

REVIEWED
[Signature]
LEGAL COUNSEL

REVIEWED
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CODE REVIEW COMMITTEE

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes *
County Zoning Ordinance, of the Deschutes *
County Code, and Declaring an Emergency. *

ORDINANCE NO. 2001-039

WHEREAS, Squaw Creek Irrigation District proposed a text amendment to Title 18, file number TA-01-1, to allow the operation, maintenance, and piping of existing irrigation systems outright as well as surface mining of aggregate material for off-site use and sale on sites owned or operated by irrigation districts in Deschutes County; and

WHEREAS, the Deschutes County Planning Commission, after conducting a public hearing in accordance with applicable law, has recommended proposed changes to both the Resource Management section of Title 23, the Deschutes County Comprehensive Plan, and Title 18, Zoning Ordinance, of the Deschutes County Code; and

WHEREAS, after notice was given and hearing conducted on November 7, 2001 before the Board of County Commissioners in accordance with applicable law, and the Board of County Commissioners has considered the Planning Commission's recommendation; now, therefore,

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

Section 1. AMENDMENT. Sections 18.16.020, Uses permitted outright, and 18.16.030, Conditional uses permitted-High value and nonhigh value farmland, of the Deschutes County Code, are amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. Sections 18.32.020, Uses permitted outright, and 18.32.030, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined.

Section 3. AMENDMENT. Sections 18.48.020, Uses permitted outright, and 18.48.030, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined.

Section 4. AMENDMENT. Sections 18.52.030, Uses permitted outright, and 18.52.050, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "D," attached hereto and by this reference incorporated herein, with new language underlined.

Section 5. AMENDMENT. Sections 18.60.020, Uses permitted outright, and 18.60.030, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "E," attached hereto and by this reference incorporated herein, with new language underlined.

Section 6. AMENDMENT. Sections 18.64.020, Uses permitted outright, and 18.64.030, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "F," attached hereto and by this reference incorporated herein, with new language underlined.

Section 7. AMENDMENT. Sections 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, of the Deschutes County Code, are amended to read as described in Exhibit "G," attached hereto and by this reference incorporated herein, with new language underlined.

Section 8. AMENDMENT. Sections 18.67.020, Residential (TuR) district, 18.67.030, Residential-5 acre minimum (TuR5) district, 18.67.040, Commercial (TuC) district, 18.67.050, Research and development district, of the Deschutes County Code, are amended to read as described in Exhibit "H," attached hereto and by this reference incorporated herein, with new language underlined.

Section 9. AMENDMENT. Sections 18.68.020, Uses permitted outright, and 18.68.030, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "I," attached hereto and by this reference incorporated herein, with new language underlined.

Section 10. AMENDMENT. Sections 18.76.020, Uses permitted outright, and 18.76.030, Conditional uses, of the Deschutes County Code, are amended to read as described in Exhibit "J," attached hereto and by this reference incorporated herein, with new language underlined.

Section 11. AMENDMENT. Sections 18.96.030, Uses permitted outright, and 18.96.040, Conditional uses permitted of the Deschutes County Code, are amended to read as described in Exhibit "K," attached hereto and by this reference incorporated herein, with new language underlined.

Section 12. AMENDMENT. Sections 18.100.020, Uses permitted outright, and 18.100.030, Conditional uses permitted, of the Deschutes County Code, are amended to read as described in Exhibit "L," attached hereto and by this reference incorporated herein, with new language underlined.

Section 13. AMENDMENT. Section 18.120.050, Fill and removal exceptions, of the Deschutes County Code, is amended to read as described in Exhibit "M," attached hereto and by this reference incorporated herein, with new language underlined.

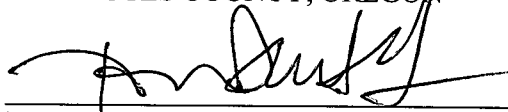
Section 14. AMENDMENT. Section 18.128.280, Surface mining of resources exclusively for on-site personal, farm or forest use or maintenance of irrigation canals, of the Deschutes County Code, is amended to read as described in Exhibit "N," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. FINDINGS. The Board adopts as its findings in support of this ordinance, the Staff Report, attached hereto as Exhibit "O," and incorporated herein by reference.

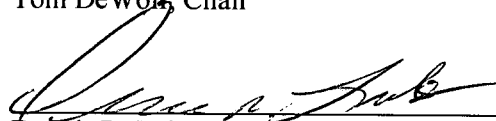
Section 16. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 12th day of Dec, 2001.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON

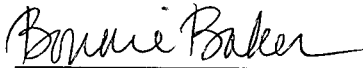


Tom DeWolf, Chair

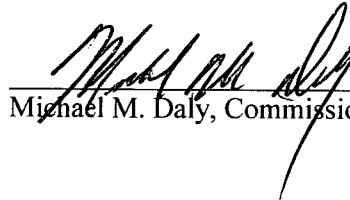


Dennis R. Luke, Commissioner

ATTEST:



Recording Secretary



Michael M. Daly, Commissioner

EXHIBIT "A"

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. Exploration for minerals as defined by ORS 517.750(4).
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within a right of way existing as of July 1, 1987.
- F. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur or no new land parcels result.
- G. Temporary public road or highway detour that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations and rest areas, within a right of way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways.
- I. Creation, restoration or enhancement of wetlands.
- J. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Has interior wiring for interior lights;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.

An accessory farm dwelling approved under DCC 18.16.050(C) may be replaced only by a manufactured home.

- 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.
- L. Wildlife habitat conservation and management plan approved under ORS 215.802.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
(Ord. 2001-039 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 98-030 § 1, 1998; Ord. 95-007 § 10, 1995; Ord. 92-065 § 3, 1992; Ord. 91-038 § 1 and 2, 1991; Ord. 91-024 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 4, 1991; Ord. 91-002 § 3, 1991; Ord. 86-007 § 1, 1986; Ord. 81-025 § 1, 1981; Ord. 81-001 § 1, 1981)

18.16.030. Conditional uses permitted -High value and nonhigh value farmland.

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

- A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings).
- B. A relative farm-help dwelling.
- C. Nonfarm dwelling and accessory uses thereto.
- D. Lot of record dwelling.
- E. Residential home, as defined in DCC 18.04.030, in existing dwellings.
- F. A hardship dwelling.
- G. A dwelling in conjunction with a wildlife habitat conservation and management plan.

- H. Commercial activity that is in conjunction with farm use.
- I. Operations conducted for
 1. Exploration, mining and processing of geothermal resources as defined by ORS 522.005;
 2. Exploration and extraction of natural gas or oil; or
 3. ~~Surface mining of mineral and aggregate resources exclusively for on-site personal, farm or forest use or in conjunction with maintenance for irrigation canals.~~
- J. Homestead retention when the entire parcel has been under single ownership for at least the preceding 10 consecutive years and the parcel occupies not less than 320 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to a maximum of five acres. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of DCC 18.16. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.
- K. Expansion of an existing private park, playground, hunting and fishing preserve and campground.
- L. Expansion of an existing park, playground or community center owned and operated by a governmental agency or a nonprofit community organization.
- M. Utility facility necessary for public service except commercial utility facility for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- N. Transmission tower over 200 feet in height.
- O. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260), for the purpose of generating power for public use by sale.
- P. Personal use landing strip for airplanes and helicopter pad, 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.
- Q. Home occupation carried on by residents as an accessory use within their existing dwelling or other existing residential accessory building. Home occupations are not allowed in structures accessory to resource use.
- R. A facility for the primary processing of forest products. The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.16.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- S. 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.
- T. Expansion of an existing church or cemetery in conjunction with a church, provided such church or cemetery is not within three miles of an urban growth boundary.
- U. Expansion of an existing church or cemetery in conjunction with a church within three miles of an urban growth boundary if an exception is first granted under state law.
- V. Expansion of an existing public or private school, including all buildings essential to the operation of such a school, provided such school is not within three miles of an urban growth boundary.

W. Expansion of an existing public or private school, including all buildings essential to the operation of such a school, located within three miles of an urban growth boundary, if an exception is first granted under state law.

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

X. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

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

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

AA. The propagation, cultivation, maintenance and harvesting of aquatic species.

BB. Bed and breakfast inn.

CC. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.

DD. Rural fire station.

EE. 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.

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

(Ord. 2001-039 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 98-030 § 1, 1998; Ord. 95-025 § 1, 1995; Ord. 95-007 § 11, 1995; Ord. 94-008 § 9, 1994; Ord. 92-065 § 3, 1992; Ord. 91-038 § 2, 1991; Ord. 91-020 § 1, 1991; Ord. 91-014 § 1, 1991; Ord. 91-005 § 5, 1991; Ord. 90-018 § 1,

EXHIBIT "B"

18.32.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright:

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

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.

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

18.32.030. Conditional uses permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the

parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.

- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Home occupations.
- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means

timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.
- R. Time-share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Churches, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- BB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- CC. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured home park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.

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

EE. Guest lodge.

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

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

EXHIBIT "C"

18.48.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright:

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

(Ord. 2001-01 § 3, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-023 § 1, 1997; Ord. 94-041 § 1, 1994; Ord. 91-020 § 1, 1991)

18.48.030. Conditional uses permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Private parks, picnic areas or hunting and fishing preserves.
- B. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
- C. Utility facility except landfills.
- D. Water supply and treatment facility.
- E. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.
- F. Campground.
- G. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

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

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

EXHIBIT "D"

18.52.030. Uses permitted outright.

The following uses and their accessory uses are permitted outright:

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

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

* * *

18.52.050. Conditional uses permitted.

- A. The following uses are permitted subject to the conditions set forth in DCC 18.128:
 - 1. Public uses consistent with or dependent upon outright uses allowed in the SM zone.
 - 2. Operations and exploration of geothermal resources.
 - 3. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
 - 4. Construction, expansion and operation of a Disposal Site as defined in DCC 18, for which the operator possesses a valid DEQ permit on the effective date of Ordinance No. 92-066 for a Land Disposal Site.

- 5. Wireless telecommunications facilities that are necessary to be sited in the SM Zone for the public service to be provided.
- 6. Water storage facilities, owned or operated by a public, private or cooperative water company for the distribution of water, where such placement will not interfere with or be detrimental to the mining of the resource.
- 7. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

- B. The following uses are permitted subject to site plan review and the setbacks, standards and conditions set forth in DCC 18.52.090, 18.52.110 and 18.52.140, respectively, and are not subject to the conditions in DCC 18.128:

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

(Ord. 2001-039 § 4, 2001; Ord. 2001-020 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 95-046 § 2, 1995; Ord. 92-066 § 3, 1992; Ord. 91-038 § 1, 1991; Ord. 90-014 § 4, 1990)

EXHIBIT "E"

18.60.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days.

Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.

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

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

18.60.030. Conditional uses permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a

government agency or nonprofit community organization.

- B. Dude ranch.
- C. Home occupation.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- E. Planned development.
- F. Cluster development.
- G. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.
- H. Landfill when a written tentative approval by Department of Environmental Quality (DEQ) of the site is submitted with the application.
- I. Cemetery.
- J. Time-share unit or the creation thereof.
- K. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- L. Bed and breakfast inn.
- M. Golf course.
- N. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- O. Church.
- P. Public Uses.

- Q. Semipublic Uses.
- R. Commercial horse stables.
- S. Private or public school, including all buildings essential to the operation of such a school.
- T. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park, including expansion of such uses on the same parcel, as configured on June 12, 1996.
- U. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

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

(Ord. 2001-039 § 5, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-017 § 3, 1997; Ord. 96-038 § 2, 1996; Ord. 96-021 § 1, 1996; Ord. 94-008 § 13, 1994; Ord. 93-043 §§ 8A and 8B, 1993; Ord. 92-004 § 10, 1992; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 32, 1991; Ord. 90-014 § 22, 1990; Ord. 86-018 § 13, 1986; Ord. 83-033 § 5, 1983)

EXHIBIT "F"

18.64.020. Uses permitted outright.

In an RSC Zone, the following uses and their accessory uses are permitted outright:

- A. Farming, excluding livestock feed lot or sales yard, subject to the restrictions in DCC 18.64.040, and hog and mink farms.
- B. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Retail store, office or service establishment.
- D. Automobile service station.
- E. Agriculturally oriented commercial use.
- F. Park, playground or community building.
- G. Utility facility, except landfills.
- H. Television or radio station, transmitter or tower.
- I. Restaurant or cocktail lounge.
- J. 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.
- K. Class III road or street project.
- L. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation Districts except as provided in DCC 18.120.050.

(Ord. 2001-039 § 6, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 9, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 33, 1991)

18.64.030. Conditional uses permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Commercial residential use.
- B. Multi-family dwelling.
- C. Tourist or travelers accommodations.
- D. Manufactured home park and travel trailer park.
- E. Kennel or veterinary clinic.
- F. Automobile repair garage.

G. Commercial amusement or recreation establishment.

H. Water supply and treatment facility.

I. Hog and mink farm.

J. Cluster development.

K. Planned development.

L. Home occupation.

M. Time-share unit or the creation thereof.

N. Shopping complex subject to a master plan and consistent with the specific use standards established by DCC 18.128.240.

O. Mini-storage facility.

P. Church, school or cemetery.

Q. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

R. Public use.

S. Semipublic use.

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

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

(Ord. 2001-039 § 6, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-017 § 5, 1997; Ord. 94-053 § 3, 1994; Ord. 93-043 § 9A, 1993; Ord. 91-038 § 1, 1991; Ord. 91-005 § 34, 1991; Ord. 84-023 § 3, 1984; Ord. 83-033 § 6, 1983)

EXHIBIT "G"

18.66.020. Residential (TeR) district.

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

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

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not include the on-premises display or sale of stock in trade.
4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the

applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Cluster development.
5. Church.
6. Home occupation as defined in DCC 18.04.
7. Child care center.
8. Public or private school.
9. Park.
10. Public or semi-public building.
11. Utility facility.
12. Water supply or treatment facility.
13. Veterinary clinic.
14. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
15. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Lot Requirements.

1. Partitions:
 - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum width of 150 feet with a minimum parcel size of one acre.
 - b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall have minimum parcel sizes as follows:
 - i. For a single-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
 - ii. For a two-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.

c. For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:

- i. For a single-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.
- ii. For a two-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.

2. Subdivisions:

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

D. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.020(D)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(D)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 2001-039 § 7, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

18.66.030. Residential-5 acre minimum (TeR5) district.

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

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

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not include the on-premises display or sale of stock in trade.
4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the

applicable provisions of DCC 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Church.
5. Home occupation as defined in DCC 18.04.
6. Public or private school.
7. Child care center.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

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

D. Yard Standards.

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

building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 of shall be met.

(Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

18.66.040. Commercial (TeC) district.

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

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

1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling;
 - e. Does not include the on-premises display or sale of stock in trade.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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

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

- c. Offices.
 - d. Veterinary clinic and kennel entirely within an enclosed building.
 - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
- 1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
 - 2. Recreational vehicle park.
 - 3. Church.
 - 4. Home occupation as defined in DCC 18.04.
 - 5. Public or private school.
 - 6. Child care center.
 - 7. Park.
 - 8. Public or semi-public building.
 - 9. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
 - 10. Utility facility.
 - 11. Water supply or treatment facility.
 - 12. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
 - 13. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
 - a. Manufacturing and production.
 - b. Wholesale sales.
 - c. Mini-storage.
 - 14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
- 1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 - 2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
- E. Requirements for Large Scale Uses.
- 1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
 - 2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards.
- 1. 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.

a. 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.

b. 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.

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

I. Yard Standards.

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

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

2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).

3. Rear Yard. No specific requirements, subject to DCC 18.66.040(H)(4).

4. Exceptions to Yard Standards.

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

b. Lot line adjacent to an EFU zone.

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

(Ord. 2001-039 § 7, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

18.66.050. Commercial-rural (TeCR) district.

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

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

1. Single-family dwelling on a lot or parcel existing on June 4, 1997.

2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.

3. Home occupation that:

a. Is carried on within a dwelling only by members of the family who reside in the dwelling;

b. Does not serve clients or customers on-site;

c. Does not produce odor, dust, glare, flashing lights or noise;

d. Does not occupy more than 25 percent of the floor area of the dwelling; and

e. Does not include the on-premises display or sale of stock in trade.

4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.

5. Class III road or street project.

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

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

1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:

- a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Office.
 - d. Residential use in the same building as a use listed in DCC 18.66.050.
2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
- 1. Church.
 - 2. Home occupation as defined in DCC 18.04.
 - 3. Park.
 - 4. Public or semi-public building.
 - 5. Utility facility.
 - 6. Water supply or treatment facility.
 - 7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
 - 8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Mini-storage.
 - d. Truck terminal.
 - e. Farm or contractor equipment storage, sales, service or repair.
 - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).
 - 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - 10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).
- 1. Sewer and Water Requirements.
 - a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 - b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
 - 2. Compatibility.
 - a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
 - b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
 - c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
 - d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.
 - 3. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.

- b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
 - c. Site design shall not require backing of traffic onto a public or private road right-of-way.
4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
- a. An increased setback requirement.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaped buffering and screening improvements.
- E. Requirements for Large Scale Uses.
- 1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
 - 2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
 - 3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.
- 1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
 - 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
- 1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
 - 2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.
- I. Yard Standards.
- 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(C)(3)(b).
The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
 - 2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
 - 3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
 - 4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential zone:
For all new structures requiring a

building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.

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

(Ord. 2001-039 § 7, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

EXHIBIT "H"

18.67.020. Residential (TuR) district.

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

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

1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers onsite;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not involve the on-premise display or sale of stock in trade.
4. Agricultural uses as defined in DCC Title 18, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to one for each 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an

Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:

1. Multi-family dwelling complex.
2. Retirement center or nursing home.
3. Church.
4. Cemetery.
5. Home occupation as defined in DCC 18.04.
6. Child care center.
7. Public or private school.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Lot Requirements.

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

2. For a two-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
2. Subdivisions:
 - a. For subdivisions involving multi-family dwellings, a manufactured home park or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
 - b. For subdivisions involving only single-family and two-family dwellings the standards set forth in DCC 18.67.020(C)(1) shall apply.

D. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.020(D)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(D)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997)

18.67.030. Residential-5 acre minimum (TuR5) District.

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

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

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Home occupation that:
 - a. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers onsite;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not involve the on-premise display or sale of stock in trade.
3. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Church.
 2. Home occupation as defined in DCC 18.04.
 3. Public or private school.

4. Child care center.
5. Park.
6. Public or semi-public building.
7. Utility facility.
8. Water supply or treatment facility.
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

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

C. Lot Requirements. The minimum lot or parcel size in the TuR5 District is five acres.

D. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.030(D)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.030(D)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

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

18.67.040. Commercial (TuC) district.

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

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

1. Single-family dwelling or duplex.
2. Manufactured home subject to DCC 18.116.070.
3. Home occupation that:
 - a. Is carried on within a dwelling by members of the family who reside in the dwelling;
 - b. Does not serve clients or customers onsite;
 - c. Does not produce odor, dust, glare, flashing lights or noise;
 - d. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - e. Does not include the on-premises display or sale of stock in trade.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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

1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating and/or drinking establishment.
 - c. Offices.
 - d. Residential use in the same building as a use permitted in DCC 18.67.040.
2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to

the applicable provisions of DCC 18.116, 18.124, and 18.128:

1. Church.
2. Bed and breakfast inn.
3. Child care center.
4. Home occupation as defined in DCC 18.04.
5. Park.
6. Public or semi-public building.
7. Utility facility.
8. Water supply or treatment facility.
9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).

1. Compatibility.
 - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
2. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.

E. Requirements for Large Scale Uses.

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

extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.

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

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

G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.

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

I. Yard Standards.

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

The street setback for buildings may be reduced, but not increased, to the average

building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
4. Exceptions to Yard Standards.
 - a. Lot line adjacent to a residential zone.

For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.

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

(Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997)

18.67.050. Research and development district.

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

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright:
1. Farming, except for livestock feed lot or sales yard, hog or mink farms.
 2. Office buildings associated with research and development.
 3. Research and development laboratories.

4. Residence for caretaker or night watchman on property with existing research and development use.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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

1. Manufacturing and assembly of electronic instruments and equipment and electrical devices.
2. Manufacturing and assembly of precision instruments, tools or devices.
3. Manufacturing of medicines and pharmaceuticals.
4. Limited incidental manufacture of a research product.
5. Restaurant and cafeteria facilities for employees.
6. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
8. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Use limitations. The following limitations and standards shall apply to all permitted uses:

1. Any use on a lot adjacent to or across a street from a residential use or lot in a

platted subdivision or residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise or other similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.

2. All parking demand created by any use permitted by DCC 18.67.050 shall be accommodated on the applicant's premises entirely off-street.
3. No use permitted by DCC 18.67.050 shall require the backing of traffic onto a public or private street or road right of way.
4. There shall be only one ingress.
5. All uses shall be screened from adjoining residential uses by densely planted trees and shrubs or sight-obscuring fencing.
6. No use shall be permitted to operate between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential use or lot in a platted subdivision or residential zone if the use creates noise in violation of the County Noise Ordinance except as provided by DCC 8.08.090(A).
7. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or court of competent jurisdiction. No use requiring contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential use or lot.

D. Dimensional standards. In the R&D Zone, the following dimensional standards shall apply:

1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.050 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource

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

EXHIBIT "I"

18.68.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright.

- A. Farming, excluding livestock feed lot or sales yard, subject to the restrictions in DCC 18.68.040, and hog or mink farms.
- B. The propagation and harvesting of forest products.
- C. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- D. Park, playground or community building.
- E. Utility facility.
- F. Church, public school, cemetery.
- G. 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.
- H. Class III road or street project.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
(Ord. 2001-039 § 9, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 10, 1993; Ord. 91-020 § 1, 1991; Ord. 91-005 § 35, 1991)

18.68.030. Conditional uses permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Two-family dwelling.
- B. Private schools.
- C. Water supply and treatment facility.
- D. Medical clinic or veterinary clinic.
- E. Sewage disposal and treatment facility.
- F. Cluster development.
- G. Planned development.
- H. Home occupations.
- I. Time-share unit or the creation thereof.
- J. Bed and breakfast inn.

K. Multi-family housing where community or municipal sewer is available.

L. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.380 and 18.128.270.

M. Mobile home park subject to the density of the underlying zone.

N. Public use.

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

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

(Ord. 2001-039 § 9, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-017 § 6, 1997; Ord. 94-053 § 4, 1994; Ord. 93-043 § 10A, 1993; Ord. 91-038 § 1, 1991; Ord. 91-005 § 36, 1991; Ord. 83-033 § 7, 1983)

EXHIBIT "J"

18.76.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright:

- A. Airport and nonstructural uses such as fuel storage, tie-down areas and parking facilities.
- B. Hangars, aircraft site, sale and repair facilities and related offices.
- 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. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2001-039 § 10, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 11, 1993; Ord. 91-020 § 1, 1991)

18.76.030. Conditional uses.

The following uses may be allowed subject to DCC 18.128.

- A. Farm use.
- B. Farm accessory buildings and uses, excluding residential uses.
- C. Utility facility necessary for public service except landfills.
- D. Golf course.
- E. Park, playground, other public recreation site or facility or community service facility owned and operated by a government agency or nonprofit community organization.
- F. Restaurant, which may include a bar or cocktail lounge as an accessory use; one restaurant per airport; restaurant and accessory use to be 2,500 square feet or less in size.
- G. Small-scale aviation related storage.
- H. Permitted industrial uses, excluding planned unit developments for other than permitted industrial uses, as described in DCC 19.64 and 19.68, the Bend Urban Growth Boundary

Zoning Ordinance, as amended, provided that any such use is compatible with airport uses.

- I. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- I. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

(Ord. 2001-039 § 10, 2001; Ord. 2001-016 § 2, 2001; Ord. 91-038 § 1, 1991)

EXHIBIT "K"

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.
- F. Class III road or street project.
- G. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2001-039 § 11, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 15, 1993; Ord. 91-020 § 1, 1991; Ord. 88-030 § 4, 1988)

18.96.040. Conditional uses permitted.

The following uses may be allowed subject to applicable sections of this title:

- A. A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood subject to DCC 18.128.
- B. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property,

animals or plant life should the storage area be inundated.

- C. Single-family dwelling, or a manufactured home subject to DCC 18.116.070, on an individual lot. In addition to the other requirements of DCC 18.96, single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Agriculture" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.16.030(A), (B), (D) or (E) and subject to the applicable provisions of DCC 18.16 governing those uses. In addition to the other requirements of DCC 18.96, single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Forest" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.36.030(Y), 18.40.030(X) or 18.40.030(Y) and subject to the applicable provision of DCC 18.36 and 18.40 governing those uses.
- D. Agricultural accessory buildings.
- E. Hydroelectric facilities subject to DCC 18.116.130 and 18.128.260.
- F. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270. Excavation, grading and fill within any area of special flood hazard identified in DCC 18.96.020.
- G. Recreational uses requiring only structures having an insignificant effect on flood waters, 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. Expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building. (Ord. 2001-039 § 11, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 96-032 § 1, 1996; Ord. 95-075 § 1, 1995; Ord. 95-022 § 1, 1995; Ord. 93-045 § 1, 1993; Ord. 93-002 § 4, 1993; Ord. 91-038 § 1, 1991; Ord. 91-005 § 37, 1991; Ord. 89-009 § 4, 1989; Ord. 88-030 § 4, 1988)
- 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.

EXHIBIT "L"

18.100.020. 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.
- B. Residence for caretaker or night watchman on property.
- C. Freight depot.
- D. 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.
- E. Ice or cold storage plant.
- F. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- G. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- H. Veterinary clinic or kennel.
- I. Laboratory for experiment, research or testing.
- J. Compounding, packaging and storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries excluding all processes involving refining or rendering of fats and oils.
- K. Government buildings including armories and maintenance, repair or storage facilities provided all outside storage is enclosed by sight-obscuring fencing.
- L. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or electronic supplies and equipment, business machines, pleasure boats, furniture, signs and similar operations provided no outside storage is involved.

M. Processing, packaging and storage of food and beverages excluding those requiring distillation, fermentation, rendering of fats or oils, or slaughtering.

N. Lumber manufacturing and wood processing except pulp and paper manufacturing.

O. Electrical substations.

P. 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.

Q. Class III road or street project.

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

(Ord. 2001-039 § 12, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 16, 1993; Ord. 91-038 § 1, 1991)

18.100.030. Conditional uses.

The following uses may be allowed subject to DCC 18.128:

A. Any use permitted by DCC 18.100.020, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.

B. Public or semipublic use.

C. Manufacture, repair, rental, sales, servicing, and storage of machinery, implements, equipment, trailers or manufactured homes.

D. Any use permitted by DCC 18.100.020, which involves open storage.

E. Concrete or ready-mix plant.

F. Petroleum products storage and distribution.

G. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.

H. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.

I. Railroad trackage and related facilities.

J. Pulp and paper manufacturing.

K. Agricultural products storage and processing plants.

1991; Ord. 91-020 § 1, 1991; Ord. 90-014 § 38, 1990; Ord. 86-018 § 15, 1986)

L. Any use permitted by DCC 18.100.020, which is expected to exceed the following standards:

1. Lot coverage in excess of 70 percent.
2. Need for more than one acre of land.
3. 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.

M. 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.

N. Plant nursery or greenhouse.

O. Landfill when a written tentative approval by DEQ of the site is submitted with the conditional use application.

P. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

Q. Mini-storage facility.

R. Automotive wrecking yard totally enclosed by a sight-obscuring fence.

S. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.

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

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

(Ord. 2001-039 § 12, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 91-038 § 1,

EXHIBIT "M"

18.120.050. Fill and removal exceptions.

existing canals and ditches within wetlands are permitted outright.

(Ord. 2001-039 § 13, 2001; Ord. 2001-016 § 2, 2001; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 86-056 § 3, 1986)

- A. Fill and removal activities involving the removal of vegetation are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume and such fill or removal activities are undertaken for the purpose of:
1. Removal of diseased or insect-infested trees or shrubs or of rotten or damaged trees that present safety hazards, or
 2. Normal maintenance and pruning of trees and shrubs.
- B. The following fill and removal activities may be authorized by the Planning Director or Hearings Body upon a finding that no adverse impacts will occur to the water resources of Deschutes County:
1. Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.
 2. Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities and similar public and semipublic facilities, provided such fill or removal does not alter the existing characteristics of the stream, river or wetland.
 3. Fill or removal for maintenance and repair of nonconforming structures or boat docks.
 4. Emergency actions taken to mitigate fill and removal violations when such emergency actions are intended to have a beneficial impact on fish and wildlife habitat and are determined to be the actions with the least overall impacts on the surrounding area, considering hydrologic factors; impact on water quality, on aquatic life and habitat and wildlife and habitat; the recreational, aesthetic and economic values of the affected water resources; and existing streambank stabilization problems.
 5. Fish and wildlife habitat enhancement projects approved or sponsored by the Oregon Department of Fish and Wildlife.
- C. Fill and removal activities conducted by an Irrigation District involving piping work in

EXHIBIT "N"

18.128.280. Surface mining of Non-Goal 5 mineral and aggregate resources exclusively for on-site personal, farm or forest use or maintenance of irrigation.

These uses are subject to the following standards:

- A. An application shall be filed containing the following information:
 - 1. A detailed explanation of the project and why the surface mining activity is necessary.
 - 2. A site plan drawn to scale and accompanied by any drawings, sketches and descriptions necessary to describe and illustrate the proposed surface mining.
- B. A conditional use permit shall not be issued unless the applicant demonstrates at the time of site plan review that the following conditions are or can be met:
 - 1. The surface mining is necessary to conduct or maintain a use allowed in the zone in which the property is located.
 - 2. Erosion will be controlled during and after the surface mining.
 - 3. The surface mining activity can meet all applicable DEQ noise control standards and ambient air quality and emission standards.
 - 4. Sufficient water is available to support approved methods of dust control and vegetation enhancement.
 - 5. The surface mining does not adversely impact other resources or uses on the site or adjacent properties, including, but not limited to, farm use, forest use, recreational use, historic use and fish and wildlife habitat as designed or through mitigation measures required to minimize these impacts.
- C. If the surface mining actively involves the maintenance or creation of man-made lakes, water impoundments or ponds, the applicant shall also demonstrate, at the time of site plan review, that the following conditions are or can be met:

- 1. There is adequate water legally available to the site to maintain the water impoundment and to prevent stagnation.
- 2. The soil characteristics or proposed lining of the impoundment are adequate to contain the proposed water and will not result in the waste of water.
- 3. Where the impoundment bank slope is steeper than three feet horizontal to one foot vertical, or where the depth is six feet or deeper, the perimeter of the impoundment is adequately protected by methods such as fences or access barriers and controls.
- 4. The surface mining does not adversely affect any drainages, all surface water drainage is contained on site, and existing watercourses or drainages are maintained so as not to adversely affect any surrounding properties.

D. Limitations

- 1. Excavation does not include crushing or processing of excavated material.
- 2. A permit for mining of aggregate shall be issued only for a site included on the County's non-significant mineral and aggregate resource list.
- 3. Hours of operation shall be 7:00 a.m. to 6:00 p.m. - Monday through Saturday. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

(Ord. 2001-039 § 14, 2001; Ord. 2001-016 § 2, 2001; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

**STAFF REPORT
FILE NUMBER TA-01-1
ORDINANCE NOS. 2001-038 & 2001-039**

HEARING DATE: November 7, 2001 at 10:00 a.m.
Board of County Commissioners Hearing Room
Administration Building – 1130 NW Harriman Street
Bend, Oregon 97701-1947

APPLICANT: Marc Thalacker
Manager
Squaw Creek Irrigation District
P.O. Box 2230
Sisters, Oregon 97759

SUBJECT: A Text Amendment to Title 18, Deschutes County Zoning Ordinance, to allow irrigation districts in Deschutes County to operate, maintain, and pipe existing irrigation systems, and to allow, as a Conditional Use, surface mining activities including off-site use and sale of material; and

An amendment to Title 23, Deschutes County Year 2000 Comprehensive Plan, to adopt a mineral and aggregate inventory list that contains non-significant mineral and aggregate material.

Staff Planners: George Read, Director
Catharine Tilton, Associate Planner

Introduction: The applicant, Squaw Creek Irrigation District, initiated a text amendment to the Deschutes County Zoning Ordinance and Comprehensive Plan that would allow Irrigation Districts to operate, maintain, and pipe existing irrigation systems without a land use permit and to conduct surface mining activities, including the off-site use and sale of excavated material, as a Conditional Use. The Planning Commission held a public hearing on this matter in April, which was continued to May 24, 2001, and voted to forward to the Board a recommendation that supports the applicant's request to conduct maintenance operations, including piping of existing canals, and surface mining activities that involve the off-site use and sale of material.

The following Staff Report is divided into six parts as follows: I. Background; II. Proposal; III. Planning Commission Review; IV. Draft Ordinances 2001-38 and 2001-039; V. Public Notice and Comments; and VI. Staff Recommendations.

- I. **Background:** The County's zoning ordinance lacks clarity regarding operations and maintenance activities conducted by Irrigation Districts in Deschutes County. In addition, operation and maintenance activities conducted by Irrigation Districts require the on-going removal of accumulated sand, silt, topsoil, and other sediment matter from their canals, ditches and reservoirs.

The applicant would like to sell this material. However, excavating more than 1,000 cubic yards to be used and sold off-site involves an extensive process that requires the site to be zoned Surface Mining (SM), be listed on the County's Goal 5 Mineral and Aggregate Resource Inventory list, and have an Economic, Social, Environmental, and Energy (ESEE) conflict analysis adopted by the Board.

Further, to be placed on the County's mineral and aggregate resource inventory list, State law requires that an applicant demonstrate that the aggregate resource is "significant"—that is, 100,000 tons of aggregate material meeting the Oregon Department of Transportation's specifications for base rock, which is primarily used in road building.¹

Meeting the State's significance threshold is unlikely to occur for Irrigation District's because the excavated material produced by Irrigation Districts predominantly consists of sand, silt and topsoil, which typically will not meet the State's significance standard to be placed on the County's Mineral and Aggregate Resource list.

- II. Proposal:** The applicant is requesting an amendment to the County's Zoning Ordinance that would allow irrigation districts to operate, maintain, and pipe their existing irrigation systems without obtaining a land use permit. In support of their request, the applicant cites Oregon Revised Statutes, ORS 215.283(1)(x), below relative to uses that may be established in the Exclusive Farm Use zone:

(x) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

In addition, the applicant is requesting an amendment to the County Zoning Ordinance that allows them to use and sell the excavated material accumulated in their canals, ditches, and reservoirs, including material excavated for the expansion or construction of new reservoir sites.

¹Since the County adopted its Surface Mining rules in 1990, State law has changed relative to Goal 5 Mineral and Aggregate Resources. Now, to be placed on an inventory list affording protection under Goal 5, an applicant must demonstrate that the aggregate resource site is "significant." Per OAR-660-023-180(3), with few exceptions, an aggregate resource site is considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the following criteria:

- (a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;
- (b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or
- (c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.

(Note: Deschutes County has not adopted a lower threshold for significance and, therefore, (b) is not applicable.)

III. Planning Commission Review: The Planning Commission held a hearing on the text amendment in April 2001, which was continued to May 24, 2001. The Planning Commission continued the hearing to allow staff to meet with applicable agencies and parties to discuss issues related to the applicant's proposal. Staff (including George Read) arranged meetings with staff from the Department of Land Conservation and Development; the Oregon Department of Fish and Wildlife; and the Division of State Lands; the applicant, Squaw Creek Irrigation District; Swalley Irrigation District; and County legal counsel. Issues discussed included in part, the potential impact of the applicant's proposal on riparian and wetland areas as well as other sensitive natural resource areas under the jurisdictions of the Oregon Department of Fish and Wildlife and the Division of State Lands; the development of a non-significant mineral and aggregate resource list to accommodate the off-site use and sale of excavated material; and expanding the applicant's proposal from the Exclusive Farm Use zone to include other base zones to account for Irrigation District's systems that cross multiple zoning districts.

The results of the meetings were brought to the Planning Commission who unanimously voted on May 24, 2001, to forward the following recommendations to the Board of County Commissioners:

1. To allow the operation, maintenance, and piping of existing irrigation systems operated by Irrigation Districts as a use permitted outright in the base zones.
2. To adopt a non-significant mineral and aggregate resource list to accommodate surface mining activities that involve the off-site use and sale of material on sites owned or operated by Irrigation Districts in Deschutes County.
3. To amend Title 18 by adding a new category specific to Irrigation Districts to the Conditional uses permitted section in each of the base zones. The new Conditional use category would allow Irrigation Districts to excavate and mine for facilities, ponds, reservoirs, and the off-site use and sale of excavated material subject to Conditional Use approval.
4. To defer regulatory authority of piping work conducted in existing canals and ditches within jurisdictional wetlands to the Division of State Lands by adding an additional category to the fill and removal exceptions list contained in section 18.120.050 of the Deschutes County Code.

IV. Draft Ordinances 2001-038 and 2001-039: The attached ordinances are the result of the Planning Commission's recommendations to the Board. Highlights of the ordinances are summarized below:

- Ordinance 2001-038: Amends Title 23, the County's Comprehensive Plan by adding a "Non-goal 5 Inventory – Mineral and Aggregate Sites" list. This list is necessary, in part, to comply with State law, ORS 215.298, relative to surface mining in the EFU zone, which requires a land use permit for mining over 1,000 cubic yards, in addition to the site being placed on "an inventory in an acknowledge comprehensive plan." The list of non-significant mineral and aggregate resources was developed following a solicitation by staff and Director, George Read, at a June 7, 2001, managers meeting held by, and for, the Irrigation Districts. The solicitation was a request to the Irrigation Districts for information pertaining to the location, type and quality of mineral and aggregate resource

material for surface mining sites to be placed on the non-significant resource list. The resulting list contains four sites with information provided by the applicant, Squaw Creek Irrigation District. No other irrigation district submitted documentation to be included on the non-significant mineral and aggregate resource list. (This list can be expanded, though, through an amendment to the Comprehensive Plan.) The text of portions of the Comprehensive Plan has also been amended to accommodate the non-significant mineral and aggregate resources list.

- Ordinance 2001-039: Amends Title 18, the County's Zoning Ordinance, to include as a use permitted outright, the operation, maintenance, and piping of existing irrigation systems in the base zones. In addition, text has been added to the Conditional Use sections of the base zones to include surface mining activities conducted by Irrigation Districts. The Conditional Use chapter, Chapter 18.128, which provides for specific use standards, has also been amended to include limitations on surface mining activities conducted by Irrigation Districts, such as limiting the hours of operation and prohibiting crushing and processing. Finally, under the Exceptions chapter, Chapter 18.120, a third exception has been added to the fill and removal exceptions list that defers regulatory review to the Division of State Lands (DSL) for fill and removal activities in existing canals and ditches within jurisdictional wetlands.²

- V. Public Notice and Comments:** The Planning Division mailed written notice of the public hearing and copies of the draft ordinances to participating agencies and interested parties for review and comment. As of the date of this Staff Report, the Planning Division has not received any public or agency comments.

In addition, notice of the public hearing was published in the Bend Bulletin newspaper on October 14, 2001 and posted, as required, in three public places, including the public notice bulletin boards at the Board of County Commissioner's office, the Community Development Department, and the Bend Public Library.

- VI. Staff Recommendations:** Staff recommends the Board of County Commissioners take the following actions:

1. **Conduct a public hearing** on November 7 2001, on proposed Ordinances 2001-038 and 2001-39.

² The Forest zones have been intentionally excluded from the text amendment additions because statutory language exists in the County Code relative to Forest zones that accommodates as a use permitted outright:

Water intake facilities, canals and distribution lines for farm irrigation and ponds.

And as a Conditional Use:

- *Water intake facilities, related treatment facilities, pumping stations and distribution lines.*
- *Reservoirs and water impoundments.*

2. **Consider testimony** received on this proposal submitted at the hearing and before the close of the record.
3. **Adopt the proposed ordinance with revisions based on issues raised or changes proposed through public testimony.**

Attachments:

1. Ordinance 2001-038
2. Ordinance 2001-039

Dated this 31st day of October, 2001.

Mailed this 31st day of October, 2001.