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CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS CJ 2005-667
NANCY BLANKENSHIP, COUNTY CLERK
COMMISSIONERS' JOURNAL 05/03/2005 11:01:24 AM



2005-667

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 of the Deschutes *
County Code and Declaring an Emergency. * ORDINANCE NO. 2005-016

WHEREAS, Hap Taylor & Sons, Inc applied for a text amendment to Title 18 of the Deschutes County Code (file number TA-04-7); and

WHEREAS, the Deschutes County Planning Commission, considered this matter after a public hearing on December 9, 2004 and forwarded a recommendation to the Board of County Commissioners to approve the text amendment with changes, and

WHEREAS, notice was given and hearing conducted on April 5, 2005, before the Board of County Commissioners ("Board") in accordance with applicable law; and

WHEREAS, on this same date, the Board adopted Ordinance 2005-017 amending Title 23 of the Deschutes County Code to allow for the creation of the Tumalo Industrial zone; and

WHEREAS, the Board approved the proposed text amendment with the changes recommended by the Planning Commission and the applicant's proposed revisions; now, therefore

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

Section 1. AMENDMENT. DCC 18.12, Establishment of Zones, is 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 ~~striketrough~~.

Section 2. AMENDMENT. DCC 18.67, Tumalo Rural Community Zoning Districts, is amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

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Section 3. 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.

APPROVED this 27th day of April 2005 for the Deschutes County Board of Commissioners.

- absent -
Tom DeWolf, Chair

Michael M. Daly
Michael M. Daly, Commissioner

Dennis R. Luke
Dennis R. Luke, Commissioner

ATTEST:

Bonnie Baker
Recording Secretary

Date of 1st Reading: 27th day of April, 2005.

Date of 2nd Reading: 27th day of April, 2005.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tom DeWolf				<input checked="" type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>			
Dennis R. Luke	<input checked="" type="checkbox"/>			

Effective date: 27th day of April, 2005.

ATTEST:

Bonnie Baker
Recording Secretary

EXHIBIT "A"

Chapter 18.12. ESTABLISHMENT OF ZONES

- 18.12.010. Establishment of zones.
- 18.12.020. Location of zones.
- 18.12.030. Zoning map.
- 18.12.040. Zone boundaries.

18.12.010. Establishment of zones.

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

A. Primary zones.

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

B. Combining zones.

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

C. Exclusive Farm Use Zones.

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

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

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

2. Sunriver Urban Unincorporated Community.

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

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3. Terrebonne Rural Community.

Terrebonne RC Districts	Abbreviations
Commercial District	TERC
Commercial-Rural District	TECR
Residential District	TER
Residential-5 acre minimum District	TER5

4. Tumalo Rural Community.

Tumalo RC Districts	Abbreviations
Commercial District	TUC
Residential District	TUR
Residential-5 acre minimum District	TUR5
Research & Development District	TURE
Industrial District	TUI

5. Rural Service Center.

Commercial/Mixed Use District	RSC-C/M
Residential	RSC-R
Open Space	RSC-OS

6. Resort Community.

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

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

7. Rural Commercial

Deschutes Junction	RC
River Woods Store	RC
Spring River	RC-LU

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

18.12.020. Location of zones.

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

(Ord. 91-020 § 1, 1991)

18.12.030. Zoning map.

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

(Ord. 91-020 § 1, 1991)

18.12.040. Zone boundaries.

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

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

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

**Chapter 18.67. TUMALO RURAL
COMMUNITY ZONING
DISTRICTS**

- 18.67.010. Purpose.**
- 18.67.020. Residential (TuR) district.**
- 18.67.030. Residential-5 acre minimum (TuR5) district.**
- 18.67.040. Commercial (TuC) district.**
- 18.67.050. Research and development district.**
- 18.67.060. Industrial (TuI) district.**
- 18.67.070. Flood plain district.**
- 18.67.080. Standards for all districts.**
- 18.67.090. Right-of-way development standards.**

18.67.010. Purpose.

The purpose of DCC 18.67 is to establish standards and review procedures for the future development of the Tumalo Rural Community. ~~Five~~ Six separate zoning districts are established, each with its own set of allowed uses and district regulations.

(Ord. 97-033 § 2, 1997)

18.67.020. Residential (TuR) district.

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

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

1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Agricultural uses as defined in DCC Title 18, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six

months is limited to one for each 20,000 square feet.

- b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.

5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.

6. Class III road or street project.

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

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

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

C. Lot Requirements.

1. Partitions:

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- a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system shall have a minimum width of 150 feet with a minimum parcel size of one acre.
 - b. Subject to DCC 17.36.170(A), parcels served by an approved community, non-community, municipal or public water system, shall have a minimum parcel size as follows:
 1. For a single-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
 2. For a two-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
2. Subdivisions:
- a. For subdivisions involving multi-family dwellings, a manufactured home park or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
 - b. For subdivisions involving only single-family and two-family dwellings the standards set forth in DCC 18.67.020(C)(1) shall apply.
- D. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
 2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.020(D)(4).
 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(D)(4).
 4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-

zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-002 § 17, 2004; Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997)

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

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

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

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Type 1 Home Occupation, subject to DCC 18.116.280.
3. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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

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

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

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

D. Yard Standards.

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

(Ord. 2004-002 § 18, 2004; Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 2000-033 § 11, 2000; Ord. 97-063 § 3, 1997; Ord.

97-033 § 2, 1997)

18.67.040. Commercial (TuC) district.

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

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

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

B. Uses Permitted, Subject to Site Plan Review.

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

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

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

1. Church.

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2. Bed and breakfast inn.
 3. Child care center.
 4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Park.
 6. Public or semi-public building.
 7. Utility facility.
 8. Water supply or treatment facility.
 9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
 10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
 11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).
1. Compatibility.
 - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
 2. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
 2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
 3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-

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R11E sections 1,2,3; and extending east to Highway 97.

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

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

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

H. Dimensional Standards.

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

I. Yard Standards.

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

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

2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).

3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).

4. Exceptions to Yard Standards.

a. Lot line adjacent to a residential zone.

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

b. Lot line adjacent to an EFU zone.

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

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

18.67.050. Research and development district.

The purpose of the Research and Development District is to allow research and development facilities requiring a more rural, 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.

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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.

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2. No use which is located adjacent to or across a street from a residential use or lot in a platted subdivision or residential zone shall exceed more than 70 percent lot coverage by all buildings, storage areas or facilities, and required off-street parking and loading areas.
 3. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 4. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.
 5. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
 6. The maximum building height shall be 25 feet on any lot adjacent to or across the street from a residential use or lot in a platted subdivision or residential zone.
 7. The minimum lot frontage shall be 50 feet.
- E. R&D Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- F. Design and use criteria. In the consideration of an application for a proposed use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a

proposed use, the Planning Director or Hearings Body shall find that:

1. The proposal is in compliance with the Comprehensive Plan.
 2. The proposal is in compliance with the intent and provisions of DCC Title 18.
 3. That any adverse social, economical, physical or environmental impacts are minimized.
- G. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
1. An increase in required setbacks.
 2. Additional off-street parking and loading facilities.
 3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
 4. Additional landscaping, screening and other improvements.
 5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.
- (Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997)

18.67.060. Industrial (TuI) District.

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

A. Uses permitted outright. The following uses and their accessory uses are permitted outright:

1. Industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
2. Office buildings associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
3. Restaurants and cafeteria facilities associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);

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4. Residence for caretaker or night watchman on property with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
5. Equipment storage associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
6. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
7. Class III road or street project.
8. Operation, maintenance, and piping of existing irrigation systems operated by-an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.

1. Expansion or replacement of uses allowed under DCC 18.67.060(A);
2. Office buildings associated with industrial uses;
3. Restaurant and cafeteria facilities associated with industrial uses;
4. Residence for caretaker or night watchman on property with industrial uses;
5. Equipment storage associated with industrial uses;
6. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
 - a. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
 - b. Ornamental horticultural products and nurseries.
 - c. Softwood and hardwood products excluding pulp and paper manufacturing.

d. Sand, gravel, clay and other mineral products.

7. Freight depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck;
8. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.;
9. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by site-obscuring fencing.
10. Mini-storage facility.
11. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities;
12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).

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

1. Any use permitted by DCC 18.67.060(B) which will exceed 40,000 square feet of floor area;
2. Concrete or ready mix plant;
3. Stockpiling, storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete;
4. Buildings, structures, apparatus, equipment and appurtenances necessary for the above uses to be carried on.

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

1. A new industrial use may occupy more than 40,000 square feet of floor area in a building or buildings provided an analysis set forth in the comprehensive plan demonstrates and land use regulations ensure:

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- a. The use will primarily employ a work force from the community and surrounding rural area and will not rely upon a work force served by uses within urban growth boundaries. The determination of the work force of the community shall consider the total industrial employment in the community and surrounding rural area and be coordinated with employment projections for nearby urban growth boundaries; and
 - b. It is not practical to contain the proposed use within 40,000 square feet of the floor area.
2. For the purposes of DCC 18.67.060, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- E. Dimensional standards. In the Industrial Zone, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.060 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.
 2. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 25 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 3. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.
 4. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
 5. The maximum building height shall be 45 feet on any lot adjacent to a residential use or lot in a platted subdivision or residential zone.
 6. The minimum lot frontage shall be 50 feet.
 7. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- F. Industrial Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.
- G. Design and use criteria. In the consideration of an application for a new industrial use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The new use is in compliance with the Comprehensive Plan.
 2. The new use is in compliance with the intent and provisions of DCC Title 18.
 3. That any adverse social, economical, physical or environmental impacts are minimized.
- H. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:

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1. An increase in required setbacks.
2. Additional off-street parking and loading facilities.
3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
4. Additional landscaping, screening and other improvements.
5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.

I. For purposes of this chapter, a new industrial use does not include industrial uses in existence on the date of Ord. 2005-16. Unless expanded or altered, industrial uses in existence on the date of adoption of the TUI District are not subject to the requirements of 18.67.060(B) or 18.67.060(C).

(Ord. 2005-016 § 2, 2005)

18.67.0670. Flood plain district.

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

(Ord. 97-033 § 2, 1997)

18.67.0780. Standards for all districts.

- A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- B. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- C. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the applicable provisions of DCC 18.116.
- D. Lot Coverage. Except where otherwise noted, the primary and accessory buildings located on any lot or parcel shall not cover more than 30 percent of the total lot or parcel.
- E. Building Height. Except where otherwise indicated, no building or structure shall be erected or enlarged to exceed 30 feet in

height, except as allowed under DCC 18.120.040.

F. Rimrock Setback. Setbacks from the rimrock are subject to the applicable provisions of DCC 18.116.160.

G. River setback. All new structures or additions to existing structures within 100 feet from the ordinary high water mark of designated streams and rivers are subject to the applicable provisions of DCC 18.120.030. For the purpose of DCC 18.67.070, decks are considered part of a structure.

(Ord. 97-033 § 2, 1997)

18.67.0890. Right-of-way development standards.

- A. Applicability. The standards in DCC 18.67.080 shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.67.080 shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 20, when there is a choice to take access from a road other than Highway 20, no access shall be taken from Highway 20.
- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.67-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Tumalo Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of DCC Title 17, Table 18.67-A.
- E. Sidewalks.
 1. Sidewalks shall meet the standards set forth in Table 18.67-A. Sidewalks are required only where specified in the

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Comprehensive Plan Map for Tumalo,
Map D1 "Planned Pedestrian
Improvements."

2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner's rights to have any objection to LID formation counted against formation of the LID.

F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in DCC Title 17, Table 18.67-A drainage shall be accomplished by swales constructed in accordance with the specifications set forth in DCC Title 17, Table 18.67-A and the drawing set forth in DCC 17.48.

(Ord. 97-033 § 2, 1997)