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LEGAL COUNSEL

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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Chapter 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance, Regarding Horse Facilities and Declaring an Emergency.

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ORDINANCE NO. 94-008

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ORDAINS AS FOLLOWS:

Section 1. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to amend the definition of "farm use" to read as follows:

"Farm Use. The current employment of the land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm use includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. "Farm Use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equine. Farm use also includes the propagation, cultivation, maintenance and harvesting of aquatic species. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees."

Section 2. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to add the following new definition:

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

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Section 3. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to add the following new definition:

"Horse Events. Means any exhibition or competition involving horses whose purpose is to test and/or advance the skills of a horse and/or its rider, such as but not limited to horse shows, schooling events, horse training seminars or clinics, open houses, cutting competitions, rodeos or jackpot roping contests."

Section 4. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to add the following new definition:

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

Section 5. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to add the following new definition:

"Horse Stables, Commercial. Stables for the boarding and/or keeping of horses and the training of horses that are not non-commercial riding stables as defined in this title."

Section 6. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to add the following new definition:

"Horse Stable, Non-Commercial. A detached accessory structure for the stabling or training of horses owned by the land owner or a single lessee of the stable facility for personal use. May also include the incidental boarding or keeping of up to 5 horses owned by persons not the owner or lessee of the horse stable for their personal use."

Section 7. Section 18.04.030, "Definitions," of the Deschutes County Code is amended to add the following new definition:

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

Section 8. Section 18.04.030, "Definitions," is amended to delete the definitions entitled "Stables, Private," "Stables, Public."

Section 9. Section 18.16.030, "EFU Zones - Conditional Uses Permitted," is amended to read as follows:

"18.16.030 Conditional Uses Permitted.

The following uses may be allowed in the Exclusive Farm Use Zones subject to applicable provisions of the Comprehensive Plan, sections 18.16.040 and 18.16.050 and other applicable sections of this title.

A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings).

B. Manufactured home as a secondary accessory farm dwelling.

C. Pre-existing dwelling as a ranch hand residence.

D. Non-farm dwelling and accessory uses thereto.

E. Residential homes, as defined in section 18.04.030 of this title, in existing dwellings.

F. Commercial activities that are in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining county.

G. Operations conducted for exploration, mining and processing of geothermal resources as defined by ORS 522.005; exploration and extraction of natural gas or oil; and surface mining mineral and aggregate resources exclusively for on-site personal, farm or forest use or in conjunction with maintenance for irrigation canals.

H. Homestead retention when the entire parcel has been under single ownership for at least the preceding 10 consecutive years and the parcel occupies not less than 320 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to a maximum of five acres. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of this chapter. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.

I. Private parks, playgrounds, hunting and fishing preserves and campgrounds.

J. Parks, playgrounds or community centers owned and operated by a governmental agency or a non-profit community organization.

K. Golf courses.

L. Utility facilities necessary for public service and commercial utility facilities for the purpose of generating power for public use by sale.

M. Personal use landing strip for airplanes and helicopter pad, including associated hangar, maintenance and service facilities. A personal use airport as used in this section 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. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Oregon Aeronautics Division.

N. Home occupations carried on by residents as an accessory use within their dwelling or other residential accessory building.

O. A facility for the primary processing of forest products. Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

[P. The boarding, breeding and training of horses for profit.]

[Q]P. Hydroelectric facility, in accordance with Sections 18.116.130 and 18.128.040(V).

[R]Q. Dog kennels. (Ord. 90-018 § 1, 1990)

[S]R. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete when such uses are in conjunction

with the maintenance or construction of public roads or highways.

[T]S. A site for the disposal of solid waste approved by the governing body of a city or county and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality.

[U]T. One manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.

[V]U. Church. (Ord. 91-038 § 2, 1991)

[W]V. Public or private school, including all buildings essential to the operation of such a school.

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

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

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

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

[BB]AA. Bed and breakfast inns.

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

[DD]CC. Cemeteries in conjunction with churches.

[EE]DD. Living history museums."

Section 10. Section 18.32.020, "MUA-10 - Uses Permitted Outright," is amended to read as follows:

"18.32.020 Use Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. [Farm] Agricultural uses as defined in this title.
- B. A single family dwelling, or a manufactured home subject to Section 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 Section 18.116.230.
- E. Class III road or street project.
- F. Non-commercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
 - (1) Fewer than 10 riders;
 - (2) 10 to 25 riders, no more than two times per month on non-consecutive days; or
 - (3) More than 25 riders, no more than two times per year on non-consecutive 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."

Section 11. Section 18.32.030, "MUA-10 - Uses Conditionally Allowed," is amended to read as follows:

"18.32.030 Conditional Uses Permitted.

The following uses may be allowed subject to Chapter 18.128 of this title: (Ord. 93-001 § 2, 1993; Ord. 91-038 § 1, 1991).

- A. Public use.
- B. Semi-public use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining county.

D. Dude Ranch.

E. Kennel or animal hospital.

F. Guest house.

G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in Section 18.116.070. (Ord. 91-005 § 19, 1991).

H. Exploration for minerals. (Ord. 91-002 § 7, 1991; Ord. 90-014 § 27, 1990).

I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks[, rodeo or livestock arenas] and other recreational uses.

J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division. (Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991).

K. Golf courses.

L. Home occupations. (Ord. 91-020 § 1, 1991).

M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

N. Destination resorts.

O. Planned developments.

P. Cluster developments.

Q. Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.

R. Time-share unit or the creation thereof. (Ord. 83-033 § 2, 1983).

S. Hydroelectric facility, subject to Sections 18.11-6.130 and 18.128.040(V). (Ord. 86-018 § 7, 1986).

T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways. (Ord. 90-014 § 35, 1990).

U. Bed and breakfast inn. (Ord. 91-038 § 1, 1991).

V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W). (Ord. 91-038 § 1, 1991).

W. Churches, subject to Chapter 18.124 and Section 18.128.040(D) of this Code.

X. Private or Public Schools, including all buildings essential to the operation of such a school.

Y. Utility facility necessary to serve the area subject to the provisions of Chapter 18.124 of this code. (Ord. 93-001 § 1, 1993)

Z. Cemetery, mausoleum or crematorium. (Ord. 93-043 § 4, 4A, 4B, 1993)

AA. Commercial horse stables.

BB. Horse events, including associated structures, not allowed as a permitted use in this zone."

Section 12. Section 18.60.020, "RR-10 - Uses Permitted Outright," is amended to read as follows:

"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 Section 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. [Farm] Agricultural use as defined in this title [ORS 215.203(2)].

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 Section 18.116.230.

F. Class III road or street project.

G. Non-commercial horse stables as defined in this title, excluding horse events.

H. Horse events, including associated structures, involving:

(1) Fewer than 10 riders;

(2) 10 to 25 riders, no more than two times per month on non-consecutive days; or

(3) More than 25 riders, no more than two times per year on non-consecutive 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."

Section 13. Section 18.60.030, "RR-10 - Conditional Uses Permitted," is amended to read as follows:

"18.60.030 Conditional Uses Permitted.

The following uses may be allowed subject to Chapter 18.128 of this title:

A. Public park, school, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.

B. Dude ranch.

C. Home occupation.

D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.

E. Planned development.

F. Cluster development.

G. Recreation-oriented facility requiring large acreage such as [a rodeo grounds,] off-road vehicle track or race track, but not including a rodeo grounds.

H. Landfill when a written tentative approval by Department of Environmental Quality (DEQ) of the site is submitted with the application.

I. Cemetery.

J. Time-share unit or the creation thereof.

K. Hydroelectric facility, subject to sections 18.116.130 and 18.128.040(V).

L. Bed and breakfast inn.

M. Golf course.

N. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to sections 18.120.050 and 18.128.040(W).

O. Church.

P. Public uses.

R. Semi-public uses.

S. Commercial horse stables."

Section 14. Section 18.124.030, "Site Plan Review - Approval Required," is amended to read as follows:

"18.124.030 Approval Required.

A. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to Deschutes County Code Title 22, the Uniform Development Procedures Ordinance. (Ord 86-032, Sec. 1 1986)

B. The provisions of this section shall apply to the following:

a. All conditional use permits where a site plan is a condition of approval;

b. Multiple family dwellings with more than three units;

c. All commercial uses that require parking facilities;

d. All industrial uses;

e. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, landfills, schools, utility facilities, churches, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and

f. As specified for Landscape Management Combining Zones (LM), Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).

C. The provisions of this section shall not apply to uses involving the stabling and training of equine in the EFU zone, non-commercial stables and horse events not requiring a conditional use permit.

D[C]. Non-compliance with a final approved site plan shall be a zoning ordinance violation.

E[D]. As a condition of approval of any action not included in subsection (B) of this section, the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits."

Section 15. Subsection E of Section 18.128.040, "Conditional Use - Special Use standards," is amended to read as follows:

"E. Clinics, clubs, lodges, fraternal organizations, community centers, grange halls, golf courses, horse stables and horse events requiring conditional uses, grounds and buildings for games or sports, country clubs, swimming, boating, tennis clubs and similar activities, government structures and land uses, parks, playgrounds. In considering the above, the Planning Director or Hearings Body may authorize the conditional use after it has been determined that the following will be provided:

a. Access from principal streets subject to Deschutes County Public Works Department standards.

b. Off-street parking subject to Section 18.116.030.

c. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare."

Section 16. Section 18.16.070, "EFU - Yards," is amended to read as follows:

"18.16.070 Yards.

A. The front yard shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.

B. Each side yard shall be a minimum of 25 feet, except that for nonfarm dwellings proposed on parcels or lots with side yards adjacent to a property currently employed in farm use, the side yard shall be a minimum of 100 feet.

C. Rear yards shall be a minimum of 25 feet, except that for nonfarm dwellings proposed on parcels or lots with rear yards adjacent to a property currently employed in farm use, the rear yard shall be a minimum of 100 feet.

D. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 17. Section 18.32.050, "MUA 10 - Yards," is amended to read as follows:

"18.32.050 Yards.

A. The front yard setback from the property line shall be a minimum of 100 feet if such line is adjacent to an intensive agricultural use; otherwise, the front yard shall be 20 feet for property fronting on a local street right-of-way, 30 feet from a property line fronting on a collector right-of-way, and 80 feet from an arterial right-of-way unless other provisions for combining accesses are provided and approved by the county.

B. Each side yard shall be a minimum of 20 feet, except on the street side, which shall be a minimum of 30 feet. For parcels or lots created before November 1, 1979, which are one-half (1/2) acre or less in size, the side yard setback may be reduced to a minimum of 10 feet. For parcels or lots adjacent to an intensive agricultural use, the adjacent side yard shall be a minimum of 100 feet.

C. Rear yards shall be a minimum of 25 feet, except when parcels or lots have rear yards adjacent to an intensive agricultural use, rear yards shall be a minimum of 100 feet.

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 18. Section 18.36.100, "F-1 Zone - Yards and Setbacks," is amended to read as follows:

"18.36.100 Yards and Setbacks.

A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.

B. Each side yard setback shall be a minimum of 25 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.

C. Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180 of this title.

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 19. Section 18.40.100, "F-2 Zone - Yards and Setbacks," is amended to read as follows:

"18.40.100 Yards and Setbacks.

A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.

B. Each side yard setback shall be a minimum of 25 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.

C. Rear yards shall be a minimum of 25 feet, except parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

D. The setback from the north lot line shall meet the solar setback requirements in section 18.116.180 of this title.

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 20. Section 18.52.090, "SM Zone - Minimum Use Setbacks," is amended to read as follows:

"18.52.090 Minimum Use Setbacks.

A. Except as otherwise provided in this section, all surface mining activities and uses, including structures, shall be located and conducted at least 250 feet from a noise-sensitive or dust-sensitive use or structure. Exceptions to this standard shall be allowed for the following:

a. Access roads approved as part of site plan review.

b. Dwellings located on the parcel on which the surface mining is to occur, including replacements or expansions thereof.

c. Pursuant to a written agreement for a lesser setback made between the owner of the noise-sensitive or dust-sensitive use or structure located within 250 feet of the proposed surface mining activity and the owner or operator of the proposed surface mine. Such agreement shall be notarized and recorded in the Deschutes County Book of Records and shall run with the land. Such agreement shall be submitted and considered at the time of site plan review or site plan modification.

B. Storage and processing of mineral and aggregate material, and storage of operational equipment which creates noise and dust, shall not be allowed closer than one-quarter mile from any noise or dust-sensitive use or structure existing on the effective date of Ordinance No. 90-014, unless the applicant demonstrates that:

a. Due to the parcel size, topography, existing vegetation or location of conflicting uses or resources, there is no on-site location for the storage and processing of material or storage of equipment which will have less noise or dust impact; and

b. All noise control and air quality standards of this title can be met by the proposed use for which the exception is requested.

C. Additional setbacks may be determined as part of the site reclamation review process. Additional setbacks also may be required by DOGAMI.

D. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 21. Section 18.60.040, "RR-10 Zone - Yard and Setback Requirements," is amended to read as follows:

"18.60.040 Yard and Setback Requirements.

In an RR-10 Zone, the following yard and setbacks shall be maintained.

A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street right-of-way, 30 feet from a property line fronting on a collector right-of-way and 50 feet from an arterial right-of-way.

B. There shall be a minimum side yard of 10 feet for all uses, except on the street side of a corner lot the side yard shall be 20 feet.

C. The minimum rear yard shall be 20 feet.

D. The setback from the north lot line shall meet the solar setback requirements in section 18.116.180.

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 22. Section 18.64.080, "RSC Zone - Yards," is amended to read as follows:

"18.64.080 Yards.

A. The minimum front yard shall be 20 feet.

B. The minimum side yard shall be 10 feet, except on the street side of a corner lot it shall be 20 feet.

C. The minimum rear yard shall be 20 feet.

D. The setback from the north lot line shall meet the solar setback requirements in section 18.116.180.

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 23. Section 18.68.080, "RSR-M Zone - Yards," is amended to read as follows:

"18.68.080 Yards.

A. The minimum front yard shall be 20 feet.

B. The minimum side yard shall be 10 feet, except on the street side of a corner lot, it shall be 20 feet.

C. The minimum rear yard shall be 20 feet.

D. The setback from the north lot line shall meet the solar setback requirements in section 18.116.180.

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural

codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 24. Section 18.76.050, "A-D Zone - Dimensional Standards," is amended to read as follows:

"18.76.050 Dimensional Standards.

In an A-D zone, the following dimensional standards shall apply:

A. The minimum lot size not in a planned unit development or subdivision shall be five acres, except that in conjunction with a specific use application, a lot size of not less than 20 acres may be approved where there is a showing that the lot requested is the maximum necessary for the use and reasonably expected future expansion of the use. The lot size in a planned unit development or subdivision shall average at least 20 acres.

B. Lot coverage shall not exceed 70 percent by all buildings, storage areas and facilities and required off-street parking and loading areas.

C. The minimum setback between any structure and an arterial right-of-way shall be 100 feet. The minimum setback of a non-residential structure from a collector right-of-way shall be 50 feet, and from all local streets the minimum setback shall be 20 feet.

D. The minimum lot frontage shall be 330 feet, except that the minimum lot frontage in a planned unit development or subdivision shall be 100 feet.

E. The minimum side and rear setback between any structure and a property line shall be 50 feet.

F. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 25. Section 18.96.090, "FP Zone - Yard and Setback Requirements," is amended to read as follows:

"18.96.090 Yard and Setback Requirements.

In an FP Zone, the following yard and setback requirements shall be maintained:

A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street, 30 feet from a

property line fronting on a collector and 50 feet from an arterial.

B. There shall be a minimum side yard of 10 feet for all uses.

C. The minimum rear yard shall be 20 feet.

D. The setback from a north lot line shall meet the solar setback requirements in section 18.116.180.

E. The minimum yard setback for a non-farm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.

F. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 26. Section 18.100.050, "R-I Zone - Dimensional Standards," is amended to read as follows:

"18.100.050 Dimensional Standards.

In an R-I Zone, the following dimensional standards shall apply:

A. The minimum lot size shall be determined subject to the provisions of this section relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body to maintain air, water and land resource quality and to protect adjoining and area land uses.

B. No use permitted by this section that is located adjacent to or across the street from a residential use or lot in a platted subdivision residential zone shall exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.

C. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.

D. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.

E. The minimum setback between a structure and an existing use shall be three feet from the property line and at

least six feet from a structure on the adjoining property.

F. The maximum building height for any structure shall be 25 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.

G. The minimum lot frontage shall be 50 feet.

H. 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 Chapter 15.04 of this title shall be met."

Section 27. Section 18.104.050, "R&D Zone - Dimensional Standards," is amended to read as follows:

"18.104.050 Dimensional Standards.

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

A. The minimum lot size shall be determined subject to the provisions of this section relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.

B. No use which is located adjacent to or across a street from a residential use or lot in a platted subdivision or residential zone shall exceed more than 70 percent lot coverage by all buildings, storage areas or facilities, and required off-street parking and loading areas.

C. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.

D. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.

E. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.

F. The maximum building height shall be 25 feet on any lot adjacent to or across the street from a residential use or lot in a platted subdivision or residential zone and 45 feet on any other lot.

G. The minimum lot frontage shall be 50 feet.

H. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.

I. 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 Chapter 15.04 of this title shall be met."

Section 28. Section 18.48.050, "OS&C Zone - Setbacks," is amended to read as follows:

"18.48.050 Setbacks

A. Minimum setbacks shall be 60 feet from an arterial or collector street or road right-of-way and 20 feet from a street within a platted and recorded subdivision.

B. The setback from a perennial stream or lake ordinary high water mark shall be a minimum of 200 feet, and from an intermittent stream channel, 100 feet.

C. Each side setback shall be a minimum of 15 feet, except on a corner lot it shall be 30 feet from the street side.

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.

E. Rimrock Setback. Setbacks from rimrock shall be as provided in Section 18.116.160.

F. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met."

Section 29. *Effect on Existing Uses.*

Land Uses. (1) Any existing use of land for the stabling or training of equines, for commercial or non-commercial stables or for horse events, as those terms are used herein, for which a permit was required under previous ordinances, for which a permit was issued under previous ordinances or that were not authorized under previous ordinances, shall be permitted by operation of law if such uses comply with the provisions of this ordinance. Where this ordinance would require that such uses have conditional use approval and such uses do not have such approval, such approval shall be required, unless and only to the extent that such existing uses constitute valid non-conforming uses. (2) Any valid use of

land existing on the date of this ordinance for equestrian uses not recognized by this ordinance may continue if and only to the extent that such use constitutes a valid non-conforming uses.

Building Permits. Nothing in this ordinance shall be construed to legitimize the status of any structure with regard to whether such structure is in compliance with applicable structural or building codes or permitting requirements.

Section 30. *Codification.* County Legal Counsel shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the Legal Counsel's form and style for ordinance codification. Such codification shall include the authority to make format changes, to make changes in numbering systems and to make such numbering changes consistent with interrelated code sections. In addition, as part of codification of these ordinances, County Counsel may insert appropriate legislative history references. Any legislative history references included herein are not adopted as part of the substance of this ordinance, but are included for administrative convenience and as a reference. They may be changed to correct errors and to conform to proper style without action of the Board of County Commissioners.

Section 31. *Severability.* The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance or any exhibit thereto is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this ordinance or any exhibit thereto.

Section 32. *Emergency.* This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 8th day of June, 1994.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Nancy Pope Schlanger
NANCY POPE SCHLANGEN, Chair

Excused
TOM THROOP, Commissioner

Barry H. Slaughter
BARRY H. SLAUGHTER, Commissioner

ATTEST:

Christa Mutchie
Recording Secretary