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REVIEWED
K6
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, As Amended, To Amend Definition of Rimrock, To Amend Rimrock Setback Requirements, To Create Exceptions, Adopting Findings and Conclusions, and Declaring An Emergency. *

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MARY SUE PERHOLLOW
COUNTY CLERK

KEYPUNCHED
JUL 2 1986

ORDINANCE NO. 86-053

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

Section 1. Section 1.030(105A), Ordinance No. PL-15, is amended to read as follows:

"(105A) Rimrock. Any ledge, outcropping or top or overlying stratum of rock, which forms a face in excess of 45 degrees, and which creates or is within the canyon of the following rivers and streams:

- 1) Deschutes River;
- 2) Crooked River;
- 3) Fall River;
- 4) Little Deschutes River;
- 5) Spring River;
- 6) Paulina Creek;
- 7) Squaw Creek; and
- 8) Tumalo Creek.

For the purpose of this Ordinance, the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock."

Section 2. Section 4.010, Exclusive Farm Use - EFU 320,

Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(8) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 3. Section 4.020, Exclusive Farm Use - EFU 80, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(8) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 4. Section 4.030, Exclusive Farm Use - EFU-40, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(8) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 5. Section 4.040, Exclusive Farm Use, EFU-20, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(9) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 6. Section 4.060, Multiple Use Agricultural Zone, MUA, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(8) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 7. Section 4.070, Forest Use, F-1, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(7) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 8. Section 4.080, Forest Use, F-2, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(10) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 9. Section 4.085, Forest Use, F-3, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(10) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 10. Section 4.090(5), Open Space and Conservation Zone, OS&C, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(5)(E) Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 11. Section 4.100(5), Surface Mining Zone, SM, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(5)(O) Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 12. Section 4.110(5), Surface Mining Reserve Zone, SMR, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(5)(F) Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 13. Section 4.120, Rural Residential, RR-10, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(8) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 14. Section 4.130, Rural Service Center Zone, RSC, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(11) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 15. Section 4.140, Rural Service Residential - M, RSR-M, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(10) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 16. Section 4.150(6), Rural Service Residential - RSR-5, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to read as follows:

"(6) Other Standards. The conditions contained in

subsections 4.140(6), (7), (8), (9) and (10) shall apply in the RSR-5 zone."

Section 17. Section 4.160, Airport Development Zone, A-D, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(10) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 18. Section 4.220, Rural Industrial Zone, R-1, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(11) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 19. Section 4.230, Research and Development Zone, R&D, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"(11) Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 20. Paragraphs (A)(5), (B)(6), (C)(7), (D)(5), (E)(6), (F)(3), and (G)(5) of subsection 2 of Section 4.240, Planned Community Zone, PC, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, are further amended to add the following:

"Rimrock Setback. Setbacks from rimrock shall be as provided in Section 5.240 of this Ordinance."

Section 21. Section 5.240, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to read as follows:

"Section 5.240. Rimrock Setbacks.

- (1) All structures shall be set back a minimum of 20 feet from the edge of the rimrock, as defined in Section 1.030(105A) of this Ordinance.
- (2) The 20-foot rimrock setback shall not apply to decks so long as the railing or other man-made border around the deck does not exceed 4 feet in height and is not of solid construction. However, no deck shall be set back less than 3 feet from any rimrock.

- (3) If there is more than one rimrock ledge or outcrop within the river or stream canyon, the 20-foot setback requirement shall be measured from the rimrock which is furthest from the river or stream.
- (4) If the 20 foot setback is within 100 feet of the mean high water mark of the river or stream, the structure may be granted an exception to the 100-foot river or stream setback, as provided under Section 6.040 of this Ordinance, if it meets the criteria under subsection (5)(B)(2) of that Section. However, under no circumstances shall the structure be set back less than 20 feet from the rimrock."

Section 22. The Board of County Commissioners adopts as its findings and conclusions supporting the amendments in Sections 1 through 21 of this Ordinance the Staff Report, dated May 21, 1986, relating to the Deschutes River Corridor.

Section 23. 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 30th day of June, 1986.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Lois Bristow Prante
LOIS BRISTOW PRANTE, Chair

Laurence A. Tuttle
LAURENCE A. TUTTLE, Commissioner

ATTEST:

Susan Stone
Recording Secretary

Dick Maudlin
DICK MAUDLIN, Commissioner