

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Subsec- *
tion 21 of Section 1.030, *
Subsection 3 of Section 4.080, *
and Subsection 16 of Section *
8.050 of Ordinance No. PL-15, *
Deschutes County Zoning *
Ordinance of 1979, as Amended.*

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MARY SUE PERHOLLOW
COUNTY CLERK

ORDINANCE NO. 84-015

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

Section 1. Subsection 21 of Section 1.030, Definitions,
Ordinance No. PL-15, is amended to read as follows:

"(21) Cluster Development. A planned development at
least 5 acres in area permitting the clustering
of single or multi-family residences on one part
of the property, with individual lots not exceed-
ing 2 acres in size. Individual lots are contig-
uous to one another except for occasional cor-
ridors to allow for human passage, wildlife
travel, or natural features such as a stream or
bluff. No commercial or industrial uses are
permitted."

Section 2. Subsection 3 of Section 4.080, Forest Use - F-2,
Ordinance No. PL-15, is amended to read as follows:

"(3) Conditional Uses Permitted.

- (A) Mobile home as a secondary accessory farm
or forest dwelling subject to the pro-
visions set forth in Section 5.120 of this
Ordinance.
- (B) Operations conducted for the exploration,
mining and processing of geothermal
resources as defined by ORS 522.005, for
mining of resources for personal or farm
use.
- (C) Private parks, playgrounds, hunting and
fishing preserves, campgrounds, motorcycle
tracks, rodeo or livestock arenas and other

recreational facilities serving the general public.

- (D) Parks, playgrounds, group camping or community centers owned and operated by a governmental agency or non-profit community organizations.
- (E) Personal use landing strips for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in this section means an airstrip restricted except for aircraft emergencies to use by the owner, and on infrequent and occasional basis by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations. 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.
- (F) Commercial utility facilities for the purpose of generating power for public use by sale.
- (G) Home occupations carried on by residents as an accessory use within their dwelling or other buildings customarily provided in conjunction with farm or forest use.
- (H) A facility for the primary processing of forest products, provided that such a facility is found to not seriously interfere with other forest or 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 this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to

enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- (I) The boarding of horses for profit, stables and dude ranches.
- (J) Single family and residential and recreational dwellings, including mobile homes subject to subsection (5)(L) of this section, not provided in conjunction with forest or farm use; partitions, planned developments and subdivisions in accordance with the terms of this Ordinance and County Ordinance 81-043 and policies set forth by the Comprehensive Plan.
- (K) Destination Resorts.
- (L) Landfills when a written tentative approval by DEQ of the site is submitted with the conditional use application.
- (M) Mobile homes in accordance with section 5.110 of this Ordinance.
- (N) Time-share unit or the creation thereof."

Section 3. Subsection 16 of Section 8.050, Specific Use Standards, Ordinance No. PL-15, is amended to read as follows:

"(16) Cluster Development.

- (A) Such uses may be authorized as a conditional use only after consideration of the following factors:
 - (1) Need for the 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 of the rural character of the area.

- (4) Effect on 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) Human activities, including all development and alterations of the natural landscape, will be limited to 35 percent of the land and 65 percent will be kept in open space uses. In the Forest Use Zone, development shall be limited to 25 percent of the land with 75 percent to be retained in open space. The area of the development shall be measured by drawing a continuous line around the affected area 150 feet on either side of any lot, building, road or other such facility.
 - (2) 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) All lots within the development shall be contiguous to one another except for occasional corridors which shall not be wider than the average lot width, unless the hearings body finds that special circumstances warrant a wider corridor.
 - (4) In the resource and rural zones, the cluster development shall be located on the least productive land.
 - (5) All subdivision requirements contained in County Ordinance 81-043 shall be met.
 - (6) The total number of units may exceed the overall density established by the minimum lot size of the zone in which the development is proposed by not more than 33 percent.
 - (7) The open space of the proposed development may be platted as a separate parcel or in common ownership of some or all of the clustered units, however,

the open area shall not be subject to development unless the whole development is brought inside an urban growth boundary.

- (8) Roads within the development shall meet the requirements of the County Road Department and shall be considered private roads. An agreement acceptable to the Road Department shall be required for the maintenance of those roads. All service connections shall be the minimum length necessary and underground where feasible.
 - (9) The rural character of the area shall not be adversely affected.
- (C) All applications shall be accompanied by a plan with the following information:
- (1) A plat map meeting all the subdivision requirements of County Ordinance 81-043.
 - (2) The area to be preserved for open space clearly designated on the plan and adequate deed restrictions to maintain the land in open space. A written management plan shall also be submitted for the open space.
 - (3) A written agreement establishing an acceptable homeowners association assuring the maintenance of common property in the development.
- (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 reduction is provided the hearings body, but in no case shall the setbacks be less than 25 feet or the height greater than 40 feet.
 - (2) Minimum area for a cluster development shall be 5 acres unless otherwise limited by the zone in which it is proposed.

(E) Phased development of the project may be permitted if agreed to by the hearings body at the time of the initial application. Such conditions and performance bonds shall be required to assure completion of the project as are stipulated by the hearings body.

DATED this 18th day of July, 1984.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Albert A. Young
ALBERT A. YOUNG, Chairman

Lois Bristow Prante
LOIS BRISTOW PRANTE, Commissioner

ATTEST:

Annette Pearson
Recording Secretary

Laurence A. Tuttle
LAURENCE A. TUTTLE, Commissioner