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DESCHUTES COUNTY OFFICIAL RECORDS
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2006-537

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, of the Deschutes County Code, making technical changes. *
* ORDINANCE NO. 2006-008

WHEREAS, the Deschutes County Planning Division has proposed a Text Amendment to Title 18, the Deschutes County Zoning Ordinance, to make minor changes that will correct errors, omissions, inconsistencies, and clarify awkward text; and

WHEREAS, the Deschutes County Planning Commission held a duly noticed public hearing on February 09, 2006, and recommended to the Board the proposed changes to Title 18 as described in Exhibits "A" through "I," and

WHEREAS, the Board of County Commissioners held duly noticed public hearing on May 10, 2006; now, therefore,

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

Section 1. AMENDMENT. DCC 18.04, Title, Purpose and Definitions, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC 18.12, Establishment of Zones, 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. DCC 18.16, Exclusive Farm Use Zones, is amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. DCC 18.32, Multiple Use Agricultural Zone - MUA, 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. DCC 18.61, Urban Unincorporated Community Zone – La Pine, 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. DCC 18.65, Rural Service Center – Unincorporated Community Zone, 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 8. AMENDMENT. DCC 18.124, Site Plan Review, 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. DCC 18.128, Conditional Use, 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. FINDINGS. The board adopts the staff report adopted as Exhibit "B" to Ordinance 2006-006, and incorporated herein by this reference, as its findings to support this Ordinance.

DATED this 31st day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, CHAIR


BEV CLARNO, VICE CHAIR

- absent -
MICHAEL M. DALY, COMMISSIONER

Date of 1st Reading: 10th day of May, 2006.

Date of 2nd Reading: 31st day of May, 2006.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bev Clarno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael M. Daly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Effective date: 29th day of August, 2006.

ATTEST:



Recording Secretary

EXHIBIT "A"

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.010. Title.

18.04.020. Purpose.

18.04.030. Definitions.

18.04.010. Title.

DCC Title 18 shall be known as the Deschutes County Zoning Ordinance of 1979. (Ord. 91-020 § 1, 1991)

18.04.020. Purpose.

- A. The intent or purpose of DCC Title 18 is to promote the public health, safety and general welfare and to carry out the Deschutes County Comprehensive Plan, the provisions of ORS 215 and the Statewide Planning Goals adopted pursuant to ORS 197. DCC Title 18 is to establish zoning districts and regulations governing the development and use of land within portions of Deschutes County, Oregon;
- B. To provide regulations governing nonconforming uses and structures; to establish and provide for the collection of fees; to provide for the administration of DCC Title 18 and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of DCC Title 18; and to provide for resolution of conflicts;
- C. To regulate the placement, height and bulk of buildings; and the placement and growth of vegetation within the County to ensure access to solar energy by reasonably regulating interests in property within the County, as authorized under ORS 215.044 and ORS 105.880 through 105.890, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Comprehensive Plan polices relating to solar energy; and
- D. To encourage the design of new buildings, structures and developments which use solar energy and protect future options to use solar energy by protecting solar access.

(Ord. 91-020 § 1, 1991; Ord. 83-037 § 1, 1983)

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.

"Dwelling, single family" means a detached building containing one dwelling unit and designed for occupancy by one family only, not including ~~manufactured homes and such~~ temporary structures such as tents, teepees, travel trailers and other similar structures.

"Road and street project" means the construction and maintenance of the roadway, bicycle lane, sidewalk or other facility related to a road or street. Road and street projects shall be a Class I, Class II or Class III project.

- A. Class I Project. Land use permit required. "Class I Project" is a major project such as:
 - 1. A new controlled-access freeway;
 - 2. A road or street project of four or more lanes on a new location; and
 - 3. A major project involving the acquisition of more than minor amounts of rights of way, substantial changes in access control, a large amount of demolition, displacement of a large number of residences or businesses or substantial changes in local traffic patterns.
- B. Class II Project. Land use permit required. "Class II Project" is a:
 - 1. Modernization where a road or street is widened by more than one lane;
 - 2. Traffic safety or intersection improvement which changes local traffic patterns;
 - 3. System change which has significant land use implications; or
 - 4. The construction of a new County road or street within a dedicated pubic right-of-way, where none existed before.

(Ord. 2006-008 § 1, 2006; Ord. 2005-041 § 1, 2005; Ord. 2004-024 § 1, 2004; Ord. 2004-001 § 1, 2004; Ord. 2003-028 § 1, 2003; Ord. 2001-048 § 1, 2001; Ord. 2001-044 § 2, 2001; Ord. 2001-037 § 1, 2001; Ord. 2001-033 § 2, 2001; Ord. 97-

EXHIBIT "A"

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

EXHIBIT "B"

Chapter 18.12. ESTABLISHMENT OF ZONES

- 18.12.010. Establishment of zones.
- 18.12.020. Location of zones.
- 18.12.030. Zoning map.
- 18.12.040. Zone boundaries.

18.12.010. Establishment of zones.

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and unincorporated community zone districts are hereby established:

A. Primary zonesZones.

Primary Zones	Abbreviations
Airport Development	AD
Exclusive Farm Use Zones	EFU
Flood Plain	FP
Forest Use	F1
Forest Use	F2
Multiple Use Agriculture	MUA10
Open Space and Conservation	OS&C
Rural Commercial	RC
Rural Industrial	RI
Rural Residential	RR10
Rural Service Center	RSC
Surface Mining	SM

B. Combining zonesZones.

Combining Zones	Abbreviations
Airport Height	AH
Conventional Housing	CH
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBMH
Surface Mining Impact Area	SMIA
Wildlife Area	WA

C. Exclusive Farm Use SubzZones.

Exclusive Farm Use Subzones	Abbreviations
Alfalfa	EFUAL
Horse Ridge East	EFUHR
La Pine	EFULA
Lower Bridge	EFULB
Sisters/Cloverdale	EFUSC
Terrebonne	EFUTE

Tumalo/Redmond/Bend	EFUTRB
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D. Unincorporated Community Zones.

- 1. La Pine Urban Unincorporated Community.

La Pine Planning Area	Abbreviations
Commercial District	LPC
Community Facility District	LPCF
Community Facility Limited District	LPCFL
Flood Plain District	LPFP
Industrial District	LPI
Business Park District	LPBP
Residential District	LPR
Sewer Treatment District	LPST

Neighborhood Planning Area	Abbreviations
Neighborhood Community Facility	LPNCF
Neighborhood Community Facility Limited	LPNCFL
Neighborhood Commercial	LPNC
Neighborhood Park	LPNPK
Neighborhood Open Space	LPNO
Neighborhood Residential Center	LPNRC
Neighborhood Residential General	LPNRG

Wickiup Planning Area	Abbreviation
Wickiup Commercial/Residential	LPWJCR

- 2. Sunriver Urban Unincorporated Community.

Sunriver UUC-Districts	Abbreviations
Airport District	SUA
Business Park District	SUBP
Commercial District	SUC
Community General District	SUCG
Community Limited District	SUCL
Community Neighborhood District	SUCN
Community Recreation District	SUCR
Flood Plain Combining District	SUFP
Forest District	SUF
Multiple Family Residential District	SURM
Resort District	SUR
Resort Equestrian District	SURE
Resort Golf Course District	SURG
Resort Marina District	SURA
Resort Nature Center District	SURN
Single Family Residential District	SURS
Utility District	SUU

EXHIBIT "B"

3. Terrebonne Rural Community.

Terrebonne RC -Districts	Abbreviations
Commercial District	TEReC
Commercial-Rural District	TEeCR
Residential District	TEeR
Residential-5 acre minimum District	TEeR5

4. Tumalo Rural Community.

Tumalo RC -Districts	Abbreviations
Commercial District	TUuC
Flood Plain District	TuFP
Residential District	TUuR
Residential-5 acre minimum District	TUuR5
Research & Development District	TUuRE
Industrial District	TUI

5. Rural Service Center.

Commercial/Mixed Use Districts	
<u>Brothers, Hampton, Millican, Whistlestop, Wildhunt</u>	RSC-C/M (B,H,M,W,W)
<u>Alfalfa</u>	RSC-C/M (A)
<u>Alfalfa Residential</u>	RSC-R(A)
<u>Brothers Open Space</u>	RSC-OS

6. Black Butte Ranch Resort Community.

A -Black Butte Ranch District	Abbreviations
Resort District	BBRR
Surface Mining District/Limited Use	BBRSM
Utility District/Limited Use	BBRU

7. Inn of the 7th Mountain/Widgi Creek Resort Community

B -Inn of the 7 th Mountain/ Widgi Creek District	Abbreviations
Resort District	SMWCR
Widgi Creek Residential District	WCR

~~7~~. Rural Commercial

Deschutes Junction	RC
River Woods Store	RC
Spring River	RC LU

(Ord. 2006-008 § 2, 2006; Ord. 2005-016 § 1, 2005, Ord. 2002-019 § 1, 2002, Ord. 2002-001, § 1, 2002, Ord. 2001-048 § 4, 2001, Ord. 2001-044 § 2, 2001; Ord. 98-063 § 2, 1998; Ord. 96-003 § 4, 1996; Ord. 92-025 § 5, 1992)

18.12.020. Location of zones.

The boundaries for the zones listed in DCC Title 18 are indicated on the Deschutes County Zoning Map which is hereby adopted by reference. The boundaries shall be modified subject to zoning map amendments which shall be adopted by reference.

(Ord. 91-020 § 1, 1991)

18.12.030. Zoning map.

A zoning map amendment adopted by DCC 18.12.020, above, or by an amendment thereto shall be prepared by authority of the Planning Director or Hearings Body or Board of County Commissioners. The map or map amendment shall be dated with the effective date of the order or ordinance that adopts the map or map amendment. A certified print of the adopted map shall be maintained in the office of the County Clerk as long as the map adoption order or ordinance remains in effect. A copy of all map amendments, which shall contain a legal description of the area to be amended as well as a map reflecting the previous zoning and a map of the amendment, shall be maintained in the office of the County Clerk.

(Ord. 91-020 § 1, 1991)

18.12.040. Zone boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights of way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or the extension of such lines. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

- A. Where a boundary line is indicated as following a street, alley, canal or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section lines or division thereof, lot or property ownership line, it shall be construed as following such line.
- C. If a zone boundary as shown on the zoning map divides a lot or parcel between two

EXHIBIT "B"

zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies, provided that this adjustment involves a distance not exceeding 100 feet from the mapped zone boundary. DCC Title 18 does not apply to areas zoned flood plain.

(Ord. 91-020 § 1, 1991; Ord. 91-005 § 3, 1991; Ord. 80-206 § 2, 1980)

EXHIBIT "C"

Chapter 18.16. EXCLUSIVE FARM USE ZONES

18.16.010. Purpose.

18.16.020. Uses permitted outright.

18.16.025. Uses permitted subject to the special provisions under DCC Section 18.16.038 and a review under DCC Chapter 18.124 for items C through M.

18.16.030. Conditional uses permitted - High value and nonhigh value farmland.

18.16.031. Nonresidential conditional uses on nonhigh value farmland only.

18.16.033. Nonresidential conditional uses on high value farmland only.

18.16.035. Destination resorts.

18.16.037. Guest ranch.

18.16.038. Special Conditions for certain uses listed under DCC 18.16.025.

18.16.040. Limitations on conditional uses.

18.16.050. Standards for dwellings in the EFU zones.

18.16.055. Land divisions.

18.16.060. Dimensional standards.

18.16.065. Subzones.

18.16.067. Farm management plans.

18.16.070. Yards.

18.16.080. Stream setbacks.

18.16.090. Rimrock setback.

18.16.010. Purpose.

A. The purpose of the Exclusive Farm Use zones is to preserve and maintain agricultural lands and to serve as a sanctuary for farm uses.

B. The purposes of this zone are served by the land use restrictions set forth in the Comprehensive Plan and in DCC 18.16 and by the restrictions on private civil actions and enforcement actions set forth in ORS 30.930 through 30.947.

(Ord. 95-007 § 9, 1995; Ord. 92-065 § 3, 1992; Ord. 91-038 § 1 and 2, 1991)

18.16.020. Uses permitted outright.

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in DCC Title 18.
- B. Propagation or harvesting of a forest product.
- C. Operations for the exploration for minerals as defined by ORS 517.750.
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within a right of way existing as of July 1, 1987.
- F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur or no new land parcels result.
- G. Temporary public road or highway detours that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public roads and highway-related facilities such as maintenance yards, weigh stations and rest areas, within a right of way existing as of July 1, 1987, and contiguous publicly owned property utilized to support the operation and maintenance of public roads and highways.
- I. Creation, restoration or enhancement of wetlands.
- J. 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;
 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of

EXHIBIT "C"

the replacement dwelling. A replacement dwelling may be sited on any part of the same lot or parcel, and shall comply with all applicable siting standards. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of the statute and county code have changed to allow the siting of another dwelling; and

6. The replacement dwelling is subject to OAR 660-033-0130(30), as follows:

The County shall require as a condition of approval of a single-family replacement dwelling that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.

- K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places and on the County inventory as a historic property as defined in ORS 358.480, and subject to 18.16.020(J)(6) above.
- L. Wildlife habitat conservation and management plan approved under ORS 215.800 to 215.808.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

N. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right of way;
2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

O. The land application of reclaimed water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.521.

P. Fire service facilities providing rural fire protection services.

Q. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.

R. A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation on nonhigh value farmland only.

S. The breeding, kenneling and training of greyhounds for racing.

(Ord. 2004-001 § 2, 2004; Ord. 2001-039 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 98-030 § 1, 1998; Ord. 95-007 § 10, 1995; Ord. 92-065 § 3,

EXHIBIT "C"

1992; Ord. 91-038 § 1 and 2, 1991; Ord. 91-024 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 4, 1991; Ord. 91-002 § 3, 1991; Ord. 86-007 § 1, 1986; Ord. 81-025 § 1, 1981; Ord. 81-001 § 1, 1981)

18.16.025. Uses permitted subject to the special provisions under DCC Section 18.16.038 and a review under DCC Chapter 18.124 for items C through M.

- A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings).
- B. A relative farm help dwelling.
- C. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, that are not within 3 miles of an acknowledged urban growth boundary, on nonhigh value farmland.
- D. Churches and cemeteries in conjunction with churches consistent with ORS 215.441, that are within 3 miles of an acknowledged urban growth boundary, subject to the approval of an exception pursuant to ORS 197.732 and OAR chapter 660, division 004, on nonhigh value farmland.
- E. Expansion of an existing church or cemetery in conjunction with a church on the same tract as the existing use.
- F. Public or private schools, including all buildings essential to the operation of the school, that are not within 3 miles of an acknowledged urban growth boundary on nonhigh value farmland.
- G. Public or private schools, including all buildings essential to the operation of the school, that are within 3 miles of an acknowledged urban growth boundary, subject to the approval of an exception pursuant to ORS 197.732 and OAR chapter 660 division 004, on nonhigh value farmland.
- H. Expansion of an existing public or private school on the same tract as the existing use, including all buildings essential to the operation of such a school.

- I. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale and transmission towers over 200 feet in height.
- J. Winery, as described in ORS 215.452.
- K. Farm stands.
- L. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may be reasonably necessary.
- M. A facility for the processing of farm crops. (Ord. 2004-001 § 2, 2004)

18.16.030. Conditional uses permitted -High value and nonhigh value farmland.

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or nonhigh 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 and accessory uses thereto.
- B. Lot of record dwelling.
- C. Residential home or facility, as defined in DCC 18.04.030, in existing dwellings.
- D. A hardship dwelling, which can include one manufactured dwelling or recreational vehicle, 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.
- E. A dwelling in conjunction with a wildlife habitat conservation and management plan.
- F. Commercial activities that are in conjunction with farm use, but not including the processing of farm crops as described in DCC 18.16.025.
- G. Operations conducted for:
 - 1. Mining and processing of geothermal resources as defined by ORS 522.005;

EXHIBIT "C"

2. Mining and processing of natural gas or oil as defined by ORS 520.005.
- H. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.
- I. Expansion of an existing public park and playground on the same tract as the existing use, including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable. The expansion of a public park may be established consistent with the provisions of ORS 195.120.
- J. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
- K. Transmission towers over 200 feet in height.
- L. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260), for the purpose of generating power for public use by sale.
- M. 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.
- N. Type 2 or 3 Home Occupation, subject to DCC 18.116.280. Home occupations are not allowed in structures accessory to resource use. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.
- O. 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). 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 method of initial treatment of a forest product in order to enable its shipment to market. 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.
- P. 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.
- Q. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
- R. 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.
- S. 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.
- T. The propagation, cultivation, maintenance and harvesting of aquatic species.
- U. Bed and breakfast inn, with room and board 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)(6).
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
- W. 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.

EXHIBIT "C"

X. 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.

Y. A living history museum.

Z. Operations for the extraction and bottling of water.

AA. Transportation improvements on rural lands allowed by OAR 660-012-0065.

BB. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(Ord. 2004-001 § 2, 2004; Ord. 2001-039 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 98-030 § 1, 1998; Ord. 95-025 § 1, 1995; Ord. 95-007 § 11, 1995; Ord. 94-008 § 9, 1994; Ord. 92-065 § 3, 1992; Ord. 91-038 § 2, 1991; Ord. 91-020 § 1, 1991; Ord. 91-014 § 1, 1991; Ord. 91-005 § 5, 1991; Ord. 90-018 § 1, 1990; Ord. 90-014 §§ 23 and 31, 1991; Ord. 87-013 § 1, 1987; Ord. 86-018 § 3, 1986; Ord. 83-028 § 1, 1983)

18.16.031. Nonresidential conditional uses on nonhigh value farmland only.

The following uses may be allowed only on tracts in the Exclusive Farm Use Zones that constitute nonhigh value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

A. Dog kennel.

B. A site for the disposal of solid waste approved by the governing body of a city or County or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

C. Golf course and accessory golf course uses as defined in DCC Title 18.

D. Except for those composting facilities that are a farm use as defined in OAR 660-033-

0020(7), composting operations and facilities for which a permit has been granted by the Oregon Department of Environmental Quality under ORS 459.245 and OAR 340-96-020. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. On-site sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle.

E. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
(Ord. 2004-001 § 2, 2004; Ord. 95-007 § 12, 1995)

18.16.033. Nonresidential conditional uses on high value farmland only.

In addition to those uses listed in DCC 18.16.030 above, the following uses may be allowed on tracts in the Exclusive Farm Use Zones that constitute high value farmland subject to applicable provisions of the Comprehensive Plan and DCC 18.16.040 and other applicable sections of DCC Title 18.

A. Maintenance, enhancement or expansion of dog kennels existing as of March 1, 1994, subject to other requirements of law. New dog kennels are prohibited.

B. Maintenance, enhancement or expansion of a site described in 18.16.032(B) existing as of March 1, 1994, subject to other requirements of law. New such sites are prohibited.

C. Maintenance, enhancement or expansion of golf course and accessory golf course uses as defined in DCC Title 18 existing as of March 1, 1994, subject to other requirements of law. New such uses are prohibited. Expanded courses may not exceed 36 holes total.

(Ord. 2004-001 § 2, 2004; Ord. 95-007 § 13, 1995)

18.16.035. Destination resorts.

Destination resorts may be allowed where mapped as a conditional use, subject to all applicable standards of the DR Zone.

(Ord. 92-065 § 3, 1992; Ord. 92-004 § 3, 1992)

EXHIBIT "C"

18.16.037. Guest ranch.

- A. A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under ORS 215.203, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of ORS 215.296(1) and (2).
- B. "Guest ranch" means a facility for overnight lodging incidental and accessory to an existing livestock operation that qualifies as a farm use under ORS 215.203. Guest ranch facilities may include a lodge, bunkhouse or cottage accommodations as well as passive recreational activities and food services as set forth in DCC 18.128.360(4) and (5).
- C. For the purposes of DCC 18.16.037, "livestock" means cattle, sheep, horses, and bison.
- D. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed. (Ord. 2001-043 § 1, 2001; Ord. 98-056 § 1, 1998)
Note: DCC 18.16.037 is repealed December 31, 2005.

18.16.038. Special Conditions for certain uses listed under DCC 18.16.025.

- A. A utility facility necessary for public use allowed under DCC 18.16.025(C) shall be one that is necessary to be situated in an agricultural zone in order for service to be provided. To demonstrate that a utility facility is necessary, an applicant just show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - 1. Technical and engineering feasibility;
 - 2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a

- reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - 3. Lack of available urban and nonresource lands;
 - 4. Availability of existing rights of way;
 - 5. Public health and safety; and
 - 6. Other requirements of state and federal agencies.
 - 7. Costs associated with any of the factors listed in 1-6 above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities that are not substantially similar.
 - 8. The owner of a utility facility approved under this section shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
 - 9. In addition to the provisions of 1-6 above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060.
 - 10. The provisions above do not apply to interstate gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.
- B. Wineries are subject to the following:
- A winery, authorized under DCC 18.16.025 is a facility that produces wine with a maximum annual production of:
- 1. Less than 50,000 gallons and that:
 - a. Owns an on-site vineyard of at least 15 acres;

EXHIBIT "C"

- b. Owns a contiguous vineyard of at least 15 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or
 - d. Obtains grapes from any combination of a, b or c above; or
2. At least 50,000 gallons and no more than 100,000 gallons and that:
 - a. Owns an on-site vineyard of at least 40 acres;
 - b. Owns a contiguous vineyard of at least 40 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery; or
 - d. Obtains grapes from any combination of (2)(a-c).
 3. The winery shall allow only the sale of:
 - a. Wines produced in conjunction with the winery; and
 - b. Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited service restaurant, as defined in ORS 624.010.
 4. Prior to issuance of a permit to establish a winery, the applicant shall show that vineyards, described under either 1 or 2 above, have been planted or that the contract has been executed, as applicable.
 5. The minimum setback for winery buildings adjacent to an intensive farm use on nearby land shall be 100 feet. Site plan review under DCC 18.124 shall be required for a winery.
 - 6 Approval of a winery shall not be a basis for an exception under ORS 197.732(1)(a) or (b).
- C. Farm stands are subject to the following:
1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock, and does not include structures for banquets, public gatherings or public entertainment.
- D. A site for the takeoff and landing of model aircraft is subject to the following:
1. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this section. The site shall not include an aggregate surface or hard surface area, unless the surface preexisted the use approved under this section. As used in this section, "model aircraft" mean a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- E. A facility for the processing of farm crops shall be located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards, but the standards shall not be applied in a manner that prohibits the siting of the processing facility.

(Ord. 2004-001 § 2, 2004)

EXHIBIT "C"

18.16.040. Limitations on conditional uses.

- A. Conditional uses permitted by DCC 18.16.030(F) through (~~DDBB~~) may be established subject to applicable provisions in DCC 18.128 and upon a finding by the Planning Director or Hearings Body that the proposed use:
 - 1. Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on adjacent lands devoted to farm or forest uses; and
 - 2. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
 - 3. That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.
- B. A commercial activity allowed under DCC 18.16.030(H) 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 outside of Deschutes County.
- C. A power generation facility that is part of a commercial utility facility for the purpose of generating power for public use by sale identified in DCC 18.16.030(O) and:
 - 1. That is located on high-value farmland shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 004.
 - 2. That is not located on high-value farmland shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- D. No aircraft may be based on a personal-use airport identified in DCC 18.16.030(Q) 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 Oregon

Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable regulations of the Oregon Department of Aviation.

- E. The facility for the primary processing of forest products identified in DCC 18.16.030(R) is intended to be portable or temporary in nature. Such a facility may be approved for a one-year period which is renewable.
- F. Batching and blending mineral and aggregate into asphaltic cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date of the application for batching and blending is filed.
- G. Accessory uses for golf courses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to service only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.
- H. An expansion of an existing golf course as allowed under DCC 18.16.033(C) shall comply with the definition of "golf course" set forth in DCC Title 18 and the provisions of DCC 18.16.040(A).
- I. An applicant for a nonfarm conditional use may demonstrate that the standards for approval will be satisfied through the

EXHIBIT "C"

imposition of conditions. Any conditions so imposed shall be clear and objective.

- J. For purposes of approving a conditional use permit for a lot of record dwelling under DCC 18.16.030, the soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner:
 - 1. Submits a statement of agreement from the Natural Resources Conservation Service of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 - 2. Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating or other soil designation should be changed; and
 - 3. Submits a statement from the State Department of Agriculture that the Director of Agriculture or the director's designee has reviewed the report described in 2 above and finds the analysis in the report to be soundly and scientifically based.
- K. Except on a lot or parcel contiguous to a lake or reservoir, a private campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- L. A living history museum shall relate to resource based activities and be owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic

buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one-quarter mile of an urban growth boundary. As used in this paragraph, a "living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and "local historical society" means the local historic society recognized by the County and organized under ORS Chapter 65.

(Ord. 2006-008 § 3, 2006; Ord. 2004-001 § 2, 2004; Ord. 98-030 § 1, 1998; Ord. 95-075 § 1, 1995; Ord. 95-007 § 14, 1995; Ord. 92-065 § 3, 1992; Ord. 91-038 § 1 and 2, 1991; Ord. 91-020 § 1, 1991; Ord. 91-011 § 1, 1991)

18.16.050. Standards for dwellings in the EFU zones.

Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS ~~30.396-936~~ or ~~30.397-937~~.

- A. Farm-related dwellings on nonhigh value farmland. A dwelling customarily provided in conjunction with farm use, as listed in DCC 18.16.030(A), may be approved if it satisfies any of the alternative tests set forth below:
 - 1. Acreage test.
 - a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered

EXHIBIT "C"

- to be customarily provided in conjunction with farm use if:
- i. The parcel on which the dwelling will be located is at least:
 - (a) One hundred sixty acres and not in the Horse Ridge East subzone; or
 - (b) Three hundred twenty acres in the Horse Ridge East subzone;
 - ii. The subject tract is currently employed for farm use, as defined in DCC 18.04.040, and which is evidenced by a farm management plan;
 - iii. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;
 - iv. There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K); and
 - v. The dwelling will be located on the least productive part of the parcel.
2. Median acreage/gross sales test.
- a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:
 - i. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile of the perimeter of the subject tract;
 - ii. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in DCC 18.16.050(A)(2)(a)(i);
 - iii. The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan, at a level capable of producing the annual gross sales required in DCC 18.16.050(A)(2)(a)(ii). If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to establishment of the farm use capable of meeting the median income test.
 - iv. The subject lot or parcel on which the dwelling is proposed is at least 20 acres in size;
 - v. There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K);
 - vi. The dwelling will be located on the least productive part of the parcel; and
 - vii. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
- b. For the purpose of calculating appropriate tract sizes and gross incomes to satisfy DCC 18.16.050(A)(2)(a)(i) and (ii), the County will utilize the methodology contained in Oregon Administrative Rules 660-33-135(3) using data on gross sales per acre tabulated by LCDC pursuant to Oregon Administrative Rules 660-33-135(4).
3. Gross annual income test.
- a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance

EXHIBIT "C"

with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:

- i. The subject tract is currently employed for a farm use that produced \$32,500 in gross annual income in the last two years or three of the last five years.
 - ii. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K);
 - iii. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in DCC 18.16.050(A)(3) (a)(i); and
 - iv. The dwelling will be located on the least productive part of the parcel.
- b. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
- c. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements.
- d. Only gross income from land owned, not leased or rented, shall be counted; and gross farm income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- e. Prior to a dwelling being approved under this section that requires one or more contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16, has been recorded with the county clerk. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the

application for primary farm dwelling and shall preclude:

1. All future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings; and
 2. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
- B. Farm related dwellings on high value farmland.

On land identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:

1. The subject lot or parcel is currently employed for the farm use as defined in DCC 18.04.030 that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years, and the lot or parcel on which the dwelling is proposed is at least the size of the minimum lot or parcel size in the subzone. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
2. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K);
3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income DCC 18.16.050(B)(1); and
4. The dwelling will be located on the least productive part of the parcel.
5. Noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements;
6. Only gross income from land owned, not leased or rented, shall be counted; and gross farm income earned from a lot or

EXHIBIT "C"

parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

7. Prior to a dwelling being approved under this section that requires one or more contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall provide evidence that the covenants, conditions and restrictions form attached to Chapter 18.16, has been recorded with the county clerk. The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for primary farm dwelling and shall preclude:
 - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm help dwellings, temporary hardship dwellings or replacement dwellings; and
 - b. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.

C. Accessory dwelling. A dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be an accessory farm dwelling customarily provided in conjunction with farm use when:

1. The accessory dwelling meets the following criteria:
 - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and
 - b. The accessory farm dwelling will be located:
 - i. On the same lot or parcel as the primary farm dwelling; or

- ii. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - iii. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured home and a deed restriction substantially in compliance with the form set forth in Exhibit A to DCC 18.16 is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured home may remain if it is reapproved under DCC 18.16.050;
 - iv. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under DCC 18.16.065 and the lot or parcel complies with the gross farm income requirements in DCC 18.16.050(A)(3) or (B)(1), whichever is applicable; and
 - c. There is no other dwelling on land zoned EFU owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
2. The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:
 - a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use and produced \$32,500 in gross annual sales in the last two

EXHIBIT "C"

years or three of the last five years. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

- b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, and produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. Gross income shall be calculated by deducting the cost of purchased livestock from the total gross income attributed to the tract; and
- 3. A lot or parcel approved for an accessory farm dwelling under DCC 18.16.050 shall not be approved for a division of land except as provided for in DCC 18.16.055(B).
- 4. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a nonfarm dwelling pursuant to DCC 18.16.050(G).

D. Relative farm help dwelling.

- 1. A dwelling listed in DCC 18.16.030(B) is allowed when:
 - a. The subject tract is at least 40 acres in size, unless it is demonstrated to the Planning Director or Hearings Body that a smaller unit of land is a commercial agricultural enterprise.
 - b. The subject tract is used for farm use;
 - c. The dwelling is a manufactured home and is sited in accordance with DCC 18.116.070, or is a pre-existing site-built home that: (1) was established at least 30 years prior to the date the conditional use permit was submitted and (2) is located on a parcel of at least 40 acres in size and that meets the minimum irrigated acres standard for the subzone within which it is located;

- d. The dwelling is located on the same lot or parcel as the dwelling of the farm operator, and is occupied by a relative of the farm operator or farm operator's spouse, including a grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin of either, if the farm operator does, or will, require the assistance of the relative in the management of the farm use.
- e. The farm operator plays the predominant role in the management and farm use of the farm and will continue to do so after the relative farm help dwelling is approved.
- f. Any approval granted under DCC 18.16.050 shall be conditioned with a requirement that the farm operator annually submit a report to the Planning Division identifying the resident(s) of the dwelling, their relationship to the farm operator, the assistance the resident provides to the farm operator, and verifying the farm operator's continued residence on the property and the predominant role the farm operator continues to play in the management and farm use of the farm.
- 2. A manufactured home permitted under DCC 18.16.050 shall be considered to be a temporary installation, and permits for such home shall be renewable and renewed on an annual basis. The manufactured home shall be removed from the property if it no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
- 3. A pre-existing dwelling approved under DCC 18.16.050 shall be removed or converted to an allowable use within one year of the date the relative farm help dwelling no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
- 4. Upon approval of a dwelling under DCC 18.16.050, a Conditions of Approval

EXHIBIT "C"

Agreement shall be recorded with the Deschutes County Clerk prior to issuance of any building or placement permit for the new dwelling on the property.

5. For the purposes of DCC 18.16.050(D), a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
- E. Lot of record dwelling on nonhigh value farmland.
1. A lot of record dwelling will be approved on nonhigh value farmland when all of the following requirements are met:
 - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner:
 - i. Prior to January 1, 1985; or
 - ii. By devise or by intestate succession from a person who acquired and owned continuously the lot or parcel prior to January 1, 1985.
 - b. The tract on which the dwelling will be sited does not include a dwelling.
 - c. For lots or parcels located within a wildlife area (WA) combining zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
 - d. If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 - e. The County Assessor shall be notified of any approval of a dwelling under DCC 18.16.050.
 - f. If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of the tract;
 2. For purposes of DCC 18.16.050(E), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.
 3. For purposes of DCC 18.16.050(E), the date of creation and existence means that, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel or tract.
- F. Lot of record dwelling on high-value farmland.
1. A lot of record dwelling will be approved on high value farmland when all of the following requirements are met:
 - a. The requirements set forth in DCC 18.16.050(E)(1)(a) through (f), as determined by the County; and
 - b. The requirements of Oregon Administrative Rules 660-33-130(3)(c)(C), as determined by the County hearings officer.
 2. Applicants under DCC 18.16.050(F) shall make their application to the County. The County shall notify the State Department of Agriculture at least 20 calendar days prior to the public hearing under DCC 18.16.050(F)(1)(b).
 3. Applicants under DCC 18.16.050(F) shall be subject to such other procedural requirements as are imposed by the Oregon Department of Agriculture.
 4. For purposes of DCC 18.16.050(F), the date of creation and existence means that, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the

EXHIBIT "C"

siting of a lot of record dwelling, the date of the reconfiguration is the date of creation and existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

G. Nonfarm dwelling.

1. One single-family dwelling, including a manufactured home in accordance with DCC 18.116.070, not provided in conjunction with farm use may be permitted on an existing lot or parcel subject to the following criteria:

a. The Planning Director or Hearings Body shall make findings that:

i. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices, as defined in ORS 215.203(2)(c), or accepted forest practices on nearby lands devoted to farm or forest use.

ii. The proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated, by applying the standards under OAR 660-033-0130(4)(a)(D), and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area.

iii. The proposed nonfarm dwelling is situated on an existing lot or parcel, or a portion of a lot or parcel that is generally unsuitable for the production of farm crops and livestock or merchantable tree species,

considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

iv. The proposed nonfarm dwelling is not within one-quarter mile of a dairy farm, feed lot, or sales yard, unless adequate provisions are made and approved by the Planning Director or Hearings Body for a buffer between such uses. The establishment of a buffer shall be designed based upon consideration of such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of the nonfarm—dwelling or the agriculture of the area.

Road access, fire and police services and utility systems (i.e., electrical and telephone) are adequate for the use.

2. For the purposes of DCC 18.16.050(G) only, "unsuitability" shall be determined with reference to the following:

a. A lot or parcel or a portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel.

b. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a

EXHIBIT "C"

- commercial farm or ranch, it is not "generally unsuitable." A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself.
- c. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soil capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
3. Loss of tax deferral. Except as provided in DCC 18.16.050(I)(2), pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the parcel upon which the dwelling is proposed has been disqualified under ORS 308A.113 or ORS 308A.116 for special assessment at value for farm use under ORS 308A.062 or other special assessment under ORS 308A.068, 321.352, 321.730 or 321.815 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.
- H. Temporary hardship dwelling.
1. A dwelling listed in DCC 18.16.030(F) is allowed under the following conditions:
- a. The dwelling is a manufactured home or recreational vehicle, and is used in conjunction with an existing dwelling on the lot or parcel;
 - b. The manufactured home or recreational vehicle would be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists. The recreational vehicle shall not be occupied once the term of the medical hardship is completed, except as allowed under DCC 18.116.095. A temporary residence approved under this section is not eligible for replacement under DCC 18.16.030(F);
 - c. The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the permit application; and
 - d. The temporary manufactured home uses the same subsurface sewage disposal system used by the existing dwelling, provided that the existing disposal system is adequate to accommodate the additional dwelling.
 - e. If a recreational vehicle is used as a medical hardship dwelling, it shall be required to have a bathroom, and shall meet the minimum setbacks established under DCC 18.16.070.
2. Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090(B) and (C) and shall be required to meet any applicable DEQ review and removal requirements as a condition of approval.

EXHIBIT "C"

3. As used in DCC 18.16.050(H), the term "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons. As used in DCC 18.16.050(H), the term "relative" means grandparent, grandchild, parent, child, brother or sister of the existing resident.

certification to the assessor from ODFW demonstrating approval and implementation of a wildlife conservation and management plan qualifying under ORS 215.808 or 2) pay the tax penalties required by DCC 18.16.050(G)(3).

I. Wildlife conservation plan dwelling.

1. A dwelling listed in DCC 18.16.030(G) is allowed when the Planning Director or the Hearings Body finds that the proposed dwelling:

(Ord. 2004-0020 § 1, 2004; Ord. 2004-013 § 2, 2004; Ord. 2004-001 § 2, 2004; Ord. 98-033 § 1, 1998; Ord. 98-030 § 1, 1998; Ord. 95-007 § 15, 1995; Ord. 94-026 § 1, 1994; Ord. 92-065 § 3, 1992; Ord. 91-038 §§ 2 and 3, 1991; Ord. 91-020 § 1, 1991)

- a. Is situated on a lot or parcel existing on November 4, 1993, that qualifies for a farm dwelling, as listed in DCC 18.16.030(A), or a nonfarm dwelling, as listed in DCC 18.16.030(C);
- b. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- c. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
- d. Will not be established on a lot or parcel that is predominantly composed of soils rated Class I or II, when not irrigated, or rated Prime or Unique by the United States Natural Resources Conservation Service or any combination of such soils; and
- e. Is the only dwelling situated on the affected lot or parcel.

2. For a wildlife conservation plan dwelling approval based upon nonfarm dwelling criteria, DCC 18.16.050(I) shall also apply. Unless prior to approval of a conditional use permit for a wildlife conservation plan dwelling the applicant submits to the assessor certification demonstrating approval by Oregon Department of Fish and Wildlife of a wildlife conservation and management plan and its implementation, the conditional use permit shall contain a condition requiring that the applicant, prior to issuance of a building permit for such dwelling, either 1) submit

18.16.055. Land divisions.

A. General. A division of land in the exclusive farm use zone shall be identified on the land division application as either an irrigated land division, nonirrigated land division or a division for a use permitted by DCC 18.16.030 other than a dwelling. An irrigated land division is subject to subsection B below; a nonirrigated land division is subject to subsection C below; and a land division for a use other than a dwelling is subject to subsection ~~D~~E below.

B. Irrigated land division.

1. An irrigated land division shall be subject to the minimum lot size requirements of DCC 18.16.065, Subzones, and all applicable requirements of DCC Title 17.

2. Partitions establishing parcels less than the EFU minimum lot size established under DCC 18.16.065, may be permitted to create new parcels for nonfarm dwellings as follows:

- a. If the parent parcel is greater than the minimum lot size established under 18.16.065, and is less than 80 acres in size, one new nonfarm parcel may be created subject to the following:
 - i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Remainder parcel shall meet the minimum lot size established under 18.16.065;

EXHIBIT "C"

- iii. All standards established under 18.16.050(G) for the dwelling shall be met;
 - iv. No minimum lot size shall be required for the nonfarm parcel.
 - v. The parcel for the nonfarm dwelling is generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
- b. If the parent parcel is greater than the minimum lot size established under 18.16.065, and is greater than or equal to 80 acres in size, two new nonfarm parcels may be created subject to the following:
- i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Remainder parcel shall meet the minimum lot size established under 18.16.065;
 - iii. All standards established under 18.16.050(G) for the dwellings shall be met;
 - iv. No minimum lot size shall be required for the nonfarm parcel.
 - v. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
3. The minimum size for new parcels does not mean that farm dwellings may be approved on the new parcels. New dwellings in conjunction with farm use must satisfy the criteria in DCC 18.16.050.
- C. Nonirrigated land division.
- 1. The minimum lot size for a nonirrigated land division is 80 acres.
 - 2. Notwithstanding 1 above, land divisions creating nonfarm parcels less than the minimum lot size may be allowed as follows:
 - a. If the parent parcel is greater than 80 acres in size, up to two new nonfarm parcels may be allowed subject to the following:
 - i. Parent parcel was lawfully created prior to July 1, 2001;
 - ii. Remainder parcel shall be at least 80 acres in size;
 - iii. All standards established under 18.16.050(G) for the dwellings shall be met;
 - iv. The minimum lot size for the nonfarm parcels is 5 acres.
 - v. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.
 - vi. Be located outside of the Horse Ridge East subzone.
 - b. If the parent parcel is greater than or equal to 40 acres and less than or equal to 80 acres, one new nonfarm

EXHIBIT "C"

parcel is allowed subject to the following:

- i. Parent parcel was lawfully created prior to July 1, 2001;
- ii. Parcels are not capable of producing more than 20 cubic feet per acre per year of wood fiber;
- iii. Parcels are composed of at least 90 percent Class VII and VIII soils, or are composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock;
- iv. Parcels shall not have established water rights for irrigation;
- v. All standards established under 18.16.050(G) for the dwellings shall be met;
- vi. The parcels for the nonfarm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land
- vii. The minimum lot size is 5 acres;
- viii. Be located outside of the Horse Ridge East subzone.

D.e.Partitions in the Wildlife Area Combining Zones must meet the minimum lot sizes established under DCC 18.88.050.

DE.A division of land for a use listed under 18.16.030 other than a dwelling. Such divisions shall be subject to the minimum lot size requirements of DCC 18.16.060(C) and the applicable partitioning standards, including the general partition standards set forth in DCC 17.22, the Subdivision and Partition Ordinance.

(Ord. 2006-008 § 3, 2006; Ord. 2004-001 § 2, 2004; Ord. 2002-016 § 1, 2002; Ord. 2001-016 §

2, 2001; Ord. 95-007 § 16, 1995; Ord. 94-026 § 2, 1994; Ord. 92-065 § 3, 1992)

18.16.060. Dimensional standards.

- A. The minimum parcel size for divisions of irrigated parcels created subject to DCC Title 17 shall be as specified under DCC 18.16.065, "Subzones."
- B. The minimum parcel size for nonirrigated land divisions is as specified under DCC 18.16.055(C).
- C. The minimum lot area for all uses permitted by DCC 18.16.030(G) through (CC) shall be that determined by the Planning Director or Hearings Body to carry out the intent and purposes of ORS 215, DCC Title 18 and the Comprehensive Plan. In no case shall lot areas be less than one acre.
- D. Each lot shall have a minimum street frontage of 50 feet.
- E. Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.

(Ord. 2002-016 § 1, 2002; Ord. 2001-016 § 2, 2001; Ord. 95-007 § 17, 1995; Ord. 93-043 § 3, 1993; Ord. 93-004 § 1, 1993; Ord. 92-065 § 3, 1992; Ord. 92-055 § 1, 1992; Ord. 91-038 §§ 1 and 2, 1991; Ord. 91-020 § 1, 1991)

18.16.065. Subzones.

- A. Lower Bridge.
A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:

One hundred thirty acres of irrigated land.

- B. Sisters/Cloverdale.
A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:

Sixty-three acres of irrigated land.

- C. Terrebonne.
A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:

EXHIBIT "C"

Thirty-five acres of irrigated land.

D. Tumalo/Redmond/Bend.

A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:

Twenty-three acres of irrigated land.

E. Alfalfa.

A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:

Thirty-six irrigated acres.

F. La Pine.

A proposed farm division must result in parcels that demonstrate the following characteristics or capabilities:

Thirty-seven acres of irrigated land.

G. Horse Ridge East. Minimum parcel size for farm division or for farm-related dwellings on existing parcels is 320 acres.

(Ord. 2002-016 § 1, 2002; Ord. 2001-016 § 2, 2001; Ord. 95-007 § 18, 1995; Ord. 92-065 § 3, 1992)

18.16.067. Farm management plans.

A. Contents. A farm management plan shall consist of the following components:

1. A written description of existing and/or proposed farm uses, including type of crops or livestock, size and location of areas for each use, and land or soil preparation required.
2. An assessment of the soils, climate and irrigation on the parcel demonstrating that the parcel is suitable for the current or proposed use outlined in DCC 18.16.067(A)(1).
3. A business plan, including a demonstration that markets exist for the product; estimates of gross sales or actual gross sales figures; estimated or actual figures concerning necessary expenditures; and a list of capital expenditures incurred or projected to be

incurred in establishing the farm use on the parcel.

4. A written description of the farm uses in the area, including acreage, size and type of crop or livestock raised showing that the proposed plan is representative of similar farm uses, if any, in the area and will not conflict with the existing agriculture types.
5. For farm uses not currently practiced in the area, an analysis showing that the plan is representative of the type of agriculture proposed.

B. Conditional approvals.

1. For purposes of land use approval, in instances where at the time of application the subject land is not currently in farm use, a farm management plan will be deemed to demonstrate current employment of the land for farm use if:

- a. The farm management plan establishes a level of farming that constitutes a farm use;
- b. The farm management plan sets forth specific timelines for the completion of capital improvements (barns, fencing, irrigation, etc.) and for the establishment of the proposed farm use on the parcel; and
- c. Land use approval is subject to a condition that no building permit for the farm dwelling can be issued prior to a determination that pursuant to the farm management plan a farm use has been established on the subject land.

2. For purposes of determining under DCC 18.16.067 that a farm use has been established on the land, the County shall determine that the farm management plan has been implemented to the extent that the farm use has achieved the gross farm sales figure required under DCC 18.16.050.

(Ord. 95-007 § 19, 1995; Ord. 93-004 § 2, 1993; Ord. 92-065 § 3, 1992)

EXHIBIT "C"

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 dwelling 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 DCC 15.04 shall be met.

(Ord. 94-008 § 16, 1994; Ord. 93-004 § 3, 1993; Ord. 92-065 § 3, 1992; Ord. 91-038 §§ 1 and 2, 1991; Ord. 89-016 § 1, 1989; Ord. 83-037 § 8, 1983)

18.16.080. Stream setbacks.

To permit better light, air, vision, stream pollution control, protection of fish and wildlife areas and preservation of natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary

high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

(Ord. 91-038 §§ 1 and 2, 1991; Ord. 91-020 § 1, 1991)

18.16.090. Rimrock setback.

Notwithstanding the provisions of DCC 18.16.070, setbacks from rimrock shall be as provided in DCC 18.116.160.

(Ord. 92-065 § 3, 1992; Ord. 91-038 § 1 and 2, 1991; Ord. 86-053 § 5, 1986)

Zoning Maps (Amended by Ord. 95-043 §§ 1 and 2, 1995; Ord. 94-052 § 1, 1994; Ord. 93-014 § 1, 1993; Ord. 92-064 § 1, 1992)

Exhibit A

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas the undersigned _____ hereinafter referred to as "Declarant," is owner in fee simple of the property described in Exhibit A attached hereto and by this reference incorporated herein (the property); and

Whereas, Declarant has received approval to site a manufactured home on the property described herein pursuant to land use permit No. _____ for an accessory farm dwelling, issued by Deschutes County pursuant to Section 18.16.050(C) of the Deschutes County Code;

Whereas Section 18.16.050(C)(1)(b)(iii) requires as a condition of approval the recording of a deed restriction in favor of Deschutes County requiring that any manufactured home sited under said permit be removed prior to any further conveyance of this property; and

Whereas the Declarant desires to declare his/her intention to create covenants, conditions and restrictions necessary to effectuate and comply with the requirements of OAR 660-33-130(24)(a)(B)(iii) and Section 18.16.050(C) of the Deschutes County Code;

Declarant hereby declares that all of the property described in Exhibit A shall be held, sold and conveyed subject to the following covenants, conditions and restrictions in favor of Deschutes County:

Declarant shall cause to be removed any manufactured home sited on the property described herein pursuant to Deschutes County land use permit No. _____ for an accessory dwelling prior to any further conveyance of the property.

Declarant's obligations under this covenant shall not be extinguished by any subsequent conveyance made in disregard of these covenants, conditions and restrictions.

These covenants, conditions, and restrictions shall in addition run with the land and be binding upon any of the Declarant's successors in interest should the property be transferred in disregard of this covenant.

It is intended that this covenant shall have the same effect as a regulation designed to implement the comprehensive plan. This covenant may be enforced by Deschutes County by a suit in equity, or if Deschutes County fails to take such action, by any person described in ORS 215.188.

These covenants, conditions and restrictions shall be released by the County upon proof that the requirements set forth herein have been met.

Dated this _____ day of _____.

(Signature)

(notary seal)

EXHIBIT "D"

**Chapter 18.32. MULTIPLE USE
AGRICULTURAL ZONE
- MUA**

- 18.32.010. Purpose.**
- 18.32.020. Uses permitted outright.**
- 18.32.030. Conditional uses permitted.**
- 18.32.035. Destination resorts.**
- 18.32.040. Dimension standards.**
- 18.32.050. Yards.**
- 18.32.060. Stream setbacks.**
- 18.32.070. Rimrock setback.**

18.32.010. Purpose.

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.
(Ord. 95-075 § 1, 1995)

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.

(Ord. 2004-002 § 3, 2004; Ord. 2001-039 § 2, 2001; Ord. 2001-016 § 2, 2001; Ord. 94-008 § 10, 1994; Ord. 93-043 § 4, 1993; Ord. 93-001 § 1, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 18, 1991; Ord. 91-002 § 6, 1991)

18.32.030. Conditional uses permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic 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 and/or veterinary clinic.
- F. Guest house.

EXHIBIT "D"

- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks 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.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- 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 a 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 DCC 18.32.030, 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 DCC 18.32.030, 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.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- 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.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Churches, subject to DCC 18.124 and 18.128.080.
- 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 DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- BB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- CC. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured home park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.
- DD. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- EE. Guest lodge.
- FF. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems

EXHIBIT "D"

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.

(Ord. 2004-002 § 4, 2004; Ord. 2001-039 § 2, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-029 § 2, 1997; Ord. 97-017 § 2, 1997; Ord. 96-038 § 1, 1996; Ord. 94-053 § 2, 1994; Ord. 94-008 § 11, 1994; Ord. 93-043 §§ 4A and B, 1993; Ord. 92-055 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 90-014 §§ 27 and 35, 1990; Ord. 91-005 §§ 19 and 20, 1991; Ord. 91-002 § 7, 1991; Ord. 86-018 § 7, 1986; Ord. 83-033 § 2, 1983; Ord. 80-206 § 3, 1980)

18.32.035. Destination resorts.

Destination resorts may be allowed as a conditional use, subject to all applicable standards of the DR Zone.

(Ord. 92-004 § 4, 1992)

18.32.040. Dimensional standards.

In an MUA Zone, the following dimensional standards shall apply:

A. The minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per seven and one-half acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five acre minimum lot size or equivalent density.

B. The minimum average lot width shall be 100 feet and the minimum street frontage 50 feet.

C. The minimum average lot depth shall be 150 feet.

D. Building height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed by DCC 18.120.040.

(Ord. 2006-008 § 4, 2006; Ord. 92-055 § 3, 1992; Ord. 91-020 § 1, 1991)

18.32.050. Yards.

A. The front yard setback from the property line shall be a minimum of 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. For parcels or lots created before November 1, 1979, which are one-half acre or less in size, the side yard setback may be reduced to a minimum of 10 feet. For parcels or lots adjacent to property receiving special assessment for farm use, the adjacent side yard for a dwelling shall be a minimum of 100 feet.

C. Rear yards shall be a minimum of 25 feet. Parcels or lots with rear yards adjacent to property receiving special assessment for farm use, the rear yards for a dwelling shall be a minimum of 100 feet.

D. The setback from the north lot line shall meet the solar setback requirements in DCC 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 DCC 15.04 shall be met.

(Ord. 2005-011 § 1, 2005; Ord. 94-008 § 17, 1994; Ord. 91-020 § 1, 1991; Ord. 88-021 § 1, 1988; Ord. 83-037 § 9, 1983)

18.32.060. Stream setbacks.

A.—To permit better light, air, vision, stream pollution control, fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes, the following setbacks shall apply:

A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities

EXHIBIT "D"

at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.

B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

(Ord. 91-020 § 1, 1991)

18.32.070. Rimrock setback.

Setbacks from rimrock shall be as provided in DCC 18.116.160.

(Ord. 86-053 § 6, 1986)

EXHIBIT "E "

**Chapter 18.61. URBAN
UNINCORPORATED
COMMUNITY ZONE -
LA PINE**

18.61.010. Purpose.

18.61.020. Standards for all districts.

18.61.030. La Pine Planning Area.

18.61.040. Wickiup Junction Planning Area.

18.61.050. Neighborhood Planning Area.

18.61.010. Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone – La Pine is to provide standards and review procedures for the future development of the urban unincorporated community of La Pine. The La Pine UUC includes three separate planning areas, La Pine, Wickiup Junction and Neighborhood, each with its own zoning districts, with allowed uses and distinct regulations, as further set forth in DCC 18.61.

(Ord. 2000-015 § 2, 2000; Ord. 96-003 § 1, 1996)

18.61.020. Standards in all districts.

A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

B. Stream Setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes the following setback shall apply:

1. All sewage disposal installations, such as septic tanks and septic drain fields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.

2. All structures, buildings and similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

C. Building Code Setbacks. 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.

D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.

E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10 providing outdoor lighting control.

(Ord. 2000-015 § 2, 2000; Ord. 96-003 § 1, 1996)

18.61.030. La Pine Planning Area.

The La Pine Planning Area is composed of eight zoning districts, each with its own set of allowed uses and regulations, as further set forth in DCC 18.61.030.

A. La Pine Residential District.

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

- a. Single-family dwelling.
- b. Manufactured home subject to DCC 18.116.070.

- c. Two-family dwelling or duplex.

- d. Agricultural use as defined in DCC Title 18, subject to the following limitations:

- 1i. Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.

- 2ii. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.

EXHIBIT "E "

- 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 and street project.
 - g. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - h. Forest operation and forest practice 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.
2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Multi-family dwelling with three or more units.
 - b. Park, playground and community building.
 - c. Utility facility, except landfill.
 - d. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
 - e. Home occupation.
 - f. Church.
 - g. School.
 - h. Manufactured home park.
 - i. Multi-family dwelling complex.
 - j. Cluster development.
 - k. Nursery school, kindergarten and day care facility.
 - l. Nursing home.
 - m. Public use.
 - n. Residential care facility for more than 15 people.
 - o. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Lot Sizes.
- a. Partitions:
 - 1j. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - 2ii. Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 - 3iii. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.
 - b. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:
 - 1j. All new lots shall be connected to a DEQ permitted community or municipal sewer system.
 - 2ii. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.
4. Dimensional Standards. The following dimensional standards shall apply:
- a. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
5. Yard and Setback Requirements.

EXHIBIT "E "

- a. Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.
- b. 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. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- c. Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

B. La Pine Commercial District.

- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Single-family dwelling on a lot existing on March 27, 1996.
 - b. Manufactured home, on a lot existing on March 27, 1996, subject to DCC 18.116.070.
 - c. 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.
 - d. Class III road and street project.
 - e. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
- 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:

- a. Park, playground and community building.
- b. Public use.
- c. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1j. Retail store, office and service establishment.
 - 2ii. Residential use in the same building as a permitted use.
 - 3iii. Art studio in conjunction with retail sales.
 - 4iv. Medical clinic.
 - 5v. Automobile service station.
 - 6vi. Car wash.
 - 7vii. Day care facility.
 - 8viii. Restaurant and cocktail lounge.
 - 9ix. Club and fraternal lodge.
 - 10x. Automobile and trailer sales.
 - 11xi. Uses accessory to the uses identified in DCC 18.61.030.
- d. Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).
- 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review and DCC 18.128, Conditional Use:
 - a. Multi-family dwelling on a lot existing on March 27, 1996.
 - b. Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).
 - c. Manufactured home park and travel trailer park.
 - d. Church.
 - e. School.
 - f. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.

EXHIBIT "E "

- g. Water supply and treatment facility.
 - h. Utility facility, except landfill.
 - i. Television and radio station with or without a transmitter tower.
 - j. Nursing home.
 - k. Residential care facility for more than 15 people.
 - l. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1*i*. Veterinary clinic including enclosed kennel.
 - 2*ii*. Automobile repair garage.
 - 3*iii*. Commercial amusement and recreation establishment.
 - 4*iv*. Shopping complex subject to a master plan.
 - 5*v*. Mini-storage facility.
 - 6*vi*. Uses accessory to the uses identified in DCC 18.61.030.
 - m. Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).
 - n. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
- a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- For the purposes of DCC 18.61.030, the surrounding rural area shall be that area

identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.

- 5. Lot Size and Dimensional Standards.
 - a. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 - 6. Yard and Setback Requirements.
 - a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(23) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line.
 - b. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- C. La Pine Industrial District.
- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Agricultural use as defined in DCC Title 18.
 - b. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

EXHIBIT "E "

- c. 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.
 - d. Class III road or street project.
 - e. Forest operation and forest practice 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.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
- a. Expansion of a valid use existing on December 5, 1994.
 - b. Public use compatible with industrial uses.
 - c. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
 - d. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - e. Light manufacturing, assembly, fabricating or packaging and wholesale distribution.
 - f. Cold storage plant, including storage and office.
 - g. Kennel or veterinary clinic operated entirely within an enclosed building.
 - h. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
 - i. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - j. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - k. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
 - l. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
 - m. Manufactured home sales and service.
 - n. Plant nursery and greenhouse.
3. Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Mini-storage facility.
 - b. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
 - c. Asphalt plant.
 - d. Lumber manufacturing and wood processing including pulp and paper manufacturing.
 - e. Electrical substation.
 - f. Concrete, asphalt and ready-mix plant.
 - g. Petroleum products storage and distribution.
 - h. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.
 - i. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
 - j. Railroad track, freight depot and related facilities.
 - k. Agricultural products storage and processing plant.
 - l. Transfer station.
 - m. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - n. Any use permitted by DCC 18.61.030(C)(2) that is expected to:
 - ti. Require lot coverage in excess of 70 percent;

EXHIBIT "E "

- 2ii. Require more than one acre of land; or
- 3iii. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
- o. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.
- p. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 4. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
 - a. Sewer and Water Requirements:
 - 1i. New uses that require DEQ Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.
 - 2ii. Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.
 - 3iii. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.
 - b. Compatibility:
 - 1i. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
- 2ii. A use expected to generate more than 30 truck trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
- 3iii. Any use on a lot adjacent to or across the street from a lot in 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 use or lot.
- 4iv. Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones.
- 5v. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
- 6vi. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
- c. Traffic/Parking.
 - 1i. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be

EXHIBIT "E "

- served directly by an arterial or collector.
- 2ii. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 - 3iii. All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.
 - 4iv. There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
- d. Requirements for Large Scale Uses. Any industrial use listed in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor space if the Planning Director or Hearings Body finds:
- 1i. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
 - 2ii. That such uses would not rely upon a work force served by uses within urban growth boundaries; and
 - 3iii. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
- a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.
 - b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
 - c. Setbacks.
 - 1i. The minimum building setback between a nonrailroad related 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.
 - 2ii. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.
 - 3iii. 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.
 - d. Building Heights. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential

EXHIBIT "E "

district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.

- e. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- f. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- g. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

D. La Pine Business Park District.

1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Commercial use, as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.
- b. Industrial use, as defined in DCC 18.04, in a building or buildings not exceeding 20,000 square feet of floor space.

2. Conditional Uses Permitted. Notwithstanding the uses allowed under DCC 18.61.030(D)(1), the following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Mini-storage facility.
- b. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet

and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.

- c. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - d. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - e. Manufactured home sales and service.
 - f. Lumber manufacturing and wood processing.
 - g. Electrical substation.
 - h. Agricultural products storage and processing plant.
 - i. Any use permitted by DCC 18.61.030(D) that is expected to:
 - 1j. Require lot coverage in excess of 70 percent;
 - 2j. Require more than one acre of land; or
 - 3j. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
 - j. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Additional Requirements for Large Scale Uses. A commercial use in the Business Park District may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
- a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area, for the purposes of DCC 18.61.030(D), the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated

EXHIBIT "E "

- Community section of the Comprehensive Plan;
- b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
4. Use Limits. The following limitations and standards shall apply to all uses:
- a. Sewer and Water Requirements:
 - 1i. New uses shall be required to connect to the La Pine Sewer Treatment Facility.
 - 2ii. New uses must be connected to a municipal, community or public water system.
 - b. Compatibility:
 - 1i. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
 - 2ii. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
 - 3iii. Any use on a lot adjacent to or across the street from a lot in 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 use or lot.
 - 4iv. Storage, loading and parking areas for all uses shall be screened from residential zones.
 - 5v. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
- 6vi. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
- c. Traffic/Parking
 - 1i. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
 - 2ii. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 - 3iii. All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off-street.
 - 4iv. Parking may be allowed within the front yard building setback area except that no parking shall be allowed within 10 feet of any street.
 - 5v. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
5. Additional Requirements. As a condition of approval of any use proposed, the

EXHIBIT "E "

- Planning Director or Hearings Body may require:
- a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.
 - b. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
 - c. Lot Coverage. A use permitted by DCC 18.61.030(D), which is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
7. Setbacks.
- a. Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 - b. Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.
 - c. Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.
 - d. 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.
8. Building Height. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.
- E. La Pine Sewer Treatment District.
1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
 2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use and DCC 18.16.040(A):
 - a. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.
 3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 4. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of

EXHIBIT "E "

- the two side yards shall be a minimum of 15 feet.
- c. Rear Yard. The minimum rear yard shall be 20 feet.
- F. La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Zone.
- G. La Pine Community Facility District.
1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Performing arts center.
 - b. Swimming pool.
 - c. Community center.
 - d. Public use.
 - e. School.
 - f. Theater.
 2. Yard and Setback Requirements.
 - a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(23) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line. A parcel or lot with a front yard adjacent to zoned forest land shall have a minimum front yard of 100 feet.
 - b. Side Yard. None required, except when abutting a lot in a Residential District in which case the side yard shall be the side yard required in the abutting Residential District. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
4. Lot Size.
 - a. Lot Size. New lots shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
- H. La Pine Community Facility Limited District.
1. Uses Permitted Outright.
 - a. Multi-use path.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. School.
 - b. Park or playground.
- (Ord. 2006-008 § 5, 2006; Ord. 2003-002 § 1, 2003; Ord. 2002-033 § 1, 2002; Ord. 2001-044 § 3, 2001; Ord. 2000-015 § 2, 2000; Ord. 97-063 § 3, 1997; Ord. 97-041 § 1, 1997; Ord. 97-017 § 4, 1997; Ord. 96-003 § 1, 1996)

EXHIBIT "E "

18.61.040 Wickiup Junction Planning Area.

The Wickiup Junction Planning Area is composed of one Commercial/Residential zoning district with its own set of allowed uses and regulations, as further set forth in DCC 18.61.040.

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

1. Single-family dwelling.
2. Manufactured home subject to DCC 18.116.070.
3. Two-family dwelling or duplex.
4. 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.
5. Class III road and street project.
6. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

1. Park, playground and community building.
2. Public Use.
3. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail store, office and service establishment.
 - b. Residential use in conjunction with a permitted use.
 - c. Art studio in conjunction with a permitted use.
 - d. Medical clinic.
 - e. Automobile service station.
 - f. Car wash.
 - g. Day care facility.
 - h. Restaurant and cocktail lounge.
 - i. Club and fraternal lodge.
 - j. Automobile and trailer sales.

k. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(B)(3) housed in a building or buildings exceeding 8,000 square feet of floor space, but not greater than 12,000 square feet of floor space, subject to the provisions of DCC 18.61.040 (D).

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses:

1. Multi-family dwelling with three or more units.
2. Tourist and travelers' accommodations of up to 100 units, provided the use is served by a community sewer system as that term is defined in OAR 660-22-010 (2).
3. Manufactured home park.
4. Travel trailer park.
5. Cluster development.
6. Church.
7. School.
8. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.
9. Water supply and treatment facility.
10. Utility facility, except landfill.
11. Television and radio station with or without a transmitter tower.
12. Nursing home.
13. Residential care facility for more than 15 people.
14. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Veterinary clinic including enclosed kennel.
 - b. Automobile repair garage.
 - c. Commercial amusement and recreation establishment.
 - e. Shopping complex subject to a master plan.
 - f. Mini-storage facility.

EXHIBIT "E "

- g. Uses accessory to the uses identified in DCC 18.61.040.
15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(C)(14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).
16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040(C)(14) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
 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 but could locate the use in a building not exceeding 12,000 square feet of floor space.
- E. For the purposes of DCC 18.61.040, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.
- F. Lot Size.
1. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 6,000 square feet. Maximum lot size for residential subdivisions shall be 15,000 square feet.
2. New lots or parcels served by either an approved community, non-community, municipal or public water system shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 3. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewer system shall have a minimum width of 150 feet with a minimum are of one acre. In addition, an applicant shall demonstrate that:
 - a. The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval;
 - b. Residential subdivision will be served by either a municipal or community water system or a non-community public water system.
- G. Dimensional Standards. The following dimensional standards shall apply:
1. Lot Coverage. No requirements.
 2. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under DCC 18.120.040.
- H. Yards.
1. Front Yard. The front yard shall be no more than 20 feet, except as otherwise allowed by DCC 18.124.070(D)(23). All buildings shall be set at the front yard setback line.
 2. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 3. Rear Yard. None required, except when a parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

(Ord. 2006-008 § 5, 2006; Ord. 2004-013 § 6, 2004; Ord. 2003-008 § 1, 2003; Ord. 2002-015 § 1, 2002; 2000-015 § 2, 2000; Ord. 97-063 § 3, 1997; Ord. 96-007 § 1, 1996)

EXHIBIT "E"

18.61.050. Neighborhood Planning Area.

A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the La Pine UUC and is the "receiving area" for transferable development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as further set forth in DCC 18.61.050.

B. Water and Wastewater Facilities. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.

C. Residential General District. Purpose: The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.

1. Uses permitted outright.

- a. Single-family dwelling, including a "Class A" manufactured home.
- b. Duplex.
- c. Accessory dwelling.
- d. Multi-use path.
- e. Open space.
- f. Residential facility or residential home.
- g. Home occupation that:

1i. Is carried on within a dwelling only by members of the family who reside in the dwelling;

2ii. Does not serve clients or customers on-site;

3iii. Does not produce odor, dust, glare, flashing lights or noise;

4iv. Does not occupy more than 25 percent of the floor area of the dwelling; and

5.v. Does not include the on-premises display or sale of stock in trade.

6.vi. Does not have any outdoor storage of materials used in the home occupation.

2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

a. Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.

b. Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.

c. Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.

d. Park or playground.

3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

a. Home occupation as defined in DCC 18.04.

b. Outdoor Recreational Equipment Storage area as defined in DCC 18.04.

4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.

5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential General District.

6. Residential Density. The residential density requirements in Tables 1 and 2

EXHIBIT "E "

shall apply to the Residential General District.

D. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.

1. Uses permitted outright.
 - a. Single Family Dwelling.
 - b. Single Family Dwelling – Zero Lot Line
 - c. Town home, duplex or triplex.
 - d. Accessory dwelling.
 - e. Live/work unit.
 - f. Multi-use path.
 - g. Open space.
 - h. Home occupation that:
 - 1i. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - 2ii. Does not serve clients or customers on-site;
 - 3iii. Does not produce odor, dust, glare, flashing lights or noise;
 - 4iv. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - 5v. Does not include the on-premises display or sale of stock in trade; and,
 - 6vi. Does not have any outdoor storage of materials used in the home occupation.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Community center up to 4,000 square feet in floor area.

~~a.b.~~ Neighborhood commercial building as defined in DCC 18.04.

~~b.a. c.~~ Multi-family dwelling.

~~ed.~~ Bed and Breakfast Inn.

~~de.~~ Church.

~~ef.~~ Park or playground.

3. Conditional uses permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

a. Residential facility or residential home.

b. Home occupation as defined in DCC 18.04.

4. Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.

5. Yard and setback requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.

6. Residential density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.

E. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.

1. Uses Permitted Outright.
 - a. Duplex, triplex or townhome.
 - b. Multi-use path.
 - ~~b.c.~~ Open space.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multi-family dwelling.
 - b. Continuing care retirement center.

EXHIBIT "E "

- c. Hospital.
 - d. Medical facility.
 - e. Assisted living, congregate care facility.
 - f. Nursing home.
 - g. Mixed use building (residential with other permitted use in the district).
 - h. Child care center.
 - i. Public use.
 - j. Community center.
 - k. Church.
 - l. Senior center.
 - m. Library.
 - n. Museum.
 - o. Performing arts building.
 - p. Theater.
 - q. School.
 - r. Park or playground.
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Single-family dwelling.
 - b. Retail or professional office use that supports a permitted use in the district.
4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Community Facility District
5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Community Facility District.
- F. Community Facility Limited District. Purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.
- 1. Uses permitted outright.
 - a. Multi-use path.
 - b. Open space.
 - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and
- DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
- a. Park and ride facility.
 - b. School.
 - c. Park or playground.
3. Uses Permitted Subject to Conditional Use. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Equestrian facility.
- G. Neighborhood Commercial District. Purpose: The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the Neighborhood Planning Area.
- 1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Convenience market.
 - b. Video store.
 - c. Retail store.
 - 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use: Such as but not limited to:
 - a. Restaurant.
 - b. Laundry mat.
 - c. Dry cleaning.
 - d. Art studio in conjunction with retail use.
 - e. Professional office.

EXHIBIT "E "

4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Commercial District.
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Commercial District.
- H. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 and or 3 during Quadrant Plan approval process.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 2. Uses Subject to Provisions of DCC 18.61.050(H)(4).
 - a. Neighborhood Park.
 3. Conditional Uses. The following uses and their accessory uses are permitted subject to the development standards in DCC 18.61.050(H)(5) and the applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Regional Park.
 4. Neighborhood Park Development Standards.
 - a. Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.
 - b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.
 - c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J).
- d. Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.
5. Regional Park Development Standards.
- a. The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.
 - b. Size Standard. The Regional Park shall be between 10 and 25 acres in size.
 - c. The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.
 - d. If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center of a Neighborhood, it may replace the required Neighborhood Park.
 - e. Siting Standards.
 - i. The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.
 - ii. The Regional Park shall have direct access to a paved multi-use path.
- I. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains unpaved multi-use paths.
1. Perimeter Open Space Uses Permitted Outright.
 - a. Open space.

EXHIBIT "E "

- b. Multi-use path.
- 2. Corridor Open Space Uses Permitted Outright.
 - a. Open space.
 - b. Multi-use path.
 - c. Picnic area.
 - d. Benches along multi-use path.
 - e. Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.
- 3. Uses Permitted Subject to an Open Space Management Plan under the provision of DCC 18.61.050(I)(4).
 - a. Vegetation management for wildfire hazard reduction.
 - b. Vegetation management for wildlife habitat enhancement.
 - c. Landscaped earthen berm.
- 4. Open Space Management Plan.
 - a. An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.

J. Quadrant Plan.

- 1. Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development including streets or placement of utilities within a Neighborhood or Quadrant, a Quadrant Plan shall be approved according to the provisions of DCC 18.61.050.
- 2. Eligibility to Submit an Application. Deschutes County will accept a Quadrant Plan application from a developer who has an agreement with Deschutes County of intent to purchase land in the Quadrant. The County may also prepare a Quadrant Plan.

- 3. Application Requirements. All applications shall include the following elements.
 - a. Zoning Plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.
 - b. Transportation Plan, drawn to scale, including locations of street rights of way for central collector, neighborhood collector and local streets, block configurations and connections with adjacent Quadrants.
 - c. Non-motorized Circulation Plan showing locations of sidewalks paved and unpaved multi-use paths and where they will connect to adjacent Quadrants.
 - d. Open Space and Park Plan, drawn to scale, defining boundaries for the open space district and Neighborhood or Regional Parks where applicable.
 - e. Open Space Management Plan.
 - e.f. Utility Plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:
 - 1j. How the proposed water and sewer systems will be adequate to serve the type and size of development planned.
 - 2j. How the proposed location and sizing of facilities will be consistent with existing and planned facilities.
 - 3j. How adequate water flow volumes will be provided to meet fire flow and domestic demands.
 - g. Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines. Notwithstanding DCC 23.40.020(F)(1)(g), and this requirement, no design guidelines shall be required for Quadrant 1c.

EXHIBIT "E"

- h. A plan showing the zone boundaries for Neighborhood General and Neighborhood Center Districts.
 - i. A plan showing the proposed locations and dimensions of road rights-of-way.
 - j. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18.
 - k. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association. Notwithstanding DCC 23.40.020(F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowners association shall be required with an application for a quadrant plan for Quadrant 1c.
4. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the Deschutes County Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a quadrant plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:
- a. The Quadrant Plan contains all of the elements required in DCC 18.61.050(J)(3).
 - b. The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC ~~23.36.052~~ 23.40.
 - c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
 - d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC ~~23.36.052~~ 23.40. The proposed street design conforms to the standards in DCC Title 17, Table 2 for the La Pine Neighborhood Planning Area. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under DCC Title 17.
 - e. The paved and unpaved multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC ~~23.36.052~~ 23.40.
 - f. The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC ~~23.36.052~~ 23.40.
 - g. The Zoning Plan conforms to the following performance standards:
 - h. Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the

EXHIBIT "E "

maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.

2ii. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.

3iii. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.

4iv. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights of way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.

5v. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.

6vi. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23-36.05223.40, the Quadrant

Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.

7vii. Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:

i. Minimum 200 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.

ii. Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.

iii. Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.

iv. Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.

8viii. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:

(Ord. 2006-008 § 5, 2006; Ord. 2005-026 § 1, 2005; Ord. 2003-028 § 2, 2003; Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015 § 2, 2000)

EXHIBIT "E "

TABLE 1. La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range Single-family
NEIGHBORHOOD 1			
Residential Center	12 units/acre	8 units/acre	2,400 – 4,500
Residential General	6 units/acre	3 units/acre	4,000 – 7,000
NEIGHBORHOOD 2, 3 & 4			
Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
Residential General	6 units/acre	2 units/acre	7,000 – 15,000

NOTE: Density is calculated using gross acres, excluding collector street right of way.

EXHIBIT "E "

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
LOT SIZE Single-family					
NEIGHBORHOOD 1					
Maximum square feet	7,000	4,500	N/A	N/A	N/A
Minimum square feet	4,000	2,400	N/A	N/A	N/A
NEIGHBORHOOD 2					
Maximum square feet	15,000	5,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
LOT SIZE Townhome					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
LOT SIZE Duplex/Triplex					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
LOT SIZE Multi-family					
Maximum square feet	no maximum	no maximum	no maximum	N/A	N/A
Minimum square feet	15,000	10,000	10,000	N/A	N/A
LOT SIZE Other uses					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	none	none	7,000
LOT WIDTH					
Minimum (feet)	50' for detached dwellings	35' for detached single-family dwelling	50	50	50
	24' for attached townhome	24' for attached townhome or zero lot line development			
LOT DEPTH					
Minimum (feet)	100	100	150	150	150
RESIDENTIAL DENSITY (per gross acre) (1)					
NEIGHBORHOOD 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
NEIGHBORHOODS 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
SETBACKS					
Primary Building					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min.	None	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
Side at corner (2)	10 feet	5' or 0 lot line	5 feet	5 feet	5 feet
Rear	10 feet	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5 feet

EXHIBIT "E "

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards (continued)

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
GARAGE SETBACKS					
Min. from front of building	5 feet	5 feet	5 feet	N/A	N/A
SPECIAL SETBACKS					
Percentage of the front side of the structure that shall be sited at the minimum front yard setback.	N/A	50% min.(2)	N/A	N/A	N/A
LOT COVERAGE					
Maximum	35 percent	50 percent	60 percent	60 percent	50 percent
BLOCK REQUIREMENTS(3)					
Maximum Perimeter	2,000	1,600	1,200	N/A	1,200 feet
Maximum block length without pedestrian connection	600 feet	600 feet	400 feet	800	600 feet
BUILDING HEIGHT					
Primary	30'	40' except Res. General standards apply to single family. Townhomes 35 ft. max.	45' except Res. General standards apply to single family. Townhomes 35 ft. max.	45'	30'
Accessory Dwelling or Building	20'	25'	30'	30'	25'
Higher with Conditional Use Permit	NO	YES up to 40 feet	YES	YES	NO
MINIMUM ONSITE PARKING	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116

NOTES:

- (1) Gross acres, excluding collector street right of way
 - (2) Must meet clear vision requirements of DCC 18.116.020
 - (3) The block requirements not applicable to review and approval of quadrant plans.
- (Ord. 2005-026 § 2, 2005; Ord. 2004-013 § 6, 2004; Ordinance 2004-06 § 2, 2004; Ord. 2003-077 § 1, 2003; Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015, 2000)

EXHIBIT "F"

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE

18.65.010. Purpose.

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

18.65.021. Commercial/Mixed Use District (Alfalfa).

18.65.022. Residential District (Alfalfa).

18.65.023. Open Space District (Brothers).

18.65.030. Standards in all Districts.

18.65.010. Purpose.

The purpose of the Rural Service Center - Unincorporated Community Zone is to provide standards and review procedures for the development of the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistlestop and Wildhunt ~~and Millican~~. The provisions of this chapter shall apply to Rural Service Centers that have been planned pursuant to OAR 660 Division 22.

(Ord. 2006-008 § 6, 2006; Ord. 2002-002 § 2, 2002)

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.

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. Church.
3. School.
4. Cemetery.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
6. Medical clinic or veterinary clinic.
7. Community Center.
8. Manufactured home park.
9. Recreational vehicle or trailer park.
10. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

EXHIBIT "F"

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. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.

c. Each lot shall have a minimum width of 150 feet.

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.

(Ord. 2004-002 § 11, 2004; Ord. 2002-028 § 1, 2002; Ord. 2002-002 § 2, 2002)

18.65.21. Alfalfa RSC - Commercial/Mixed Use District.

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

- A. Uses Permitted Outright are those allowed in DCC 18.65.020 (A).
- B. Uses Permitted Subject to Site Plan Review are those allowed in DCC 18.65.020(B), with the exception of Highway maintenance facilities.
- C. Conditional Uses Permitted are those allowed in DCC 18.65.020(C), with the exception of Multi-family dwellings and manufactured home parks.

(Ord. 2002-002 § 2, 2002)

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

EXHIBIT "F"

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.

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.

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. Daycare facility.
4. Church.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
6. Bed and breakfast inn.
7. Public use.
8. 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.

(Ord. 2004-002 § 12, 2004; Ord. 2002-028 § 1, 2002; Ord. 2002-002 § 2, 2002)

18.65.023. RSC – Open Space District

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:

1. Agricultural uses, as defined in Title 18, and excluding livestock feed lot sales yard, and hog or mink farms.

EXHIBIT "F"

2. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 022.
 3. Public wildlife reserve or management area, not including structures.
 4. 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.
 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.
- B. 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. Private parks, picnic areas or hunting and fishing preserves.
 2. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
 3. Campground.
 4. Utility facility except landfills.
 5. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- C. 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.
- D. Lot Requirements. The minimum lot size shall be determined by the site plan requirements for a proposed public use.
(Ord. 2002-002 § 2, 2002)
- 18.65.030 Standards for all districts**
- A. Building Height. In Alfalfa, no building or structure shall be erected or enlarged to exceed thirty (30) feet in height. In Brothers, Hampton and Millican, no building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as provided by DCC 18.120.040.
- B. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- C. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.
- D. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.
- E. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- F. Building Code Setbacks. 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.
(Ord. 2002-002 § 2, 2002)

EXHIBIT "G"

Chapter 18.74. Rural Commercial Zone

18.74.010. Purpose.

18.74.020. Uses permitted – Deschutes Junction and Deschutes River Woods Store.

18.74.025. Uses permitted – Spring River.

18.74.027. Uses permitted – Rosland.

18.74.030. Development standards.

18.74.010. Purpose.

The purpose of this chapter is to establish standards and review procedures for development in the Rural Commercial Zone. The Rural Commercial (RC) zone provisions implement the comprehensive plan policies for rural commercial development and associated uses outside of unincorporated communities and urban growth boundaries.

(Ord. 2003-080 § 1, 2003, Ord. 2002-019 § 2, 2002)

18.74.020. Uses permitted.

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.

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 18.128:

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. 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).

EXHIBIT "G "

- d. Child care center.
 - e. Church.
 - f. School.
2. Recreational vehicle park

(Ord. 2004-002 § 20, 2004; Ord. 2002-019 § 2, 2002)

18.74.025. Uses allowed in Spring River Rural Commercial/Limited Use Combining Zone.

A. 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 ~~18.128~~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. Fishing supplies and equipment.
 - b. Snowmobiling accessories.
 - c. Marine accessories.
 - d. General store.
 - e. Hardware store.
 - f. Convenience store with gas pumps.
 - g. Fast food restaurant, cafe, or coffee shop.
 - h. Recreational rental equipment store.
 - i. Excavation business.
 - j. Landscaping business/service.
 - k. Health care service.
 - l. Beauty shop.
 - m. Video store.
 - o. Post office.
 - p. Party supply.
 - q. Equipment sales and rental.
 - r. Appliance store.
 - s. Bank.
 - t. Exterminator.
 - u. Private mailing and packaging store.
 - v. Bakery.
2. Expansion of a nonconforming use listed in section A(1)(a-v), existing as of 11/05/02, 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. Pet and livestock supply.
 - b. Farm machinery sales and repair.
4. Expansion of a nonconforming use listed in section A(3)(a-b), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.

B. 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 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Full service gas station with automobile repair services.
 - b. Welding shop.
 - c. Mini-storage units
2. Expansion of a nonconforming use listed in section B(1)(a-c), existing as of 11/05/02, 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.

C. Definitions. For the purposes of DCC 18.64.120, the following definitions shall apply:

1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.
2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.

EXHIBIT "G "

4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.
 5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
 6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
 7. Post office: United States Postal Service office including mail pick-up and distribution.
 8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
 9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
 10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
 11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
 12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
 13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
 14. Bakery: The manufacture and sale of bread, donuts and pastries.
 15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.
- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
 - 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 each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
 - a. Eating and drinking establishments.
 - b. Retail store, office and service establishments.
 2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
 3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel or veterinary clinic.
 - d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
 - e. Public or semi-public use.
 - f. Residential use in the same building as a use permitted in this chapter.
 - g. Park or playground.
 4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.

(Ord. 2006-008 § 7, 2006; Ord. 2002-019 § 2, 2002; Ord. 97-015 § 1, 1997; Ord. 96-046 § 1, 1996; Ord. 96-023 § 1, 1996)

Section 18.74.027. Uses allowed in Rosland Rural Commercial Zone.

- C. 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 each not exceeding 3,500 square feet of floor space to be used by any of the following uses:

EXHIBIT "G"

- a. Home occupation as defined in DCC 18.04.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Child care center.
 - e. Church.
 - f. School.
2. Recreational vehicle park.
(Ord. 2003-080, § 1, 2003)

18.74.030. Development standards.

A. 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 10 feet, except a lot or parcel with a side yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.
3. Rear Yard. The minimum rear yard shall be 20 feet, except a lot or parcel with a rear yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.

B. Existing Residential and Commercial Lots.

On-site sewage disposal. For existing lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to approval of a site plan or conditional use permit.

C. New Lot Requirements

1. Residential Uses.

- a. The minimum lot size is one (1) acre.
- b. 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.
- c. 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 for a commercial use served by an on-site septic system and individual well or community water system 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.
- ~~d. for existing lots.~~

D. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

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

F. Lot Coverage. Except where otherwise noted, the primary and accessory buildings located on any lot or parcel shall not cover more than 30 percent of the total lot or parcel.

G. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under DCC 18.120.040.

H. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.

I. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.

EXHIBIT "G"

J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.

(Ord. 2006-008 § 7, 2006; Ord. 2003-080§ 1, 2003, Ord. 2002-019 § 2, 2002)

18.74.050. Maps.

(Ord. 2002-019 § 2, 2002)

(Ord. 2003-080 § 1, 2003)

EXHIBIT "H"

Chapter 18.124. SITE PLAN REVIEW

18.124.010. Purpose.

18.124.020. Elements of site plan.

18.124.030. Approval required.

18.124.040. Contents and procedure.

18.124.050. Decision on site plan.

18.124.060. Approval criteria.

18.124.070. Required minimum standards.

18.124.080. Other conditions.

18.124.090. Right of way improvement standards.

18.124.010. Purpose.

DCC 18.124.010 provides for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

(Ord. 91-020 § 1, 1991)

18.124.020. Elements of site plan.

The elements of a site plan are: The layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, bicycle parking, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures and street furniture.

(Ord. 93-043 § 22D, 1993; Ord. 93-005 § 6, 1993)

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 DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.
- B. The provisions of DCC 18.124.030 shall apply to the following:
 - 1. All conditional use permits where a site plan is a condition of approval;

- 2. Multiple-family dwellings with more than three units;
- 3. All commercial uses that require parking facilities;
- 4. All industrial uses;
- 5. 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
- 6. As specified for Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).

C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.

D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.

E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.

(Ord. 2003-034 § 2, 2003; Ord. 94-008 § 14, 1994; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 86-032 § 1, 1986)

18.124.040. Contents and procedure.

- A. Any site plan shall be filed on a form provided by the Planning Department and shall be accompanied by such drawings, sketches and descriptions necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
- B. Prior to filing a site plan, the applicant shall confer with the Planning Director or his representative concerning the requirements for formal application.
- C. After the pre-application conference, the applicant shall submit a site development plan, an inventory of existing plant materials

EXHIBIT "H"

including all trees six inches in diameter or greater and other significant species, a landscape plan and architectural drawings including floor plans and elevations.

- D. The site plan shall indicate the following:
1. Access to site from adjacent rights of way, streets and arterial.
 2. Parking and circulation areas.
 3. Location, dimensions (height and bulk) and design of buildings and signs.
 4. Orientation of windows and doors.
 5. Entrances and exits.
 6. Private and shared outdoor recreation spaces.
 7. Pedestrian circulation.
 8. Public play areas.
 9. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.
 10. Areas to be landscaped.
 11. Exterior lighting.
 12. Special provisions for handicapped persons.
 13. Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.
 14. Signs.
 15. Public improvements.
 16. Drainfield locations.
 17. Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long term parking facilities.
 18. Any required bicycle commuter facilities.
 19. Other site elements and information which will assist in the evaluation of site development.
- E. The landscape plan shall indicate:
1. The size, species and approximate locations of existing natural plant materials proposed to be retained and new plant materials proposed to be placed on site.
 2. Proposed site contouring.
 3. An explanation of how drainage and soil erosion is to be dealt with during and after construction.

(Ord. 2003-034 § 2, 2003; Ord. 93-005 § 7, 1993; Ord. 91-020 § 1, 1991)

18.124.050. Decision on site plan.

- A. The Planning Director or Hearings Body may deny the site plan or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in DCC Title 18.
- B. The Planning Director or Hearings Body as a condition of approval may require that the applicant file with the County a performance bond or other security approved by the governing body to assure full and faithful performance of any required improvements. The bond shall be for the dollar amount plus 10 percent of the estimated cost of the improvements.
- C. Planning Director or Hearings Body review shall be subject to DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 91-020 § 1, 1991; Ord. 86-032 § 1, 1986)

18.124.060. Approval criteria.

Approval of a site plan shall be based on the following criteria:

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.

EXHIBIT "H"

- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
 - F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
 - G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.
 - H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
 - I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
 - J. All exterior lighting shall be shielded so that direct light does not project off-site.
(Ord. 93-043 §§ 21, 22 and 22A, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)
- a. Units with one or two bedrooms: 200 square feet per unit.
 - b. Units with three or more bedrooms: 300 square feet per unit.
- 3. Storage. In residential developments, convenient areas shall be provided for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.
- B. Required Landscaped Areas.
 - 1. The following landscape requirements are established for multi-family, commercial and industrial developments, subject to site plan approval:
 - a. A minimum of 15 percent of the lot area shall be landscaped.
 - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.
 - 2. In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:
 - a. A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.
 - c. A landscaped strip separating a parking or loading area from a street shall contain:
 - i. Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
 - ii. Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.
 - iii. Vegetative ground cover.

18.124.070 Required minimum standards.

- A. Private or shared outdoor recreation areas in residential developments.
 - 1. Private Areas. Each ground-level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
 - 2. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:

EXHIBIT "H"

- 3d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- 4e. The landscaping in a parking area shall have a width of not less than five feet.
- 5f. Provision shall be made for watering planting areas where such care is required.
- 6g. Required landscaping shall be continuously maintained and kept alive and attractive.
- 7h. Maximum height of tree species shall be considered when planting under overhead utility lines.

C. Nonmotorized Access.

- 1. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.
- 2. Pedestrian Access and Circulation:
 - a. Internal pedestrian circulation shall be provided in new commercial, office and multi-family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.
 - b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.
 - c. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from

obstructing the walkway. Walkways shall be as direct as possible.

- d. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
- e. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.

D. Commercial Development Standards:

- 1. New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.
- 2. To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the interior, rear or non-street side of the complex may be located and oriented toward private interior streets within the development if consistent with all other standards of paragraph (1) above and this paragraph. Interior streets used to satisfy this standard may have on-street parking and shall have sidewalks along the street in front of the building. Such sidewalks shall connect to existing or future sidewalks on public streets accessing the site. The master plan for the shopping complex shall demonstrate that at least

EXHIBIT "H"

one half of the exterior perimeter of the site that abuts each public street, will be developed with buildings meeting the standards of paragraphs (D)(1) or (D)(3) of this subsection.

3. An increase in the front yard setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it desirable to site the new building beyond the minimum street setback:
 - a. Existing development on the site;
 - b. Lot configuration;
 - c. Topography of the lot;
 - d. Significant trees or other vegetative features that could be retained by allowing a greater setback;
 - e. Location of driveway access. Such an increase in the front yard shall be the minimum necessary to accommodate the reason for the increase.
 - f. Architectural features, driveways, landscaping areas equal to or greater than the depth of the structure, and outdoor commercial areas, when at least one half of the structure meets the minimum street setback.
4. Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the Sunriver UUC Business Park (BP) District. Off-street parking proposed with a shopping complex, as defined by this title, and intended to serve buildings located in the interior or rear of the complex may have parking in front of the building provided the overall master plan for the site satisfies paragraph (2) of this subsection.

(Ord. 2006-008 § 8, 2006; Ord. 2002-033 § 1, 2002; Ord. 2001-044 § 5, 2001; Ord. 97-078 § 7, 1997; Ord. 93-063 § 3, 1993; Ord. 93-043 § 22B, 1993; Ord. 93-005 § 8, 1993)

18.124.080. Other conditions.

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- A. An increase in the required yards.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, type, location, orientation and number of lights.
- E. Limitations on the number and location of curb cuts.
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- I. Landscaping of the site.
- J. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 22C, 1993)

18.124.090. Right of way improvement standards.

Any dedications or improvements to the road right of way required under DCC 18.124 shall meet the standards for road right of way improvements set forth in DCC Title 17 and any standards for right-of-way improvements set forth in DCC Title 18 for the particular zone in question.

(Ord. 97-003 § 4, 1997)

EXHIBIT "T"

Chapter 18.128. CONDITIONAL USE

- 18.128.010. Operation.**
 - 18.128.015. General standards governing conditional uses.**
 - 18.128.020. Conditions.**
 - 18.128.030. Performance bond.**
 - 18.128.040. Specific use standards.**
 - 18.128.050. Airports, aircraft landing fields, aircraft charter, rental, service maintenance facilities not located in the A-D Zone.**
 - 18.128.060. Automobile wrecking yard or junkyard.**
 - 18.128.070. Cemeteries.**
 - 18.128.080. Church, hospital, nursing home, convalescent home, retirement home.**
 - 18.128.090. Medical clinic, veterinary clinic, club, lodge, fraternal organization, community center, grange hall, golf course, horse stable and horse events requiring conditional uses, grounds and buildings for games or sports, country club, swimming, boating, tennis clubs and similar activities, government structures and land uses, parks, playgrounds.**
 - 18.128.100. Dog pounds and kennels.**
 - 18.128.110. Repealed.**
 - 18.128.120. Landfill, solid waste disposal site.**
 - 18.128.130. Commercial use or accessory use not wholly enclosed within a building, or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot adjoining or across a street from a lot in a residential zone.**
 - 18.128.140. Commercial amusement establishment.**
 - 18.128.150. Manufactured home park.**
 - 18.128.160. Multi-family dwelling complex.**
 - 18.128.170. Recreational vehicle park.**
 - 18.128.180. Radio, television tower, utility station or substation.**
 - 18.128.190. Schools.**
 - 18.128.200. Cluster development (single-family residential uses only).**
 - 18.128.210. Planned development.**
 - 18.128.220. Planned communities.**
 - 18.128.230. Dude ranches.**
 - 18.128.240. Shopping complex.**
 - 18.128.250. High-temperature geothermal wells and small-scale geothermal energy facilities.**
 - 18.128.260. Hydroelectric facilities.**
 - 18.128.270. Fill and removal.**
 - 18.128.280. Surface mining of resources exclusively for on-site personal, farm or forest use or maintenance of irrigation canals.**
 - 18.128.290. Storage, crushing and processing of minerals in conjunction with the maintenance or construction of public roads or highways.**
 - 18.128.300. Mini-storage facility.**
 - 18.128.310. Bed and breakfast inn.**
 - 18.128.320. Campgrounds.**
 - 18.128.330. Microwave and radio communication towers in the SM Zone.**
 - 18.128.340. Wireless telecommunications facilities.**
 - 18.128.350. Guest lodge.**
 - 18.128.360. Guest ranch.**
 - 18.128.370. Time-share unit.**
 - 18.128.380. Procedure for taking action on conditional use application.**
 - 18.128.390. Time limit on a permit for a conditional use.**
 - 18.128.400. Occupancy permit.**
 - 18.128.410. Repealed.**
 - 18.128.420. Building permit for an approved conditional use.**
- 18.128.010. Operation.**
- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.
 - B. In the case of a use existing prior to the effective date of DCC Title 18 and classified

EXHIBIT "T"

in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.

(Ord. 86-032 § 1, 1986)

18.128.015. General standards governing conditional uses.

Except for those conditional uses permitting individual single-family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

- A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:
 - 1. Site, design and operating characteristics of the use;
 - 2. Adequacy of transportation access to the site; and
 - 3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.
- B. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).
- C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.
(Ord. 92-047 § 1, 1992; Ord. 91-038 § 3, 1991)

18.128.020. Conditions.

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

- A. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.

- B. Require a special yard or other open space or a change in lot area or lot dimension.
- C. Require a limitation on the height, size or location of a structure.
- D. Specify the size, number, location and nature of vehicle access points.
- E. Increase the required street dedication, roadway width or require additional improvements within the street right of way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- G. Limit or specify the number, size, location, height and lighting of signs.
- H. Limit the location and intensity of outdoor lighting and require shielding.
- I. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.
- J. Specify the size, height and location of any materials to be used for fencing.
- K. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Require that a site plan be prepared in conformance with DCC 18.124.
(Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 83-037 § 24, 1983)

18.128.030. Performance bond.

The Planning Director or Hearings Body may require the applicant to furnish the County with a performance bond or other adequate form of assurance to guarantee development in accordance with the standards and conditions attached in granting a conditional use permit.
(Ord. 91-020 § 1, 1991)

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 through DCC 18.128.370.

EXHIBIT "T"

(Ord. 2000-033 § 9, 2000; Ord. 94-053, § 6, 1994; Ord. 94-008 § 15, 1994; Ord. 91-020 § 1, 1991; Ord. 91-005 §§ 46 and 47, 1991; Ord. 90-014 §§ 39 and 40, 1990; Ord. 89-008 § 1, 1989; Ord. 87-032 § 1, 1987; Ord. 86-056 §§ 3 and 4, 1986; Ord. 86-018 § 1, 1986; Ord. 85-002 § 9, 1985; Ord. 84-023 § 4, 1984; Ord. 84-015 § 3, 1984; Ord. 80-206 § 4, 1980)

18.128.050. Airports, aircraft landing fields, aircraft charter, rental, service maintenance facilities not located in the A-D zone.

The Planning Director or Hearings Body shall find that 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.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23, 1993; Ord. 91-020 § 1, 1991)

18.128.060. Automobile wrecking yard or junkyard.

Before being issued a conditional use permit, an automobile wrecking yard or junkyard shall meet the following requirements:

- A. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.
- B. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside of the enclosed area while at the establishment or business.
- C. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall occur from an enclosed building or within the fenced area.
- D. If applicable, the proposal shall conform to state regulations.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.070. Cemeteries.

The Planning Director or Hearings Body shall find that the terrain and soil types of a proposed location are suitable for internment, and that the nature of the subsoil and drainage will not have a detrimental effect on groundwater sources or domestic water supplies in the area of the proposed use.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.080. Church, hospital, nursing home, convalescent home, retirement home.

- A. Such a use shall be authorized as a conditional use only upon finding that sufficient area is provided for the building, required yards and off-street parking. Related structures and uses such as a manse, parochial school or parish house are considered separate uses and additional lot areas shall be required therefore.
- B. The applicant shall address the following issues in the application:
 1. Probable growth and needs thereof.
 2. Site location relative to land uses in the vicinity.
 3. Conformity with Deschutes County Road Department standards for proposed access to and from principal streets and the probable effect of the proposal on the traffic volume of adjoining and nearby streets.
- C. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
- D. Except ~~in an A-H~~ as provided in Section 18.80.028 of the A-S zone, such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
- E. Churches in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

EXHIBIT "I"

(Ord. 2006-008 § 9, 2006; Ord. 2004-013 § 14, 2004; Ord. 98-013 § 2, 1998; Ord. 95-075 § 1, 1995; Ord. 93-043 § 23A, 1993; Ord. 91-020 § 1, 1991)

18.128.090. Medical clinic, veterinary clinic, club, lodge, fraternal organization, community center, grange hall, golf course, horse stable and horse events requiring conditional uses, grounds and buildings for games or sports, country club, 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 Road Department standards.
- B. Off-street parking subject to DCC 18.116.030.
- C. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise, glare, odor and other adverse impacts.
- D. Playgrounds, recreation facilities and community centers in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

(Ord. 98-013 §§ 3, 1998; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.100. Dog pounds and kennels.

The Planning Director or Hearings Body may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Hearings Officer may require a sight-obscuring fence or hedge and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.110. Home occupations.

(Repealed by Ord. 2004-002 § 25, 2004)

18.128.120. Landfill, solid waste disposal site.

The Planning Director or Hearings Body may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

- A. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.
- B. The proposed site shall be located in or as near as possible to the area being served.
- C. The proposed site shall be located at least one-quarter mile from any existing dwelling, home or public road (except the access road).
- D. The proposed site shall be provided with a maintained all-weather access road.
- E. Applications for a conditional use permit to establish a commercial composting facility under this category shall also meet the following criteria:
 1. The proposed facility shall be effectively screened from adjacent residential uses and scenic roadways. The proposed facility may use existing topography and trees and/or introduced landscaped material.
 2. The proposed facility shall employ practices of material handling and processing that prevent noise and odors from impacting residences at least one-quarter mile from the site.
 3. The proposed facility shall employ practices of material handling and processing that control debris and dust and ensure material is contained on site.

(Ord. 2001-040 § 2, 2001; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

EXHIBIT "T"

18.128.130. Commercial use or accessory use not wholly enclosed within a building, or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot adjoining or across a street from a lot in a residential zone.

In any zone, these uses may be permitted conditionally subject to the following standards:

- A. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when he finds such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
- B. In addition to the requirements of the applicable zone, the Planning Director or Hearings Body may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
- C. In order to avoid unnecessary traffic congestion and hazards, the Planning Director or Hearings Body may limit access to the property.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.140. Commercial amusement establishment.

A commercial amusement establishment may be authorized after consideration of the following factors:

- A. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
- B. Adequacy of off-street parking.
- C. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.150. Manufactured home park.

A manufactured home park shall be built to state standards in effect at the time of construction, or in the case of pre-existing parks in MUA-10 and RR-10 zones, at the time of permitting under DCC 18.128.150, and the following provisions:

- A. Evidence that the park will be eligible for a certificate of sanitation as required by state law.
- B. The space provided for each manufactured home shall be provided with piped potable water and electrical sewerage connections.
- C. The number of spaces for manufactured homes shall not exceed 12 for each acre of the total acres in the manufactured home park. The Planning Director or Hearings Body may vary this density as follows:
 1. If dedicated open space equals 50 percent or more of the total area of the park, a ~~maximum~~ 10 percent increase in units per acre may be granted.
 2. If, in addition to the requirements amenity in DCC 18.128.150(C)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, ~~the maximum increase in units per acre may be increased~~ an additional ~~five~~ 5 percent increase in units per acre may be granted.
 3. If, in addition to the requirements amenities in DCC 18.128.150(C)(1) and (2), ~~approved~~ a recreation/community building is provided, an additional 10 percent ~~increase of in units per acre may be allowed granted~~. —(Maximum total increase of units possible through application of DCC 18.128.150(C) = 25 percent.)
- D. A manufactured home pad shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the home, exclusive of space provided for the common use of tenants, such as roadways, general use structure, parking spaces, walkways and areas for recreation and landscaping.

EXHIBIT "T"

- E. No manufactured home pad in the park shall be located closer than 15 feet from another manufactured home pad or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 10 feet from a manufactured home accessory building or other building or structure on another manufactured home space. No manufactured home pad or other building or structure shall be within 25 feet of a public street property boundary or 10 feet or another property boundary.
- F. Facilities shall be provided to assure that there will be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the management of the park.
- G. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.
- H. If the park provides spaces for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
- I. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way.
- J. A minimum of at least 2,500 square feet plus 100 square feet per manufactured home space shall be provided for recreational play area, group or community activities. The Planning Director or Hearings Body may require this area to be protected from streets, parking areas or the like by a fence or the equivalent that conforms to fence regulations, but is at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreational use. No recreation facility created within a manufactured home park only to satisfy the requirements of DCC 18.128.150 shall be open to the general public.
- K. A parking space shall be provided for each manufactured home space on the site. Additional guest parking spaces shall be provided in every manufactured home park within 200 feet of the manufactured home spaces served, at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
- L. All manufactured home parks over 10 acres in area shall be located with access on a street designated as a collector street.
- M. All manufactured home parks containing a total site area of five acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- N. Lighting shall be installed along the access ways of the manufactured home park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and manufactured home spaces shall be underground.
- O. Roadways within the park shall be improved with an all-weather dustless surface and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.
- P. All manufactured home parks shall have a minimum lot size of one acre.
- Q. When expanding an existing manufactured home park in MUA-10 or RR-10 zones, the park shall satisfy all of the criteria of DCC

EXHIBIT "T"

18.128.150 as to the existing developed areas as well as in the expansion area.

(Ord. 2006-008 § 9, 2006; Ord. 96-038 § 3, 1996; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.160. Multi-family dwelling complex.

A multi-family dwelling complex shall comply with the following provisions prior to occupancy:

- A. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:
 1. If dedicated open space which is developed and landscaped equals 50 percent or more of the total area of the site, a maximum of 10 percent increase in the number of units may be granted.
 2. If in addition to open space as provided in DCC 18.128.160(A)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, the number of units permitted may be increased an additional five percent.
 3. If in addition to open space and playgrounds as provided in DCC 18.128.160(A)(1) and (2), an approved recreational community building is provided, an additional 10 percent increase of units may be granted.
 4. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25 percent of the number of units otherwise allowed.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex. Bicycle storage shall be allowed in the provided sheltered bicycle parking facilities (one parking space per unit for complexes of four units or more).
- C. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the nearest city.
- D. A minimum of 2,500 square feet plus 100 square feet per dwelling unit shall be provided for recreation, including but not limited to, playgrounds, playing fields and facilities for group and community activities. The area shall be improved with grassy areas, landscaping, surfacing, equipment or buildings suitable for recreational use. The Hearings Body may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70 percent of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
- E. All such complexes with more than 20 dwelling units shall be located to have access on a street designated as a collector unless otherwise approved by the Planning Director or Hearings Body.
- F. All such complexes shall provide both an ingress and egress.
- G. All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the Planning Director or Hearings Body.
- H. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity and provide security for occupants of the subject complex.
- I. All accessory structures associated with such a complex shall be set back 50 feet from the property line of an adjoining single-family residential lot or use.
- J. Sewer and water facilities shall be provided according to Oregon Department of Environmental Quality standards.

(Ord. 95-075 § 1, 1995; Ord. 93-005 § 9, 1993; Ord. 91-020 § 1, 1991)

EXHIBIT "I"

18.128.170. Recreational vehicle park.

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following conditions:

- A. The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
- B. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- C. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- D. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- E. A recreational vehicle space shall be provided with electrical service.
- F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- G. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.
- H. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- J. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.
- K. Building spaces required by DCC 18.128.170(I) and (J) shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
- L. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the Planning Director or Hearings Body.
- M. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no

EXHIBIT "I"

outside storage of materials or equipment belonging to the park or to any guest of the park.

- N. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
- O. Access to the recreational vehicle park shall be from an arterial or collector street.
(Ord. 95-075 § 1, 1995; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)

18.128.180. Radio, television tower, utility station or substation.

- A. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
- B. The use may be required to be fenced and landscaped.
- C. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
- D. Transmission towers, posts, overhead wires, pumping stations and similar installations shall be located, designed and installed to minimize conflicts with scenic values.
(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23B, 1993; Ord. 91-020 § 1, 1991)

18.128.190. Schools.

- A. Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.
- B. Secondary schools shall provide a site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
- C. Notwithstanding DCC 18.128.190(B), private academic secondary schools with an enrollment of fewer than 50 students shall provide a minimum site area of one acre for every 10 students of predicted ultimate enrollment, with a minimum site area of not less than two acres.

D. Schools in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

(Ord. 98-013 § 4, 1998; Ord. 97-022 § 1, 1997; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.200. Cluster development (single-family residential uses only).

A. Such uses may be authorized as a conditional use only after consideration of the following factors:

- 1. Need for residential uses in the immediate area of the proposed development.
- 2. Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.
- 3. Effect of the development on the rural character of the area.
- 4. Effect of the development on agricultural, forestry, wildlife or other natural resource uses in the area.

B. The conditional use shall not be granted unless the following findings are made:

- 1. All development and alterations of the natural landscape, will be limited to 35 percent of the land and at least 65 percent shall be kept in open space. In cases where the natural landscape has been altered or destroyed by a prior land use, such as surface mining, dam construction or timber removal, the County may allow reclamation and enhancement of the open space area if enhancement creates or improves wetlands, creates or improves wildlife habitat, restores native vegetation or provides for agricultural or forestry use of the property after reclamation.
- 2. The area not dedicated to open space or common use may be platted as residential dwelling lots or parcels that are a minimum of two acres and a maximum of three acres in size. Their use shall be restricted to single-family use. Single-

EXHIBIT "I"

family use may include accessory uses and County authorized home occupations. Uses permitted in the open space area may include the management of natural resources, trail systems or other outdoor uses that are consistent with the character of the natural landscape.

3. In the Wildlife Area Combining Zone, in addition to compliance with the WA zone development restrictions, uses and activities must be consistent with the required Wildlife Management Plan. The Plan shall be approved if it proposes all of the following in the required open space area:
 - a. Preserves, protects and enhances wildlife habitat for WA zone protected species as specified in the County Comprehensive Plan (DCC Title 23); and
 - b. Prohibits golf courses, tennis courts, swimming pools, marinas, ski runs or other developed recreational uses of similar intensity. Low intensity recreational uses such as properly located bicycle, equestrian and pedestrian trails, wildlife viewing areas and fitness courses may be permitted; and
 - c. Provides a supplemental, private open space area on home lots by imposing special yard setback of 100 feet on yards adjacent to required open space areas. In this yard, no structures other than fences consistent with DCC 18.88.070 may be constructed. The size of the yard may be reduced during development review if the County finds that, through the review of the wildlife management plan, natural landscape protection or wildlife values will achieve equal or greater protection through the approval of a reduced setback. In granting an adjustment,
 - d. the County may require that a specific building envelope be shown on the final plat or may impose other conditions that assure the natural resource values relied upon to justify the exception to the special yard requirements will be protected.
 - d. Off-road motor vehicle use shall be prohibited in the open space area.
 - e. Adequate corridors on the cluster property to allow for wildlife passage through the development.
4. All lots within the development shall be contiguous to one another except for occasional corridors to allow for human passage, wildlife travel, natural features such as a stream or bluff or development of property divided by a public road which shall not be wider than the average lot width, unless the Planning Director or Hearings Body finds that special circumstances warrant a wider corridor.
5. All applicable subdivision or partition requirements contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
6. The total number of units shall be established by reference to the lot size standards of the applicable zoning district and combining zones.
7. The open space of the proposed development shall be platted as a separate parcel or in common ownership of some or all of the clustered lots or parcels. For any open space or common area provided as a part of the cluster development, the owner shall submit proof of deed restrictions recorded in the County records. The deed restrictions shall preclude all future rights to construct a residential dwelling on the lot, parcel or tract designated as open space or common area for as long as the lot, parcel or tract remains outside an

EXHIBIT "T"

urban growth boundary. The deed shall also assure that the use of the open space shall be continued in the use allowed by the approved cluster development plan, unless the whole development is brought inside an urban growth boundary. If open space is to be owned by a homeowner's association or if private roads are approved, a homeowner's association must be formed to manage the open space and/or road areas. The bylaws of the association must be recorded prior to or concurrent with the filing of the final plat. If the open space is located within the Wildlife Area Combining Zone, the management plan for the open space must be recorded with the deed restrictions or bylaws of the homeowner's association.

8. Notwithstanding any provision to the contrary in other parts of the County's land use regulations, roads within a cluster development may be private roads and lots or parcels may be created that front on private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards under DCC Title 17. An agreement acceptable to the Road Department and County Legal Counsel shall be required for the maintenance of private roads. Public roads may be required where street continuation standards of DCC Title 17 call for street connections and the County finds that the benefits of street extension are significant and needed in the future, given the established pattern of street development on adjoining properties and transportation distribution needs. The area dedicated for public road rights of way within or adjacent to a planned or cluster development or required by the County during cluster development review shall be subtracted from the gross acreage of the cluster development prior to calculating compliance with open space requirements.

9. All service connections shall be the minimum length necessary and underground where feasible.
10. The number of new dwelling units to be clustered does not exceed 10.
11. The number of new lots or parcels to be created does not exceed 10.
12. The development is not to be served by a new community sewer system or by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.
13. The development will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use, and will not significantly increase the cost of accepted farm or forest practices there.
14. All dwellings in a cluster development must be setback a minimum of 100 feet from the boundary line of an adjacent lot zoned Exclusive Farm Use that is receiving special assessment for farm use.

C. All applications shall be accompanied by a plan with the following information:

1. A plat map meeting all the subdivision requirements of DCC Title 17, the Subdivision/Partition Ordinance.
2. A draft of the deed restrictions required by DCC 18.128.200(B)(7).
3. A written document establishing an acceptable homeowners association assuring the maintenance of common property, if any, in the development. The document shall include a method for the resolution of disputes by the association membership, and shall be included as part of the bylaws.

EXHIBIT "I"

4. In the WA Combining Zone, the applicant shall submit an evaluation of the property with a Wildlife Management Plan for the open space area, prepared by a wildlife biologist that includes the following:

- a. A description of the condition of the property and the current ability of the property to support use of the open space area by wildlife protected by the applicable WA zone during the periods specified in the comprehensive plan; and
- b. A description of the protected species and periods of protection identified by the comprehensive plan and the current use of the open space area; and
- c. A management plan that contains prescriptions that will achieve compliance with the wildlife protection guidelines in the comprehensive plan. In overlay zones that are keyed to seasons or particular times of the year, restrictions or protections may vary based on the time of year. The management plan may also propose protections or enhancements of benefit to other types of wildlife that may be considered in weighing use impacts versus plan benefits.

5. Photographs and a narrative description of the natural landscape features of the open space areas of the subject property. If the features are to be removed or developed, the applicant shall explain why removal is appropriate.

6. A description of the forestry or agricultural uses proposed, if any.

D. Dimensional Standards:

1. Setbacks and height limitations shall be as prescribed in the zone in which the

development is proposed unless adequate justification for variation is provided the Planning Director or Hearings Body.

2. Minimum area for a cluster development shall be determined by the zone in which it is proposed.

E. Conditions for phased development shall be specified and performance bonds shall be required by the Planning Director or Hearings Body to assure completion of the project as stipulated, if required improvements are not completed prior to platting.

F. Developments with private roads shall provide bicycle and pedestrian facilities that comply with the private road requirements of Title 17.

G. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., in the following situations. Connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, shall be as straight as possible, and shall not be more than 400 feet long.

1. Where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 400 feet and by at least 50 percent over other available routes.

2. For schools or commercial uses where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 200 feet or by at least 50 percent over other available routes.

3. For cul-de-sacs or dead end streets where a street connection is determined by the Hearings Officer or Planning Director to be unfeasible or inappropriate provided that a bicycle or pedestrian connection is

EXHIBIT "I"

not required where the logical extension of the road that terminates in a cul de sac or dead end street to the nearest boundary of the development would not create a direct connection to an area street, sidewalk or bikeway.

The County may approve a cluster development without bicycle or pedestrian connections if connections interfere with wildlife passage through the subdivision, harm wildlife habitat or alter landscape approved for protection in its natural state.

H. A Conditions of Approval Agreement for the cluster development shall be recorded prior to or concurrent with the final plat for the development.

(Ord. 2004-024 § 2, 2004; Ord. 95-075 § 1, 1995; Ord. 93-005 § 11, 1993; Ord. 91-020 § 1, 1991)

18.128.210. Planned development.

A. Such uses may be authorized as a conditional use only after consideration of the following factors:

1. Proposed land uses and densities.
2. Building types and densities.
3. Circulation pattern, including bicycle and pedestrian circulation, and a demonstration of how those facilities connect to the County transportation facilities. Private developments with private roads shall provide bicycle and pedestrian facilities.
4. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., wherever the addition of such a connection would reduce the walking or cycling distance to a connecting street by 400 feet and by at least 50 percent over other available routes. These connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, and should not be more than 100 feet long if possible.
5. Parks, playgrounds, open spaces.
6. Existing natural features.

7. Environmental, social, energy and economic impacts likely to result from the development, including impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
 8. Effect of the development on the rural character of the area.
 9. Proposed ownership pattern.
 10. Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).
 11. Waste disposal facilities.
 12. Water supply system.
 13. Lighting.
 14. General timetable of development.
- B. The conditional use may be granted upon the following findings:
1. All subdivision restrictions contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
 2. The proposed development conforms to the Comprehensive Plan.
 3. Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
 4. The proposal is in harmony with the surrounding area or its potential future use.
 5. The system of ownership and the means of developing, preserving and maintaining open space is adequate.
 6. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
 7. Sixty-five percent of the land is to be maintained in open space.
 8. Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation and special terrain features.
- C. All applications for planned developments shall include the materials and information required for approval of a subdivision as specified in DCC Title 17, the Subdivision/Partition Ordinance and the materials and information required for

EXHIBIT "I"

approval of a conditional use as specified in DCC Title 18.

1. Approval for the conditional use application and the planned development application may be given simultaneously.

D. Dimensional Standards:

1. Setbacks and height limitations shall be as determined by the Planning Director or Hearings Body upon review of the evidence submitted.
2. Densities shall not exceed that established by the underlying zone.
3. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. An equivalent overall density factor may be utilized in lieu of the appropriate minimum lot area.
4. Minimum size for a planned development shall be 40 acres.

E. Any commercial use permitted outright in an area zoned as an unincorporated community as that term is defined herein will be allowed in a planned development, subject to the following conditions:

1. Each use shall be wholly enclosed in a building.
2. The total area of such uses shall not exceed three percent of the total area of the planned development.

(Ord. 96-003 § 9, 1996; Ord. 95-075 § 1, 1995; Ord. 93-005 § 11, 1993; Ord. 91-020 § 1, 1991)

18.128.220. Planned communities.

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.210(B), except that there must be an additional finding that the planned community will actually function as an independent community.
- C. All applications shall be submitted in the form and with the materials required of

subdivisions as required by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements of DCC Title 18 for the approval of conditional uses.

- D. Dimensional standards shall be determined as specified in DCC 18.128.210(D), except that the minimum size for a planned community shall be 640 acres.

- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the Planning Director or Hearings Body to assure completion of the project as stipulated.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.230. Dude ranches.

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.220(B).
- C. All applications shall be submitted in the form and with the materials required of subdivisions by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements in DCC Title 18 for the approval of conditional uses.
- D. Dimensional standards are the same as those in DCC 18.128.210(D), except that the density of a dude ranch may be greater or less than the density of the underlying zone upon findings by the Planning Director or Hearings Body that the change is warranted and that the proposed density does not violate the purpose of the underlying zone or other terms of DCC Title 18.
- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the

EXHIBIT "T"

Planning Director or Hearings Body to assure completion of the project as stipulated.
(Ord. 95-075 § 1, 1995; Ord. 92-004 § 12, 1992; Ord. 91-020 § 1, 1991)

18.128.240. Shopping complex.

- A. Such uses may be authorized as a conditional use only after a determination is made by the Planning Director or Hearings Body.
 - 1. That the public interest will be served by approval of the proposal based on analysis of environmental, social and economic and energy impacts likely to result from the development. Analysis may include, but not be limited to, consideration of impacts on public facilities such as roads, water supplies, sewer systems and police and fire protection.
 - 2. That the entire complex shall be completed within two years or a master plan shall be submitted that explains the phased development of the project. The master plan shall specify a timetable of completion for all phases of the project. The master plan shall be fully implemented within five years or an extension shall be sought subject to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.
 - 3. That there is adequate area for the buildings, landscaping, parking, septic systems and access to serve the proposed development.
 - 4. That the use is consistent with the character of the area and is not detrimental to the land use pattern of the area.
 - 5. That the proposed shopping complex is to be developed and managed as a total entity, with a plan for maintenance of all elements of the site plan.
 - 6. The proposed shopping complex is appropriate for serving the needs of rural residents in the area.
 - 7. The proposed shopping complex will not attract residents outside the rural area to be serviced.

(Ord. 95-075 § 1, 1995; Ord. 95-018 § 3, 1995; Ord. 91-020 § 1, 1991)

18.128.250. High-temperature geothermal wells and small-scale geothermal energy facilities.

- A. Applicants shall provide the following information:
 - 1. Project Description. A detailed narrative which describes the applicant's plan of operations for exploration, production, utilization, and/or injection. This description shall include estimated starting and completion dates for each activity or phase of the project. It shall also include a concise but comprehensive discussion of the project's expected environmental impacts. This narrative shall also include as an exhibit a statement describing the applicability of all local, state or federal inventories of Statewide Planning Goal 5 resources in the project vicinity.
 - 2. Maps. As may be required by the Planning Director or Hearings Body, maps shall be submitted on readily reproducible transparencies as follows:
 - a. A topographic map, of a scale not less than one inch to one-half mile, on which the following are shown: All pertinent property ownership and geothermal lease boundaries; the location of all proposed, existing and abandoned geothermal wells and/or energy facilities; all existing and planned access roads; major drainage patterns of the project's operational area; and significant environmental features and natural resource locations, including but not limited to: Mineral or aggregate deposits, fish and wildlife habitats, ecologically or scientifically notable natural area, outstanding scenic views, wetlands, surface water bodies, wilderness areas, historic and cultural sites and recreation trails and facilities.

EXHIBIT "I"

- b. A map of the project site, of a scale not less than one inch to 50 feet, on which is shown a detailed layout of all drilling pads, sumps, equipment, buildings, pipelines, power lines and related facilities.
 - c. Other specialized maps, plans or drawings as may be required by the Planning Director or Hearings Body, including but not limited to: A larger-scale map to show any of the foregoing information if details cannot be satisfactorily indicated on the smaller scale map; detailed engineering drawings for any construction at a location on steep terrain, potentially unstable ground or other geologically or environmentally sensitive areas; and engineering drawings of new road construction or existing road modification when such roads are in rugged terrain, or pass through or near environmentally sensitive areas.
3. Emergency Contingency Plan. A detailed emergency contingency plan which addresses prevention or control of fires, blow-outs, pollution incidents, accidents, injuries and adverse weather conditions. This plan shall describe the following:
- a. How the emergency will or might affect the applicant's operations; or endanger personnel, public health, safety or the environment.
 - b. Measures proposed to prevent, control, mitigate or minimize the possible negative effects of emergency incidents.
 - c. Procedures for training and instructing personnel as to proper procedures for preventing, controlling or minimizing the impacts of emergency incidents.
 - d. Where and how stand-by emergency control equipment and services are to be obtained in the event of an emergency incident.
 - e. Notification list with order of notification, including names, telephone numbers and addresses of the applicant's responsible officials and those of applicable emergency service agencies.
 - f. Where and how first aid, and minor and major medical aid will be obtained if needed during work on the project.
4. For drilling applications, a narrative and diagrammatic description of the following:
- a. The type and capacity of drilling equipment to be used.
 - b. The expected drilling schedule.
 - c. The drilling method to be used; type of circulating media to be used, (e.g., water, mud, foam, air or combination thereof); chemical additives to be used; circulating media cooling measures to be employed; and amounts of reserve circulating media and water to be kept on the drill site. If toxic materials are to be used, protective measures must be explained in detail.
 - d. The number and type of workers to be employed during drilling.
 - e. The safety provisions and emergency shutdown procedures to be used for protection of the public health and environment.
 - f. The planned use, source, quality and consumption rate for any outside water supply.
 - g. The method and locations for disposal of wastes.
 - h. A description of the intended site restoration procedures to be used after completion of drilling.
 - i. When approved by the Planning Director or Hearings Body, applications for prospect wells, as defined by ORS 522.005(15), may satisfy the information requirements of DCC 18.128.250(A)(1) through (4), above by submission of a copy of the applicant's prospect well permit application to the Oregon Department of Geology & Mineral Industries.

EXHIBIT "I"

5. For energy facility applications, a narrative and diagrammatic description of the following:
 - a. The structures, equipment and support facilities to be used in the project and their manner of operation.
 - b. A description of the purpose and operational characteristics of the major components in the energy facility, including schematic flow diagrams.
 - c. An artist's rendering which illustrates the visual appearance of the facility and its immediate environs after completion.
 - d. A time schedule for the installation and start-up of the facility.
 - e. The number and type of construction and permanent workers to be employed at the facility.
 - f. The safety provisions and emergency shutdown procedures to be used in the facility for protection of the public health and environment, including a schedule for testing and maintaining safety devices.
 - g. The planned use, source, quality and consumption rate for any outside water supply.
 - h. The method and locations for disposal of wastes.
 - i. A description of facility monitoring to assure continuing compliance with applicable noise, air and water quality standards and regulations and for other potentially significant environmental impacts.
 - j. A description of the intended abandonment and site restoration procedures to be used if and when the facility is permanently taken out of operation.
- B. The siting, drilling, operation and abandonment of wells and energy facilities shall comply with the following standards:
 1. Excluded Areas. No activity shall be permitted in inventoried natural resource areas, as defined by Oregon Statewide Planning Goal 5, which the County has determined to be unsuitable for any use other than the inventoried natural resource pursuant to Geothermal Policy 4(f) of the Comprehensive Plan.
 2. Scenic Protection. Activities shall be designed and conducted to be as compatible as practical with surrounding scenic and visual characteristics. Energy facilities shall be designed to minimize their visual profile and they shall be painted or prepared to be nonreflective and of colors which blend with and reduce contrast with surrounding landscape colors.
 3. Fish and Wildlife Protection. Activities shall be designed, conducted and monitored, so as to assure protection of surrounding fish and wildlife resources. Activities shall not encroach upon or jeopardize habitat areas which are necessary to sustain local or migratory populations of fish and wildlife determined by the County to be significant.
 4. Protection of Historic and Cultural Resources. Activities shall be designed and conducted to avoid disturbance of historic and cultural resources. If such resources are discovered, the applicant shall cease construction or operations and inform the County of the discovery within 48 hours. Thereafter, the applicant shall submit a plan for preservation and interpretation of such resources and implement the plan before resumption of construction or operations.
 5. Access Roads. Activities shall be designed and constructed to utilize existing roads as much as practical.
 6. Signs. All well and facility sites shall have a sign of not less than three, nor more than six, square feet in surface area prominently erected, which displays the site's name or identification number; the operator's name, address and phone number; the name and phone number of the operator's representative to be contacted in the event of an emergency.

EXHIBIT "I"

7. Earth Work. Drill pads, pipeline routes, facility sites and roads shall be designed and constructed as follows:
 - a. Plans for drill pads, pipelines, facility sites and roads shall be prepared by a registered civil engineer.
 - b. Upon commencement of site work, topsoil shall be removed and stockpiled for later respreading over disturbed areas prior to revegetation in accordance with DCC 18.128.250©. Except for large stumps, vegetation removed during initial site work shall be chipped, stockpiled and respread with topsoil. Stumps shall be buried outside of fills. Vegetation beyond the site perimeter shall not be disturbed; the clearing limits for the site shall be specified in plans submitted to the County. Buffer zones of undisturbed soil and vegetation shall be maintained for 500 feet on either side of stream courses. Roads and pipelines crossing riparian areas shall be designed and constructed at minimum widths and in consideration of maximum erosion control.
 - c. Fills shall be compacted to a minimum of 90 percent relative density (ASTM D-1557) to minimize erosion. If significant erosion occurs, the applicant shall take prompt remedial action.
 - d. Fill slopes shall not exceed a gradient of 2:1. The toes of all fills shall be stabilized with rock or keyed into stable soil and placed to reduce erosion potential to an absolute minimum. Revegetation of fill slopes shall be carried out subject to DCC 18.128.250©(C). Cut slopes shall not exceed a gradient of 1.5:1. Modification of these slope gradients may be made upon written approval of the Deschutes County Public Works Director.
 - e. Subdrains shall be provided under all fills where natural drainage courses and seepage are evident.
 - f. No drill pads, pipelines, facility sites or access roads shall be allowed on potentially active landslides.
 - g. Grading and filling shall be designed to channel storm runoff to existing natural drainages. Energy dissipaters and collection devices to reduce the erosion force of unnatural runoff shall be provided.
 - h. Sumps shall be designed to withstand both static loads and dynamic loads imposed by potential seismic events. Sumps shall be constructed of material compacted to a minimum of 90 percent relative density (ASTM D1557), and shall be lined with either clay or an equivalent impermeable membrane. Safety fencing may be required.
 - i. Sumps shall be operated in a way that will preclude overtopping. Three feet of free board shall be maintained at all times when sumps are in use. Upon completion of drilling and testing, sumps shall be purged of environmentally harmful chemicals and precipitates and backfilled immediately.
8. Pipelines. All pipelines shall be designed and constructed in accordance with applicable state standards. Pipelines shall be subsurface at road crossings, unless it is demonstrated that no significantly adverse visual impacts will result from above-ground crossings. In no case shall pipelines impede vehicular traffic. Catch basins and drainages to acceptable receptacles shall be installed and continuously maintained in order to contain condensate.
9. Noise. Activities shall be conducted in compliance with Oregon Department of Environmental Quality noise standards. Noise from drilling and facility operation shall be muffled and times of operation limited to prevent a public nuisance as defined by DEQ. The County may

EXHIBIT "I"

- require noise monitoring and reporting over and above that required by the Department of Environmental Quality.
10. Fire Protection. Activities shall be designed and conducted to provide fire protection measures acceptable to the County, any adjacent land management agency and any fire district in which the project is located.
 11. Waste Disposal. All wastes generated by a project, including but not limited to refuse, drilling fluids, drill cuttings, sand, precipitates and other solids shall be disposed of in a manner and at a location in conformance with Oregon Department of Environmental Quality standards.
 12. Public Safety. Activities shall be designed and conducted to prevent access by unauthorized persons to unattended equipment and operational areas.
 13. Air Quality. Activities shall be designed and conducted to comply with the air quality standards of the Oregon Department of Environmental Quality. Operational areas and access roads shall be regularly sprinkled with clean water to control dust. Except for prospect drilling, as defined by ORS 522.005(15), the County may require establishment of a meteorological station and meteorological monitoring at the site.
 14. Water Quality. Activities shall be designed and conducted to comply with the water quality standards of the Oregon Department of Environmental Quality. The equipment service and fuel transfer areas, and the area occupied by drilling rigs shall drain into sumps. No fluids of any type shall be allowed to enter stream courses.
 15. Subsidence and Induced Seismicity. Activities shall be designed and conducted to minimize the potential for land subsidence or induced seismicity which could result from the withdrawal and/or injection of geothermal fluids. Except for prospect drilling, as defined by ORS 522.005(15), the County may also require establishment of a monitoring program to gauge such impacts during operations. If either subsidence or induced seismicity is determined by the County to present a significant hazard, the County may require remedial action including, but not limited to, reduced production rates, increased injection of waste water or other nontoxic fluids or suspension of production.
 16. Clean-up. Upon completion of each phase of a project, the site shall be promptly cleared of all trash, refuse and other waste material. All drilling equipment shall be removed from well pads within 60 days of the completion of a well.
 17. Well Drilling Completion Notice. Applicants shall notify the County in writing of completed well drilling and testing within seven days of said completion. Applicants shall notify the County in writing of suspended drilling within seven days of said suspension, when such suspension is expected to last longer than 180 days.
 18. Standby Wells. Wells which have encountered geothermal resources and which are awaiting connection to a pipeline or energy facility shall be maintained at a minimum steam-bleeding rate in compliance with Oregon Department of Geology and Mineral Industry standards. The area surrounding the wellhead pads of standby wells and producing wells shall be subject to the revegetation requirements of DCC 18.128.250(C).
 19. Re-Entry of Wells. Applicants may redrill or otherwise re-enter the same well-bore of any well for which a conditional use permit has already been issued as long as all conditions for the use permit continue to be met.
 20. Site Abandonment and Restoration. When a well or facility is permanently abandoned, the applicant shall remove all equipment, structures and other related material within 180 days from the date operations cease. Thereafter, the applicant shall regrade the area of

EXHIBIT "I"

operations to match original land contours as closely as practical and shall revegetate the area subject to DCC 18.128.250(C).

- C. **Revegetation.** Following the completion of well drilling, or the permanent abandonment of a well or facility, the applicant shall revegetate the area of operations as follows:
1. Previously stockpiled topsoil and chipped vegetation shall be respread over disturbed areas prior to reseeded.
 2. Disturbed areas shall be reseeded with native plants and grasses in the first fall following completion of drilling or site abandonment. Temporary fencing of reseeded areas may be required to facilitate revegetation. The revegetation shall be evaluated by the County during the first spring following initial reseeded, and if determined to have resulted in less than a 75 percent survival rate, additional revegetation shall be required in the immediately succeeding fall season.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23C-G, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)

18.128.260. Hydroelectric facilities.

- A. The criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Planning Director or Hearings Body that the proposal meets each of the following criteria, where applicable:
1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
 2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.

3. The facility will maintain or enhance to the greatest extent possible the existing scenic, visual, environmental and aesthetic qualities of the affected stretch of the river.
4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
5. The facility will maintain or enhance existing fish and wildlife habitat and will have no adverse impact upon any threatened or endangered fish, wildlife or plant species or their habitat.
6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river except during construction of the facility when adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
 - a. Deposit or create a zone for the deposit of sediments in the river at or adjacent to the site;
 - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in streamflow; or
 - c. Create the potential for or result in spillage, leakage or discharge of oil, waste products, chemicals or other substances which could reach the river.
7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site except during construction of the facility, during which time soil or bank erosion and destruction of bank habitat will be minimized.
8. The facility and its operation will maintain existing public access to the affected stretch of the river.
9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental

EXHIBIT "T"

Concern, Federal Research Natural Area or U. S. Forest Service Special Interest Area.

10. The facility will not be located on any stretch of the river that is being studied or recommended for inclusion in either the Federal Wild and Scenic Rivers Program or the State Scenic Waterways Program, unless location of the facility at that site would not preclude inclusion of the stretch in the state or federal program.
 11. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
 12. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features including building elevations of the powerhouse and other structures, excavation plans, a narrative describing where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
 2. Detailed plans for meeting the criteria set forth in DCC 18.128.260(B)(1).
 3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
 4. A cash deposit, performance bond or other security acceptable to Deschutes County in an amount equal to 100 percent of the estimated cost of river enhancement.
 5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues

generated by the operation of the proposed facility. The program plans shall contain the following:

- a. A program timetable;
- b. Projected gross revenues from the proposed facility;
- c. Projected program expenditures and the percentage of gross revenues they represent;
- d. Projected water savings and the percentage of known current water losses they represent;
- e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;
- f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the minimum streamflow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and
- g. A declaration that the applicant will enter into an agreement with the County to fulfill all of the requirements in DCC 18.128.260(B)(1) through (5) before beginning construction.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.270. Fill and removal.

Except as otherwise provided in DCC Title 18, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland, unless such fill or removal is approved as a conditional use subject to the following standards:

- A. An application shall be filed containing a plan with the following information:
 1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 2. An explanation of why the fill or removal is necessary.

EXHIBIT "T"

3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of property lines, easements and high water marks.
 - e. Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 2. That the public facility and service uses and related facilities cannot, as a practical matter, be located outside of the wetland or bed and banks of the stream or river.
 3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream or river.
 4. That erosion will be adequately controlled during and after construction.
 5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 6. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:
 1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 4. That such construction and maintenance is designed to minimize the adverse impact on the site.
 5. That erosion will be adequately controlled during and after construction.
 6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 7. That the specific location of a site for a public park, recreation area, natural and outdoor education area, historic and scientific area, wildlife refuges, public boat launching ramps, public docks and walkways will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
- D. Except for uses identified in DCC 18.128.270(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:
 1. Shall be granted only after consideration of the following factors:

EXHIBIT "I"

- a. The effects on public or private water supplies and water quality.
 - b. The effects on aquatic life and habitat, and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - c. Recreational, aesthetic and economic values of the affected water resources.
 - d. Effects on the hydrologic characteristics of the water body such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank and flood hazards.
 - e. The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.
2. Shall not be granted unless all of the following conditions are met:
- a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - d. That erosion will be adequately controlled during and after the project.
 - e. That the essential character, quality, and density of existing vegetation will be maintained. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, aesthetic resources and to prevent erosion.
 - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
 - g. That a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," shall be conveyed to the County, which provides, at a minimum, that all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot, within 10 feet of any wetland, river or stream.
- (Ord. 95-075 § 1, 1995; Ord. 93-043 § 23H-J, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)
- 18.128.280. Surface mining of Non-Goal 5 mineral and aggregate resources.**
- These uses are subject to the following standards:
- A. An application shall be filed containing the following information:
 1. A detailed explanation of the project and why the surface mining activity is necessary.
 2. A site plan drawn to scale and accompanied by any drawings, sketches and descriptions necessary to describe and illustrate the proposed surface mining.
 - B. A conditional use permit shall not be issued unless the applicant demonstrates at the time of site plan review that the following conditions are or can be met:
 1. The surface mining is necessary to conduct or maintain a use allowed in the zone in which the property is located.
 2. Erosion will be controlled during and after the surface mining.
 3. The surface mining activity can meet all applicable DEQ noise control standards and ambient air quality and emission standards.
 4. Sufficient water is available to support approved methods of dust control and vegetation enhancement.

EXHIBIT "I"

5. The surface mining does not adversely impact other resources or uses on the site or adjacent properties, including, but not limited to, farm use, forest use, recreational use, historic use and fish and wildlife habitat as designed or through mitigation measures required to minimize these impacts.

- C. If the surface mining actively involves the maintenance or creation of man-made lakes, water impoundments or ponds, the applicant shall also demonstrate, at the time of site plan review, that the following conditions are or can be met:

1. There is adequate water legally available to the site to maintain the water impoundment and to prevent stagnation.
2. The soil characteristics or proposed lining of the impoundment are adequate to contain the proposed water and will not result in the waste of water.
3. Where the impoundment bank slope is steeper than three feet horizontal to one foot vertical, or where the depth is six feet or deeper, the perimeter of the impoundment is adequately protected by methods such as fences or access barriers and controls.
4. The surface mining does not adversely affect any drainages, all surface water drainage is contained on site, and existing watercourses or drainages are maintained so as not to adversely affect any surrounding properties.

D. Limitations

1. Excavation does not include crushing or processing of excavated material.
2. A permit for mining of aggregate shall be issued only for a site included on the County's non-significant mineral and aggregate resource list.
3. Hours of operation shall be 7:00 a.m. to 6:00 p.m. - Monday through Saturday. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

(Ord. 2001-039 § 14, 2001; Ord. 2001-016 § 2, 2001; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.290. Storage, crushing and processing of minerals in conjunction with the maintenance or construction of public roads or highways.

A conditional use permit for these uses shall be subject to the following standards:

- A. An application shall be filed containing the following information:

1. A detailed explanation of the project, including the duration and operation characteristics of the site.
2. A site plan drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed project.

- B. A conditional use permit for storage, crushing and processing of minerals to be used in conjunction with maintenance and construction of public roads and highways shall be subject to all applicable general operation standards established by DCC 18.52.110, except DCC 18.52.110(J), (K) and (L).

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.300. Mini-storage facility.

- A. Each individual space for rent or sale shall be less than 1000 square feet.
- B. Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles and similar vehicles placed within designated spaces on an all-weather surfaced area which is surrounded by a sight-obscuring fence at least six feet in height.
- C. Yards shall be permanently landscaped.
- D. Yard dimensions adjacent to residential zones shall be the same as required yards within the residential zone.

EXHIBIT "T"

- E. One parking space for each 25 storage spaces shall be located at the project office for use by customers.
 - F. All structures shall be fenced and visually screened.
 - G. Traffic lanes shall be 12 feet wide with an additional 10-foot parking lane, except where the traffic lane does not serve the storage units. All areas provided for vehicle access, parking and movement shall be improved to minimum public road standards.
 - H. A residence for a caretaker or 24-hour on-site manager is permitted.
 - I. There shall be only one access from each adjacent street.
 - J. Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes.
- (Ord. 2001-025 § 1, 2001; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.128.310. Bed and breakfast inn.

- A. Bed and breakfast inns shall be restricted to owner-occupied single-family residences.
- B. Bed and breakfast inns located in farm or forest zones shall utilize existing dwellings or dwellings conforming to the requirements of those zones relating to single-family dwellings.
- C. No more than three sleeping rooms shall be available for the accommodation of inn visitors.
- D. No more than eight guests shall be accommodated at any one time.
- E. Occupancies shall be limited to not more than 30 consecutive days.
- F. Breakfast shall be the only meal provided to inn guests.
- G. The exterior of the building shall maintain a residential appearance.
- H. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.

- I. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.
- J. Approval shall be conditioned upon compliance with all applicable state building code requirements and state sanitation requirements.
- K. Bed and breakfast inns in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.
(Ord. 98-013 § 5, 1998; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.128.320. Campgrounds.

A conditional use permit for a campground may be issued only when the following criteria are met:

- A. Campgrounds shall provide patrons with opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding and other similar activities. Outdoor recreation does not include commercial uses such as miniature golf courses, go-cart tracks or rental of equipment or animals.
- B. Street access shall be provided as follows:
 - 1. The campground shall obtain direct access from a street or road designated as an arterial or collector by the Deschutes County Comprehensive Plan.
 - 2. Access to the campground shall be adequate to handle the anticipated traffic generated by the use.
 - 3. The Deschutes County Public Works Department or the State Highway Division may require refuge lanes for left-hand turns and deceleration lanes for right-hand turns where necessary for public safety.
- C. Water supply and sewage disposal shall be provided as follows:
 - 1. Applicant shall demonstrate that there is adequate potable water available at the site to serve the campground. When the water is to be supplied from a well, a

EXHIBIT "T"

well log is required to show that an ample supply of water will be available for the campground it will serve.

2. Plans for water supply and sewage disposal improvements must be approved by the State Health Division and the Department of Environmental Quality.
 3. Evidence shall be provided to demonstrate that the campground will be eligible for a certificate of sanitation as required by the Oregon Department of Environmental Quality.
- D. A campground shall conform to state standards specified in OAR Chapter 918, Division 650 and the following:
1. Sixty-five percent of a parcel developed as a campground shall be retained as open space. Natural vegetation shall be maintained in open space areas to the fullest extent possible. Walkways, roadways, parking spaces, structures, service areas and campsites shall not be considered open space.
 2. The space provided for each campsite shall be not less than 1600 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, landscaped areas and parking spaces other than those assigned to particular campsites.
 3. Campgrounds shall provide potable water, toilet and shower facilities, lighting, picnic tables and garbage collection sites for the convenient use of campers as specified in ORS 918.650. Water and electric lines shall be placed underground.
 4. Campgrounds shall not provide campsite hookups for sewage disposal or electricity. A centralized sewage dump station that meets state standards may be provided.
 5. Roadways permitting one-way traffic shall be not less than 10 feet wide and those permitting two-way traffic shall not be less than 20 feet wide. Where parking is allowed on the margin of the road, an additional 10 feet shall be added for each parking lane.
- Roadways shall be improved with an all-weather, dustless surface.
6. Except for the access roadway serving the campground, no vehicular or pedestrian access shall be allowed out of the campground. Fences shall be provided which prevent trespass to property not under the control of the campground owner.
 7. Each campsite shall be provided with at least one parking space which shall be paved or covered with crushed gravel and designed to promote drainage of surface runoff.
 8. Campgrounds shall be surrounded by buffer strips of existing vegetation or landscaping.
 9. To promote privacy and preserve the integrity of the natural setting, campgrounds shall retain existing vegetation to the fullest extent practical.
 10. Yards and Setbacks.
 - a. Campsites or parking spaces shall not be located within the yard and setback areas required by the County for permanent buildings in the zone in which the campground is located.
 - b. No developed portion of the campground shall be located within 100 feet of the right of way of any road or property line of a lot not part of the campground.
 - c. No developed portion of the campground shall be located closer than 300 feet from a road in a Landscape Management overlay zone.
 - d. Setback requirements in DCC 18.128.320(D)(10)(b) and (c) may be waived upon a finding by the Planning Director or Hearings Body that the developed portion of the campground will be sufficiently screened and buffered from neighboring properties or the protected landscape area.
 11. Tent campers and recreational vehicles shall not remain in the campground for more than 30 days in any 60-day period.

EXHIBIT "T"

12. The campground shall be licensed as a tourist facility by the State Department of Health as specified in ORS 446, unless operated by a public entity, timber company or private utility.

13. One dwelling may be allowed for a resident caretaker or proprietor.

(Ord. 2004-013 § 14, 2004; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.128.330. Microwave and radio communication towers in the SM zone.

A conditional use permit for siting of a microwave or radio communication tower and accessory equipment structures in the SM Zone shall be subject to the criteria of DCC 18.128.340 and the following criteria:

- A. Towers shall be limited to monopole towers of under 150 feet and lighted only as prescribed by aviation safety regulations.
- B. Towers and accessory equipment structures shall be located only on portions of an SM-Zoned site that do not overlay economically viable mineral or aggregate deposits and that minimize conflicts with mining operations at the site.
- C. Such facilities proposed in an SM Zone where the underlying or surrounding comprehensive plan designation is for forest use must demonstrate compliance with the criteria set forth in DCC 18.36.040.
- D. No new parcels or lots shall be created for siting of the proposed tower.
- E. Such facilities must not conflict with any site plan which has been previously approved by the County.

(Ord. 97-017 § 8, 1997; Ord. 95-075 § 1, 1995; Ord. 95-046 § 3, 1995)

18.128.340. Wireless Telecommunications Facilities.

An application for a conditional use permit for a wireless telecommunications facility or its equivalent in the EFU, Forest, or Surface Mining Zones shall comply with the applicable standards, setbacks and criteria of the base zone and any

combining zone and the following requirements. Site plan review under DCC 18.124 including site plan review for a use that would otherwise require site plan review under DCC 18.84 shall not be required.

A. Application Requirements. An application for a wireless telecommunications facility shall comply with the following meeting, notice, and submittal requirements:

- 1. Neighborhood Meeting. Prior to scheduling a pre-application conference with Planning Division staff, the applicant shall provide notice of and hold a meeting with interested owners of property nearby to a potential facility location. Notice shall be in writing and shall be mailed no less than 10 days prior to the date set for the meeting to owners of record of property within:
 - a. One thousand three hundred twenty feet for a tower or monopole no greater than 100 feet in height, and
 - b. Two thousand feet for a tower or monopole at least 100 feet and no higher than 150 feet in height. Such notice shall not take the place of notice required by DCC Title 22.
- 2. Pre-Application Conference. Applicant shall attend a scheduled pre-application conference prior to submission of a land use application. An application for a wireless telecommunications facility permit will not be deemed complete until the applicant has had a pre-application conference with Planning Division staff.
- 3. Submittal Requirements. An application for a conditional use permit for a wireless telecommunications facility shall include:
 - a. A copy of the blank lease form.
 - b. A copy of the applicant's Federal Communications Commission license.
 - c. A map that shows the applicant's search ring for the proposed site and the properties within the search ring, including locations of existing telecommunications towers or monopoles.

EXHIBIT "I"

- d. A copy of the written notice of the required neighborhood meeting and a certificate of mailing showing that the notice was mailed to the list of property owners falling within the notice area designated under DCC 18.128.340(A)(1).
 - e. A written summary of the neighborhood meeting detailing the substance of the meeting, the time, date and location of the meeting and a list of meeting attendees.
 - f. A site plan showing the location of the proposed facility and its components. The site plan shall also identify the location of existing and proposed landscaping, any equipment shelters, utility connections, and any fencing proposed to enclose the facility.
 - g. A copy of the design specifications, including proposed colors, and/or elevation of an antenna array proposed with the facility.
 - h. An elevation drawing of the facility and a photographic simulation of the facility showing how it would fit into the landscape.
 - i. A copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Transportation - Aeronautics Division as to whether or not aviation lighting would be required for the proposed facility.
- B. Approval Criteria: An application for a wireless telecommunication facility will be approved upon findings that:
- 1. The facility will not be located on irrigated land, as defined by DCC 18.04.030.
 - 2. The applicant has considered other sites in its search area that would have less visual impact as viewed from nearby residences than the site proposed and has determined that any less intrusive sites are either unavailable or do not provide the communications coverage necessary. To meet this criterion, the applicant must demonstrate that it has made a good faith effort to co-locate its antennas on existing monopoles in the area to be served. The applicant can demonstrate this by submitting a statement from a qualified engineer that indicates whether the necessary service can or cannot be provided by co-location within the area to be served.
 - 3. The facility is sited using trees, vegetation, and topography to the maximum extent practicable to screen the facility from view of nearby residences.
 - 4. A tower or monopole located in an LM Zone is no taller than 30 feet. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
 - 5. In all cases, the applicant shall site the facility in a manner to minimize its impact on scenic views and shall site the facility using trees, vegetation, and topography in order to screen it to the maximum extent practicable from view from protected roadways. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
 - 6. Any tower or monopole is finished with natural wood colors or colors selected from amongst colors approved by Ordinance 97-017.
 - 7. Any required aviation lighting is shielded to the maximum extent allowed by FAA and/or ODOT-Aeronautics regulations.
 - 8. The form of lease for the site does not prevent the possibility of co-location of additional wireless telecommunication facilities at the site.
 - 9. Any tower or monopole shall be designed in a manner that it can carry the antennas of at least one additional wireless carrier. This criterion may be satisfied by submitting the statement of a licensed structural engineer licensed in Oregon that the monopole or tower has been designed with sufficient strength to carry such an additional antenna array and by elevation drawings of the proposed tower or monopole that identifies an area

EXHIBIT "I"

designed to provide the required spacing between antenna arrays of different carriers.

10. Any approval of a wireless telecommunication facility shall include a condition that if the facility is left unused or is abandoned by all wireless providers located on the facility for more than one year the facility shall be removed by the landowner.

(Ord. 2000-019 § 2, 2000; Ord. 97-063 § 2, 1997; Ord. 97-017 § 8, 1997)

18.128.350. Guest lodge.

- A. The exterior of the building shall maintain a residential appearance.
- B. One off-street parking space shall be provided for each guest room in addition to parking to serve the residents.
- C. The lodge shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- D. Occupancies for individuals shall be limited to not more than 30 consecutive days.
- E. Meals shall be served to registered overnight lodge guests only and shall not be provided to the public at large.

(Ord. 97-029 § 3, 1997)

18.128.360. Guest ranch.

A guest ranch established under DCC 18.128.360 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360©, the lodge, bunkhouses or cottages cumulatively shall:
 1. Include not less than four nor more than 10 overnight guest rooms exclusive of kitchen areas, rest rooms, storage and other shared indoor facilities, and;
 2. Not exceed a total of 12,000 square feet in floor area.
- B. The guest ranch shall be located on a lawfully created parcel that is:
 1. At least 160 acres in size;

2. The majority of the lot or parcel is not within 10 air miles of an urban growth boundary containing a population greater than 50,000;
 3. The parcel containing the dwelling of the person conducting the livestock operation; and
 4. Not classified as high value farmland as defined in DCC 18.04.030.
- C. For each doubling of the initial 160 acres required under DCC 18.128.360(B), up to five additional overnight guest rooms and 3,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.
 - D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding or swimming. Intensively developed recreational facilities such as a golf course or campground as defined in DCC Title 18, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.
 - E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch. The cost of meals provided to the guests shall be included as part of the fee to visit or stay at the guest ranch. The sale of individual meals to persons who are not guests of the guest ranch shall not be allowed.
 - F. The exterior of the buildings shall maintain a residential appearance.
 - G. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.
 - H. All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.

EXHIBIT "I"

- I. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- J. Occupancies shall be limited to not more than 30 days.
- K. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.
- M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.
(Ord. 2004-020 § 2, 2004; Ord. 2004-001 § 3, 2004; Ord. 2001-043 § 1, 2001; Ord. 98-056 § 2, 1998)

Note: DCC 18.128.360 is repealed December 31, 2005.

18.128.370. Time-share unit.

A time-share unit established under this subsection shall meet the following conditions:

- A. Any time-share unit project shall have its primary access on an arterial or collector street.
- B. New time-share units may be developed in vacant areas in the applicable zoning districts provided that such developments comply with DCC 18.128.370(A), and the following:
 - 1. That such development has a minimum site size of 10 acres, except within the UUC-Sunriver Zone.
 - 2. That such development is appropriately buffered by the use of yards, landscaping, etc., from adjoining properties as determined during site plan review considering the need for privacy and the effects of noise.
- C. The Planning Director or Hearings Body may require bonds to assure installation and maintenance of landscaping, parking and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners'

association, that will assure maintenance of such facilities.

- D. No structure shall be utilized as a time-share unit unless all the units in the structure or particular phase of the development are used as time-share units for this purpose.
(Ord. 2000-033 § 9, 2000)

18.128.380. Procedure for taking action on conditional use application.

The procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application on forms provided by the Planning Department.
- B. Review of the application shall be conducted according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 86-032 § 1, 1986)

18.128.390. Time limit on a permit for a conditional use.

Duration of permits issued under DCC 18.128 shall be as set forth in DCC 22.36.
(Ord. 95-018 § 4, 1995; Ord. 91-020 § 1, 1991)

18.128.400. Occupancy permit.

The Planning Director or Hearings Body may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of DCC Title 18. The Planning Director or Hearings Body shall consider such a requirement for any use authorized by a conditional use permit for which the ordinance requires on-site or off-site improvements or where such conditions have been established by the Planning Director or Hearings Body upon approval of such use. The requirement of an occupancy permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Planning Director or Hearings Body. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated to the Planning Director or the building inspector by the Hearings

EXHIBIT "I"

Body at the time of approval of a specific conditional use permit.
(Ord. 91-020 § 1, 1991)

18.128.410. Time-share unit. (Repealed by Ord. 2000-033, 2000)

18.128.420. Building permit for an approved conditional use.

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Director or Hearings Body. Any substantial change in the approved plan shall be submitted to the Planning Director or the Hearings Officer as a new application for a conditional use.

(Ord. 91-038 § 3, 1991; Ord. 91-020 § 1, 1991; Ord. 89-004 § 3, 1989)