

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code *
Title 18 to Incorporate "Housekeeping" Changes that * ORDINANCE NO. 2014-009
Correct Errors and Provide Clarification of Existing *
Regulations, Procedures, and Policies. *

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. TA-14-1) to the Deschutes County Code (DCC) Title 18, Chapter 18.04, Definitions; Chapter 18.80, Airport Development Zone; 18.110, Resort Community; and Chapter 116, Supplementary Provisions to incorporate "housekeeping" changes correct errors and provide clarification of existing regulations, procedures, and policies; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on February 27, 2014 and forwarded to the Deschutes County Board of County Commissioners ("Board"), a recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on April 2, 2014, and concluded that the public will benefit from the proposed changes to Deschutes County Code ("DCC") Title 18; now, therefore,

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

Section 1. AMENDMENT. DCC 18.04030, Definitions, 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 strikethrough.

Section 2. AMENDMENT. DCC 18.80.078, FAA Notification (Form 7460-1), is amended to read as described in Exhibit "B," attached hereto and by this referenced incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 3. AMENDMENT. DCC 18.110.020, Seventh Mountain/Widgi Creek Resort District, is amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

Section 4. AMENDMENT. DCC 18.116.240, Protection of Historic Sites, is amended to read as described in Exhibit "D," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.


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Section 5. FINDINGS. The Board adopts as its findings Exhibit "E" of Ordinance 2014-012 and incorporated by reference herein.

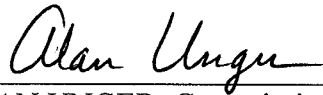
Dated this 7th of May, 2014

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TAMMY BANEY, Chair


ANTHONY DEBONE, Vice Chair

ATTEST:


ALAN UNGER, Commissioner

Recording Secretary

Date of 1st Reading: 23rd day of April, 2014.

Date of 2nd Reading: 7th day of May, 2014.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<u>✓</u>	—	—	—
Anthony DeBone	<u>✓</u>	—	—	—
Alan Unger	<u>✓</u>	—	—	—

Effective date: 6th day of August, 2014.

“****” Denotes portions of this Section not amended by Ordinance 2014-009.

Section 18.04.030. Definitions.

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

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

(Ord. 2014-009 §1, 2014; Ord. 2013-008 §1, 2013; Ord. 2012-007 §1, 2012; Ord. 2012-004 §1, 2012; Ord. 2011-009 §1, 2011; Ord. 2010-022 §1, 2010; Ord. 2010-018 §3, 2010; Ord. 2008-007 §1, 2008; Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007-020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1, 1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93-038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 §§1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88-050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 §2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

18.80.078. FAA Notification (Form 7460-1).

A. Federal and State Notice.

Federal Aviation Regulation (FAR) Part 77 requires that anyone proposing to construct anything which may obstruct the use of airspace by aircraft to provide a notice to that effect to the FAA. In addition, OAR 738.070.0060 requires notice also be sent to the Oregon Department of Aviation. Generally, construction proposals in the vicinity of airports may obstruct airspace. Notice to the FAA and Oregon Department of Aviation is required for anything which may affect landing areas, either existing or planned, which are open to the public, or are operated by one of the armed forces.

B. FAA Form 7460-1 "Notice of Proposed Construction or Alteration" is the notification form. It is to be submitted by the applicant directly to the FAA and Oregon Department of Aviation. Forms are available from the Oregon Department of Aviation or the Northwest Regional Office of the FAA.

C. FAA Form 7460-1 should be submitted if the proposed construction or alteration meets the following criteria:

1. Anything over 200' AGL (above ground level at the site).
2. Proposals in the vicinity of an airport, if the proposal would be higher than a slope from the nearest point on a runway and increasing its elevation at a ratio of:

Longest Runway	Proximity to Runway	Slope
> 3,200'	Within 20,000'	100 to 1
3,200' or less	Within 10,000'	50 to 1
For a Heliport	Within 5,000'	25 to 1

D. For identification purposes, Deschutes County has established FAA Notification Areas around each of the public use airports within Deschutes County. The boundaries of these areas are based on the runway length. If a proposed construction project is located in one of these areas, the applicant shall determine if the height of the proposed project will require FAA notification as per DCC 18.80.076(C). In Deschutes County, each of the public-use airports has a runway longer than 3,200 feet. Therefore, each FAA notification area includes all land within 20,000 feet of each airport's runway(s), and the slope to be used is 100 to 1.

E. FAA notification is NOT required for any of the following construction or alteration:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
2. Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
3. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
4. Any construction or alteration for which notice is required by any other FAA regulation.

(Ord. 2014-009 §2, 2014; Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

18.110.020. Seventh Mountain/Widgi Creek Resort District.

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

- A. Single-family dwelling.
- B. Residential home.
- C. Residential facility.
- D. Timeshare units.

(Ord. 2014-009 §3, 2014; Ord. 2001-048 §2, 2001)

18.116.240. Protection of Historic Sites.

Historic sites listed and described on the County's Goal 5 inventory, contained in the Resource Element of the comprehensive plan, shall be protected or not protected in accordance with programs set forth in the ESEE determinations for each individual site, adopted as part of the Resource Element of the comprehensive plan and any comprehensive plan policies specifically applicable to the site, and as specified in DCC Chapter 2.28, Historic Preservation and Historic Landmarks Commission. The uses allowed and dimensional standards prescribed by the underlying zoning designations for designated historic sites are not otherwise affected by the historic designation.
(Ord. 2014-009 §4, 2014; Ord. 94-030 §1, 1994)