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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code *
Title 15, Buildings and Construction, Title 18, *
Zoning Ordinance, Title 19, Bend Urban Area *
Zoning Ordinance, and Title 22, Procedures *
Ordinance, to Incorporate Changes to State and *
Federal Law, and Provide Clarification of Existing *
Regulations, Procedures, and Policies. ORDINANCE NO. 2024-008

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-24-000417-TA) to the Deschutes County Code (“DCC”), Chapter 15.08 – Signs, Chapter 18.04 – Purpose and Definitions, Chapter 18.16 – Exclusive Farm Use Zones, Chapter 18.32 – Multiple Use Agricultural Zone, Chapter 18.36 – Forest Use Zone F1, Chapter 18.40 – Forest Use Zone F2, Chapter 18.60 – Rural Residential Zone, Chapter 18.65 – Rural Service Center Unincorporated Community Zone, Chapter 18.66 – Terrebonne Rural Community Zoning Districts, Chapter 18.67 – Tumalo Rural Community Zoning Districts, Chapter 18.74 – Rural Commercial Zone, Chapter 18.76 – Airport Development Zone, Chapter 18.108 – Urban Unincorporated Community Zone-Sunriver, Chapter 18.110 – Resort Community Zone, Chapter 18.116 – Supplementary Provisions, Chapter 18.128 – Conditional Use, Chapter 19.04 – Title, Compliance, Applicability and Definitions, Chapter 19.12 – Urban Area Reserve Zone, Chapter 19.20 – Suburban Low Density Residential Zone, Chapter 19.22 – Westside Transect Zone, Chapter 19.28 – Urban Standard Residential Zone, Chapter 22.36 – Limitations on Approvals; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on August 22, 2024 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a 5-0 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on September 25, 2024 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Titles 15, 18, 19, and 22; now, therefore,

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

Section 1. AMENDMENT. Deschutes County Code Chapter 15.08, Signs, 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. Deschutes County Code Chapter 18.04, Title, Purpose, and Definitions, 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 ~~strikethrough~~.

Section 3. AMENDMENT. Deschutes County Code Chapter 18.16, Exclusive Farm Use Zone, 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. Deschutes County Code Chapter 18.32, Multiple Use Agricultural Zone, 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~~.

Section 5. AMENDMENT. Deschutes County Code Chapter 18.36, Forest Use Zone (F1), is amended to read as described in Exhibit “E”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. Deschutes County Code Chapter 18.40, Forest Use Zone (F2), is amended to read as described in Exhibit “F”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. Deschutes County Code Chapter 18.60, Rural Residential Zone, is amended to read as described in Exhibit “G”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. Deschutes County Code Chapter 18.65, Rural Service Center Unincorporated Community Zone, is amended to read as described in Exhibit “H”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. Deschutes County Code Chapter 18.66, Terrebonne Rural Community Zonings Districts, is amended to read as described in Exhibit “I”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. Deschutes County Code Chapter 18.67, Tumalo Rural Community Zoning Districts, is amended to read as described in Exhibit “J”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. Deschutes County Code Chapter 18.74, Rural Commercial Zone, is amended to read as described in Exhibit “K”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. Deschutes County Code Chapter 18.76, Airport Development Zone, is amended to read as described in Exhibit “L”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. Deschutes County Code Chapter 18.108, Urban Unincorporated Community Zone Sunriver, is amended to read as described in Exhibit “M”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. Deschutes County Code Chapter 18.110, Resort Community Zone, 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 ~~striketrough~~.

Section 15. AMENDMENT. Deschutes County Code Chapter 18.116, Supplementary Provisions, is amended to read as described in Exhibit “O”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 16. AMENDMENT. Deschutes County Code Chapter 18.128, Conditional Use, is amended to read as described in Exhibit “P”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 17. AMENDMENT. Deschutes County Code Chapter 19.04, Title, Compliance, Applicability and Definitions, is amended to read as described in Exhibit “Q”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 18. AMENDMENT. Deschutes County Code Chapter 19.12, Urban Area Reserve Zone, is amended to read as described in Exhibit “R”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 19. AMENDMENT. Deschutes County Code Chapter 19.20, Suburban Low Density Residential Zone, is amended to read as described in Exhibit “S”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 20. AMENDMENT. Deschutes County Code Chapter 19.22, Westside Transect Zone, is amended to read as described in Exhibit “T”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 21. AMENDMENT. Deschutes County Code Chapter 19.28, Urban Standard Residential Zone, is amended to read as described in Exhibit “U”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 22. AMENDMENT. Deschutes County Code Chapter 22.36, Limitations on Approvals, is amended to read as described in Exhibit “V”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 23. FINDINGS. The Board adopts as its findings Exhibit “W”, attached and incorporated by reference herein.

Dated this 9th of Oct., 2024

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Patti Adair
PATTI ADAIR, Chair

Anthony DeBone
ANTHONY DEBONE, Vice Chair

ATTEST:

Bronvele Fritzsche
Recording Secretary

Philip Chang
PHILIP CHANG

Date of 1st Reading: 25th day of Sept., 2024.

Date of 2nd Reading: 9th day of Oct., 2024.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	X	—	—	—
Anthony DeBone	X	—	—	—
Philip Chang	X	—	—	—

Effective date: 7th day of Jan., 2024: 2025.

Exhibit A

15.08.060 Sign Permit

Except as provided in DCC ~~15.08.070~~080, no sign shall be erected, structurally altered or relocated until a sign permit has been issued.

HISTORY

Adopted by Ord. 81-009 §1, Exhibit A, § 1.070 on 4/29/1981

Amended by Ord. 95-063 §1 on 10/11/1995

Amended by Ord. 2014-018 §2 on 11/24/2014

Amended by Ord. 2024-008 §1 on 10/09/2024

Exhibit B

18.04.030 Definitions

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

“Residential facility” means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
~~means a facility licensed by or under the authority of the State of Oregon which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet State of Oregon licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.~~

“Residential home” means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.
~~means a home licensed by or under the authority of the State of Oregon which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet State of Oregon licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.~~

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

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 82-013 §1 on 5/25/1982

Amended by Ord. 83-037 §2 on 6/1/1983

Amended by Ord. 83-033 §1 on 6/15/1983

Amended by Ord. 84-023 §1 on 8/1/1984

Amended by Ord. 85-002 §2 on 2/13/1985

Amended by Ord. 86-032 §1 on 4/2/1986

Amended by Ord. 86-018 §1 on 6/30/1986

Amended by Ord. 86-054 §1 on 6/30/1986

Amended by Ord. 86-056 §2 on 6/30/1986

Amended by Ord. 87-015 §1 on 6/10/1987

Amended by Ord. 88-009 §1 on 3/30/1988

Amended by Ord. 88-030 §3 on 8/17/1988

Amended by Ord. 89-004 §1 on 3/24/1989

Amended by Ord. 89-009 §2 on 11/29/1989

Amended by Ord. 90-014 §2 on 7/12/1990

Amended by Ord. 91-002 §11 on 2/6/1991
Amended by Ord. 91-005 §1 on 3/4/1991
Amended by Ord. 92-025 §1 on 4/15/1991
Amended by Ord. 91-020 §1 on 5/29/1991
Amended by Ord. 91-038 §§3 and 4 on 9/30/1991
Amended by Ord. 92-004 §§1 and 2 on 2/7/1992
Amended by Ord. 92-034 §1 on 4/8/1992
Amended by Ord. 92-065 §§1 and 2 on 11/25/1992
Amended by Ord. 92-066 §1 on 11/25/1992
Amended by Ord. 93-002 §§1, 2 and 3 on 2/3/1993
Amended by Ord. 93-005 §§1 and 2 on 4/21/1993
Amended by Ord. 93-038 §1 on 7/28/1993
Amended by Ord. 93-043 §§1, 1A and 1B on 8/25/1993
Amended by Ord. 94-001 §§1, 2, and 3 on 3/16/1994
Amended by Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. 94-041 §§2 and 3 on 9/14/1994
Amended by Ord. 94-038 §3 on 10/5/1994
Amended by Ord. 94-053 §1 on 12/7/1994
Amended by Ord. 95-007 §1 on 3/1/1995
Amended by Ord. 95-001 §1 on 3/29/1995
Amended by Ord. 95-075 §1 on 11/29/1995
Amended by Ord. 95-077 §2 on 12/20/1995
Amended by Ord. 96-003 §2 on 3/27/1996
Amended by Ord. 96-082 §1 on 11/13/1996
Amended by Ord. 97-017 §1 on 3/12/1997
Amended by Ord. 97-003 §1 on 6/4/1997
Amended by Ord. 97-078 §5 on 12/31/1997
Amended by Ord. 2001-037 §1 on 9/26/2001
Amended by Ord. 2001-044 §2 on 10/10/2001
Amended by Ord. 2001-033 §2 on 10/10/2001
Amended by Ord. 2001-048 §1 on 12/10/2001
Amended by Ord. 2003-028 §1 on 9/24/2003
Amended by Ord. 2004-001 §1 on 7/14/2004
Amended by Ord. 2004-024 §1 on 12/20/2004
Amended by Ord. 2005-041 §1 on 8/24/2005
Amended by Ord. 2006-008 §1 on 8/29/2006
Amended by Ord. 2007-019 §1 on 9/28/2007
Amended by Ord. 2007-020 §1 on 2/6/2008
Amended by Ord. 2007-005 §1 on 2/28/2008
Amended by Ord. 2008-015 §1 on 6/30/2008
Amended by Ord. 2008-007 §1 on 8/18/2008
Amended by Ord. 2010-018 §3 on 6/28/2010
Amended by Ord. 2010-022 §1 on 7/19/2010
Amended by Ord. 2011-009 §1 on 10/17/2011

Amended by Ord. 2012-004 §1 on 4/16/2012
Amended by Ord. 2012-007 §1 on 5/2/2012
Amended by Ord. 2013-008 §1 on 7/5/2013
Amended by Ord. 2014-009 §1 on 8/6/2014
Amended by Ord. 2015-004 §1 on 4/22/2015
Amended by Ord. 2016-015 §1 on 7/1/2016
Amended by Ord. 2016-026 §1 on 11/9/2016
Amended by Ord. 2016-006 §1 on 2/27/2017
Amended by Ord. 2017-015 §1 on 11/1/2017
Repealed by Ord. 2018-005 §8 on 10/10/2018
Amended by Ord. 2018-006 §4 on 11/20/2018
Amended by Ord. 2019-010 §1 on 5/8/2019
Amended by Ord. 2019-016 §1 on 2/24/2020
Amended by Ord. 2020-001 §1 on 4/21/2020
Amended by Ord. 2020-010 §1 on 7/3/2020
Amended by Ord. 2020-007 §7 on 10/27/2020
Amended by Ord. 2021-013 §3 on 4/5/2022
Amended by Ord. 2022-014 §1 on 4/4/2023
Amended by Ord. 2023-001 §2 on 5/30/2023
Amended by Ord. 2024-008 §2 on 10/9/2024

Exhibit C

18.16.023 Lawfully Established Dwelling Replacement

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

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

E. If an applicant is granted a deferred replacement permit under this section:

1. The deferred replacement permit:

a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.

G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

A lawfully established dwelling may be altered, restored or replaced under DCC 18.16.020(J) above if, when an application for a permit is submitted, the County finds to its satisfaction, based on substantial evidence that:

A. The dwelling to be altered, restored or replaced met the following when an application for a permit is submitted:

1. The dwelling has, or formerly had:

a. Intact exterior walls and roof structure;

b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

c. Interior wiring for interior lights;

d. A heating system; The dwelling to be altered, restored or replaced met the following when an application for a permit is submitted:

2. In addition to the provisions of subsection (A)(1), the dwelling to be replaced meets one of the following conditions:

a. If the dwelling was removed, destroyed or demolished:

1. The dwelling's tax lot does not have a lien for delinquent ad valorem taxes; and

2. Any removal, destruction or demolition occurred on or after January 1, 1973:

b. If the dwelling is currently in such a state of disrepair that the dwelling is unsafe for occupancy or constitutes an attractive nuisance, the dwelling's tax lot does not have a lien for delinquent ad valorem taxes; or

c. A dwelling not described in subparagraph (a) or (b) of this paragraph was assessed as a dwelling for purposes of ad valorem taxation:

1. For the previous five property tax years; or

2. From the time when the dwelling was erected upon or affixed to the land and became subject to assessment as described in ORS 307.010 (Definitions of "land" and "real property" for state property tax laws).

B. For replacement of a lawfully established dwelling under DCC 18.16.020(J):

1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:

a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055 and DCC Chapter 15.04; or

b. If the dwelling to be replaced is, in the discretion of the County, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the County that is not less than 90 days after the replacement permit is issued; and

c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must first obtain approval from the County for the new location.

2. The applicant must cause to be recorded in the deed records of the County a statement that the dwelling to be replaced has been removed, demolished or converted.

3. Deed Restrictions:

a. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the County a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel.

b. The restriction imposed is irrevocable unless the County Planning Director, or the Director's designee, places a statement of release in the deed records of the County to the effect that the provisions of 2019 Oregon Laws, chapter 440, section 1 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.

4. The replacement dwelling:

a. Must comply with applicable siting standards such as minimum setbacks. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

b. Must comply with applicable building codes, plumbing codes, sanitation codes and other requirements related to health and safety or to siting at the time of

construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.

~~5. The replacement dwelling must be sited on the same lot or parcel:~~

~~a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and~~

~~b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.~~

~~6. A replacement dwelling permit that is issued under DCC 18.16.020(J):~~

~~a. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:~~

~~1. Formerly had the features described in DCC 18.16.023(A)(1)(a) through(d); or~~

~~2. Is eligible for replacement under DCC 18.16.023(A)(2)(b).~~

~~b. Is not subject to the time to act limits of ORS 215.417.~~

~~7. A temporary residence approved under DCC 18.116.080 or 18.116.090 is not eligible for replacement under this section.~~

HISTORY

Adopted by Ord. 2014-010 §1 on 4/28/2014

Amended by Ord. 2021-013 §4 on 4/5/2022

Amended by Ord. 2024-008 §3 on 10/9/2024

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

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

A. Nonfarm dwelling.

B. Lot of record dwelling.

C. Subject to the standards of ORS 215.296, rResidential home or facility, as defined in DCC 18.04.030, in existing dwellings.

D. A hardship dwelling, as described in DCC 18.16.050(H).

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

- F. Operations conducted for: Mining and processing of geothermal resources as defined by ORS 522.005, and Mining and processing of natural gas or oil as defined by ORS 520.005, not otherwise permitted under DCC 18.16.020.
- G. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.
- H. Public park and playground consistent with the provisions of ORS 195.120, and including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
- I. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
 - 1. A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006.
 - 2. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- J. Transmission towers over 200 feet in height.
- K. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260, and OAR 660-033-0130), for the purpose of generating power for public use by sale, not including wind power generation facilities.
- L. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
- M. Home Occupation, subject to DCC 18.116.280.
 - 1. The home occupation shall:
 - a. be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
 - b. be operated by a resident or employee of a resident of the property on which the business is located; and
 - c. employ on the site no more than five full-time or part-time persons.
 - 2. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.

- N. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 213.203(2).
1. The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.
 2. Forest products, as used in DCC 18.16.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- O. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
- P. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels.
- Q. Improvement of public road and highway-related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.
- R. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
1. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
 2. The county shall provide notice of all applications under this section to the State Department of Agriculture.
 3. Notice shall be provided in accordance with DCC Title 22, but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.
- S. Room and board arrangements for a maximum of five unrelated persons in an existing residence. If approved, this use is subject to the recording of the statement listed in DCC 18.16.020(J)(1).
- T. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
- U. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law. Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.
- V. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- W. A living history museum.

- X. Operations for the extraction and bottling of water.
- Y. Transportation improvements on rural lands allowed by OAR 660-012-0065.
- Z. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.
- AA. Extended outdoor mass gatherings, subject to DCC 8.16.
- AB. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.
- AC. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130.
- AD. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130. On high-value farmland only, photovoltaic solar power generation facilities are subject to the provisions in ORS 215.447.
- AE. Commercial dog boarding kennel, or dog training classes or testing trials that exceed the standards under DCC 18.16.025(K), subject to DCC 18.16.040(A)(1 and 2).
- AF. Equine and equine-affiliated therapeutic and counseling activities, provided:
 - 1. The activities are conducted in existing buildings that were lawfully constructed on the property before the effective date of January 1, 2019 or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and
 - 2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979
Amended by Ord. 83-028 §1 on 6/1/1983
Amended by Ord. 86-018 §3 on 6/30/1986
Amended by Ord. 87-013 §1 on 6/10/1987
Amended by Ord. 90-018 §1 on 5/16/1990
Amended by Ord. 90-014 §§23 and 31 on 7/12/1990
Amended by Ord. 91-005 §5 on 3/4/1991
Amended by Ord. 91-014 §1 on 3/13/1991
Amended by Ord. 91-020 §1 on 5/29/1991
Amended by Ord. 91-038 §2 on 9/30/1991
Amended by Ord. 92-065 §3 on 11/25/1992
Amended by Ord. 94-008 §9 on 6/8/1994
Amended by Ord. 95-007 §11 on 3/1/1995
Amended by Ord. 95-025 §1 on 3/3/1995
Amended by Ord. 98-030 §1 on 5/13/1998
Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §1 on 12/12/2001
Amended by Ord. 2004-001 §2 on 7/14/2004
Amended by Ord. 2008-001 §2 on 5/6/2008
Amended by Ord. 2009-014 §1 on 6/22/2009
Amended by Ord. 2012-007 §2 on 5/2/2012
Amended by Ord. 2014-010 §1 on 4/28/2014
Amended by Ord. 2018-006 §5 on 11/20/2018
Amended by Ord. 2021-013 §4 on 4/5/2022
Amended by Ord. 2024-008 §3 on 10/9/2024

Exhibit D

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.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Accessory Dwelling Units, subject to DCC 18.116.350.
- K. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- ~~K.~~ L. Residential home.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 91-002 §6 on 2/6/1991

Amended by Ord. 91-005 §18 on 3/4/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 91-038 §1 on 9/30/1991

Amended by Ord. 93-001 §1 on 1/27/1993

Amended by Ord. 93-043 §4 on 8/25/1993

Amended by Ord. 94-008 §10 on 6/8/1994

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §2 on 12/12/2001

Amended by Ord. 2004-002 §3 on 4/28/2004

Amended by Ord. 2019-009 §1 on 9/3/2019
Recorded by Ord. 2019-009 §1 on 9/3/2019
Adopted by Ord. 2023-014 §1 on 12/1/2023
Amended by Ord. 2024-008 §4 on 10/9/2024

Exhibit E

CHAPTER 18.36 FOREST USE ZONE; F-1

18.36.010 Purpose

18.36.020 Uses Permitted Outright

18.36.025 Lawfully Established Dwelling Replacement

18.36.030 Conditional Uses Permitted

18.36.040 Limitations On Conditional Uses

18.36.050 Standards For Single-Family Dwellings

18.36.060 Siting Of Dwellings And Structures

18.36.070 Fire Siting Standards For Dwellings And Structures

18.36.080 Fire Safety Design Standards For Roads

18.36.085 Stocking Requirement

18.36.090 Dimensional Standards

18.36.100 Yards And Setbacks

18.36.110 Stream Setbacks

18.36.120 State Law Controls

18.36.130 Rimrock Setbacks

18.36.140 Restrictive Covenants

18.36.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.36 and any other applicable provisions of DCC Title 18.

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures, that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.

- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- ~~M. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.36.025. Alteration, restoration or replacement of a lawfully established dwelling that:~~
- ~~N. Has intact exterior walls and roof structure;~~
- ~~O. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;~~
- ~~P. Has interior wiring for interior lights;~~
- ~~Q. Has a heating system; and~~
- ~~R.M. _____ In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.~~
- S.N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 91-002 §8 on 2/6/1991

Amended by Ord. 92-025 §2 on 4/15/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 94-038 §1 on 10/5/1994

Amended by Ord. 2003-007 §1 on 3/26/2003

Amended by Ord. 2012-007 §3 on 5/2/2012

Amended by Ord. 2023-001 §5 on 5/30/2023

Amended by Ord. 2024-008 §5 on 10/9/2024

18.36.025 Lawfully Established Dwelling Replacement

A lawfully established dwelling may be altered, restored or replaced under DCC 18.36.020(M) above if:

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

E. If an applicant is granted a deferred replacement permit under this section:

1. The deferred replacement permit:

a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.

G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

HISTORY

Adopted by Ord. 2024-008 §5 on 10/9/2024

18.36.070 Fire Siting Standards For Dwellings And Structures

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses), except as otherwise noted:

A. Access

1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.

B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Residential Specialty Code ~~Oregon Uniform Building Code~~. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).
1. For the purposes of DCC 18.36.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
 2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

HISTORY

Adopted by Ord. 92-025 §2 on 4/15/1991

Amended by Ord. 94-038 §1 on 10/5/1994

Amended by Ord. 2003-007 §1 on 3/26/2003

Amended by Ord. 2004-013 §3 on 9/21/2004

Amended by Ord. 2024-008 §5 on 10/9/2024

CHAPTER 18.40 FOREST USE ZONE: F-2

18.40.010 Purpose

18.40.020 Uses Permitted Outright

18.40.025 Lawfully Established Dwelling Replacement

18.40.030 Conditional Uses Permitted

18.40.040 Limitations On Conditional Uses

18.40.050 Standards For Single-Family Dwellings

18.40.060 Siting Of Dwellings And Structures

18.40.070 Fire Siting Standards For Dwellings And Structures

18.40.080 Fire Safety Design Standards For Roads

18.40.085 Stocking Requirement

18.40.090 Dimensional Standards

18.40.100 Yards And Setbacks

18.40.110 Stream Setbacks

18.40.120 State Law Controls

18.40.130 Rimrock Setback

18.40.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.40 and any other applicable provisions of DCC Title 18:

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527 and Goal 4). Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.

- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- ~~M.~~ M. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.40.025. 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~~

~~In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.~~
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 91-002 §9 on 2/6/1991

Amended by Ord. 91-005 §21 on 3/4/1991

Amended by Ord. 92-025 §3 on 4/15/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 94-038 §2 on 10/5/1994

Amended by Ord. 2003-007 §2 on 3/26/2003

Amended by Ord. 2012-007 §4 on 5/2/2012

Amended by Ord. 2023-001 §6 on 5/30/2023

Amended by Ord. 2024-008 §6 on 10/9/2024

18.40.025 Lawfully Established Dwelling Replacement

A lawfully established dwelling may be altered, restored or replaced under DCC 18.40.020(M) above if:

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

E. If an applicant is granted a deferred replacement permit under this section:

1. The deferred replacement permit:

a. Does not expire but the permit becomes void unless the dwelling to be replaced is removed or demolished within three months after the deferred replacement permit is issued; and

b. May not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant.

2. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction.

F. An application under this section must be filed within three years following the date that the dwelling last possessed all the features listed under subsection (A)(1) of this section.

G. Construction of a replacement dwelling approved under this section must commence no later than four years after the approval of the application under this section becomes final.

HISTORY

Adopted by Ord. 2024-008 §6 on 10/9/2024

18.40.070 Fire Siting Standards For Dwellings And Structures

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses):

A. Access.

1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.

B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

1. Primary Firebreak. Prior to use, a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
2. Secondary Firebreak. A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.

3. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.
 4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
- C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.
- D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.
- E. Structural Standards.
1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the ~~Oregon Uniform Building Code~~ Oregon Residential Specialty Code. Roof sprinklers are not an acceptable alternative to this standard.
 2. If the dwelling or structure has a chimney, it shall have a spark arrester.
- F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.40.070(F).
1. For the purposes of DCC 18.40.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
 2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
 3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler

system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."

- b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

HISTORY

Adopted by Ord. 92-025 §3 on 4/15/1991

Amended by Ord. 94-038 §2 on 10/5/1994

Amended by Ord. 2003-007 §2 on 3/26/2003

Amended by Ord. 2004-013 §4 on 9/21/2004

Amended by Ord. 2024-008 §6 on 10/9/2024

Exhibit G

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.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.
- K. Historic Home Accessory Dwelling Units, subject to DCC 18.116.350.
- L. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- ~~L~~.M. Residential home.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 91-005 §§30 & 31 on 3/4/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 93-043 §8 on 8/25/1993

Amended by Ord. 94-008 §12 on 6/8/1994

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §5 on 12/12/2001

Amended by Ord. 2004-002 §7 on 4/28/2004

Amended by Ord. 2019-009 §2 on 9/3/2019
Recorded by Ord. 2019-009 §2 on 9/3/2019
Adopted by Ord. 2023-014 §2 on 12/1/2023
Amended by Ord. 2024-008 §7 on 10/9/2024

Exhibit H

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

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
 2. Manufactured home, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Residential home ~~and residential facility~~.
 5. Two-family dwelling or duplex.
 6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 8. Class III road and street project.
 9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.
 6. Highway maintenance facility.
 7. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 8. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:

1. Multi-family dwelling with three or more units.
2. School.
3. Cemetery.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Medical clinic or veterinary clinic.
6. Community Center.
7. Manufactured home park.
8. Recreational vehicle or trailer park.
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
10. Marijuana retailing, subject to the provisions of DCC 18.116.330.
11. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- ~~11-12.~~ Residential facility.

D. Yard and Setback Requirements.

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

E. Lot Requirements.

1. Residential Uses:
 - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
 - b. Each lot shall have a minimum width of 200 feet.
 - c. Each lot must be served by an on-site well.
 - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be

determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
- b. Each lot shall have a minimum width of 150 feet.
- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

HISTORY

Adopted by Ord. 2002-002 §2 on 6/5/2002

Amended by Ord. 2002-028 §1 on 7/24/2002

Amended by Ord. 2004-002 §11 on 4/28/2004

Amended by Ord. 2015-004 §2 on 4/22/2015

Amended by Ord. 2016-015 §4 on 7/1/2016

Amended by Ord. 2018-006 §8 on 11/20/2018

Amended by Ord. 2020-001 §6 on 4/21/2020

Amended by Ord. 2022-014 §2 on 4/4/2023

Amended by Ord. 2024-008 §8 on 10/9/2024

18.65.021 Alfalfa RSC; Commercial/Mixed Use District

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

A. Uses Permitted Outright.

1. Single-family dwelling.
2. Manufactured home, subject to DCC 18.116.070
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Residential home.
- ~~4-5. and residential~~ Residential facility.
- ~~5-6.~~ Two-family dwelling or duplex.
- ~~6-7.~~ Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
- ~~7-8.~~ Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- ~~8-9.~~ Class III road and street project.

9-10. _____ Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review, of this title:
1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
 2. Residential use in conjunction with a permitted commercial use.
 3. Park or playground.
 4. Community building.
 5. Public or semipublic building or use.
 6. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 7. Religious institutions or assemblies.
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
1. School.
 2. Cemetery.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Medical clinic or veterinary clinic.
 5. Community Center.
 6. Recreational vehicle or trailer park.
 7. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
 8. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 9. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Yard and Setback Requirements.
1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 2. The minimum side yard setback shall be 10 feet.

3. The minimum rear yard setback shall be 20 feet.
 4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- E. Lot Requirements. The minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.

HISTORY

Adopted by Ord. 2002-002 §2 on 6/5/2002

Amended by Ord. 2018-006 §8 on 11/20/2018

Amended by Ord. 2020-001 §6 on 4/21/2020

Amended by Ord. 2022-014 §2 on 4/4/2023

Amended by Ord. 2024-008 §8 on 10/9/2024

18.65.022 Alfalfa RSC; Residential District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to the applicable provisions of this chapter:
1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
 2. Single family dwelling, or a manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling or duplex.
 4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 6. Class III road or street project.
 7. Type 1 Home Occupation, subject to DCC 18.116.280.
 - ~~7.8. Residential home.~~
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Park or playground.
 2. Community building.
 3. Utility facility.
 4. Religious institutions or assemblies.
 5. Child care facility and/or preschool.

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

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

D. Yard and Setback Requirements.

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

E. Lot Requirements.

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

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

1. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot divided by 20,000 square feet, which is the minimum area per animal.

2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
3. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

HISTORY

Adopted by Ord. 2002-002 §2 on 6/5/2002

Amended by Ord. 2002-028 §1 on 7/24/2002

Amended by Ord. 2004-002 §12 on 4/28/2004

Amended by Ord. 2020-001 §6 on 4/21/2020

Amended by Ord. 2020-010 §2 on 7/3/2020

Amended by Ord. 2024-008 §8 on 10/9/2024

Exhibit I

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. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Agricultural uses as defined in DCC 18.04, involving:
 - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
 - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
 5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
 6. Class III road or street project.
 7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 - 7-8. Residential home.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
1. Manufactured home park.
 2. Multi-family dwelling complex.
 3. Retirement center or nursing home.
 4. Cluster development.
 5. Religious institutions or assemblies.

6. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
7. Public or private school.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Veterinary clinic.
13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- 14-15. Residential facility.

D. Lot Requirements.

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

E. 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(E)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(E)(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.

HISTORY

Adopted by Ord. 97-003 §2 on 6/4/1997

Amended by Ord. 97-063 §3 on 11/12/1997

Amended by Ord. 2004-002 §13 on 4/28/2004

Amended by Ord. 2020-001 §7 on 4/21/2020

Amended by Ord. 2020-010 §3 on 7/3/2020

Amended by Ord. 2024-008 §9 on 10/9/2024

18.66.030 Residential-5 Acre Minimum (Ter5) District

The purpose of the Terrebonne Residential-5 Acre Minimum District is to retain large rural residential lots 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. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Agricultural uses as defined in DCC 18.04, involving:

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

~~7-8.~~ Residential home.

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

1. Child care facility and/or preschool.

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

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Religious institutions or assemblies.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
6. Public or private school.
7. Park.
8. Public or semi-public building.
9. Utility facility.
10. Water supply or treatment facility.
11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the

excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

12.13. Residential facility.

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

E. Yard 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(E)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.030(E)(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.

HISTORY

Adopted by Ord. 97-003 §2 on 6/4/1997

Amended by Ord. 97-063 §3 on 11/12/1997

Amended by Ord. 2004-002 §14 on 4/28/2004

Amended by Ord. 2020-001 §7 on 4/21/2020

Amended by Ord. 2020-010 §3 on 7/3/2020

Amended by Ord. 2024-008 §9 on 10/9/2024

18.66.040 Commercial (TeC) District

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

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

1. Single-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. Type 1 Home Occupation, subject to DCC 18.116.280.

4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- ~~6-7. Residential home on a lot or parcel existing on June 4, 1997.~~

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

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
 - a. Retail or service business.
 - b. Eating or drinking establishment.
 - c. Offices.
 - d. Veterinary clinic and kennel entirely within an enclosed building.
 - e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
 - f. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).
3. Child care facility and/or preschool.

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

1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
2. Recreational vehicle park.
3. Religious institutions or assemblies.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
5. Public or private school.
6. Park.
7. Public or semi-public building.
8. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.

9. Utility facility.
 10. Water supply or treatment facility.
 11. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
 12. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
 - a. Manufacturing and production.
 - b. Wholesale sales.
 - c. Mini-storage.
 13. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 14. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 15. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 16. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
 2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and

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

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

 1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
 2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.
- H. Dimensional Standards.

Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
- I. Yard 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 18.66.040(I)(4).
 3. Rear Yard. No specific requirements, subject to DCC 18.66.040(I)(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.

HISTORY

Adopted by Ord. 97-003 §2 on 6/4/1997
Amended by Ord. 97-063 §3 on 11/12/1997
Amended by Ord. 2004-002 §15 on 4/28/2004
Amended by Ord. 2015-004 §3 on 4/22/2015
Amended by Ord. 2016-015 §5 on 7/1/2016
Amended by Ord. 2020-001 §7 on 4/21/2020
Amended by Ord. 2020-010 §3 on 7/3/2020
Amended by Ord. 2021-004 §3 on 5/27/2021
Amended by Ord. 2022-014 §3 on 4/4/2023
Amended by Ord. 2024-008 §9 on 10/9/2024

18.66.050 Commercial-Rural (TeCR) District

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

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

1. Single-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. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- ~~6-7.~~ Residential home on a lot or parcel existing on June 4, 1997.

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

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

- d. Residential use in the same building as a use listed in DCC 18.66.050.
 - e. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
 2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
 1. Religious institutions or assemblies.
 2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 3. Park.
 4. Public or semi-public building.
 5. Utility facility.
 6. Water supply or treatment facility.
 7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
 8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Mini-storage.
 - d. Truck terminal.
 - e. Farm or contractor equipment storage, sales, service or repair.
 - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022-(3)(a).
 9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 11. Marijuana retailing, subject to the provisions of DCC 18.116.330.

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

1. Sewer and Water Requirements.

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

2. Compatibility.

- a. Any use on a lot 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(D)(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.

HISTORY

Adopted by Ord. 97-003 §2 on 6/4/1997

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §7 on 12/12/2001

Amended by Ord. 2004-002 §16 on 4/28/2004

Amended by Ord. 2015-004 §4 on 4/22/2015

Amended by Ord. 2016-015 §5 on 7/1/2016

Amended by Ord. 2020-001 §7 on 4/21/2020

Amended by Ord. 2021-004 §3 on 5/27/2021

Amended by Ord. 2024-008 §9 on 10/9/2024

Exhibit J

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.
 - 7-8. Residential home.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:
1. Multi-family dwelling complex.
 2. Retirement center or nursing home.
 3. Religious institutions or assemblies.
 4. Cemetery.
 5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.

6. Public or private school.
7. Park.
8. Public or semi-public building.
9. Utility facility.
10. Water supply or treatment facility.
11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- ~~12-13.~~ Residential facility.

D. Lot Requirements.

1. Partitions:

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

E. 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(E)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(E)(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.

HISTORY

Adopted by Ord. 97-033 §2 on 6/25/1997

Amended by Ord. 97-063 §3 on 11/12/1997

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §8 on 12/12/2001

Amended by Ord. 2004-002 §17 on 4/28/2004

Amended by Ord. 2020-001 §8 on 4/21/2020

Amended by Ord. 2020-010 §4 on 7/3/2020

Amended by Ord. 2021-013 §8 on 4/5/2022

Amended by Ord. 2024-008 §10 on 10/9/2024

18.67.030 Residential-5 Acre Minimum (TuR5) District

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

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.
- ~~6-7.~~ Residential home.

- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:
1. Child care facility and/or preschool.
- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Religious institutions or assemblies.
 2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 3. Public or private school.
 4. Park.
 5. Public or semi-public building.
 6. Utility facility.
 7. Water supply or treatment facility.
 8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 9. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Lot Requirements. The minimum lot or parcel size in the TuR5 District is five acres.
- E. Yard 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(E)(4).
 3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.030(E)(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.

HISTORY

Adopted by Ord. 97-033 §2 on 6/25/1997

Amended by Ord. 97-063 §3 on 11/12/1997

Amended by Ord. 2000-033 §11 on 12/6/2000

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §8 on 12/12/2001

Amended by Ord. 2004-002 §18 on 4/28/2004

Amended by Ord. 2020-001 §8 on 4/21/2020

Amended by Ord. 2020-010 §4 on 7/3/2020

Amended by Ord. 2024-008 §10 on 10/9/2024

18.67.040 Commercial (TuC) District

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

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

1. Single-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.

~~6-7.~~ Residential home.

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

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

- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
1. Religious institutions or assemblies.
 2. Bed and breakfast inn.
 3. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 4. Park.
 5. Public or semi-public building.
 6. Utility facility.
 7. Water supply or treatment facility.
 8. Manufactured 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.
 9. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
 10. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 - c. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 11. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 12. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
 13. Psilocybin service centers, subject to the provisions of DCC 18.116.380.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(10).

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

E. Requirements for Large Scale Uses.

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

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

1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.

2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot 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.

HISTORY

Adopted by Ord. 97-033 §2 on 6/25/1997

Amended by Ord. 97-063 §3 on 11/12/1997

Amended by Ord. 2000-033 §11 on 12/6/2000

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §8 on 12/12/2001

Amended by Ord. 2004-002 §19 on 4/28/2004

Amended by Ord. 2004-013 §7 on 9/21/2004

Amended by Ord. 2015-004 §5 on 4/22/2015

Amended by Ord. 2016-015 §6 on 7/1/2016

Amended by Ord. 2020-001 §8 on 4/21/2020

Amended by Ord. 2020-010 §4 on 7/3/2020

Amended by Ord. 2021-004 §4 on 5/27/2021

Amended by Ord. 2021-013 §8 on 4/5/2022

Amended by Ord. 2022-014 §4 on 4/4/2023

Amended by Ord. 2024-008 §10 on 10/9/2024

18.67.090 Right-Of-Way Development Standards

- A. Applicability. The standards in DCC 18.67.~~080~~090 shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in the right-of-way required by land use approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.67.~~080~~090 shall govern over any conflicting standards set forth in DCC Title 17.
- B. Road Access. For properties abutting Highway 20, when there is a choice to take access from a road other than Highway 20, no access shall be taken from Highway 20.
- C. Roadways. Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.67-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Tumalo Rural Community.
- D. Bikeways. Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of DCC Title 17, Table 18.67-A.
- E. Sidewalks.
 - 1. Sidewalks shall meet the standards set forth in Table 18.67-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Tumalo, Map D1 "Planned Pedestrian Improvements."
 - 2. Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner's rights to have any objection to LID formation counted against formation of the LID.
- F. Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in DCC Title 17, Table 18.67-A drainage shall be accomplished by swales constructed in accordance with the specifications set forth in DCC Title 17, Table 18.67-A and the drawing set forth in DCC 17.48.

HISTORY

Adopted by Ord. 97-033 §2 on 6/25/1997

Amended by Ord. 2024-008 §10 on 10/9/2024

Exhibit K

18.74.020 Uses Permitted; Deschutes Junction And Deschutes River Woods Store

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:
1. Single-family dwelling.
 2. Manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling.
 4. Type 1 Home Occupation, subject to DCC 18.116.280.
 5. Agricultural uses.
 6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
 7. Class III road or street project.
 8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.
 - ~~8.9. Residential home.~~
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
 - a. Restaurant, café or delicatessen.
 - b. Grocery store.
 - c. Tavern.
 - d. Retail sporting goods and guide services.
 - e. Barber and beauty shop.
 - f. General store.
 - g. Video store.
 - h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
 2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
 3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.

- a. Retail sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel.
 - d. Veterinary clinic.
 - e. Automobile service station and repair garage, towing service, fuel storage and sales.
 - f. Public or semi-public use.
 - g. Residential use in the same building as a use permitted by this chapter.
 - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
- C. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
- 1. Child care facility and/or preschool.
- D. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
- 1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Religious institutions or assemblies.
 - e. School.
 - 2. Recreational vehicle park
 - 3. Mini-storage facilities limited to 35,000 square feet in size.
 - 4. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 - 5. Psilocybin service centers, subject to the provisions of DCC 18.116.380.

HISTORY

Adopted by Ord. 2002-019 §2 on 8/7/2002

Amended by Ord. 2004-002 §20 on 4/28/2004

Amended by Ord. 2008-008 §1 on 3/18/2008

Amended by Ord. 2015-004 §7 on 4/22/2015

Amended by Ord. 2016-015 §7 on 7/1/2016

Amended by Ord. 2020-001 §9 on 4/21/2020

Amended by Ord. 2020-010 §5 on 7/3/2020

Amended by Ord. 2021-013 §9 on 4/5/2022

Amended by Ord. 2022-014 §5 on 4/4/2023

Amended by Ord. 2024-008 §11 on 10/9/2024

Exhibit L

18.76.100 Design And Use Criteria

The following ~~dimensional standards~~ shall apply in the Airport Districts:

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the current version of the adopted Bend Airport Master Plan.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991

Repealed & Reenacted by Ord. 2003-036 §2 on 11/5/2003

Amended by Ord. 2018-006 §9 on 11/20/2018

Amended by Ord. 2024-008 §12 on 10/9/2024

Exhibit M

18.108.030 Single Family Residential; RS District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Single-family dwelling.
 2. Recreational path.
 - ~~2.3. Residential home.~~
- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Park, playground and picnic and barbecue area.
 2. Fire station.
 3. Library.
 4. Museum.
 5. Health and fitness facility.
 6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
 7. Temporary subdivision sales office.
 8. Community building.
 9. Religious institutions or assemblies.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.
1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
 2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
 3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
 4. Front Yard. The front yard shall be a minimum of 20 feet.
 5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.

6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.
7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

HISTORY

Repealed & Reenacted by Ord. 97-078 §2 on 12/31/1997

Amended by Ord. 98-035 §2 on 6/10/1998

Amended by Ord. 2004-013 §11 on 9/21/2004

Amended by Ord. 2020-001 §12 on 4/21/2020

Amended by Ord. 2024-008 §13 on 10/9/2024

18.108.050 Commercial; C District

- A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.
 1. Recreational path.
 2. Ambulance service.
 3. Library.
 4. Religious institutions or assemblies.
 5. Bus stop.
 6. Community center.
 7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail/rental store, office and service establishment.
 - b. Art galleries
 - c. Dry cleaner and/or self-service laundry establishment.
 - d. Radio and television sales and service.
 - e. Radio and television broadcasting studios and facilities, except towers.
 - f. Restaurant, bar and cocktail lounge, including entertainment.
 - g. Automobile service station.

- h. Technical and business school.
- i. Catering establishment.
- j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
- k. Medical and dental clinic, office and laboratory.
- l. Theater not exceeding 4,000 square feet of floor area.
- m. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.

8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).

9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).

10. Post Office.

11. Administrative and office facility associated with a community association or community use.

12. Police facility.

~~12.~~13. Residential facility.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

1. Public buildings and public utility buildings and structures.

2. Club, lodge or fraternal organization.

3. Commercial off-street parking lot.

4. Bus passenger station.

5. Interval ownership and/or time-share unit or the creation thereof.

6. Miniature golf.

7. Bed and breakfast inn.

8. Inn.

~~9.~~ Residential facility.

~~10.~~9. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:

- a. Bowling alley.

- b. Car wash.
- c. Dancing or music school, nursery school, kindergarten and day-care facility.
- d. Theater exceeding 4,000 square feet in floor area.
- e. Veterinary clinic or kennel operated entirely within an enclosed building.
- f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.
- g. Marijuana retailing, subject to the provisions of DCC 18.116.330.

~~11.10.~~ Psilocybin service centers. subject to the provisions of DCC 18.116.380.

C. Use Limits.

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

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

1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;

2. The use will primarily employ a work force from the community and surrounding rural area; and
 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
 2. Lot Width. No requirements.
 3. Lot Depth. 100 feet.
 4. Front Yard. The front yards shall be a minimum of 10 feet.
 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 7. Lot Coverage. No requirements.

HISTORY

Repealed & Reenacted by Ord. 97-078 §2 on 12/31/1997

Amended by Ord. 98-016 §1 on 3/11/1998

Amended by Ord. 2003-026 §1 on 7/9/2003

Amended by Ord. 2015-004 §9 on 4/22/2015

Amended by Ord. 2016-015 §9 on 7/1/2016

Amended by Ord. 2020-001 §12 on 4/21/2020

Amended by Ord. 2022-014 §7 on 4/4/2023

Amended by Ord. 2024-008 §13 on 10/9/2024

18.108.060 Resort; R District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District:
1. Resort facility developed in a building or buildings of any size which house any combination of:
 - a. Meeting room, convention and banquet facility.
 - b. Resort recreation facilities.
 - c. Property sales and rental office.

- d. Hotel, motel and lodging facility with up to 100 units in a single building.
 - e. Maintenance facility associated with resort and recreation operations.
 - f. Storage building necessary for and associated with resort, recreation and/or property development.
 - g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.
2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
 3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
 4. Interval ownership and/or time-share unit or the creation thereof.
 5. Multiple family residential dwelling units subject to and consistent with the standards of the RM District.
 6. Recreational path.
 - ~~7. Residential home.~~
 - ~~8.7. Residential facility.~~
 - 9.8.A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the R District and house any combination of:
 - a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
 - b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
 2. Religious institutions or assemblies, club or fraternal organization.
 3. School.
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 40 feet in height.
- D. Lot Requirements. The following lot requirements shall be observed:

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

HISTORY

Repealed & Reenacted by Ord. 97-078 §2 on 12/31/1997

Amended by Ord. 2020-001 §12 on 4/21/2020

Amended by Ord. 2024-008 §13 on 10/9/2024

18.108.120 Community General; CG District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. School.
 2. Utility substation, utility equipment storage and repair yard, and pump station.
 3. Golf course.
 4. Tennis court.
 5. Swimming pool.
 6. Park, playground and picnic and barbecue area.
 7. Nature center.
 8. Putting green.
 9. Recreational path.
 10. Equestrian facility.
 11. Boat dock.
 12. Health and fitness facilities.
 13. Amphitheater.
 14. Observatory.

15. Administrative and office facility associated with a community association or community use.
16. Police facility.
17. Fire station.
18. Public works facility.
19. Community center.
20. Religious institutions or assemblies.
21. Warehouse and storage facilities accessory to and in conjunction with any use permitted outright in this district.

~~22. Residential home.~~

~~23. Residential facility.~~

~~24-22.~~ A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CG District and house any combination of:

- a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
- b. Retail sales, rental and repair services commonly associated with uses permitted outright or
- c. conditionally in the CG District.

- B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
- C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- D. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
 2. Lot Width. No requirements.
 3. Lot Depth. 100 feet.
 4. Front Yard. The front yard shall be a minimum of 10 feet.
 5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.

6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

HISTORY

Repealed & Reenacted by Ord. 97-078 §2 on 12/31/1997

Amended by Ord. 2014-020 §1 on 1/6/2015

Amended by Ord. 2020-001 §12 on 4/21/2020

Amended by Ord. 2024-008 §13 on 10/9/2024

18.108.150 Community Neighborhood; CN District

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

1. School.
2. Utility substation, pump station and, utility equipment storage and repair yard.
3. Sewage treatment facility.
4. Tennis court.
5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Recreational path.
8. Equestrian facility.
9. Health and fitness facility.
10. Amphitheater.
11. Observatory.
12. Religious institutions or assemblies.
- ~~13. Residential home.~~
- ~~14. Residential facility.~~
- ~~15.~~13. _____ Daycare facility.
- ~~16.~~14. _____ Administrative and office facility associated with a community association or community use.
- ~~17.~~15. _____ Community center.
- ~~18.~~16. _____ Police facility.

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

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

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

HISTORY

Repealed & Reenacted by Ord. 97-078 §2 on 12/31/1997

Amended by Ord. 98-016 §3 on 3/11/1998

Amended by Ord. 2020-001 §12 on 4/21/2020

Amended by Ord. 2024-008 §13 on 10/9/2024

Exhibit N

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

- A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110.050:
1. Single-family dwelling.
 2. Residential home.
 - ~~3. Residential facility.~~
 - 4.3. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
 - ~~5.4.~~ Timeshare units at the Inn of the Seventh Mountain.
 - ~~6.5.~~ The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
 - ~~7.6.~~ Livestock and horse grazing on common area in Black Butte Ranch.
 - ~~8.7.~~ Police or security facility.
- B. Uses permitted subject to site plan review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Resort facility, as that term is defined in DCC Title 18.
 2. Resort recreation facilities, as that term is defined in DCC Title 18, except those uses listed in DCC 18.110.020(A)(6).
 3. Resort utility facilities, as that term is defined in DCC Title 18.
 4. Property sales and rental office.
 5. Hotel or motel.
 6. Daycare facility.
 7. Fire station.
 8. Post office.
 9. Multiple-family dwellings.
 10. Employee housing.
 - ~~10.11.~~ Residential facility.
- C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.110 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
1. Religious institutions or assemblies.

2. Wireless telecommunications facility.

HISTORY

Adopted by Ord. 2001-048 §2 on 12/10/2001

Amended by Ord. 2014-009 §1 on 8/6/2014

Amended by Ord. 2014-025 §1 on 9/15/2014

Amended by Ord. 2020-001 §13 on 4/21/2020

Amended by Ord. 2024-008 §14 on 10/9/2024

Exhibit O

18.116.210 Residential Homes And Residential Facilities

~~A. Residential homes and residential facilities shall be permitted in the same manner that single-family dwellings are permitted under DCC Title 18. For the purposes of DCC Title 18, the term "dwelling" or "single-family dwellings" shall be synonymous with the terms "residential home" or "residential facility."~~

A.

In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.

HISTORY

Adopted by Ord. 91-038 §3 on 9/30/1991

Amended by Ord. 2024-008 §15 on 10/9/2024

Exhibit P

18.128.040 Specific Use Standards.

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045-050 through DCC 18.128.370.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 80-206 §4 on 10/13/1980

Amended by Ord. 84-015 §3 on 7/18/1984

Amended by Ord. 84-023 §4 on 8/1/1984

Amended by Ord. 85-002 §9 on 2/13/1985

Amended by Ord. 86-018 §1 on 6/30/1986

Amended by Ord. 86-056 §§3 and 4 on 6/30/1986

Amended by Ord. 87-032 §1 on 12/9/1987

Amended by Ord. 89-008 §1 on 3/29/1989

Amended by Ord. 90-014 §§39 and 40 on 7/12/1990

Amended by Ord. 91-005 §§46 and 47 on 3/4/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 94-008 §15 on 6/8/1994

Amended by Ord. 94-053 §6 on 12/7/1994

Amended by Ord. 2000-033 §9 on 12/6/2000

Amended by Ord. 2024-008 §16 on 10/9/2024

Exhibit Q

19.04.040 Definitions

As used in DCC Title 19, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto. As used in this title, unless the context requires otherwise, the following words and phrases shall be defined as set forth in DCC 19.04.040.

"Residential facility" means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

HISTORY

Adopted by Ord. 80-217 §1 Exhibit A on 12/18/1980

Amended by Ord. 82-011 on 8/9/1982

Amended by Ord. 83-041 §2 on 6/1/1983

Amended by Ord. 86-032 §1 on 4/2/1986

Amended by Ord. 86-033 §1 on 4/2/1986

Amended by Ord. 86-017 §1 Exhibit a on 6/30/1986

Amended by Ord. 86-055 §1 on 6/30/1986

Amended by Ord. 86-058 §1 on 6/30/1986

Amended by Ord. 88-042 §3 on 12/19/1988

Amended by Ord. 90-038 §1 on 10/3/1990

Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990

Amended by Ord. 91-001 §1 on 1/28/1991

Amended by Ord. 91-029 §§1, 8, 9 and 10 on 8/7/1991

Amended by Ord. 92-043 §1 on 5/20/1992

Amended by Ord. 93-018 §1 on 5/19/1993

Amended by Ord. 94-005 §§1 & 2 on 6/15/1994

Amended by Ord. 95-045 §15 on 6/28/1995

Amended by Ord. 96-071 §1D on 12/30/1996

Amended by Ord. 97-017 §1 on 3/12/1997

Amended by Ord. 97-038 §1 on 8/27/1997

Amended by Ord. 99-001 §§2-4 on 1/13/1999

Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009

Amended by Ord. 2014-016 §1 on 12/29/2014

Amended by Ord. 2016-016 §1 on 6/1/2016

Amended by Ord. 2017-009 §7 on 7/21/2017

Amended by Ord. 2020-001 §17 on 4/21/2020

Amended by Ord. 2020-010 §8 on 7/3/2020

Amended by Ord. 2021-009 §2 on 6/18/2021

Amended by Ord. 2024-008 §17 on 10/9/2024

Exhibit R

19.12.020 Permitted Uses

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. Single-family dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.
- G. Accessory Dwelling Units, subject to DCC 19.92.150.
- H. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- H.I. Residential home.

HISTORY

Adopted by Ord. PL-11 on 7/11/1979

Amended by Ord. 88-042 §4 on 12/19/1988

Repealed & Reenacted by Ord. 90-038 §1,2 on 10/3/1990

Amended by Ord. 91-001 §2 on 1/28/1991

Amended by Ord. 2008-014 §3 on 3/31/2008

Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009

Amended by Ord. 2019-009 §4 on 9/3/2019

Recorded by Ord. 2019-009 §4 on 9/3/2019

Amended by Ord. 2023-014 §5 on 12/1/2023

Amended by Ord. 2024-008 §18 on 10/9/2024

Exhibit S

19.20.020 Permitted Uses

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Home occupations subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Accessory Dwelling Units, subject to DCC 19.92.150.
- F. Child care facility and/or preschool
- G. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- G-H. Residential home.

HISTORY

Adopted by Ord. PL-11 on 7/11/1979

Amended by Ord. 88-042 §6 on 12/19/1988

Repealed & Reenacted by Ord. 90-038 §1,2 on 10/3/1990

Amended by Ord. 91-001 §4 on 1/28/1991

Amended by Ord. 93-018 §3 on 5/19/1993

Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009

Amended by Ord. 2019-009 §5 on 9/3/2019

Recorded by Ord. 2019-009 §5 on 9/3/2019

Amended by Ord. 2020-001 §20 on 4/21/2020

Amended by Ord. 2020-010 §9 on 7/3/2020

Amended by Ord. 2023-014 §6 on 12/1/2023

Amended by Ord. 2024-008 §19 on 10/9/2024

Exhibit T

19.22.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family dwelling.
- B. Home occupation subject to DCC 19.88.140.
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- D. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- ~~D-E. Residential home.~~

HISTORY

Adopted by Ord. 2019-001 §8 on 4/16/2019

Amended by Ord. 2023-014 §7 on 12/1/2023

Amended by Ord. 2024-008 §20 on 10/9/2024

Exhibit U

19.28.020 Permitted Uses

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Rooming and boarding of not more than two persons.
- D. Home occupation subject to the provisions of DCC 19.88.140.
- E. Other accessory uses and buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- F. Child care facility and/or preschool.
- ~~F.G. Residential home.~~

HISTORY

Adopted by Ord. PL-11 on 7/11/1979

Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990

Amended by Ord. 2020-010 §10 on 7/3/2020

Amended by Ord. 2024-008 §21 on 10/9/2024

CHAPTER 22.36 LIMITATIONS ON APPROVALS

22.36.010 Expiration Of Approval

22.36.020 Initiation Of Use

22.36.025 Transition Rules; Applicability

22.36.030 Extensions To Avoid Environmental Or Health Hazards

22.36.040 Modification Of Approval

22.36.050 Transfer Of Permit

22.36.060 Revocation Of Approvals

22.36.010 Expiration Of Approval

A. Scope.

1. Except as otherwise provided herein, DCC 22.36.010 shall apply to and describe the duration of all approvals of land use permits provided for under the Deschutes County Land Use Procedures Ordinance, the various zoning ordinances administered by Deschutes County and the subdivision/partition ordinance.
2. DCC 22.36.010 does not apply to:
 - a. Those determinations made by declaratory ruling, such as verifications of nonconforming uses, verifying a lot or parcel meets the "lot of record" definition in 18.04.030, and expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.
 - b. Temporary use permits of all kinds, which shall be governed by applicable ordinance provisions specifying the duration of such permits.
 - c. Quasi-judicial map changes.

B. Duration of Approvals.

1. Except as otherwise provided under DCC 22.36.010 or under applicable zoning ordinance provisions, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.
2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Planning Division for final approval within that time period, an extension is sought under DCC 22.36.010 or the preliminary plat or master plan approval has been initiated as defined herein.
3. In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within the time specified in the

approval, or initiated within two years of completion of the prior phase if no timetable is specified.

4. The approval period for the following dwellings in the Exclusive Farm Use and Forest Use Zones is for 4 years:

- a. Nonfarm dwelling
- b. Lot of record dwelling
- c. Large tract dwelling
- d. Template dwelling.
- e. Alteration, restoration, or replacement of a lawfully established dwelling in Forest Use Zones.

f. Caretaker residences for public parks and public fish hatcheries.

f.g. Hardship dwelling.

C. Extensions.

1. The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, and two years for those dwellings listed in DCC 22.36.010(B)(4) above, regardless of whether the applicable criteria have changed, if:

- a. An applicant makes a written request for an extension of the development approval period;
- b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;
- c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and
- d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.

2. Except for those dwellings listed under DCC 22.36.010(B)(4) above, up to two additional one-year extensions may be granted by the Planning Director or the Planning Director's designees where applicable criteria for the decision have not changed, if:

- a. An applicant makes a written request for an extension of the development approval period;
- b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;

- c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and
 - d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.
 3. For those dwellings listed under DCC 22.36.010(B)(4), up to five additional one-year extensions may be granted if:
 - a. The applicant makes a written request for the additional extension prior to the expiration of an extension;
 - b. The applicable residential development statute has not been amended following the approval of the permit; and
 - c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.
 4. In addition to the extensions granted in DCC 22.36.010(C)(1), one additional two-year extension for a land use approval or a phase of a land use approval may be granted by the Planning Director or the Planning Director's designee under the criteria listed under DCC 22.36.010(C)(1) for approvals issued prior to June 8, 2011. This subsection does not apply for those dwellings listed under DCC 22.36.010(B)(4) above.

D. Procedures.

1. A determination of whether a land use has been initiated shall be processed as a declaratory ruling.
2. Approval of an extension granted under DCC 22.36.010 is an administrative decision, is not a land use decision described in ORS 197.015 or Title 22 and is not subject to appeal as a land use decision and shall be processed under DCC Title 22 as a development action, except to the extent it is necessary to determine whether the use has been initiated.

- E. Effect of Appeals. The time period set forth in DCC 22.36.010(B) shall be tolled upon filing of an appeal to LUBA until all appeals are resolved.

HISTORY

Repealed & Reenacted by Ord. 82-011 on 8/9/1982

Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990

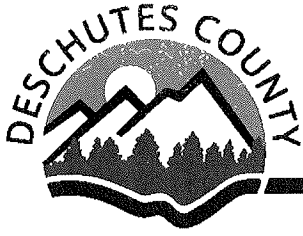
Amended by Ord. 95-018 §1 on 4/26/1995

Amended by Ord. 95-045 §43A on 6/28/1995

Amended by Ord. 2004-001 §4 on 7/14/2004

Amended by Ord. 2011-016 on 6/8/2011

Amended by Ord. 2015-017 §5 on 3/28/2016
Amended by Ord. 2017-015 §5 on 11/1/2017
Amended by Ord. 2020-022 §2 on 5/20/2020
Amended by Ord. 2020-007 §22 on 10/27/2020
Amended by Ord. 2024-008 §22 on 10/9/2024



FINDINGS HOUSEKEEPING TEXT AMENDMENTS

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BACKGROUND:

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

The last time Deschutes County adopted housekeeping amendments occurred in March 2023¹.

III. BASIC FINDINGS:

The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements, include less substantive code alterations, incorporate changes to state and federal law, and correct errors found in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on July 2, 2024 (File no. 247-24-000417-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

IV. FINDINGS:

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

¹ Ordinances 2023-001.

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

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on August 22, 2024 and a public hearing was held before the Board of County Commissioners (Board) on September 25, 2024.

Section 22.12.020, Notice

Notice

A. Published Notice

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

FINDING: This criterion is met as notice was published in *The Bulletin* newspaper on August 6, 2024 for the Commission public hearing and on September 11, 2024 for the Board public hearing.

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

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

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

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

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

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

Section 22.12.040. Hearings Body

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

FINDING: This criterion is met as the Commission held a public hearing on August 22, 2024. The Board held a public hearing on September 25, 2024.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-24-000417-TA will be implemented by ordinances upon approval and adoption by the Board.

V. PROPOSED TEXT AMENDMENTS:

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

Title 15, Buildings and Construction:

Chapter 15.08. SIGNS

Section 15.08.060. Sign Permit - (See Exhibit A)

DCC 15.08.060 outlines exceptions for when a sign permit is required. The proposed change corrects an internal DCC reference for sign permit exceptions to the appropriate section.

Title 18, County Zoning:

Chapter 18.04. TITLE, PURPOSE, AND DEFINITION - (See Exhibit B)

Section 18.04.030. Definitions

The proposed changes will update the definitions for “residential facility” and “residential home” to match the state statutory definitions in ORS (Oregon Revised Statutes) 197.660.

Chapter 18.16. EXCLUSIVE FARM USE ZONES - (See Exhibit C)

Section 18.16.030. Conditional Uses Permitted; High Value And Non-High Value Farmland

The proposed changes alter the standards for replacing a lawfully established dwelling within the Exclusive Farm Use (EFU) Zone to match the updated state statutory standards put in place by House Bill (HB) 2192, and referenced in ORS 215.291. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Additional proposed changes modify the existing language regarding residential homes and residential facilities in the EFU Zone to match the state statutory standards of ORS 197.665 and 197.667 respectively. Deschutes County will continue to allow residential homes in existing dwellings subject to ORS 215.296. However, residential facilities will no longer be allowed in the EFU Zone as those uses are precluded per ORS 197.667. These proposed changes align with a larger set of proposed changes dealing with residential homes and residential facilities in DCC 18.116.210, as detailed below.

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA - (See Exhibit D)

Section 18.32.020. Uses Permitted Outright

Per ORS 197.665, the proposed changes enumerate that residential homes are a use allowed outright within residential zones, including the Multiple Use Agricultural (MUA10) Zone.

Chapter 18.36. FOREST USE ZONE; F-1 - (See Exhibit E)

Section 18.36.020. Uses Permitted Outright

Section 18.36.025. Lawfully Established Dwelling Replacement

The proposed changes alter the standards for replacing a lawfully established dwelling within the Forest Use (F1) Zone to match the updated state statutory standards put in place by House Bill (HB) 2192, and referenced in ORS 215.291. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Section 18.36.070. Fire Siting Standards For Dwellings And Structures

The proposed changes correct an erroneous reference the Oregon Uniform Building Code identifying noncombustible or fire resistant roofing materials for structures built in the F1 Zone. The correct reference has been included for the Oregon Residential Specialty Code.

Chapter 18.40. FOREST USE ZONE; F-2 - (See Exhibit F)

Section 18.40.020. Uses Permitted Outright

Section 18.40.025. Lawfully Established Dwelling Replacement

The proposed changes alter the standards for replacing a lawfully established dwelling within the Forest Use (F2) Zone to match the updated state statutory standards put in the place by House Bill (HB) 2192. The modified statutory language outlines new standards for:

- Determining if a dwelling is eligible for replacement.
- Siting criteria for replacement dwellings.
- Timelines for constructing replacement dwellings and deconstructing or converting original dwellings.
- Deed restrictions for replacement dwellings.
- Construction provisions from section R327 of the Oregon Residential Specialty Code that apply to replacement dwellings.

Section 18.40.070. Fire Siting Standards For Dwellings And Structures

The proposed changes correct an erroneous reference the Oregon Uniform Building Code identifying noncombustible or fire resistant roofing materials for structures built in the F2 Zone. The correct reference has been included for the Oregon Residential Specialty Code.

Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10 - (See Exhibit G)

Section 18.60.020. Uses Permitted Outright

Per ORS 197.665, the proposed changes enumerate that residential homes are a use allowed outright within residential zones, including the Rural Residential (RR10) Zone.

Chapter 18.65. RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE - (See Exhibit H)

Section 18.65.020. Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)

Section 18.65.021 Alfalfa RSC; Commercial/Mixed Use District

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS - (See Exhibit I)

Section 18.66.020. Residential (TeR) District

Section 18.66.030 Residential-5 Acre Minimum (TeR5) District

Section 18.66.040 Commercial (TeC) District

Section 18.66.050 Commercial-Rural (TeCR) District

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS - (See Exhibit J)

Section 18.67.020. Residential (TuR) District

Section 18.67.030 Residential-5 Acre Minimum (TuR5) District

Section 18.67.040 Commercial (TuC) District

Section 18.67.090. Right-Of-Way Development Standards

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

An additional proposed change corrects a scrivener's error which incorrectly identified DCC 18.67.080 as the section governing right-of-way development standards in the Tumalo Community Zone. The reference now correctly identified DCC 18.67.090 as the appropriate section.

Chapter 18.74. RURAL COMMERCIAL ZONE - (See Exhibit K)

Section 18.74.020. Uses Permitted; Deschutes Junction And Deschutes River Woods Store

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.76. AIRPORT DEVELOPMENT ZONE - (See Exhibit L)

Section 18.76.100. Design and Use Criteria

The proposed changes remove an unnecessary duplicate line of text from DCC 18.76.060, which describes dimensional standards in the Airport District. The line "The following dimensional standards shall apply in the Airport Districts" has been removed from DCC 18.76.100.

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER - (See Exhibit M)

Section 18.108.030. Single Family Residential; RS District

Section 18.108.050. Commercial; C District

Section 18.108.060. Resort; R District

Section 18.108.120. Community General; CG District

Section 18.108.150. Community Neighborhood; CN District

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.110. RESORT COMMUNITY ZONE - (See Exhibit N)

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

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 18.116. SUPPLEMENTARY PROVISIONS - (See Exhibit O)

Section 18.116.210. Residential Homes And Residential Facilities

The proposed changes modify the existing standards regarding residential homes and residential facilities across all zones to match the state statutory standards of ORS 197.665 and 197.667 respectively. Deschutes County will continue to allow residential homes in all areas where they were previously allowed, except those specific zoning districts which are now precluded by statute. This includes an allowance for residential homes in existing dwellings within the EFU Zone subject to ORS 215.296. Residential facilities will continue to be allowed in all residential zones they were previously allowed, with the exception of the EFU Zone as those uses are now precluded per ORS 197.667.

Chapter 18.128. CONDITIONAL USE - (See Exhibit P)

Section 18.128.040. Specific Use Standards

The proposed changes correct a scrivener's error which references a non-existent portion of code. The reference to DCC 18.128.045 has now been changed to the correct reference of DCC 18.128.050.

Title 19, BEND URBAN GROWTH BOUNDARY ORDINANCE:

Chapter 19.04. Title, Compliance, Applicability And Definitions - (See Exhibit Q)

Section 19.04.040. Definitions

Title 19 will include new definitions for "residential facility" and "residential home" to match the state statutory definitions in ORS (Oregon Revised Statutes) 197.660. Residential home and residential facility are currently undefined terms in Title 19.

Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10 - (See Exhibit R)

Section 19.12.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2 - (See Exhibit S)

Section 19.20.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ - (See Exhibit T)

Section 19.22.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS - (See Exhibit U)

Section 19.28.020. Permitted Uses

The proposed changes modify specific chapter references to residential homes and residential facilities to match the state statutory standards of ORS 197.665 and 197.667 respectively. Residential homes will continue to be allowed in all areas which permit single-family dwellings. Residential facilities will continue to be allowed in all areas which permit multi-family dwellings, or within areas which Deschutes County previously allowed the establishment of residential facilities in residential zones.

Title 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE:

Chapter 22.36. LIMITATIONS ON APPROVALS - (See Exhibit V)

Section 22.36.010. Expiration Of Approval

In compliance with ORS 215.010 to 215.293, 215.317 to 215.438, and 215.417(1), the proposed changes modify the types of dwellings which qualify for a 4-year approval duration after local land use review. The following dwelling types now qualify for a 4-year approval duration:

- Replacement dwellings in the EFU Zone
- Hardship dwellings in the EFU Zone

VI. CONCLUSION:

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



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: October 9, 2024

SUBJECT: Second Reading of Ordinance No. 2024-008: 2024 Housekeeping Text
Amendments

RECOMMENDED MOTIONS:

1. Move approval of second reading of Ordinance No. 2024-008 by title only.
2. Move adoption of Ordinance No. 2024-008.

BACKGROUND AND POLICY IMPLICATIONS:

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

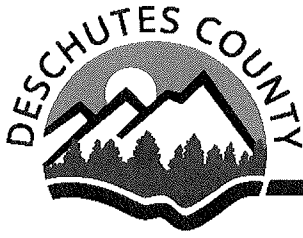
Following a public hearing on September 25, 2024, the Board closed the open record period and commenced deliberations that same day. The Board voted unanimously to approve the proposed amendments and conducted first reading of Ordinance No. 2024-008.

BUDGET IMPACTS:

None

ATTENDANCE:

Kyle Collins, Associate Planner
Will Groves, Planning Manager



MEMORANDUM

TO: Deschutes County Board of Commissioners

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

DATE: October 1, 2024

SUBJECT: Second Reading of Ordinance 2024-008: 2024 Housekeeping Text Amendments

The Board of County Commissioners (Board) will consider a second reading of Ordinance 2024-008 on October 9, 2024 related to 2024 Housekeeping Amendments to the Deschutes County Code (DCC). The second reading of the Ordinance follows the conclusion of Board deliberations and the Board's first reading on September 25, 2024.

All record materials can be found on the project website: <https://bit.ly/2024Housekeeping>

I. BACKGROUND

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

The last time Deschutes County adopted housekeeping amendments occurred in March 2023¹.

II. OVERVIEW OF AMENDMENTS

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

Title 15, Buildings and Construction

¹ Ordinances 2023-001.

Chapter 15.08. SIGNS

Title 18, County Zoning

- Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS
- Chapter 18.16. EXCLUSIVE FARM USE ZONES
- Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA
- Chapter 18.36. FOREST USE ZONE; F-1
- Chapter 18.40. FOREST USE ZONE; F-2
- Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C
- Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10
- Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE
- Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE
- Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS
- Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS
- Chapter 18.74. RURAL COMMERCIAL ZONE
- Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D
- Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER
- Chapter 18.116. SUPPLEMENTARY PROVISIONS
- Chapter 18.128. CONDITIONAL USE

Title 19, Bend Urban Growth Boundary Zoning Ordinance

- Chapter 19.04. TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS
- Chapter 19.12. URBAN AREA RESERVE ZONE UAR-10
- Chapter 19.20. SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 ½
- Chapter 19.22. WESTSIDE TRANSECT ZONE; WTZ
- Chapter 19.28. URBAN STANDARD RESIDENTIAL ZONE; RS

Title 22, Deschutes County Development Procedures Ordinances

- Chapter 22.36. LIMITATIONS ON APPROVALS

III. HEARING PROCESS

The Planning Commission (Commission) held a public hearing concerning the proposed amendments on August 22, 2024.² Following the hearing, the Commission closed both the oral and written records, and held deliberations that same day. The Commission unanimously (5-0) recommended approval of the proposed amendments. Two Commissioners (Commissioners Kelsey Kelley and Nathan Hovekamp) were not in attendance for the public hearing or deliberations.

Following a public hearing on September 25, 2024³, the Board closed the open record period and commenced deliberations that same day. The Board voted unanimously to approve the proposed amendments and held first reading of the Ordinance following deliberations.

² <https://www.deschutes.org/bc-pc/page/planning-commission-56>

³ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-195>

IV. SECOND READING

The Board is scheduled to conduct the second reading of Ordinance 2024-008 on October 9, 2024, fourteen (14) days following the first reading.

Attachments:

- 1) Ordinance 2024-008: Staff Report & Text Amendments