

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Section *
6.040, Deschutes County Zoning*
Ordinance of 1979, Ordinance *
No. PL-15, as amended, By The *
Addition of Subsection 5, *
Providing New Exceptions To *
Yard Requirements, and *
Declaring an Emergency. *

95-15273

FILED

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MARY SUE PENWOLLOW, CO. CLERK

ORDINANCE NO. 84-002

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

Section 1. Section 6.040, Exceptions to Yard Requirements,
Deschutes County Zoning Ordinance of 1979, is amended by the
addition of subsection 5, which reads as follows:

(5) Structures on parcels created prior to November 1,
1979, may be granted an exception to the 100 foot
setback from the high water line or mark along a stream
or lake subject to Ordinance 82-011 and the following
criteria:

(A) An application shall be filed which includes:

- (1) A detailed explanation of the planned development.
- (2) An explanation of why an exception is necessary.
- (3) A site plan, drawn to scale, and accompanied by such drawings, sketches and descriptions necessary to describe and illustrate the proposed development. The site plan shall, at a minimum, include:

- a. An inventory of existing vegetation, including trees, on the lot located within 200 feet of the high water line or mark along the stream or lake. The inventory shall be in sufficient detail to allow the review and evaluation of the impacts of the proposed development.

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- b. Proposed modifications of the vegetation on the lot within 200 feet of the high water line or mark along the stream or lake, including the size, species and approximate locations of existing vegetation to be retained and new vegetation proposed to be placed upon the site.
 - c. Existing and proposed site contours.
 - d. The locations and dimensions of all structures, property lines, easements, high water lines or marks, utilities, and uses.
 - e. Other site elements and information which will assist in the evaluation of the proposed development.
- (4) An explanation of how the proposed development will satisfy each of the exception criteria set forth in subsection 5(B) of this Section.
- (B) An exception may be granted only upon determination that all of the following conditions are present:
- (1) The exception is the minimum necessary to prevent a hardship. A hardship must be created by at least one of the following:
 - a. Lot size, shape, topography or septic system placement which prevents a dwelling from reasonably being located on the property other than within the required minimum setback from the high water line or mark along the stream or lake; or
 - b. A greater impact on the existing vegetation will occur if the exception is not granted; or
 - c. Existing development legally occurred on the subject lot or both adjoining lots closer than the required minimum setback from the high water line or mark along the stream or lake; and

- (2) The exception will not have an adverse impact on the surrounding area, taking into consideration views from the river or lake, views from surrounding properties, the existing character of the area, flood or erosion hazards and other related factors; and
- (3) The development protects and enhances the vegetative fringe between the development and the river or lake to the degree necessary to meet the requirements set forth in the applicable goals and policies of the Comprehensive Plan; and
- (4) A conservation easement, which provides that the elements of the site plan will be carried out and maintained, as approved, in perpetuity, for the area between the high water line or mark and the structure, has been conveyed to the County.

Section 2. This Ordinance being necessary for the immediate preservation of public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 21st day of March, 1984.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Albert A. Young
ALBERT A. YOUNG, Chairman

Lois Bristow Prante
LOIS BRISTOW PRANTE, Commissioner

Laurence A. Tuttle
LAURENCE A. TUTTLE, Commissioner

ATTEST:

Annette Pearson
Recording Secretary