent for each of the activities listed below provided by the owners or operators, up to a maximum 10 percent reduction in the total number of motor vehicle spaces.
  - 1. Participation in an area wide carpool/vanpool ride matching program for employees;
  - 2. Designating at least 10 percent of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
  - 3. Providing showers and lockers for employees who commute by bicycle;

4. Providing twice as many covered, secured bicycle parking racks or facilities as required by DCC Title 19;
  5. Providing a transit facility that is approved by the local transit authority and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.
- J. Parking Pods. Developments that provide more than 75 parking spaces shall:
1. Develop the parking area into pods of no more than 50 spaces each.
  2. Develop physical breaks between the pods by providing one or more of the following:
    - a. Landscaping beds of not less than five feet in width with no car overhang and 10 feet in width with a car overhang;
    - b. Siting of building pads, landscaped pedestrian walkways, interior streets or other site features acceptable to the planning director or hearings body.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §6 on 5/19/1993

Amended by Ord. [97-038](#) §5 on 8/27/1997

#### **19.80.060 Development And Maintenance Standards For Off-Street Parking Areas**

Every lot or parcel of land hereafter used as a public or private area, including commercial parking lots, shall be developed as follows:

- A. An off-street parking area for more than five vehicles shall be effectively screened by a site-obscuring fence, hedge or planting on each side which adjoins-abuts a residential use or property situated in a residential zone or the premises of any school or like institution.
- B. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining-abutting property in an R zone.
- C. Except for single-family-unit and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right of way other than an alley.
- D. Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all weather use and so drained as to contain any flow of water on the site.
- E. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

- G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined throughout by the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
- H. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 30 feet from their intersection.
- I. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, pedestrian walkway, bikeway, or a street right of way.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §7 on 5/19/1993

#### [19.80.070 Off-Street Parking Lot Design](#)

All off-street parking lots shall be designed in accordance with county standards for stalls and aisles set forth in the following drawings and table:

#### OFF STREET PARKING LOT DESIGN

Parking Angle	Stall Width	20' Stall	Aisle Width - One Way*	Curb Length Per Car	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'-0" 9'-6" 10'-0"	21.0 21.2 21.2	18.0 18.0 18.0	10.4 11.0 10.6	60.0 60.4 60.4
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 30.4
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



- A. For one row of stalls, use C plus D as minimum bay width.
- B. Public alley width may be included as part of dimension D, but all parking stalls must be on private property, off the public right of way.
- C. For estimating available parking area, use 300-325 sq. ft. per vehicle for stall, aisle and access areas.
- D. For narrow lots, equivalent size stalls and aisles may be approved by the Public Works Director.
- E. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls 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.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### [19.80.080 Required Bicycle Parking](#)

- A. On-site bicycle parking shall be provided as listed below. Fractional spaces shall be rounded to the next highest number. Bicycle parking for multiple uses or large commercial developments may be provided in one or more locations.

Use	Requirement
<del>Multifamily-Multi-unit</del> dwellings with 4 units or more	1 covered space per unit
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees, whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Street vendors, itinerant merchants and similar temporary sales operation	No bicycle spaces required
Restaurants, cafes and taverns	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces.
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Medical or dental office or clinic or hospital	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces

Stadium, arena, theater or similar public use	1 space for every 20 seats
Elementary school	1 covered space for every 10 students in grades 2 through 5
Junior High or Middle School	1 covered space for every 10 students
College	1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit
Public or private recreational facility	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Industrial uses without retail trade or service	1 space for every 20 employees
Industrial uses with retail trade or service	1 covered space for every 20 employees plus 1 space for every 20 motor vehicle spaces

#### HISTORY

Adopted by Ord. [93-018](#) §8 on 5/19/1993

#### **19.80.090 Bicycle Parking Location And Design; Other Required Conditions**

- A. Each required bicycle parking space shall be on asphaltic concrete, portland cement, or similar hard surface material and each space shall be at least two feet wide by six feet long with a minimum vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- B. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked. Bicycle rack design must accommodate both U-shaped locks and cables and include, but are not limited to, such shapes as an inverted "U" design or a "ribbon." Racks shall be securely anchored to a walkway, parking lot, building, or other approved structure.
- C. Where required, covered bicycle parking may be provided underneath an awning, eave, or other structural overhang, inside the main building or an accessory parking structure, or other facility as determined by the Site Plan Review that protects the bicycle from direct exposure to the elements.
- D. Except as noted below, all required bicycle parking shall be located on-site within 50 feet of well-used entrances and not farther than the closest motor vehicle parking space. Bicycle parking for multiple uses such as a commercial center or college may be clustered in one or more locations that are convenient for bicyclists but must meet all requirements for bicycle parking.

- E. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots. Bicycle parking shall be at least as well-lit as motor vehicle parking.
- F. New commercial developments and public buildings in which 25 or more persons will be employed, shall provide changing room(s) and shower(s) for employees who bicycle to work. Such facilities may be incorporated into restrooms, exercise rooms or similar facilities in the building.

#### HISTORY

Adopted by Ord. [93-018](#) §9 on 5/19/1993

### **CHAPTER 19.84 SPECIAL SETBACK PROVISIONS ON CERTAIN STREETS**

#### 19.84.010 Future Width And Special Building Lines

#### 19.84.020 Landscape Strips And Special Building Lines

#### **19.84.010 Future Width And Special Building Lines**

Future Width and Special Building Lines - Purpose and Designation of Streets. Because of heavy or arterial traffic volume and congestion, existing or probable intensive or commercial development of abutting properties, substandard paving widths, the probability of inadequate sight distances and other like conditions affecting traffic safety and light, air and vision along streets, the City Commission finds that the public health, safety and welfare require that building setback lines, as hereinafter specified be, and they hereby are established on all properties abutting the following named streets and sections of streets. Where applicable, requirements set forth in this provision shall be in addition to the ~~yard~~ setback requirements specified by the zoning districts.

The distances set forth shall be measured from the center-line and at right angles to the centerline of the street.

<b>Street Name</b>	<b>Setback From Centerline to <del>Yard</del> <u>Property Lot Lines</u></b>
Neff Road	50 Feet
27th Street	50 Feet
Highway 20	50 Feet
Highway 97	50 Feet
Boyd Acres Road (Studio Road to Industrial Park Road)	50 Feet
Reed Market Road	50 Feet
15th Street	50 Feet

Blakely	50 Feet
Cooley	50 Feet
Butler Market Road	50 Feet

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [91-045](#) §1 on 11/20/1991

#### **19.84.020 Landscape Strips And Special Building Lines**

- A. Landscape Strips and Special Building Lines - Purpose and Designation of Streets. The purpose of this provision is to conserve and enhance the appearance of the community along certain streets of special significance to the community. These streets are the entrance to the City for the traveling public and the most frequently used streets in the community by the general public. The deterioration of the general appearance of these streets will adversely affect the health, safety and general welfare of the people of the County. Therefore, there is hereby specified and hereby established on all properties abutting the following named streets and sections of streets a 10-foot building setback line from the street right-of-way line. Said areas within this special setback shall be landscaped and continuously maintained by the property owner. Said landscaping shall be installed upon the enlargement of the ~~principal~~primary structure on the property, the expansion of the use on the property or upon the change in use on any property within the specified sections of streets. Where applicable, the requirements set forth in this provision shall supersede the ~~yard-setback~~ requirements specified for the zones.
- B. Highway 97 - north city limits to south city limits; Division Street - from Highway 97 south to Brosterhous Road; Deschutes Place - from Revere Avenue south to Hill Street; Hill Street - from Deschutes County south to Norton Street; Wall Street - from Norton Street south to Greenwood Avenue; Riverside - from the alley west of Wall Street south to Galveston Avenue; Galveston Avenue - Riverside west to 14th Street; Greenwood Avenue - from east city limits west to Harriman Street; 14th Street/Century Drive - Galveston south to city boundary; Penn/Neff - 8th Street east; 27th Street - All.
- C. Compliance Required. It shall be unlawful for any person, firm or corporation to construct, erect or locate any building or other structure within any setback lines as established in DCC 19.84.020.
- D. Variance Procedure. Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of DCC Title 19 may result from the strict application of the provisions of DCC 19.84.020, a variance may be granted pursuant to the provisions set forth in DCC 19.108.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §35 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

## **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 Homes](#)

[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 Homes](#)

[19.88.290 Farm Stands](#)

### **19.88.010 Automobile Service Stations; Minimum Standards**

- A. Location. No portion of any service station shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under DCC 19.88.010. This shall not prevent the remodeling of an existing service station. DCC 19.88.010(A) shall not apply to any service station which includes as part of its operation on the site a retail grocery store and a restaurant which provides indoor service and seating for restaurant customers.
- B. Minimum Lot Size. The minimum lot size for a service station site shall be 12,000 square feet. The minimum street frontage on the major traffic-carrying street of a corner lot shall be 100

feet. The minimum street frontage for a service station site on an interior lot or parcel shall be 120 feet. The minimum lot depth-width shall be 100 feet.

- C. Setbacks. Service stations shall set back from property lines not less than 10 feet. Attached or free-standing canopies may not extend closer than 10 feet to the property line. The minimum 10-foot distance between property line and building shall be appropriately landscaped as a continuation of the service station's required landscaping.
- D. Screening. A sight-obscuring fence or wall not less than six feet or more than eight feet or an evergreen hedge planted at four feet and capable of obtaining six feet in height shall be provided between the service station and abutting property in a residential zone or used for residential purposes. Said wall, fence or hedge shall be reduced to 2.5 feet in vision clearance areas. A screened trash enclosure shall be provided on each station site.
- E. Landscaping. Landscaping shall be installed and maintained, occupying a minimum of five percent of the station site's net area. Plans for landscaping shall be approved during site plan review.
- F. Lighting. Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard. Wiring for the business and its signs and light fixtures shall be underground.
- G. Other Requirements. No storage of inoperative automobiles or parts thereof shall be permitted, except in enclosed structures, for any period exceeding 72 hours. Off-street parking space shall be provided for each attendant of the largest shift. Sales, storage and display of merchandise shall be conducted within a building, except for gasoline, oil, windshield wiper blades and other accessories of like size. Use of property for service station may also include the sale and installation of motor vehicle accessories, minor vehicle repairs (such as tune-ups, tire repair and the like), emergency vehicle repairs and any other sales, service or activity otherwise permitted within the zone.
- H. Abandonment. Whenever a service station is not used as such for a continuous period of nine months, all structures and facilities above and below the ground shall be removed by the owner. Operation for at least 90 consecutive days shall be required to interrupt a continuous nine-month period. All service stations which are unused for nine months as provided above are hereby declared to be nuisances and subject to abatement as provided in DCC Title 19.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [87-031](#) §1 on 9/29/1987*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.88.020 Kennels, Riding Academies And Public Stables](#)**

In an UAR-10 or SR 2 1/2 zone, kennels, riding academies and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress and also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall

show that odor, dust, noise and drainage shall not constitute a nuisance, hazard or health problem to ~~adjoining-abutting~~ property or uses.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.88.030 Cemetery, Crematory Or Mausoleum](#)**

A cemetery, crematory, or mausoleum shall have its ~~principal-primary~~ access on a major street or road with ingress and egress so designed as to minimize traffic congestion and shall provide required SR or off-street parking space. Cemeteries located within any R zone or abutting such zone shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential uses.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.88.040 Hospitals](#)**

In any residential zone hospitals may be located on an arterial or collector street. Such uses may also be located on a local street provided that there is sufficient access to arterial or collector streets and that such uses do not unduly impact residential areas. Access and required off-street parking shall be designed to minimize impact on existing traffic patterns and ~~adjoining-abutting~~ properties. All buildings shall be set back 30 feet from side and rear lot lines and all off-street parking facilities shall be screened from abutting properties. No sign shall exceed 10 square feet in size or be internally illuminated.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [82-044](#) §1 on 5/9/1982*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [2020-001](#) §24 on 4/21/2020*

#### **[19.88.050 Religious Institution Or Assembly, Community Buildings, Social Halls, Lodges, Fraternal Organization And Clubs](#)**

All buildings shall be set back a minimum of 30 feet from a side or rear lot line. There shall be no external evidence of any incidental commercial activities taking place within the building. All such uses shall be located on a major street or road and be able to provide access without causing traffic congestion on local residential streets.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [2020-001](#) §24 on 4/21/2020*

#### **[19.88.060 Drive-In Theaters](#)**

Drive-in theaters shall be located only on a major street or road, shall provide ingress and egress designed to minimize traffic congestion, shall be so screened from any residential zone or dwelling that

any noise shall not disturb residents or prospective residents, shall maintain signs and other lights only in such a way as not to disturb neighboring residents and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### [19.88.070 Keeping Of Livestock](#)

The 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 of land less than one acre in size.
- 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

#### [19.88.080 \(Repealed\)](#)

Repealed and replaced by 19.88.280

#### HISTORY

Repealed by Ord. [90-038](#) on 10/3/1990

#### [19.88.090 Temporary Permits For Manufactured Homes](#)

Temporary use permits for manufactured home or trailer house type units may be authorized by the Planning Director in the following circumstances upon such terms and conditions as prescribed by the Planning Director.

- A. Temporary use permits may be granted in favor of schools for a specified time.
- B. Temporary use permits may be granted in residential zones for relatives of the family residing on the property if the manufactured home will be used because of a medical problem requiring the use of such a unit. The existence of a medical problem shall be supported by the certificate of a medical doctor. The permit shall not exceed one year and may only be renewed with another certificate from a medical doctor.



- C. Temporary use permits may be granted in connection with construction projects. The duration of such permits shall not continue beyond the construction period and the permit shall terminate upon occupancy of the building being constructed. The Building Official may issue such permits.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

**[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 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*

**[19.88.110 \(Repealed\)](#)**

Repealed and replaced by 19.88.280

HISTORY

*Repealed by Ord. [90-038](#) §1 on 10/3/1990*

**[19.88.120 Utilities](#)**

The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies of underground, overhead, electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but excluding buildings, may be permitted in any zone. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in DCC Title 19. However, in considering an application for a public utility use, the Hearings Body or Planning Director shall determine that the site, easement or right of way is located to best serve the immediate area, and in the case of a right of way or easement, will not result in the uneconomic parceling of land. As far as possible, transmission towers, poles, overhead wires, pumping stations and similar gear shall be located, designed and installed to minimize their effect on scenic values.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

### 19.88.130 Rear Lot Or Parcel Permits

- A. Purpose. The purpose of DCC 19.88.130 to permit development of deep lots or parcels in residential areas which are incapable of being subdivided or otherwise developed under the strict application of DCC Title 19. No deep lots or other larger parcels of land may be developed under DCC 19.88.130 if the property is physically capable of being subdivided, either separately or in conjunction with adjacent properties, either now or in the future. Any property proposed to be developed under DCC 19.88.130 shall comply with all of the following eligibility and development requirements.
- B. Eligibility. Property must be less than four acres in area. Property must be so situated that further subdivision or segregation under terms of other applicable county ordinances and regulations is not possible, either individually or in conjunction with any other adjacent property. Minimum Area: Twice that required by the applicable zone. Minimum Depth: 200 feet. Minimum Width: As required by applicable zones.
- C. Development Standards. Provided the eligibility requirements are met, a permit may be issued subject to the following standards and criteria:
1. Front Lot or Parcel: Minimum Lot Width: Ten feet less than required by applicable zones. ~~Minimum Lot Depth: 100 feet. Yard-Setback~~ Requirements: Same as required in applicable zones.
  2. Rear Lot or Parcel: Access Way Minimum: Twenty feet for first 150 feet; 30 feet if access way is greater than 150 feet. Maximum Access Way Width: Thirty feet. ~~Yard-Setback~~ Requirements: No building shall be erected within 10 feet of any property line. Area of rear lot or parcel shall be within 15 percent of the area of the front lot or parcel. Access way shall be paved and shall be an integral part of the rear lot or parcel. Development of property is subject to approval by the Planning Director or Hearings Body. Applicant shall submit a site plan for all buildings, structures and other improvements, such as roadways, walks and parking facilities to the Planning Director or Hearings Body for approval. All improvements made on the property shall conform to the plans as approved by the Planning Director or Hearings Body.

#### HISTORY

Adopted by Ord. PL-11 on 7/11/1979

Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990

### 19.88.140 Home Occupation

An occupation carried on within a dwelling unit by ~~members of the family~~occupants of ~~occupying~~ the dwelling unit with no servant, employee, or other persons being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupations shall be a secondary use on the premises, shall not occupy more than 25 percent of the floor area of one floor of the dwelling unit and there shall be no stock in trade stored or displayed or goods sold upon the premises. Signs shall be

permitted according to the provisions of the sign ordinance. For purposes of DCC Title 19, nursery schools and kindergartens shall not be considered home occupations in residential zones.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.88.150 Landing Strips For Aircraft And Heliports](#)**

All landing strips and heliports for aircraft shall be so designed and facilities so oriented that the incidence of aircraft passing directly over dwelling units during their landing or taking off pattern is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any zone established by DCC Title 19 unless and until a conditional use permit has been secured therefore.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.88.160 Day Care Facility](#)**

Day care facilities shall have a minimum site size of 5,000 square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child of total capacity. All outside play shall be enclosed by a fence of at least four feet but not more than six feet in height. Day care facilities and nursery schools shall provide adequate off-street parking and loading spaces and may be required to provide a driveway designed for continuous forward flow of passenger vehicles for the purposes of loading and unloading.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §37 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[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 two-family dwellingsduplexes shall be 5,000 square feet. For each additional dwelling unit, the original lot or parcel's 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 principal-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-family-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 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*

#### **19.88.180 Plant Nursery**

A plant nursery deals primarily with raising and selling shrubs, trees, ornamental bedding plants and the like. Such a use may be approved in a UAR, SR 2 1/2, RS or RL zone upon compliance with the following standards:

- A. Location on an arterial street.
- B. If the proposed location is on a major highway, such as 97 or 20, then access to the site shall be from a frontage road or secondary street.
- C. Since these operations are commercial in nature, they shall be permanently and well landscaped, respecting the character of a residential area or entrance into the community.
- D. Site plan review shall consider the need for a subdued use of lights, the need for adequate parking, berms, screens, etc., for separation of parking and other activities from existing and future residences.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **19.88.190 Hydroelectric Facilities**

Low-head hydroelectric generating facilities shall be considered a conditional use in all zones subject to the procedures of DCC 19.100 and the following standards:

- A. No new hydroelectric facilities shall be constructed, and no existing hydroelectric facilities shall be enlarged or expanded in size of area or generating capacity on the following rivers and streams within the Bend Urban Growth Boundary: Tumalo Creek.
- B. Hydroelectric facilities are allowed as a conditional use on the Deschutes River within the Bend Urban Growth Boundary (from River Mile 171 below Lava Island Falls downstream to River Mile 160). Such conditional use within the Bend Urban Growth Boundary shall be governed by the conditions set forth in DCC 19.100.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-017](#) §15 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

### [19.88.200 \(Repealed\)](#)

## HISTORY

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed by Ord. [99-001](#) on 1/13/1999

### [19.88.210 Solar Setbacks](#)

- A. Purpose. The purpose of DCC 19.88.210 is to provide as much solar access as practical during the winter solar heating hours to existing or potential buildings by requiring all new structures to be constructed as far south on their lots [or parcels](#) as is necessary and feasible.
- B. Standards. Every new structure or addition to an existing structure shall meet the following standards except as provided in DCC 19.88.210(C):
  1. South Wall Protection Standard. The south wall protection standard is established in Appendix A, and all new structures or additions shall meet this standard if feasible. If it is not feasible due to physical constraints of the lot [or parcel](#), including but not limited to, rock outcroppings, septic systems, existing legal restrictions or lot dimensions as determined by the Planning Director, then the structure or addition must be located as far to the south on the lot [or parcel](#) as feasible and must meet the standard set forth in DCC 19.88.210(B)(3)(b).
  2. South Roof Protection Standard. All new structures or additions to existing structures shall meet the standard for south roof protection set forth in Appendix B.
  3. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:
    - a. That the structure cannot be located on the lot [or parcel](#) without violating the requirements contained in Appendix B of Ordinance No. 83-041; and
    - b. That the structure is built with its highest point as far to the south as feasible; and
      1. That the structure is a single-[family-unit dwelling](#) residence with a highest point less than or equal to 16 feet high; or, if not a single-[family-unit dwelling](#) residence;
      2. That it is a permitted or conditional use for the lot [or parcel](#).
- C. Exemptions.
  1. The governing body may exempt from the provisions of DCC 19.88.210 any area which it determines unfeasible for solar use because the area is already substantially shaded due

to heavy vegetation or steep north facing slopes and any area or zone in which taller buildings are planned.

2. The Planning Director shall exempt a structure from the provisions of DCC 19.88.210 if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director.
3. The Planning Director shall exempt a structure from the provisions of DCC 19.88.180, if the structure is in conformance with a solar height restriction as provided in Ordinance 81-043, Deschutes County Subdivision/Partition Ordinance, as amended.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-041](#) §3 on 6/1/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[19.88.220 Solar Access Permit](#)**

- A. Purpose. The purpose of DCC 19.88.220 is to provide solar access to productive solar collectors by establishing limitations, on a case-by-case basis, for the growth of vegetation on certain lots or parcels in the vicinity of a productive solar collector.
- B. Application for Solar Access Permit.
  1. Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.
  2. The application for a solar access permit shall be on forms prescribed by the county and shall contain, at a minimum:
    - a. A legal description of the applicant's lot or parcel, including a statement that the applicant is the owner of the lot or parcel, and a description of the nature of the applicant's interest in the lot or parcel.
    - b. Documentation to show that the solar collector is or will be a productive solar collector within one year of application.
    - c. Descriptive drawings of the solar collector showing its dimensions and precise location.
    - d. A sunchart and a statement of the solar heating hours for which solar access is sought.
    - e. A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighboring lot or parcel.
    - f. A statement that trimming the vegetation on the applicant's lot or parcel will not permit an alternative location that would lessen the burden on a neighboring lot or parcel.

- g. A list of the lots or parcels that are within 150 feet to the south, southeast, or southwest of the solar collector, including streets, alleys, and other unbuildable areas; a legal description for each such lot or parcel; the owner of record and his address; the exempt vegetation located on the lot or parcel and any existing nonexempt vegetation likely to encroach on the protected area.
  - h. A statement that none of the lots or parcels impacted are located on a north facing slope with a grade that exceeds, on average, 15 percent.
  - i. A plot plan showing the location of and delineating all exempt and nonexempt vegetation as shown on the sunchart photograph as well as any nonexempt vegetation not shown on the sunchart which may encroach on the protected area in the future. The plot plan shall also include:
    - 1. The exact site of the solar collector, its height and its orientation.
    - 2. Scale.
    - 3. An indication of true north.
    - 4. A survey of the lot or parcel.
3. The solar access permit application shall be approved if:
- a. The solar collector is or will be a productive solar collector.
  - b. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under DCC 19.88.220(B)(3)(b) if the applicant could trim his own vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot or parcel. A solar access permit shall also be denied under DCC 19.88.220(B)(3)(b) if there is an alternate location that would impose a lesser burden on ~~a~~-neighboring lots or ~~lots~~parcels.
  - c. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21.
  - d. The solar access provided by the permit does not burden any lot or parcel with a north-facing slope with a grade that exceeds, on average, 15 percent or which is more than 150 feet from the solar collector.
4. The application is accurate and complete.
- C. Solar Access Permit Issuance and Recordation.
- 1. Upon the approval of an application, the County shall issue and acknowledge a solar access permit creating the solar access requested in the application.
  - 2. Upon receiving such a permit, the County Clerk shall:

- a. Record the solar access permit in the chain of title of the applicant's lot or parcel and of each neighboring lot or parcel identified in the application; and
  - b. Keep a copy of the approved application on file in County Records.
3. The form of the solar access permit shall be as prescribed by the County and shall contain at a minimum:
- a. A legal description of the applicant's lot or parcel and each neighboring lot or parcel to be burdened by the solar access created by the solar access permit.
  - b. A complete description of the solar access restrictions applicable to each neighboring lot or parcel, including the solar heating hours during which solar access is provided and a sunchart showing the plotted skyline, including vegetation and structures, and a scaled drawing showing the size and location of the protected area and its orientation with respect to true south.
  - c. A reference to where the approved application may be obtained.
- D. **Obligation Created by Solar Access Permit.** The owner of any lot or parcel burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot or parcel that shades the protected area created by the solar access permit provided that there is no vegetation on the lot or parcel benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot or parcel if the vegetation existed at the time of permit application as shown on the plot plan, and for all other vegetation, by the owner of the burdened lot or parcel. Before any trimming is required, the collector owner must certify that the collector is still productive.
- E. **Termination of Solar Access Permit.**
1. The Planning Director shall terminate the solar access permit with respect to all or part of the neighboring lots or parcels burdened by the solar access permit if a petition for termination is submitted by the applicant or the applicant's successor in interest or the collector is not productive for 12 consecutive months.
  2. The County Clerk shall record the termination of the solar access permit in the chain of title of each lot or parcel affected by the termination.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-041](#) §4 on 6/1/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[19.88.230 Time-Share Unit](#)**

Purpose. The purpose of DCC 19.88.230 is to establish standards for time-share uses within the applicable zoning district in DCC Title 19.

- A. Any time-share unit shall have its primary access on a collector street that does not pass through an existing developed residential area or on an arterial.



- B. Time share units in any residential zone and the UAR-10 zone:
1. New time-share units may be developed in vacant areas in applicable zoning districts provided that such development complies with DCC 19.88.230(A) and the following:
    - a. That the density of the development shall not exceed that of the existing predominant density pattern within 500 feet of the site.
    - b. That such development is appropriately buffered by the use of yardssetbacks, landscaping, etc., from adjoining-abutting properties as determined during site plan review considering the need for privacy and the effects of noise.
  2. Development of time share units in the RM or RH zones may be allowed provided they comply with DCC 19.88.230(A) and are buffered from adjacent residentially zoned neighborhoods by yardssetbacks, landscaping, berms, or other similar features.
  3. The Hearings Body or Planning Director may require bonds to assure installation and maintenance of landscaping, parking and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners' association, that will assure maintenance of such required facilities.
- C. Each time-share unit shall be landscaped and buffered. The landscape and buffering plan shall be determined by site plan review giving consideration to the need for privacy and the effects of noise.
- D. No structure shall be utilized as a time-share unit unless all the units in a development or project are used as time-share units for this purpose.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-045](#) §12 on 6/15/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### [19.88.240 Fill And Removal](#)

Except as otherwise provided in DCC Title 19, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use in accordance with the following standards:

- A. An application shall be filed containing a plan with the following information.
  1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
  2. An explanation of why the fill or removal is necessary.
  3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
    - a. An inventory of existing vegetation.

- b. The proposed modifications, if any, to the vegetation.
  - c. Existing and proposed site contours.
  - d. Location of property lines, easements, and high-water marks.
  - e. Other site elements or information which will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses, such as construction or maintenance of roads, bridges, electric, gas, telephone, sewer or water transmission and distribution lines and related facilities controlled by public utilities or cooperative associations shall not be granted conditional use permits to fill or remove unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
  2. That the roads, bridges, transmission and distribution lines, and related facilities cannot, as a practical matter, be located outside of the wetland or bed and bank of the stream or river.
  3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream, or river.
  4. That erosion will be adequately controlled during and after construction.
  5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
  2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
  3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
  4. That such construction and maintenance is designed and done in such a manner as to minimize the adverse impact on the site.
  5. That erosion will be adequately controlled during and after construction.

6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
- D. Except for uses identified in DCC 19.88.240(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:
1. Shall be granted only after consideration by the Planning Director of the following factors:
    - a. The effects on public or private water supplies and water quality.
    - b. The effects on aquatic life and habitat and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
    - c. Recreational, aesthetic and economic values of the affected water resources.
    - d. Effects on the hydrologic characteristics of the water body, such as direction and velocity of flow, elevation of water surface, sediments transportation capacity, stabilization of the bank and flood hazards.
    - e. The character of the area, considering existing stream bank, stabilization problems and fill or removal projects which have previously occurred.
  2. Shall not be granted unless all of the following conditions are met:
    - a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
    - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 19.88.240(D)(1).
    - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 19.88.240(D)(1).
    - d. That erosion will be adequately controlled during and after the project.
    - e. That vegetation will maintain the essential character, quality and density of existing growth. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values and aesthetic resources or to prevent erosion.
    - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
    - g. That a conservation easement, as defined in DCC 19.04.040 shall be conveyed to the County which provides, at a minimum, that all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill

or removal area, and all real property on the same lot or parcel within 10 feet of any wetland, river, or stream.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [86-058](#) §2 on 6/30/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **19.88.250 Dwelling Groups**

Purpose. DCC 19.88.250 is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of DCC Title 19. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the County. A permit may not be issued for the erection of a dwelling group unless such dwelling group conforms to all of the following conditions and requirements:

- A. The area of the lot or parcel on which the dwelling group is to be erected shall be at least 20 percent greater than the aggregate of the minimum lot areas otherwise required for the individual dwelling units in the group.
- B. Each building containing a dwelling unit in the group shall front either on a street or other public open space at least 50 feet wide or on a common yard or outer court, public or private, not less than 50 feet wide.
- C. The distances between two ~~principal-primary~~ buildings shall not be less than the average of their heights and the distance between any ~~principal-primary~~ buildings and the nearest lot line other than a front lot line shall not be less than the height of the building.
- D. Every building containing a dwelling unit in the group shall be within 60 feet of an access roadway or drive having a right of way of at least 20 feet in width providing vehicular access from a public street.
- E. Such dwelling group shall conform to all of the requirements of DCC Title 19 for the district in which it is to be located, except as provided in DCC 19.88.250.
- F. All dwelling groups shall be subject to site plan approval as provided in DCC 19.76.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §36 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **19.88.260 Bed And Breakfast Inn**

The inn shall be subject to an annual review for at least the first three years of operation after which time the Planning Director or Hearings Body, after public hearings, may approve a permanent permit for the inn. The following minimum standards shall also apply:

- A. All inns shall be owner-occupied.

- B. Each guest room shall have one off-street parking space, in addition to the parking required for the dwelling unit by the provisions of DCC 19.80.
- C. All inns shall be inspected and approved by the County Building Official prior to the issuance of an occupancy permit. Inspection is limited to egress and fire protection. Dwelling units must meet all requirements for egress as defined in the State of Oregon Uniform Building Code. A fee shall be paid for inspections.
- D. Only rooms designed as sleeping rooms shall be used for guest rooms. Guest rooms shall be protected by a smoke detector as required by state code.
- E. There shall be at least 400 feet of separation along the same street between inns.
- F. Signing shall be in accordance with the County Sign Ordinance.
- G. The bed and breakfast inn shall maintain an up-to-date guest register listing all guests.
- H. If an approved inn is not established within one year of the approval date, or if the use of the residence as an inn lapses for over one year, the approval shall automatically expire and a new application will be required.
- I. All inns shall comply with the provisions of the County's Transient Room Tax Ordinance, where applicable.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §36 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[19.88.270 Temporary Use](#)**

Temporary structures and uses are permitted only after obtaining a temporary use permit from the Planning Director, and as follows:

- A. In the CC, CL, CG, CH and CB zones:
  - 1. Christmas tree sales from November 26 to December 31.
  - 2. Fireworks sales from June 23 to July 5.
  - 3. Nonprofit organizations' fund-raising sales if the nonprofit status of said organization is recognized by the Internal Revenue Service, not to exceed 15 days in any 60-day period.
- B. In the CH zone, other temporary uses may be allowed for a period not to exceed 15 days in any 60-day period. Use of a lot or parcel for more than one temporary use in any 60-day period shall be subject to site plan review in accordance with all standards of DCC Title 19.
- C. All temporary uses allowed by DCC 19.88.270(A) and (B) shall satisfy the following standards:
  - 1. All necessary permits shall be obtained from the county Environmental Health and Building Divisions.

2. All signs shall not exceed a combined total of 32 square feet or a sign permit shall be obtained in accordance with the county sign ordinance.
3. All material employed in the temporary use, such as produce, shelters and debris, shall be removed by the applicant or property owner at the end of the activity.
4. Access and parking shall be adequate for the use.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §36 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **19.88.280 Manufactured Homes**

##### A. General Provisions.

1. Manufactured home parks are permitted with site plan review approval in the RM and RH zones in accordance with the standards of DCC 19.88.280 and the standards for site plan approval.
2. In addition, manufactured home parks and subdivisions may be planned under the provisions for planned developments, which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities.
3. Manufactured home subdivisions for Class A manufactured homes are permitted with site plan approval in the RS zone in accordance with the standards in DCC 19.88.280 and all other provisions of DCC Title 19. Manufactured home subdivisions for Class B manufactured homes are permitted as a conditional use in the RS zone in accordance with the standards of DCC Title 19.
4. Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.
5. Except as otherwise provided by DCC 19.88.280, the standards for subdividing and developing land within manufactured home parks and subdivisions shall be the same as for all other developments in accordance with the provisions of DCC Title 19.
6. State Requirements. Where standards for manufactured home developments are established by state law or Department of Commerce Administrative Rule, such requirements shall be in addition to the provisions of DCC 19.88.280.
7. Manufactured Housing Construction and Safety Standards Code (also referred to as the HUD Code). Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, and agent of the U. S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said

code by the Oregon Department of Commerce, all of which became effective for manufactured home construction on June 15, 1976, shall be utilized as the minimum construction standard of the County with which all manufactured home placements shall comply, except as may be exempted by DCC 19.88.280.

8. Definitions. For purposes of DCC 19.88.280 only, the definitions of terms used herein and not defined in DCC 19.04.040 shall be as defined in ORS Chapter 446 or Oregon Administrative Rules Chapter 918, Division 500, as amended.
- B. Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into the following types:
1. A Class A manufactured home shall:
    - a. Have more than 1,000 square feet of occupied space in a double section or larger multi-section unit;
    - b. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade;
    - c. Have wheels, axles and hitch mechanisms removed;
    - d. Have utilities connected in accordance with the requirements of the Building Codes Agency and the manufacturer's specifications;
    - e. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code;
    - f. Have composition, shake, shingle or tile roofing materials. The roof pitch shall be a minimum of 3/12;
    - g. Siding materials and trim shall be similar in appearance or complementary to other homes in the area, including the type, color and horizontal or vertical placement of materials;
    - h. A garage or carport shall be constructed in conjunction with the placement of the manufactured home. It shall be of like materials and color to the dwelling unit;
    - i. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to those required for single ~~family-unit~~ dwellings under the state building code as defined in ORS 455.010.
  2. A Class B manufactured home shall:
    - a. Have more than 750 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);
    - b. Be placed onto a permanent foundation as required in DCC 19.88.280(C)(2);

- c. Have wheels, axles and hitch mechanisms removed;
  - d. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;
  - e. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standard Code as of June 15, 1976;
  - f. Have composition, shake, shingle or tile roofing materials and a minimum pitch of 2/12;
  - g. Have nonreflective siding materials and trim typical of new conventional built homes within the community;
  - h. Have a carport or garage of like materials and color;
3. A Class C manufactured home shall:
- a. Have more than 320 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);
  - b. Be placed onto a support system in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
  - c. Be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
  - d. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;
  - e. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976;
  - f. Be in good repair and free of structural, electrical, mechanical and plumbing defects, any of which must be corrected prior to placement.
4. A Class D manufactured home is any manufactured home built prior to June 15, 1976, and under ORS Chapter 446 is not defined as a recreation vehicle. For purposes of determining appropriateness for placement, Class D manufactured homes shall:
- a. Have more than 320 square feet of occupied space;
  - b. Be placed onto a support system in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
  - c. Be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
  - d. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;



- e. Be in good repair and free of structural, electrical, mechanical and plumbing defects, any of which must be corrected prior to placement.
- C. Manufactured Home Placement Standards. All manufactured homes placed within the Bend Urban Area after the effective date of DCC Title 19 shall comply with the following:
1. As defined in DCC 19.88.280(B), each manufactured home shall be classified as Class A, B, C or D, and shall be permitted within the following areas:
    - a. Class A - Permitted in the UAR-10, SR 2 1/2, RS, RL, RM and RH zones, in manufactured home parks and as replacement to existing nonconforming manufactured homes.
    - b. Class B - Permitted in manufactured home subdivisions approved as a conditional use in the RS zone and manufactured home parks, also permitted as replacements for existing nonconforming manufactured homes which would be classified as Class B, C or D.
    - c. Class C - Permitted in all manufactured home parks. Also allowed as replacements for existing nonconforming manufactured homes in a manufactured home subdivision or park for units which would be classified as Class C or D and as replacements to any other Class D unit.
    - d. Class D - Permitted only in manufactured home parks.
  2. Foundations/Skirting Support Systems.
    - a. All load-bearing foundations, supports and enclosures shall be installed in conformance with the regulations of the Building Codes Agency and with the manufacturer's installation specifications (reference Oregon Administrative Rules Chapter 814, Division 23).
    - b. All Class A and Class B manufactured homes outside of manufactured home parks shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. The underfloor area shall contain a 24" X 30" exterior access for maintenance of utilities.
    - c. Class A and B manufactured homes located in manufactured home parks and Class C and D manufactured homes must have enclosed perimeters as specified above or be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather-resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the home. Materials below grade level and for a minimum distance of six inches above finish grade shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendation or approved equal standards.

3. Except for a structure which conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage or carport constructed to the Oregon State Structural Specialty Code.
4. All manufactured home lots and spaces shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the Planning Director where underground service would require an exception to local prevalent conditions.
5. Manufactured homes shall not be used for living purposes unless connected to local water, sewers and electrical systems.

D. Manufactured Home Subdivisions.

1. Lot Size and Dimension Requirements. The minimum lot area and dimensions within a manufactured home subdivision shall be the same as that allowed within the zone.
2. Permitted Uses. Manufactured home subdivisions may contain manufactured homes and related accessory structures.
3. Setbacks. Setbacks for manufactured homes, modular homes and accessory structures shall be the same as provided in the zone, except that no manufactured home shall be located within 15 feet of another manufactured home.

E. Manufactured Home Parks.

1. Minimum Area Required. All manufactured home parks shall consist of a minimum area of five acres.
2. Density. The maximum number of manufactured homes allowed within a manufactured home park shall not exceed 10 units per acre. The average area of a manufactured home site shall not be less than 4,000 square feet, excluding roadway, recreation areas and other accessory facilities. No manufactured home site shall be less than 2,000 square feet in area.
3. Access. Manufactured home park accesses shall be located on public streets improved to a minimum width of 36 feet and which are improved to a point intersecting a collector or arterial street.
4. Permitted Use. Manufactured home parks may contain manufactured homes and accessory structures permitted in DCC 19.76, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence which may be other than a manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property.
5. Minimum Site Requirements.
  - a. Park Streets. The minimum surfaced width of the roadway within an accessway shall be 24 feet if there is no parking allowed and 30 feet if parking is allowed on

both sides. The first 50 feet of the accessway, measured from the public street, shall be surfaced to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the County Public Works Department.

- b. Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted state standards for such or shall conform to the county's standard specifications manual, whichever is more restrictive.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §36 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §§6-10 on 1/28/1991

#### **19.88.290 Farm Stands**

Farm stands may be permitted within the UAR-10 zone subject to DCC 19.76, provided the following special use standards are also established:

- A. The minimum lot size of the subject lot or parcel is at least ten (10) acres;
- B. The subject lot or parcel is receiving non-exclusive farm use agricultural tax deferral;
- C. The subject lot or parcel is improved with a single ~~family-unit~~ dwelling;
- D. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from the promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
- E. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

#### HISTORY

Adopted by Ord. [2008-014](#) §3 on 3/31/2008

#### **CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS**

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### **[19.92.010 General Exceptions To Lot Size Requirements](#)**

If at the time of passage of DCC Title 19, or annexation to the City, a lot or parcel, or the aggregate of continuous lots or land parcels held in a single ownership has an area of dimension less than required for the zone in which the property is located, the lot, parcel, or aggregate holdings may be occupied by any permitted use in the zone subject to compliance with all other requirements of the zone provided, however, the use of a lot or parcel in an R zone which has an area deficiency shall be limited to a single family unit dwelling.

- A. Any lot or parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility, or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 19.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot size, where applicable, shall be considered a standard metes and bounds land section division, i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.; lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 19 if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control.
- C. Any lot or parcel which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
  1. The lot or parcel is a lot of record, as defined in DCC 19.04.040.
  2. The use conforms to all other requirements of that zone.
  3. If there is an area deficiency, residential use shall be limited to a single dwelling unit dwelling.
  4. All necessary permits are obtained.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

### **[19.92.020 Accessory Uses And Structures](#)**

An accessory use shall comply with all requirements for a primary use, except as DCC Title 19 specifically allows to the contrary, and shall comply with the following limitations:

- A. The primary use of the property must be established or applied for prior to issuance of any building or land use permits for any accessory structures.
1. Exception:
    - a. A building permit for a ramada or carport may be issued without establishment of or application for a primary use if all other criteria for issuance are met;
    - b. Land use, building, or environmental health permits, or extensions of such permits sought to correct existing code violations for the subject property shall be issued if all other criteria for issuance are met; or
    - c. A building permit for a structure or structures not exceeding a combined total of 2,000 square feet in size, with no windows, with only one floor, an operable garage door, no plumbing or stack vents through the roof or walls, and not requiring plumbing or mechanical permits, shall be issued if all other criteria for issuance are met.
- B. A property owner is prohibited from installing any one of the following facilities described in (B)(1-3) within an accessory structure, unless the property owner signs and records a Deschutes County restrictive covenant prohibiting use of the structure as a dwelling unit. If a property owner signs and records a Deschutes County restrictive covenant prohibiting use of the structure as a dwelling unit, only one of the following facilities may be installed within an accessory structure in accordance with this subsection (B):
1. A full bath; or
  2. A sink outside a bath and one or more of the following:
    - a. A dishwashing machine; a refrigerator; or
  3. A sink outside a bath and:
    - a. Laundry appliances
- C. Notwithstanding (B), more than one of the facilities identified in (B)(1-3) may be installed within any accessory structure, if an approved land use permit includes a finding that the proposed use is allowed on the subject lot or parcel.
- D. A kitchen may not be installed within any accessory structure, unless an approved land use permit includes a finding that the proposed use is allowed on the subject lot or parcel.
- E. A greenhouse or hothouse may be maintained accessory to a dwelling unit provided there are no sales. A guesthouse may be maintained accessory to a dwelling unit provided there are no cooking facilities.
- F. An accessory building shall not be located within 10 feet of a primary dwelling unit existing or under construction on the same lot or parcel.
- G. Site-obscuring fences may be located in a required front setback area or in a vision clearance area provided that they shall not exceed 2.5 feet in height measured from the top of the curb.

- H. Solar panels, collectors, or other similar solar devices may be maintained as accessory structures.
- ~~A. A greenhouse or hothouse may be maintained accessory to a dwelling provided there are no sales.~~
- ~~B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities.~~
- ~~A. An accessory building shall not be located within 10 feet of a principal dwelling existing or under construction on the same lot.~~
- ~~B. Site-obscuring fences may be located in a required front yard or in a vision clearance area provided that they shall not exceed 2.5 feet in height measured from the top of the curb.~~
- ~~C. Solar panels, collectors or other similar solar devices may be maintained as accessory structures.~~

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §38 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### 19.92.025 Exceptions to Permitted Dwelling Unit Facilities

- A. A property owner is prohibited from installing the following facilities in a dwelling unit unless the property owner signs and records a Deschutes County restrictive covenant prohibiting use of the dwelling unit as multiple dwelling units:
1. A sink outside a kitchen or bath, and one or more of the following:
    - a. A dishwashing machine; a refrigerator.
- B. More than one kitchen may be installed within a dwelling unit, if an approved land use permit includes a finding that the proposed use is allowed on the subject lot or parcel.

#### HISTORY

*Adopted by Ord. [2025-XX](#) §X on XX/XX/2025*

#### 19.92.030 Exception To Height Regulations

Height limitations set forth elsewhere in DCC Title 19 shall not apply to barns, silos, water towers and tanks, or other farm buildings and structures, provided they are not less than 50 feet from every lot line; public schools, chimneys, religious institutions or assemblies, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, fire hose towers, masts, aerials, elevator shafts and other similar projections, and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. This exception does not apply to the solar access provisions of DCC 19.88.210 and 19.88.220.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §19 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [92-037](#) §1 on 4/29/1992

Amended by Ord. [2020-001](#) §25 on 4/21/2020

### **19.92.040 Establishment And Measure Of Clear Vision Areas**

In all zones, on all corners adjacent to the intersection of two streets, an alley and a street or of a street and railroad, within a triangle formed by the street lines of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, building or any other obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of two feet and a height of eight feet above the level of the curb, or of the level of the above-mentioned point of intersection if the streets are sloping. A clear vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot line extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot **or parcel** joining the nonintersection ends of the other two sides. The following measurements shall establish clear vision areas within the urban area.

- A. In all commercial and industrial zones except the CB zone, the minimum distance shall be 15 feet. However, at the intersection of an alley and a street, the distance shall be 10 feet.
- B. In all residential zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows, except at intersections of an alley and a street in a residential zone, the minimum distance shall be 15 feet.

R.O.W. Width	Clear Vision Measurement
80 feet and more	20 feet
60 feet	30 feet
50 feet	40 feet

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

### **19.92.050 Exceptions To ~~Yard-Setback~~ Requirements**

- A. Projections into Required ~~Yards~~**Setback Areas**. Certain architectural features may project into required ~~yards-setback areas~~ or courts as follows: Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces, but these may not in any case extend more

than 18 inches into any required ~~yard-setback~~ area. Fire escapes, open, uncovered porches, balconies, landing places, or outside stairways, may not in any case extend more than 18 inches into any required side or rear ~~yardssetback areas~~, and not exceeding six feet into any required front ~~yardsetback area~~. This is not to be construed as prohibiting open porches or stoops not exceeding 18 inches in height and not approaching closer than 18 inches to any lot line.

- B. Exceptions to Front ~~Yard-Setback~~ Requirements. If there are dwelling ~~units~~ on both abutting lots ~~or parcels~~ with front ~~yards-setbacks~~ less than required ~~depth-distance~~ for the zone, the front ~~yard-setback~~ for the lot ~~or parcel~~ need not exceed the average front ~~yard-setback~~ of the abutting dwelling ~~units~~. If there is a dwelling ~~unit~~ on one abutting lot ~~or parcel~~ with a front ~~yard-setback~~ of less than the required ~~depth-distance~~ for the zone, the front ~~yard-setback~~ need not exceed a ~~depth-distance~~ of ~~one-half~~ way between the ~~depth-of-the~~ front ~~yard-setback~~ on the abutting lot ~~or parcel~~ and the required front ~~yard-depthsetback~~.
- C. Residential Use in Commercial or Industrial Zones. Structures in any C or I zone which contain dwelling units not on the ground floor need not comply with residential zone ~~yard-setback~~ requirements provided such structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### [19.92.060 Authorization For Similar Uses](#)

The planning commission 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*

#### [19.92.070 Existing Uses](#)

Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of DCC Title 19 may be continued even though such use, building or structure may not conform to the provisions of DCC Title 19 for the zone in which it is located provided, however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### [19.92.080 Pending Building Permits](#)

Nothing herein shall require any change in the location, plans, construction, size or designated use of any development, building, structure or part thereof for which the required official approval and building



permit have been granted prior to the adoption of DCC Title 19. Unless construction on such building or structure begins within 120 days after the adoption of DCC Title 19, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of DCC Title 19.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.92.090 River Setback \(Repealed\)](#)**

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Repealed by Ord. [94-027](#) on 6/15/1994*

#### **[19.92.100 \(Untitled\)](#)**

All sections of DCC Title 19 which have any bearing on the conditions which should apply to an application or an action which is being reviewed or considered under DCC Title 19 shall be applied to the conditions and approval process for the application or action.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.92.110 Solar Height Restrictions](#)**

No building, structure or nonexempt vegetation may exceed the solar height restriction established on a burdened property by the solar access of a benefited property.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-041](#) §21 on 6/1/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[19.92.120 Conservation Easements On Property Adjacent To Rivers And Streams; Prohibitions](#)**

- A. As a condition of approval of all land use actions involving property adjacent to the Deschutes River and Tumalo Creek, the property owner shall convey to the County a conservation easement as defined in DCC 19.04.040, affecting all property on the subject lot or parcel which is within 10 feet of the mean high-water mark of the Deschutes River or Tumalo Creek.
- B. The form of the conservation easement shall be as prescribed by the County and may contain such conditions as the County deems necessary to carry out the purposes described in DCC 19.04.040.
- C. Any public access required as part of a conservation easement shall be subject to the following conditions and limitations:

1. Public access shall be limited to foot traffic for recreational purposes and the putting in or taking out of boats.
2. Unless otherwise permitted by the affected property owner, public access does not allow public passage through other private property to gain access to the property subject to the conservation easement.
3. Unless otherwise permitted by state law, county ordinance or the property owner, no person on the subject property as a result of a public access requirement of a conservation easement shall deposit solid waste, damage or remove any property (including wildlife and vegetation) maintain or ignite fires or fireworks, discharge firearms or camp.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [86-055](#) §2 on 6/30/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **19.92.130 Fill And Removal Exceptions**

- A. The following fill and removal activities are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume:
  1. Removal of vegetation for the purpose of:
    - a. Removal of diseased or insect-infested trees or shrubs, or rotten or damaged trees that present safety hazards.
    - b. Normal maintenance and pruning of trees and shrubs.
- B. The following fill and removal activities may be authorized by the Planning Director upon a finding that no adverse impacts will occur to the water resources of Deschutes County:
  1. Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.
  2. Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities and similar public and semipublic facilities, provided such fill and removal does not alter the existing characteristics of the stream, river or wetland.
  3. Fill or removal for maintenance and repair of nonconforming structures or boat docks.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [86-058](#) §3 on 6/30/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **19.92.140 Existing Marijuana Production Registered By The Oregon Health Authority (OHA)**

- A. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by September 15, 2016:

1. Lighting. Lighting shall be regulated as follows:
  - a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. on the following day.
  - b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
  - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
- B. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by December 15, 2016:
  1. Odor. As used in DCC 18.116.330(B)(10), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.
    - a. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
    - b. An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
    - c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.
    - d. The odor control system shall:
      1. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or
      2. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by i. above.
    - e. The system shall be maintained in working order and shall be in use.
  2. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
    - a. Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A)

- measured at any property line between 10:00 p.m. and 7:00 a.m. the following day.
- b. Sustained noise from marijuana production is not subject to the Right to Farm protections in DCC 9.12 and ORS 30.395. Intermittent noise for accepted farming practices is however permitted.
3. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
    - a. Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
    - b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
    - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
    - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
  4. Water. The applicant shall provide:
    - a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
    - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
    - c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.
  5. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
  6. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).

#### HISTORY

Adopted by Ord. [2016-016](#) §2 on 6/1/2016

### 19.92.150 Historic Home Accessory Dwelling Units In UAR-10 And SR-2 1/2 Zones

- A. As used in this section:
1. "Historic accessory dwelling unit" means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, "auxiliary" means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
  2. "Area zoned for rural residential use" means land that is not located inside an urban growth boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
  3. "Historic home" means a single-family dwelling constructed between 1850 and 1945.
  4. "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.
  5. "Single-family dwelling" means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.
- B. An owner of a lot or parcel within an area zoned for rural residential use (UAR-10 and SR-2 1/2 zones) may construct a new single-family dwelling on the lot or parcel, provided:
1. The lot or parcel is not located in an area designated as an urban reserve as defined in ORS 195.137;
  2. The lot or parcel is at least two acres in size;
  3. A historic home is sited on the lot or parcel;
  4. The owner converts the historic home to a historic accessory dwelling unit upon completion of the new single-family dwelling; and
  5. The historic accessory dwelling unit may be required to comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.
- C. The construction of a historic accessory dwelling unit under subsection (B) of this section is a land use action subject to DCC 22.20.
- D. An owner that constructs a new single-family dwelling under subsection (B) of this section may not:
1. Subdivide, partition or otherwise divide the lot or parcel so that the new single-family dwelling is situated on a different lot or parcel from the historic accessory dwelling unit.
  2. Alter, renovate or remodel the historic accessory dwelling unit so that the square footage of the historic accessory dwelling unit is more than 120 percent of the historic

home's square footage at the time construction of the new single-family dwelling commenced.

3. Rebuild the historic accessory dwelling unit if the structure is deemed a dangerous building due to fire or other natural disaster, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location."
  4. Construct an additional accessory dwelling unit on the same lot or parcel.
- E. A new single-family dwelling constructed under this section may be required to be served by the same water supply source as the historic accessory dwelling unit.
- F. Owner occupancy of either the historic accessory dwelling unit or the new single-family dwelling is not required. However, the historic accessory dwelling unit and the new single-family dwelling placed under this section may not be used simultaneously for short-term rentals of thirty (30) consecutive days or less.

#### HISTORY

*Adopted by Ord. [2019-009](#) §6 on 9/3/2019*

*Recorded by Ord. [2019-009](#) §6 on 9/3/2019*

*Amended by Ord. [2023-014](#) §9 on 12/1/2023*

#### **[19.92.160 Residential Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ Zones](#)**

- A. As used in this section:
1. "Accessory dwelling unit" means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, "auxiliary" means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
  2. "Accessory dwelling unit structure" means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.
  3. "Rural residential use" means a lot or parcel located in the UAR-10, SR-2 ½, or WTZ Zones, consistent with the definition in ORS 215.501.
  4. "Safe evacuation plan" means an identifiable route on a right(s)-of-way and any onsite driveways from the accessory dwelling unit to a staged evacuation area.
  5. "Single-family dwelling" means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.
  6. "Staged evacuation area" means a public or private location that occupants of the accessory dwelling unit may evacuate to reorganize.

7. "Useable floor area" means all areas of an accessory dwelling unit included within the surrounding exterior walls, exclusive of garages, carports, decks, and porch covers.
  8. "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.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned UAR-10, SR-2 ½, or WTZ, provided all of the following standards are met:
1. One single-family dwelling is sited on the lot or parcel:
    - a. As used in this section, "sited" means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
    - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
  2. There is no guest-house, temporary residence as identified in DCC 19.88.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
    - a. An existing lawfully established guest-house, temporary residence as identified in DCC 19.88.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.
  3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
  4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
  5. The lot area is at least two acres in size, 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 in size.
  6. The accessory dwelling unit structure will have a minimum setback of 100 feet from adjacent properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone and combining zones.
  7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.

8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
  - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.
9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.
10. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.
11. The accessory dwelling unit provides for all of the following:
  - a. Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with section 11(a)i and 11(a)(ii), or section 11(a)(iii):
    1. A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
      - A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
      - B. Private roads, as permitted by DCC Title 19, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; and
    2. 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;



3. 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 property meets minimum fire district requirements to provide emergency services to the property;

b.A safe evacuation plan; and

- c. For private properties utilized as staged evacuation areas, written authorization from the property owner(s) of the staged evacuation area that the occupants of the accessory dwelling unit may evacuate to the staged evacuation area.

12. Wildfire Hazard Mitigation Building Code Standards:

- a. If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:

1. For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:
  - A. The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code.

- b. If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:

1. The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code.

13. Wildfire Hazard Mitigation Defensible Space Standards:

- a. If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:

1. For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:
  - A. The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392.

- b. If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:

1. Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit on land that is owned or controlled by the owner:

- A. Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials; and
  - B. Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and
  - C. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and
  - D. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
2. Prior to issuance of building permits, the property owner(s) 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 accessory dwelling unit that is owned or controlled by the owner.
14. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.
15. A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:
- a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and
  - b. Placement or construction of any additional dwelling unit, guest-house, or any other temporary residence as identified in DCC 19.88.090.

16. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.
17. At the time of application, a letter confirming that the supplier of water is “Willing and Able to Serve” the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.
18. An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).
19. If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.
20. Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 19.92.160(A)(8) and consistent with ORS 90.100.

#### HISTORY

Adopted by Ord. [2023-014](#) §9 on 12/1/2023

#### **CHAPTER 19.96 NONCONFORMING USES**

[19.96.010 Verification Of Nonconforming Use](#)

[19.96.020 Maintenance Of Nonconforming Use](#)

[19.96.030 Restoration Or Replacement Of Nonconforming Use](#)

[19.96.040 Alteration Of A Nonconforming Use](#)

#### **19.96.010 Verification Of Nonconforming Use**

Subject to the procedures set forth in DCC 22.40, upon application the Planning Division will verify whether or not a use constitutes a valid nonconforming use in accordance with the provisions of DCC 19.96.010 and applicable state law. Verification of the existence of a nonconforming use shall be required prior to or concurrently with any application to alter or restore the use. The burden shall be upon the applicant for alteration or restoration of a nonconforming use to demonstrate its lawful existence. The applicant shall demonstrate all of the following:

- A. The nonconforming use was lawful on the effective date of the provisions of DCC Title 19 prohibiting the use.
- B. The nonconforming use was actually in existence on the effective date of the provisions of DCC Title 19 prohibiting its use, or had proceeded so far toward completion that a right to complete and maintain the use would be deemed to have vested.

- C. The nonconforming use has existed continuously, or if it has not existed continuously, has not been abandoned, or has not been interrupted for a period in excess of one year. The decision verifying the nonconforming use shall be made pursuant to the provisions of the County land use procedures ordinance.

#### 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](#) §7 on 6/28/1995*

#### **[19.96.020 Maintenance Of Nonconforming Use](#)**

Normal maintenance of a verified nonconforming use shall be permitted provided that no alterations in the use or structure are made which change the size or outward appearance of the nonconforming use.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.96.030 Restoration Or Replacement Of Nonconforming Use](#)**

A verified nonconforming use may be restored or replaced if all of the following criteria are met:

- A. The nonconforming use has been damaged or destroyed by fire or other casualty or natural disaster.
- B. The nonconforming use is restored or replaced on the same location as it existed prior to damage or destruction.
- C. The restoration or replacement of the nonconforming use is commenced within one year of the damage or destruction.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.96.040 Alteration Of A Nonconforming Use](#)**

- A. The alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement.
- B. In all cases other than that described in DCC 19.96.040(A), alteration of a nonconforming use or structure or physical improvements shall be permitted when all of the following criteria are met:
  1. The alteration is necessary to reasonably continue the nonconforming use.
  2. The alteration will have no increased adverse impact upon the neighborhood.
  3. Any alteration to a nonconforming use permitted under DCC 19.96.040 also shall be subject to all applicable provisions of DCC Title 19, including site plan review under DCC 19.76.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §39 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

### **CHAPTER 19.100 CONDITIONAL USE PERMITS**

#### **19.100.010 Purpose**

#### **19.100.020 Decision Authority**

#### **19.100.030 General Conditional Use Criteria**

#### **19.100.040 Application**

#### **19.100.050 Review Of Application**

#### **19.100.060 Action On An Application**

#### **19.100.070 Special Requirements**

#### **19.100.080 Hydroelectric Facilities**

#### **19.100.090 Farm Stands**

#### **19.100.010 Purpose**

In certain zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of DCC Title 19 and the effect of the conditional use on surrounding properties.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### **19.100.020 Decision Authority**

The Planning Director or Hearings Body shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of DCC 19.100.020.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### **19.100.030 General Conditional Use Criteria**

A conditional use permit may be granted only upon findings by the Planning Director or Hearings Body that the proposal meets all of the criteria in DCC 19.100.030, as well as all other applicable criteria contained in DCC Title 19. The general criteria are:

- A. That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density with the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.

- B. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.
- C. That if the use is permitted outright in another zone, there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.
- D. That the proposed use will be consistent with the purposes of DCC Title 19, the Comprehensive Plan, Statewide Goals and any other applicable statutes, ordinances or policies.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.100.040 Application](#)**

A request for a conditional use may be initiated by a property owner or his agent, authorized in writing, by filing an application with the Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Director or Hearings Body may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

#### 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](#) §8 on 6/28/1995*

#### **[19.100.050 Review Of Application](#)**

Before a conditional use is permitted, the conditional use shall be reviewed as a land use permit consistent with the procedures established by the County land use procedures ordinance.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.100.060 Action On An Application](#)**

The Planning Director or Hearings Body may approve, approve with conditions or disapprove the application for a conditional use permit subject to the land use procedures ordinance. In permitting a conditional use, the Planning Director or Hearings Body may impose, in addition to regulations and standards expressly specified in DCC Title 19, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the urban area as a whole. Any future enlargement or alteration of the use shall be reviewed by the County and new conditions may be imposed.

- A. In order to grant any conditional use, the Planning Director or Hearings Body must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of

persons residing or working in the neighborhood of such proposed uses, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the urban area.

- B. Duration of permits issued under DCC 19.100 shall be as set forth in DCC 22.36.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Amended by Ord. [95-018](#) §6 on 4/26/1995*

#### **[19.100.070 Special Requirements](#)**

The request for a building to exceed 45 feet in height shall be considered in light of the Fire Department's fire fighting apparatus and the location of that apparatus. The community should have adequate apparatus before taller structures are allowed.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §40 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[19.100.080 Hydroelectric Facilities](#)**

- A. In addition to the general conditional use permit criteria set forth in DCC 19.100.080(A)(6)(c), the criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Hearings Body that the proposal meets each of the following criteria, where applicable:

1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
3. The facility will maintain or enhance, to the greatest extent possible, the existing scenic visual, environmental and aesthetic qualities of the affected stretch of the river.
4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
5. The facility will maintain or enhance existing fish and wildlife habitat, and will have no adverse impact upon any threatened or endangered fish, wildlife or plant species or their habitat.
6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river, except during construction of the facility when adverse

impacts on water quality will be minimized. Specifically, the facility and its operation will not:

- a. Deposit, or create a zone for the deposit of, sediments in the river at or adjacent to the site;
  - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in stream flow; or
  - c. Create the potential for, or result in spillage, leakage or discharge of oil, chemicals or other substances or waste products which could reach the river.
7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site, except during construction of the facility during which time soil or bank erosion and destruction of bank habitat will be minimized.
  8. The facility and its operation will maintain existing public access to the affected stretch of the river.
  9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area or U.S. Forest Service Special Interest Area.
  10. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
  11. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features, including building elevations of the powerhouse and other structures, excavation plans and narrative as to where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
  2. Detailed plans for meeting the criteria set forth in DCC 19.100.080(A).
  3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
  4. A cash deposit, performance bond or other security acceptable to Deschutes County, in an amount equal to 100 percent of the estimated cost of river enhancement.



5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:
  - a. A program timetable;
  - b. Projected gross revenues from the proposed facility;
  - c. Projected program expenditures and the percentage of gross revenues they represent;
  - d. Projected water savings and the percentage of known current water losses they represent;
  - e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;
  - f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the minimum stream flow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and
  - g. A declaration by the applicant that it will enter into an agreement with Deschutes County prior to beginning construction of the facility by which the applicant agrees to fulfill all of the requirements in DCC 19.100.080(B)(5)(a) through (g).

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [86-017](#) §16 on 6/30/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

#### **[19.100.090 Farm Stands](#)**

- A. In addition to the general conditional use permit criteria set forth in DCC 19.100.030, farm stands may be permitted within the UAR-10 zone subject to DCC 19.76, provided the following special use standards are also established:
  1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from the promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
  2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

## HISTORY

Adopted by Ord. [2008-014](#) §3 on 3/31/2008

### **CHAPTER 19.104 PLANNED UNIT DEVELOPMENT APPROVAL**

#### **19.104.010 Purpose**

#### **19.104.020 Hearings Body Approval Required**

#### **19.104.030 Application**

#### **19.104.040 Minimum Size For Planned Unit Developments**

#### **19.104.050 Limitation On Application**

#### **19.104.060 Plan Required**

#### **19.104.070 Standards For Approval**

#### **19.104.080 Standards And Requirements**

#### **19.104.090 Hearings Body Action**

#### **19.104.100 Violation Of Conditions**

#### **19.104.010 Purpose**

The purpose of planned unit development approval is to allow and to make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring compliance with the purposes and objectives of the various zoning regulations and the intent and purpose of DCC Title 19.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### **19.104.020 Hearings Body Approval Required**

Where use is made of the planned unit development process as provided in DCC 19.104.020, no building or other permit shall be issued for such development or part thereof until the Hearings Body or Planning Director has approved said development.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### **19.104.030 Application**

The owner or authorized agent may file an application for planned unit development approval with the Hearings Body or Planning Director. The application shall be accompanied by a filing fee in an amount established by the County Commission.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### **19.104.040 Minimum Size For Planned Unit Developments**

No application shall be accepted for an area of less than five acres in any R zone, or for an area of less than four acres in any other zone.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [93-038](#) §1 on 7/28/1993*

*Amended by Ord. [2001-016](#) §2 on 3/28/2001*

#### **[19.104.050 Limitation On Application](#)**

No application shall be accepted for a use which will require a change of zone unless accompanied by an application for a zoning amendment as set forth in DCC 19.116.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.104.060 Plan Required](#)**

All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, landscaping and other open spaces and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Hearings Body or Planning Director to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under DCC Title 19 and the subdivision ordinance.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **[19.104.070 Standards For Approval](#)**

In granting approval for planned unit development, the Hearings Body or Planning Director shall be guided by the following:

- A. Whether applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and an ability to carry out the project as proposed, and whether the construction shall begin within six months of the conclusion of any necessary action by the County, or within such longer period of time as may be established by the Hearings Body or Planning Director.
- B. Whether the proposal conforms with the general plans of the County in terms of location and general development standards.
- C. Whether the project will accrue benefits to the County and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning and subdivision ordinances.

- D. Whether the project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points, additional street right of way and improvements and any other traffic facilities required.
- E. Whether the project will be compatible with adjacent developments and will not adversely affect the character of the area.
- F. Whether the project will satisfactorily take care of sewer and water needs consistent with the Bend Urban Area General Plan.
- G. A planned unit development shall not be approved in any R zone if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive Plan.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

#### [19.104.080 Standards And Requirements](#)

Approval of a request for a planned unit development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

- A. A dwelling use permitted in any zone may be permitted in a planned unit development.
- B. A manufactured home may be permitted in a planned unit development. However, manufactured home parks shall not be allowed in any commercial or industrial zone.
- C. Developments which either provide for or contemplate private streets and ways and common areas which will be or are proposed to be maintained by the owners of units, [parcels](#), or lots within a development must organize and maintain an owners' association. The owners' association shall consist of all the owners of units, [parcels](#), or lots within the development and membership in the association must be required of all owners; adopt and record bylaws as provided by ORS 94.625; adopt bylaws that contain the provisions required by ORS 94.635; and have the power to create a lien upon the unit, [parcel](#), or lot for services, labor, or material lawfully chargeable as common expenses as provided in ORS 94.709. The association's power to create such a lien shall exist whether or not the property is subject to the Oregon Planned Community Act (ORS 94.565 through 94.785.)
- D. If the property is not subject to the Unit Ownership Law, the association shall also create, by contract, the right to claim a lien upon any unit, [parcel](#), or lot for services, labor, or material chargeable as common expenses. This lien may be created by covenants between the association and the property owners and shall supplement the lien created by DCC 19.104.080(C) and require all owners of units, [parcels](#), or lots within the development to consent to and pay the reasonable value of services, labor or material expended by the County for common expenses where such county expenditures are made because the owners or the owners' association does not provide the necessary services, labor or material for common expenses.

- E. Streets and roads in planned unit development designated developments shall be public roads and ways developed to county standards or be private roads of a minimum 14 feet wide paved surface for one-way traffic, minimum 20 feet wide paved surface for two-way traffic, and parallel parking as permitted shall require minimum additional eight feet of width for each side of parking. If pedestrian walkways or bikeways are included in the road, an additional five feet of pavement width on each side of the roadway shall be provided and striped to separate such use from motor vehicle traffic and parking. In addition to these requirements, the Planning Director or Hearings Body may specify other requirements including, but not limited to, increased or decreased pavement width.
- F. Pedestrian walkways and bikeways shall be provided for adequate pedestrian and bicycle traffic, and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors, or public trails. Off-street pedestrian walkways and bikeways shall be at least 10 feet in width to accommodate two-way traffic and shall be constructed with portland cement or asphaltic concrete to county standards, except as varied by the provisions of DCC 19.104.080 or by the Planning Director or Hearings Body.
- G. All utility facilities shall be installed underground and in accordance with County standards.
- H. The design of all planned unit development projects shall provide direct access for all units, parcels, and lots to open space areas and facilities. Open space areas and facilities include such things as landscaped areas, natural areas, golf courses, and other recreational facilities, but do not include streets, sidewalks, bikeways, access corridors or trails.
- I. A statement must be submitted relative to the solar access to be provided by the planned unit development.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §10 on 5/19/1993

#### [19.104.090 Hearings Body Action](#)

In taking action, the Planning Director or Hearings Body may approve, approve with conditions or deny an application as submitted. Any planned unit development as authorized shall be subject to all conditions imposed and shall be excepted from other provisions of DCC Title 19 only to the extent specified in said authorization. Any approval of a planned unit development granted hereunder shall lapse and become void within two years after the final granting of approval or within such other period of time as may be stipulated by the Hearings Body or Planning Director as a condition of such approval, construction of the buildings or structure involved in the development has begun and been diligently pursued. The Planning Director or Hearings Body may further impose other conditions limiting the time within which the development of portions thereof must be completed. The decision of the Planning Director or Hearings Body shall be final unless appealed in accordance with the procedures set forth in the land use procedures ordinance.

#### HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990  
Amended by Ord. [95-018](#) §7 on 4/26/1995*

#### **19.104.100 Violation Of Conditions**

The Hearings Body on its own motion may revoke any planned unit development approval for noncompliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing as provided in the land use procedures ordinance. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the planned unit development approval.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979  
Amended by Ord. [88-042](#) §41 on 12/19/1988  
Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990  
Amended by Ord. [95-050](#) §8(A) on 6/28/1995*

#### **CHAPTER 19.106 DESTINATION RESORTS**

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#### **19.106.010 Purpose**

- A. The purpose of DCC 19.106 to establish an approval process for siting destination resorts under LCDC Goal 8 and the Bend Urban Area General Plan on lands identified in the Bend Urban Area General Plan map as eligible for destination resort siting.
- B. DCC 19.106 provides for properly designed and sited destination resort facilities which enhance and diversify the recreational opportunities and the economy of the Bend area and Deschutes County. It will ensure resort development that compliments the natural and cultural attractiveness of the Bend area and its surroundings and enhances its economic base without significant adverse effect on commercial farming and forestry, environmental and natural features, cultural and historic resources and their settings and other significant resources.

- C. It is the intent of DCC 19.106 to establish procedures and standards for developing destination resorts while ensuring that all applicable Bend Urban Area General Plan policies are achieved.
- D. It is the intent of DCC 19.106 to ensure that all elements of a destination resort which are proposed are financially secured in a manner which will protect the public's interest should the development not be completed as proposed.
- E. It is not the intent of DCC 19.106 to site developments that are in effect rural subdivisions whose primary purpose is to serve full-time residents of the area.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.106.020 Applicability**

- A. The provisions of DCC 19.106 shall apply to proposals for the development of destination resorts, as defined in areas designated by the Bend Area General Plan destination resort map. The provisions of DCC 19.106 shall not apply to any development proposal for resort siting in an area designated in the Bend Area General Plan.
- B. When these provisions are applicable, they shall supersede all other provisions of the underlying zone. Other provisions of the zoning ordinance made applicable by specific map designations such as the FP otherwise applicable under the terms of the zoning ordinance text shall remain in full force and effect, unless otherwise specified herein.
- C. The provisions of DCC 19.106 shall also apply to destination resorts sited through the Goal 2 exception process.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **19.106.030 Uses In Destination Resorts**

The following uses are allowed, provided they are part of and are intended to serve persons at the destination resort pursuant to DCC 19.106.030 and are approved in a final master plan:

- A. Visitor-oriented accommodations designed to provide for the needs of visitors to the resort:
  1. Overnight lodging, including lodges, hotels, motels, bed and breakfast facilities, time share units and similar transient lodging facilities;
  2. Convention and conference facilities and meeting rooms;
  3. Retreat centers;
  4. Restaurants, lounges and similar eating and drinking establishments; or
  5. Other similar visitor-oriented accommodations consistent with the purposes of DCC 19.106 and Goal 8.

- B. Developed recreational facilities designed to provide for the needs of visitors and residents of the resort including:
1. Golf courses and clubhouses;
  2. Indoor and outdoor swimming pools;
  3. Indoor and outdoor tennis courts;
  4. Physical fitness facilities;
  5. Equestrian facilities;
  6. Wildlife observation shelters;
  7. Walkways, bike paths, jogging paths, equestrian trails; or
  8. Other similar recreational facilities consistent with the purposes of DCC 19.106 and Goal 8.
- C. Residential accommodations:
1. Single-~~family-unit~~ dwellings;
  2. Duplexes, triplexes, fourplexes, and multi-~~family-unit~~ dwellings;
  3. Condominiums;
  4. Townhouses;
  5. Living quarters for employees; or
  6. Time share projects.
- D. Commercial services and specialty shops designed to provide for the visitors to the resort:
1. Specialty shops including, but not limited to delis, clothing stores, book stores, gift shops and specialty food shops;
  2. Barber shops and beauty salons;
  3. Automobile service stations limited to fuel sales, incidental parts sales and minor repairs;
  4. Craft and art studios and galleries;
  5. Real estate offices;
  6. Convenience stores; or
  7. Other similar commercial services which provide for the needs of resort visitors and are consistent with the purposes of DCC 19.106 and Goal 8.
- E. Uses permitted in open space areas generally include only those uses that, except as specified herein, do not alter the existing or natural landscape of the proposed open space areas. No



improvements, development or other alteration of the natural or existing landscape shall be allowed in open space areas, except as necessary for development of golf course fairways and greens, hiking and bike trails, lakes and ponds and primitive picnic facilities including park benches and picnic tables. Where farming activities would be consistent with identified pre-existing open space uses, irrigation equipment and associated pumping facilities shall be allowed.

- F. Facilities necessary for public safety and utility service within the destination resort.
- G. Other similar uses permitted in the underlying zone consistent with the purposes of DCC 19.106.020.
- H. Accessory uses in destination resorts:
  - 1. The following accessory uses shall be permitted provided they are ancillary to the destination resort and consistent with the purposes of DCC 19.106 and Goal 8:
    - a. Transportation-related facilities excluding airports;
    - b. Emergency medical facilities;
    - c. Storage structures and areas;
    - d. Kennels as a service for resort visitors only;
    - e. Recycling and garbage collection facilities; or
    - f. Other similar accessory uses are consistent with the purposes of DCC 19.106 and Goal 8.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.106.040 Application Submission](#)**

The authorization of a permit for a destination resort shall consist of three steps.

- A. Conceptual master plan and conditional use permit for destination resort. A conceptual master plan (CMP) shall be submitted which addresses all requirements established in DCC 19.106.040. The CMP application shall be processed as if it were a conditional use permit under DCC Title 22 and DCC 19.100, and shall be reviewed for compliance with the standards and criteria set forth in DCC 19.106.
- B. Final master plan. The applicant shall prepare a final master plan (FMP) which incorporates all requirements of the County approval for the CMP. The Planning Director shall review the FMP to determine if it complies with the approved CMP and all conditions of approval of the conditional use permit. The Planning Director shall have the authority to approve, deny or return the FMP to the applicant for additional information. When interpretations of the Planning Director involve issues which are discretionary, the FMP approval shall be treated as a land use permit in accordance with DCC Title 22.

- C. Site plan review. Each element or development phase of the destination resort must receive additional site plan review and approval pursuant to DCC 19.76 or subdivision review and approval pursuant to DCC Title 17. In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 19.106 and the FMP.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.106.050 Requirements For Conditional Use Permit And Conceptual Master Plan Applications](#)**

The CMP provides the framework for development of the destination resort and is intended to ensure that the destination resort meets the requirements of DCC 19.106. The CMP application shall include the following information:

- A. Illustrations and graphics to scale, identifying:
1. The location and total number of acres to be developed as a planned destination resort;
  2. The subject area and all land uses adjacent to the subject area;
  3. The topographic character of the site;
  4. Types and general location of proposed development uses, including residential and commercial uses;
  5. Major geographic features;
  6. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether streets will be public or private;
  7. Major pedestrian, equestrian and bicycle trail systems;
  8. Important natural features of the site, including habitat of threatened or endangered species, streams, rivers, wetlands and riparian vegetation within 200 feet of streams, rivers and wetlands.
  9. The location and number of acres reserved as open space, buffer area or common area. Areas designated as "open space," "buffer area" or "common area" should be clearly illustrated and labeled as such;
  10. All proposed recreational amenities;
  11. Proposed overall density.
- B. Further information as follows:
1. A description of the natural characteristics of the site and surrounding areas, including a description of resources and the effect of the destination resort on the resources; methods employed to mitigate adverse impacts on resources; analysis of how the overall

values of the natural features of the site will be preserved, enhanced or utilized in the design concept for the destination resort; and a proposed resource protection plan to ensure that important natural features will be protected and maintained. Factors to be addressed include:

- a. Compatibility of soil composition for proposed development(s) and potential erosion hazard;
  - b. Geology, including areas of potential instability;
  - c. Slope and general topography;
  - d. Areas subject to flooding,
  - e. Other hazards or development constraints;
  - f. Vegetation;
  - g. Water areas, including streams, lakes, ponds and wetlands;
  - h. Important natural features;
  - i. Wildlife.
2. A traffic study which addresses (a) impacts on affected county, city and state road systems; and (b) transportation improvements necessary to mitigate any such impacts. The study shall be submitted to the affected road authority at the same time as the conceptual master plan and shall be prepared by a licensed traffic engineer to the minimum standards of the road authorities.
  3. A description of how the proposed destination resort will satisfy the standards and criteria of DCC 19.106.060 and 19.106.070.
  4. Design guidelines and development standards defining visual and aesthetic parameters for:
    - a. Building character;
    - b. Landscape character;
    - c. Preservation of existing topography and vegetation;
    - d. Siting of buildings; and
    - e. Proposed standards for minimum lot area, width, frontage, lot coverage, setbacks, and building heights.
  5. An open space management plan which includes:
    - a. An explanation of how the open space management plan meets the minimum standards of DCC 19.106 for each phase of the development;

- b. An inventory of the important natural features identified in the open space areas and any other open space and natural values present in the open space;
  - c. A set of management prescriptions that will operate to maintain and conserve in perpetuity any identified important natural features and other natural or open space values present in the open space;
  - d. Deed restrictions that will assure that the open space areas are maintained as open space in perpetuity.
6. An explanation of public use of facilities and amenities on the site.
7. A description of the proposed method of providing all utility systems, including the location and sizing of the utility systems;
8. A description of the proposed order and schedule for phasing, if any, of all development including an explanation of when facilities will be provided and how they will be secured if not completed prior to closure of sale of individual lots, parcels, or units;
9. An explanation of how the destination resort has been sited or designed to avoid or minimize adverse effects or conflicts on adjacent lands. The application shall identify the surrounding uses and potential conflicts between the destination resort and adjacent uses within 660 feet of the boundaries of the lot, lots, parcel, or parcels upon which the resort is to be developed. The application shall explain how any proposed buffer area will avoid or minimize adverse effects or conflicts;
10. A description of the proposed method for providing emergency medical facilities and services and public safety facilities and services including fire and police protection;
11. Unless the destination resort is proposing to utilize municipal water, the application shall include a study prepared by a hydrologist, engineering geologist or similar professional certified in the State of Oregon describing:
  - a. An estimate of water demands (other than municipal water) for the destination resort at maximum buildout, including a breakdown of estimated demand by category of consumption, including but not limited to, residential, commercial, golf courses and irrigated common areas;
  - b. Availability of water (other than municipal water) for estimated demands at the destination resort, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of water supply for the destination resort; (3) identification of the area that may be measurably impacted by the water used by the destination resort (water impact area) and an analysis supporting the delineation of the impact area; and (4) a statistically valid sampling of domestic and other wells within the impact area;
  - c. A water conservation plan including an analysis of available measures which are commonly used to reduce water consumption. This shall include a justification

of the chosen water conservation plan. The water conservation plan shall include a waste water disposal plan utilizing beneficial use of reclaimed water to the maximum extent practicable unless the destination resort proposes to utilize city sewer services.

For the purposes of DCC 19.106.050, beneficial uses shall include, but are not limited to:

1. Irrigation of golf courses and greenways;
  2. Establishment of artificial wetlands for wildlife habitation.
- d. A water service agreement with the city of Bend, if municipal water is proposed for the destination resort.
12. An erosion control plan for all disturbed land, as required by ORS Chapter 468B. This plan shall include storm and melt water erosion control to be implemented during all phases of construction and permanent facilities or practices for the continuing treatment of these waters. This plan shall also explain how the water shall be used for beneficial use or why it cannot be used as such;
  13. A description of proposed sewage disposal methods or a sewer service agreement with the city of Bend;
  14. Wildfire prevention, control and evacuation plans;
  15. A description of interim development including temporary structures related to sales and development;
  16. Plans for owners' associations and related transition of responsibilities and transfer of property;
  17. A description of the methods of ensuring that all facilities and common areas within each phase will be established and will be maintained in perpetuity;
  18. A survey of housing availability for employees based upon income level and commuting distance;
  19. An economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist(s) or financial analyst(s) shall be provided which includes:
    - a. An analysis which addresses the economic viability of the proposed development;
    - b. Fiscal impacts of the project, including changes in employment, increased tax revenue, demands for new or increased levels of public services, housing for employees and the effects of loss of resource lands during the life of the project.
  20. A solid waste management plan;
  21. Ratio Compliance

- a. A description of the mechanism to be used to ensure that the destination resort provides an adequate supply of overnight lodging units to maintain compliance with the 150-unit minimum and the 2.5:1 ratio set forth in DCC 19.106.060(D) 2).
  - b. The mechanism shall meet the requirements of DCC 19.106.060(J);
22. A survey of historic and cultural resources inventoried on an acknowledged Goal 5 inventory;
23. Other information as may reasonably be required by the Planning Director to address the effect of the proposed development as related to the requirements of this ordinance.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2014-016](#) §2 on 12/29/2014*

#### **[19.106.060 Standards For Destination Resorts](#)**

The following standards shall govern consideration of destination resorts:

- A. The destination resort shall, in the first phase, provide for and include as part of the CMP the following minimum requirements:
  - 1. At least 150 separate rentable units for visitor-oriented lodging;
    - a. The first 50 overnight lodging units must be constructed prior to the closure of sales, rental or lease of any residential dwelling units, parcels, or lots.
    - b. The resort may elect to phase in the remaining 100 overnight lodging units as follows:
      - 1. At least 50 of the remaining 100 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 5 years of the closure of sale of individual lots, parcels, or units, and;
      - 2. The remaining 50 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 10 years of the closure of sale of individual lots, parcels, or units.
      - 3. If the developer of a resort guarantees a portion of the overnight lodging units required under subsection 19.106.060(A)(1)(b) through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within 4 years of the date of execution of the surety bond or other equivalent financial assurance.
      - 4. The 2.5:1 accommodation ratio required by DCC. 19.106.060(D)(2) must be maintained at all times.

- c. If a resort does not chose to phase the overnight lodging units as described in 18.113.060(A)(1)(b), then the required 150 units of overnight lodging must be constructed prior to the closure of sales, rental or lease of any residential dwelling units, parcels, or lots.
2. Visitor-oriented eating establishments for at least 100 persons and meeting rooms which provide eating for at least 100 persons;
  3. The aggregate cost of developing the overnight lodging facilities, developed recreational facilities, and the eating establishments and meeting rooms shall be at least \$7,000,000 (in 1993 dollars).
  4. At least \$2,333,333 of the \$7,000,000 (in 1993 dollars) total minimum investment required by DCC 19.106.060(A)(3) shall be spent on developed recreational facilities; and
  5. The facilities and accommodations required by this DCC 19.106.060 must be physically provided or financially assured pursuant to DCC 19.106.110 prior to closure of sales, rental or lease of any residential dwelling units, parcels, or lots.
- B. All destination resorts shall have a minimum of 160 contiguous acres of land. Acreage split by public roads or rivers or streams shall count toward the acreage limit, provided that the CMP demonstrates that the isolated acreage will be operated or managed in a manner that will be integral to the remainder of the resort.
- C. All destination resorts shall have direct access onto a state, county, or city arterial or collector roadway, as designated by the Bend Urban Area General Plan.
- D. A destination resort shall, cumulatively and for each phase, meet the following minimum requirements:
1. The resort shall have a minimum of 50 percent of the total acreage of the development dedicated to permanent open space, excluding yardssetback areas, streets, and parking areas. Portions of individual residential lots or parcels and landscape area requirements for developed recreational facilities, visitor-oriented accommodations, or multi-family unit dwelling or commercial uses established by DCC 19.76.080 shall not be considered open space; and
  2. Individually-owned residential units that do not meet the definition of overnight lodging in DCC 19.04.040 shall not exceed two and one-half such units for each unit of visitor-oriented overnight lodging constructed or financially assured within the resort.
  3. Individually-owned units shall be considered visitor-oriented lodging if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation system operated by the destination resort or by a real estate property manager, as defined in ORS 696.010.
  4. The residential unit to overnight lodging unit ratio applies to destination resorts which were previously approved under a different standard.

- E. Phasing. A destination resort authorized pursuant to DCC 19.106.060 may be developed in phases. If a proposed resort is to be developed in phases, each phase shall be as described in the CMP. Each individual phase shall meet the following requirements:
1. Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of DCC 19.106 and Goal 8;
  2. The first phase and each subsequent phase of the destination resort shall cumulatively meet the minimum requirements of DCC 19.106.060 and DCC 19.76.070, and;
  3. Each phase may include two or more distinct non-contiguous areas within the destination resort.
- F. Dimensional standards:
1. The minimum lot area, width, lot coverage, frontage and ~~yard setback~~ requirements, and building heights otherwise applying to structures in underlying zones and the provisions of DCC 19.88.210 relating to solar access shall not apply within a destination resort.
    - a. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP.
    - b. In determining these standards, the Planning Director or Hearings Body shall find that the minimum specified in the CMP is adequate to satisfy the intent of the Bend Urban Area General Plan relating to solar access, fire protection, vehicle access, and to protect resources identified by LCDC Goal 5 which are identified in the Bend Urban Area General Plan.
    - c. At a minimum, a 100 foot setback shall be maintained from all streams and rivers. No lot ~~or parcel~~ for a single ~~family-unit dwelling~~ residence shall exceed an overall project average of 22,000 square feet in size.
  2. Exterior setbacks and buffers.
    - a. A destination resort shall provide for the establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas, and other similar types of buffers.
    - b. Exterior setbacks shall also be provided to ensure that improvements and activities are located to minimize adverse effects of the resort on uses on surrounding lands.
- G. Floodplain requirements. The Flood Plain Zone (FP) requirements of DCC 19.72 shall apply to all developed portions of a destination resort in an FP Zone in addition to any applicable criteria of DCC 19.106. Except for flood plain areas which have been granted an exception to LCDC goals 3 and 4, Flood Plain Zones shall not be considered part of a destination resort when determining compliance with the following standards;
1. One hundred sixty acre minimum site;



2. Open space requirements.

A conservation easement as described in DCC Title 19 shall be conveyed to the County for all areas within a flood plain which are part of a destination resort.

- H. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be a separate conditional use subject to all pertinent requirements of DCC Title 19.
- I. Time share units not included in the overnight lodging calculations shall be subject to approval under the conditional use criteria set forth in DCC 19.100. Time share units identified as part of the destination resort's overnight lodging units shall not be subject to the time share conditional use criteria of DCC 19.100.
- J. The overnight lodging criteria shall be met, including the 150-unit minimum and the 2-1/2 to 1 ratio set forth in DCC 19.106.060(D)(2).
  - 1. Failure of the approved destination resort to comply, with the requirements in DCC 19.106.060(J)(2) through (6) will result in the County declining to accept or process any further land use actions associated with any part of the resort and the County shall not issue any permits associated with any lots, parcels, or site plans on any part of the resort until proof is provided to the County of compliance with those conditions.
  - 2. Each resort shall compile, and maintain, in perpetuity, a list of all overnight lodging units.
    - a. The list shall identify each individually-owned unit that is counted as overnight lodging,
    - b. At all times, at least one entity shall be responsible for maintaining the registry and fulfilling the reporting requirements of DCC 19.106.060(J)(2) through (6).
    - c. Initially, the resort management shall be responsible for compiling and maintaining the registry.
    - d. As a resort develops, the developer shall transfer responsibility for maintaining the registry to the homeowner association(s). The terms and timing of this transfer shall be specified in the Conditions, Covenants & Restrictions (CC&Rs).
    - e. Resort management shall notify the County prior to assigning the registry to a homeowner association.
    - f. Each resort shall maintain records documenting its rental program related to overnight lodging units at a convenient location in Deschutes County, with those records accessible to the County upon 72 hour notice from the County.
    - g. As used in this section, "resort management" includes, but is not limited to, the applicant and the applicant's heirs, successors in interest, assignees other than a home owners association.
  - 3. An annual report shall be submitted to the Planning Division by the resort management or home owners association (s) each February 1, documenting all of the following as of December 31 of the previous year:

- a. The minimum of 150 permanent units of overnight lodging have been constructed or that the resort is not yet required to have constructed the 150 units;
  - b. The number of individually-owned residential platted lots or parcels and the number of overnight-lodging units;
  - c. The ratio between the individually-owned residential platted lots or parcels and the overnight lodging units:
  - d. The following information on each individually-owned residential unit counted as overnight lodging.
    1. Who the owner or owners have been over the last year;
    2. How many nights out of the year the unit was available for rent;
    3. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 19.106;
    4. Documentation showing that these units were available for rental as required.
  - e. This information shall be public record subject to ORS 192.502(17).
4. To facilitate rental to the general public of the overnight lodging units, each resort shall set up and maintain in perpetuity a telephone reservation system.
  5. Any outside property managers renting required overnight lodging units shall be required to cooperate with the provisions of this code and to annually provide rental information on any required overnight lodging units they represent to the person or entity responsible for maintaining the registry described in DCC 19.106.060(J)(2).
  6. Before approval of each final plat, all the following shall be provided:
    - a. Documentation demonstrating compliance with the 2-1/2 to 1 ratio as defined in DCC 19.106.060(D)(2);
    - b. Documentation on all individually-owned residential units counted as overnight lodging; including all of the following:
      1. Deed restrictions, that may be in the form of, but is not limited to, conditions of approval agreements, requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
        - A. A modification of approval application approval shall be required to remove the overnight lodging unit designation.

- B. The modification of approval application approval must be obtained prior to County, releasing any deed restrictions requiring minimum rental availability for an individually-owned residential unit counted as overnight lodging.
2. An irrevocable provision in the resort Conditions, Covenants and Restrictions (CC&Rs) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
  3. A provision in the resort CC&Rs that all property owners within the resort recognize that failure to meet the conditions in DCC 19.106.060(J)(6)(b)(2) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;
  4. Inclusion of language in any rental management contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation service operated by the resort or by a real estate property manager as defined in ORS 696.010, and that failure to meet the conditions in DCC 19.106.060(J)(6)(b)(4) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2013-003](#) §1 on 5/6/2013*

*Amended by Ord. [2014-016](#) §2 on 12/29/2014*

#### **[19.106.070 Approval Criteria](#)**

In order to approve a destination resort, the Planning Director or Hearings Body shall find from substantial evidence in the record that:

- A. The subject proposal is a destination resort as defined in DCC 19.04.040.
- B. All standards established by DCC 19.106.060 are or will be met.
- C. The economic analysis demonstrates that:
  1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by DCC 19.106;

2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved;
  3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land, and;
  4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort will constitute a primary attraction to visitors, based on the economic feasibility analysis.
- D. The destination resort incorporates design components, setbacks, and buffers to protect designated wildlife areas.
- E. Important natural features, including but not limited to, significant wetlands, riparian habitat and landscape management corridors will be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands will be maintained. Alterations to important natural features, including placement of structures, is allowed so long as the overall values of the feature are maintained.
- F. The development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- G. Destination resort developments that significantly affect a transportation facility shall assure that the development is consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:
1. Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;
  2. Providing transportation facilities adequate to support the proposed development consistent with OAR Chapter 660, Division 12; or
  3. Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

A destination resort significantly affects a transportation facility if it would result in levels of travel or access that are inconsistent with the functional classification of a facility or would reduce the level of service of the facility below the minimum acceptable level identified in the relevant transportation system plan.

- a. Where the option of providing transportation facilities is chosen, the applicant shall be required to improve impacted roads to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development as

determined by the traffic study or the recommendations of the affected road authority.

- b. Access within the project shall be adequate to serve the project in a safe and efficient manner for each phase of the project.
- H. The development will not create the potential for natural hazards identified in the Bend Urban Area General Plan. No structure will be located on slopes exceeding 25 percent. A wildfire management plan will be implemented to ensure that wildfire hazards are minimized to the greatest extent practical and allow for safe evacuation.
- I. Adequate public safety protection will be available through existing fire districts or will be provided on-site according to the specification of the state fire marshal. If the resort is located outside of an existing fire district, the developer will provide for staffed structural fire protection services or contract with or annex to the existing district. Adequate public facilities to provide for necessary safety services such as police and fire will be available to serve the proposed development.
- J. Streams and drainage. Unless otherwise agreed to in writing by the adjoining-abutting property owner(s), existing natural drainages on the site will not be changed in any manner which interferes with drainage patterns on adjoining-abutting property. All surface water drainage changes created by the development will be contained on-site in a manner which meets all standards of the Oregon State Department of Environmental Quality (DEQ). The erosion control plan for the subject development will meet all standards of ORS Chapter 468B.
- K. Adequate water will be available for all proposed uses at the destination resort, based upon the water study, a water service agreement with the city of Bend or a proposed water conservation plan as required by DCC 19.106.050. Water use will not reduce the availability of water in the water impact areas identified in the water study considering existing uses and potential development previously approved in the affected area. Water sources identified in the water plan shall not include any perched water table. Water shall only be taken from the regional aquifer. Where a perched water table is pierced to access the regional aquifer, the well must be sealed off from the perched water table.
- L. Unless a sewer service agreement exists, the waste water disposal plan includes beneficial use to the maximum extent practicable. Approval of the CMP shall be conditioned on applicant's making application to DEQ for a Water Pollution Control Facility (WPCF) permit consistent with such an approved waste water disposal plan. Approval shall also be conditioned upon applicant's compliance with applicable Oregon Administrative Rules regarding beneficial use of waste water, as determined by DEQ. Applicant shall receive approval of a WPCF permit consistent with this provision prior to applying for approval for its final master plan under DCC 19.106.
- M. The resort will mitigate any demands it creates on publicly owned recreational facilities on public lands in the surrounding area.
- N. Site improvements will be located and designed to avoid or minimize adverse effects of the resort on the surrounding land uses. Measures to accomplish this may include establishment and maintenance of buffers between the resort and adjacent land uses, including natural

vegetation and appropriate fences, berms, landscaped areas and similar types of buffers, and setback of structures and other developments from adjacent land uses.

- O. The resort will be served by an on-site sewage system approved by DEQ and a water system approved by the Oregon State Health Division, or by municipal sewer and water as allowed by the Bend Urban Area General Plan.
- P. The destination resort will not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents permitted or conditional uses of surrounding properties.
- Q. The commercial uses developed as part of the resort will be contained within the project and not oriented to public highways adjacent to the property. The commercial uses permitted in the destination resort will be limited in type and levels of use necessary to meet the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:
  - 1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to resorts, or the use is necessary for operation, maintenance or promotion of the destination resort; and
  - 2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.
- R. A plan exists to ensure a transfer of common areas, facilities such as sewer, water, streets and responsibility for police and fire protection to owners' associations or similar groups if contemplated. If such transfer is not contemplated, the owner or responsible party shall be clearly designated. Adequate open space, facility maintenance and police and fire protection shall be ensured in perpetuity in a manner acceptable to the County.
- S. Temporary structures will not be allowed unless approved as part of the CMP. Temporary structures will not be allowed for more than 18 months and will be subject to all use and site plan standards of DCC Title 19.
- T. The open space management plan is sufficient to protect in perpetuity identified open space values.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2014-016](#) §2 on 12/29/2014*

#### **[19.106.075 Imposition Of Conditions](#)**

The standards made applicable by DCC 19.106 may be met by the imposition of conditions calculated to insure that the standard will be met.

#### HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

#### **[19.106.080 Procedure For Modification Of A Conceptual Master Plan](#)**

Any substantial change, as determined by the Planning Director, proposed to an approved CMP shall be reviewed in the same manner as the original CMP. An insubstantial change may be approved by the Planning Director. Substantial change to an approved CMP, as used in DCC 19.106.080, means an alteration in the type, scale, location, phasing or other characteristic of the proposed development such that findings of fact on which the original approval was based would be materially affected.

#### HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

#### [19.106.090 Requirements For Final Master Plan](#)

It shall be the responsibility of the applicant to provide a Final Master Plan (FMP) which includes text and graphics explaining and illustrating:

- A. The use, location, size and design of all important natural features, open space, buffer areas and common areas;
- B. The use and general location of all buildings, other than residential dwelling units and the proposed density of residential development by location;
- C. Preliminary location of all sewer, water, storm drainage and other utility facilities and materials, and specifications and installation methods for water and wastewater systems;
- D. Location and widths of all roads, streets, parking, pedestrian ways, equestrian trails and bike paths;
- E. Methods to be employed to buffer and mitigate potential adverse impacts on adjacent resource uses and property;
- F. Building elevations of visitor-oriented accommodations, recreational facilities and commercial services sufficient to demonstrate the architectural character of the proposed development;
- G. A description of all commercial uses including approximate size and floor area;
- H. The location of or distance to any emergency medical facilities and public safety facilities;
- I. When a phase includes a residential subdivision, a general layout of the subdivision shall include the number of lots or parcels, minimum and maximum lot sizes, and approximate location of roadways.
- J. A description of measures taken, with copies of deed restrictions, CC&Rs and rental contracts to implement the requirements of DCC 19.106.060(J).
- K. A description of measures taken, with copies of deed restrictions and a final management plan, to implement the open space management plan required by DCC 19.106.
- L. The status of all required off-site roadway improvements.
- M. Methods to be employed for managing automobile traffic demand.

- N. A copy of an WPCF permit issued by DEQ consistent with the requirements of DCC 19.106.070(L).

HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

*Amended by Ord. [2014-016](#) §2 on 12/29/2014*

**[19.106.100 Procedure For Approval Of Final Master Plan](#)**

- A. The FMP shall be submitted in a form approved by the County Planning Director consistent with DCC Title 22 for a development permit. The Planning Director shall review the FMP and if the Planning Director finds that all standards of the CMP have been met, the FMP shall be approved in writing without notice. If approval of the FMP involves the exercise of discretion, the FMP shall be treated as a land use action and notice shall be provided in accordance with DCC Title 22.
- B. If the Planning Director finds evidence in the FMP of a substantial change from the CMP, the Planning Director shall advise the applicant to submit an application for modification or amendment of the CMP.

HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[19.106.110 Provision Of Streets, Utilities, Developed Recreational Facilities And Visitor-Oriented Accommodations](#)**

- A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor-oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots, parcels, or units.
- B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor-oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.

HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[19.106.120 Conservation Easement To Protect Resource Site](#)**

- A. If a tract to be used as a destination resort contains a resource site designated for protection in an acknowledged comprehensive plan pursuant to open spaces, scenic and historic areas and natural resource goals in an acknowledged comprehensive plan, that tract of land shall preserve the resource site by conservation easement sufficient to protect the resource values of the resource site in accordance with ORS 271.715 to 271.795



- B. A conservation easement under DCC 19.106.120 shall be recorded with the property records of the tract on which the destination resort is sited.

HISTORY

*Adopted by Ord. [99-001](#) §1 on 1/13/1999*

*Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*

**[CHAPTER 19.108 VARIANCES](#)**

[19.108.010 Authorization To Grant Or Deny Variances](#)

[19.108.020 Criteria](#)

[19.108.030 Authorization To Grant Or Deny Variances To On-Site Requirements](#)

[19.108.040 Criteria For Variances Granted Under DCC 19.108.030](#)

[19.108.050 Application For A Variance](#)

**[19.108.010 Authorization To Grant Or Deny Variances](#)**

Except as provided in DCC 19.108.030, the Planning Director or Hearings Body may authorize variances from the standards of DCC Title 19 where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of DCC Title 19 would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of the property for purposes not authorized within the pertinent zone or to alter any procedural requirements of DCC Title 19. In granting a variance, the Planning Director or Hearings Body may attach conditions necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of DCC Title 19.

HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

**[19.108.020 Criteria](#)**

No variance shall be granted pursuant to the provisions of DCC 19.108.010 unless the applicant can establish:

- A. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same zone; and
- B. That strict interpretation of the provisions of DCC Title 19 would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of DCC Title 19; and
- C. That the special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and
- D. That granting the variance will be in harmony with the objectives of DCC Title 19 and not injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2023-014](#) §10 on 12/1/2023

### **[19.108.030 Authorization To Grant Or Deny Variances To On-Site Requirements](#)**

The Planning Director or Hearings Body may authorize a variance from the standards of DCC Title 19 relating to on-site requirements (e.g. ~~yards~~setbacks, parking, etc.), provided that no variance under DCC 19.108.030 shall be greater than 25% of the setback, parking, or other similar area requirement from which the variance is sought.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

### **[19.108.040 Criteria For Variances Granted Under DCC 19.108.030](#)**

In the case of a ~~yard~~setback variance, the applicant shall show the approval will result in:

- A. More efficient use of the site; and
- B. Preservation of natural features, where appropriate; and
- C. Adequate provision of light and privacy to ~~adjoining~~abutting properties; and
- D. Preservation of natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards, where appropriate.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

### **[19.108.050 Application For A Variance](#)**

A property owner or his agent, authorized in writing, may initiate a request for a variance by filing an application with the Planning Director. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangements of the proposed development. The application shall be reviewed in the manner provided for in the County's land use procedures ordinance.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §42 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [95-050](#) §9 on 6/28/1995

## **[CHAPTER 19.112 REVOCATION OF PERMITS OR VARIANCES](#)**

### **[19.112.010 Revocation For Noncompliance With Conditions](#)**

### **[19.112.020 Public Hearing](#)**

### **19.112.010 Revocation For Noncompliance With Conditions**

Any planned unit development permit, conditional use permit or variance granted in accordance with the terms of DCC Title 19 may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith. If, after notice and hearing, a planned unit development permit is revoked for a substantial violation of any of its conditions, the Board of County Commissioners may reconsider any zone change granted in connection with the planned unit development and restore the zoning existing prior to the permit notwithstanding improvements constructed prior to such revocations, but any such proposed change of zone shall follow the procedures otherwise specified for zone changes herein.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

### **19.112.020 Public Hearing**

The procedures for considering a revocation under DCC 19.112 shall be as set forth in DCC Title 22.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §43 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [95-050](#) §10 on 6/28/1995*

## **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 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*

### 19.116.020 Standards For Zone Change

The burden of proof is upon the applicant. The applicant shall in all cases establish:

- A. That the change conforms with the Comprehensive Plan. Specifically, the change is consistent with the plan's intent to promote an orderly pattern and sequence of growth.
- B. That the change will not interfere with existing development, development potential or value of other land in the vicinity of the proposed action.
- C. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.
- D. That the change will result in the orderly and efficient extension or provision of public services. Also, that the change is consistent with the County's policy for provision of public facilities.
- E. That there is proof of a change of circumstance or a mistake in the original zoning.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [88-042](#) §44 on 12/19/1988*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [95-050](#) §13 on 6/28/1995*

### 19.116.030 Record Of Amendments

The signed copy of each amendment to the text of Title 19, including the legal description of all lands rezoned legislatively or quasi-judicially, shall be maintained on file in the office of the County Clerk. A record of such amendments shall be maintained in a form convenient for the use of the public by the Planning Director, including a map showing the area and date of all amendments hereto. The County Clerk shall keep the map of DCC Title 19 as originally enacted. Every five years after the enactment hereof, a map showing the cumulative amendments hereto for that period shall be filed with the County Clerk. In case of inconsistencies, the controlling record shall be first the original map filed with the County Clerk, and its five-year updates, if any. The Planning Director's map shall control as to map amendments not shown on the original for changes less than five years old.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

*Renumbered by Ord. [95-050](#) §14 on 6/28/1995*

### 19.116.040 Resolution Of Intent To Rezone

If, from the facts presented and findings and the report and recommendations of the Hearings Officer, as required by DCC 19.116.040, the County Commission determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the County Commission may indicate its general approval in principal of the proposed rezoning by the adoption of a "resolution of intent to rezone." This resolution shall include any conditions, stipulations or limitations which the County Commission may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the County Commission may feel necessary to prevent speculative

holding of property after rezoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the County Commission. Such a resolution shall not be used to justify spot zoning or create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning. Upon completion of compliance action by the applicant, the County Commission shall, by ordinance, effect such rezoning. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent, including the time limit placed in the resolution, shall render said resolution null and void automatically and without notice, unless an extension is granted by the County Commission upon recommendation of the Hearings Officer.

- A. Content of Site Plan. Where a site plan is required pursuant to DCC 19.92, it shall include location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping; existing and proposed topography; mechanical roof facilities, if subject property is so oriented as to become part of the view from adjacent properties; architectural perspective, layout and all elevations drawn without exaggerations, except where noted, including locations, area and design of signs and all landscaping.
- B. Resolution on Intent Binding. The fulfillment of all conditions, stipulations and limitations contained in the resolutions of intent on the part of the applicant shall make the resolution binding on the County Commission. Upon compliance with the resolution by the applicant, the County Commission shall, by ordinance, effect such reclassification.

#### HISTORY

*Adopted by Ord. [PL-17](#) on 9/27/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Renumbered by Ord. [95-050](#) §15 on 6/28/1995*

#### **CHAPTER 19.120 ENFORCEMENT AND PENALTIES**

[19.120.010 Enforcement](#)

[19.120.020 Penalties For Violations](#)

[19.120.030 Injunctive Relief](#)

[19.120.040 Evidence](#)

[19.120.050 Abatement](#)

#### **19.120.010 Enforcement**

It shall be the duty of the Planning Director and his designees to enforce DCC Title 19. All departments, officials and employees of Deschutes County vested with the duty or authority to issue permits shall conform to the provisions of DCC Title 19 and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by DCC Title 19. Any permit, certificate or license issued in conflict with the provisions of DCC Title 19, intentionally or otherwise, shall be voidable by the Board of Commissioners to the extent allowed by law.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [83-032](#) §1 on 3/23/1983*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

### 19.120.020 Penalties For Violations

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of DCC Title 19 commits a Class A violation, and upon conviction thereof, shall be punishable by a fine of not more than \$500. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of DCC Title 19 is committed or continued by such a person, firm or corporation and such offenses shall be punishable as a continuing violation as provided in Ordinance No. 82-012.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Amended by Ord. [86-034](#) §1 on 4/2/1986*

*Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990*

*Amended by Ord. [2003-021](#) §40 on 4/9/2003*

### 19.120.030 Injunctive Relief

The foregoing sanctions shall not be exclusive, and where the public health, safety, morals or general welfare will be served there-by, the Planning Director may, in addition to prosecution under DCC 19.120.020, institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement or provisions prohibiting nuisances caused by odor, sound, vibration and the like, the Planning Director may seek injunction against the specific device, activity or practice causing the nuisance.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

### 19.120.040 Evidence

In any prosecution for causing or maintaining any condition or use of, or activity on, or construction of, moving or maintaining any structure on any premises in violation of DCC Title 19, a person in possession or control of the premises as owner or lessee at the time of the violation, or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable by production of evidence to the contrary, and either the County or the Defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition to, the owner or lessee or other persons in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by DCC Title 19. That a person is taxed according to the records of Deschutes County Assessor shall be prima facie proof that the person is in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial activity is conducted thereon, the same shall constitute prima facie evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

**19.120.050 Abatement**

Where, because of the absence of the responsible person or persons from the county or from the state, as the case may be, the courts of Deschutes County or the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause or continuation of a structure or condition erected or maintained in violation of DCC Title 19, or where the County Commission deems it important to the public interest that the unlawful structure or condition be removed or corrected without delay, the County Commission may, after notice and hearing, order the removal of the unlawful structure or condition, and if such removal or correction is not effected within the time prescribed in the order, the Planning Director shall cause such abatement, going upon the premises with such personnel or equipment as may be necessary, and the County Commission shall thereafter, by ordinance, assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if given 30 days in advance of the hearing, either by personal delivery or by mailing the same by any form of mail requiring a receipt, or by mailing the same by any form or mail requiring a receipt to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order, but not less than 30 days, as the County Commission may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that Deschutes County shall not be responsible for the condition or storage of the component parts of, or personal property situated within the structure following abatement by the County. The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in DCC 19.120.050.

## HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

**CHAPTER 19.124 LAND FOR PUBLIC PURPOSES****19.124.010 Public Acquisition/Dedication****19.124.010 Public Acquisition/Dedication**

If the County has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency and there is reasonable assurance that steps will be taken to acquire the land, then the Hearings Officer may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed one year, although such area may be platted and approved as part of the subdivision.

In addition to the above, all subdivisions shall be required to dedicate land to the public for recreational purposes. The amount of land shall be sufficient to provide 2.5 acres of usable park land for each 1,000 people. The park dedication standard shall be that established by mutual agreement between Deschutes

County and the appropriate city and park district authorities. The County shall determine whether an in-lieu fee for land dedication is appropriate on a case-by-case basis. The land to be dedicated for park purposes must actually be functional park land. In instances where less than three acres are to be dedicated, the County shall always require a fee be paid to the County in-lieu of the land dedication. The amount of the in-lieu fee shall be determined by multiplying the amount of land normally required to be dedicated times the per-acre value of the subdivision lots or parcels to be sold in the subdivision.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

### **CHAPTER 19.128 SEVERABILITY AND VALIDITY**

#### [19.128.010 Severability And Validity](#)

#### [19.128.020 Emergency Clause](#)

#### **19.128.010 Severability And Validity**

If any section, subsection, sentence, clause or phrase of DCC Title 19 is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of DCC Title 19. The County Commission of Deschutes County hereby declares that it would have passed DCC Title 19, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase might be declared invalid.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*

#### **19.128.020 Emergency Clause**

In that the Land Conservation and Development Commission of the State of Oregon has required Deschutes County to adopt a zoning ordinance for the Bend area by May 31, 1979, in order to be in compliance with statewide planning goals affecting the health, safety and general welfare of the public, an emergency is declared to exist and this title, pursuant to ORS 203.045(9), shall take effect upon adoption.

All references herein to other statutes and ordinances shall include amendments or legislation superseding the statutes and ordinances cited.

#### HISTORY

*Adopted by Ord. [PL-11](#) on 7/11/1979*

*Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990*





## FINDINGS

### CLEAR & OBJECTIVE TEXT AMENDMENTS

#### I. **APPLICABLE CRITERIA:**

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

#### II. **BACKGROUND:**

Beginning in 2017, the Oregon State Legislature passed a series of bills to encourage efforts to expand the supply of housing statewide. The passage of Senate Bill (SB) 1051 prohibited cities from denying applications for housing developments within urban growth boundaries, provided those applications complied with “clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.”<sup>1</sup>

The provisions of SB 1051, along with subsequent bills, modified Oregon Revised Statutes (ORS) 197.286–197.314. Of relevance to the current project is ORS 197.307(4)<sup>2</sup> which was modified to state:

- (1) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:
  - (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
  - (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

In 2023, ORS 197A.400<sup>3</sup> (formerly ORS 197.307, as referenced above) was established by House Bill (HB) 3197<sup>4</sup>. The newly established ORS 197A.400 will become effective on July 1, 2025, and states the following [emphasis added]:

<sup>1</sup> <https://olis.oregonlegislature.gov/liz/2017R1/Downloads/MeasureDocument/SB1051/Enrolled>

<sup>2</sup> [https://oregon.public.law/statutes/ors\\_197.307](https://oregon.public.law/statutes/ors_197.307)

<sup>3</sup> [https://www.oregonlegislature.gov/bills\\_laws/ors/ors197a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors197a.html)

<sup>4</sup> <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3197/Enrolled>

- (1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, **unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501**. The standards, conditions and procedures:
- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
  - (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay
- ...
- (3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:
- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;
  - (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
  - (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

These provisions require local governments to apply only clear and objective standards, criteria, and procedures to applications for housing projects and may not discourage housing through unreasonable delay. Application of typical discretionary standards (e.g. "adequate public facilities," "effective mitigation", etc. is prohibited. The statute is intended to address the concern that use of discretionary criteria leads to uncertainty, inconsistent administration, and delays that do not serve the goal of efficiently providing an adequate supply of housing stock.

### **III. BASIC FINDINGS**

Numerous sections and language included in the Deschutes County Code (DCC) do not currently meet the identified thresholds for "clear and objective standards." The primary focus of the Clear and Objective Code Compliance Project is to ensure the DCC complies with state statute and the objectives of the Deschutes County Comprehensive Plan.

With the assistance of consultants from MIG, planning staff have identified areas of the DCC that are not in compliance with statute and drafted packages of text amendments to address each issue.

These packages have been broken into distinct segments to provide the public, the Deschutes County Planning Commission (Commission), and the Deschutes County Board of Commissioners (Board) the opportunity to review and vet the proposed changes in a more structured and confined way.

Where possible, planning staff have endeavored to draft amendments that are a policy-neutral conversion of existing discretionary language to non-discretionary language. This ensures the original intent and desired outcome is preserved. When not possible, alternative standards or criteria have been proposed, or, in certain limited cases, the language has been removed with possible replacement language to be included as part of a future code amendment package. Additionally, while not exclusively associated with housing developments, as part of this process certain amendments have been proposed to broadly remove ambiguity from implementing sections of the DCC, maintain conformity across all development standards, and ensure review clarity for staff and members of the public.

The first amendment package proposed will broadly cover the following areas of the DCC:

- Definitions for the Deschutes County Zoning Code (Title 18) and the Bend Urban Growth Boundary Zoning Ordinance (Title 19)
- Dimensional standards (height, structural footprints, setbacks, etc.) for Titles 18 and 19
- Accessory structure standards for Titles 18 and 19

#### IV. **METHODOLOGY:**

Clear and objective standards use terms, definitions, and measurements that provide for consistent interpretation of the standard. In theory, any two people applying the same standard or criterion to a development would get the same result, and there is no need or ability for the reviewer to exercise discretion in application of the standard. The standards and criteria should provide a predictable outcome for a wide variety of contexts and scenarios.

Per state statute, the standards cannot be so strict that they have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. After discussion with County Legal Counsel and review of other jurisdictions which have implemented similar code amendments, staff has determined there are a variety of approaches that can be used to craft clear and objective standards:

- **True/False Standards** – These can be used to evaluate whether a proposed development has satisfied a certain objective criterion. (i.e. – is the structure on a lot or parcel within a rural residential zone?)
- **Counts and Measurements** – These standards are typically based on a minimum value, a maximum value, or an acceptable range of values. (i.e. - maximum building height of 30 feet)
- **Lists/Menus** – Lists and menus provide flexibility for applicants to meet a standard by choosing among several options. Lists can specify a range of acceptable options (“Any of the following...”) or can require selection of a minimum number of elements (“At least two of the following five options...”)

- **Two-Track Systems: Discretionary Review** – While a clear and objective review path is required for residential development, it may not be practical or achievable to write clear and objective standards and criteria that work in every development situation. ORS 197 recognizes this and allows local governments to also provide an optional discretionary review path or parallel track. To that end, the amendments proposed as part of this package and future text amendment packages maintain the existing design review and land division standards as an optional, discretionary tract for housing. These discretionary standards would also remain in place for all non-residential development. The advantage of a two-track system is that it offers both certainty and flexibility. Applicants willing to work within the clear and objective standards have the option of a simplified review process that saves time and increases the certainty of approval. Clear and objective standards also offer certainty to reviewers, who can review applications more efficiently with less time devoted to interpreting discretionary/unclear requirements, and to the public, who will benefit from knowing whether a project will or will not be approved. For applicants with creative ideas or unique circumstances that don't meet the objective standards, discretionary review is available, which can provide more flexibility.

## V. **FINDINGS:**

### CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

#### ***Hearing Required***

***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 January 9, 2025 and a public hearing was held before the Board of County Commissioners (Board) on XX 2025.

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 December 15, 2024 for the Commission public hearing and on XX 2024 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 January 9, 2025. The Board held a public hearing on XX, 2025.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes included in file no. 247-24-000705-TA will be implemented by ordinances upon approval and adoption by the Board.

## **VI. Oregon Statewide Planning Goals:**

### **Statewide Planning Goal 1 – Citizen Involvement:**

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

**FINDING:** The County’s citizen involvement program ensures that any amendments to the County’s development code are reviewed through a duly noticed public process. This legislative process to review the proposed amendments will require two public hearings, one before the Commission on January 9, 2025 and one before the Board on XX 2025.

Information was distributed throughout the process via the project website and through social media and email. All Commission and Board work sessions were open to the public and noticed in accordance with the County’s rules and regulations. All work session materials, including meeting recordings and summaries, were available on the County’s website. All the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for the Commission and Board public hearings were met. The notice was sent to persons who requested notice, affected government agencies, and was published in the December 15, 2024 and XX, 2025 issues of the Bend Bulletin. The notices invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the County’s webpage where the draft of the proposal can be viewed.

### **Statewide Planning Goal 2 – Land Use Planning:**

This goal outlines the land use planning process and policy framework. The County’s Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

**FINDING:** Deschutes County has an acknowledged Comprehensive Plan and enabling ordinances. The amendments to the DCC are being undertaken to bring residential development standards, criteria, and procedures into compliance with state statutes.

The amendments are being processed in accordance with the County’s adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, comprehensive plan policies, and the County’s implementing ordinances be addressed as part of the decision-making process. The amendments are being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

### **Statewide Planning Goals 3 and 4 – Agricultural Lands and Forest Lands:**

**FINDING:** The standards of ORS 197A.400 specifically require clear and objective standards for all housing development "...on land within an urban growth boundary, unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501." The identified areas do not include resource zoned lands (i.e. - Exclusive Farm Use, Forest Use, etc.), and staff understands ORS 197A.400 to implicitly exempt resource zoned properties, as those areas are governed by separate statutory standards. Staff finds that these goals do not apply to the proposed amendments.

Staff notes that certain proposed changes have been included in portions of the DCC to maintain alignment with other modifications proposed elsewhere in the code. For example, certain definitions (i.e. – building height, setbacks, etc.) would be modified through this proposal and would have cascading effects through many areas of the DCC, including the Exclusive Farm Use and Forest Use Zoning chapters. However, staff notes that these changes do not modify any existing standards within these chapters, but rather provide conformity and clarity throughout the DCC.

### **Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:**

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

**FINDING:** The County is currently in compliance with the State's Goal 5 program. The proposed amendments included in this package do not alter the County's acknowledged Goal 5 inventories or associated land use programs as implemented through DCC Chapter 18.84 (Landscape Management Combining Zone), Chapter 18.88 (Wildlife Area Combining Zone), Chapter 18.88 (Greater Sage-Grouse Area Combining Zone), and Chapter 18.90 (Sensitive Bird and Mammal Habitat Combining Zone).

No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

### **Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:**

To maintain and improve the quality of air, water, and land resources of the state.

**FINDING:** The County is currently in compliance with the State's Goal 6 program. The amendments do not alter the County's acknowledged land use programs regarding water quality. The amendments are consistent with Goal 6.

### **Statewide Planning Goal 7 – Areas Subject to Natural Hazards:**

To protect people and property from natural hazards.

**FINDING:** The County is currently in compliance with the state’s Goal 7 program through adoption and implementation of the County’s Natural Hazard Mitigation Plan<sup>5</sup>. No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. The amendments are consistent with Goal 7.

### **Statewide Planning Goal 8 – Recreational Needs:**

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

**FINDING:** The proposed amendments do not address or alter any County recreational programs or land use requirements related to parks and recreation. The proposed amendments are in compliance with Goal 8.

### **Statewide Planning Goal 9 – Economic Development:**

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

**FINDING:** The County is currently in compliance with the state’s Goal 9 program. The proposed amendments do not alter the County’s compliance with Goal 9.

### **Statewide Planning Goal 10 – Housing:**

To provide adequate housing for the needs of the community, region, and state.

**FINDING:** The currently proposed Clear and Objective Code Amendment Package and upcoming code amendment packages will ensure Deschutes County remains in compliance with state statute and administrative rules, and Goal 10 by continuing to allow residential construction to proceed through a Clear and Objective process using clear and objective standards and criteria. Adoption of the proposed amendments will reduce the administrative burden and uncertainty, and therefore remove barriers to housing within areas of the County identified for residential development.

### **Statewide Planning Goal 11 – Public Facilities and Services:**

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

**FINDING:** The County is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. The amendments do not alter the County’s compliance with Goal 11 and are consistent with this goal.

### **Statewide Planning Goal 12 – Transportation:**

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<sup>5</sup> [https://sheriff.deschutes.org/2021\\_NHMP.pdf](https://sheriff.deschutes.org/2021_NHMP.pdf)



To provide and encourage a safe, convenient, and economic transportation system.

**FINDING:** The County is currently in compliance with Goal 12 and Metro's Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule - TPR). Additionally, the Deschutes County Senior Transportation Planner reviewed the proposed amendments for potential TPR effects and found that the proposed amendments appear to comply with TPR provisions. As such, the proposed amendments do not alter the County's compliance with Goal 12.

**Statewide Planning Goal 13 – Energy Conservation:**

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

**FINDING:** The County is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendments do not alter the County's compliance with Goal 13 and are consistent with this goal.

**Statewide Planning Goal 14 – Urbanization:**

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**FINDING:** The County is currently in compliance with Goal 14 through its acknowledged Comprehensive Plan and land use regulations. The County also has signed Joint Management Agreements with the cities of Bend, Redmond, and Sisters as required by ORS 195.065. The amendments do not alter the County's compliance with Goal 14 and are consistent with this goal.

**VII. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make changes necessary to conform with state statutory requirements regarding clear and objective standards for housing development.