



95-01133

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 of the Deschutes County Code Chapters 18.04, 18.32, 18.64, 18.68, 18.88, and 18.128 replacing "Animal Hospital" with "Veterinary Clinic" and adding "Veterinary Clinic" as a Conditional Use in the RSR-M and RSR-5 zones; and declaring an emergency.

91 DEC -8 AM 11:54
MARY SUE PENNINGTON
COUNTY CLERK

ORDINANCE NO. 94-053

0137-1675

WHEREAS, an application for a text amendment has been submitted by Steven Myrin and Richard Hoffman;

WHEREAS, The Board of County Commissioners has determined that veterinary clinics are an appropriate conditional use in the RSR-M zone;

WHEREAS, after notice and hearing as required by law, the Board of County Commissioners has considered the recommendation of the Planning Commission; now therefore,

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

Section 1. ADOPTION OF AMENDMENTS TO PARAGRAPH 18.04.030 OF THE DESCHUTES COUNTY CODE. Paragraph 18.04.030 of the Deschutes County Code, as amended, is further amended as follows herein, and as shown on Exhibit "A" attached:

"18.04.030 Definitions.

[Animal Hospital. A place where animals or pets are given medical attention and cared for during the time of such treatment.]

Veterinary Clinic. A place where animals or pets are given medical attention and cared for during the time of such treatment.

Section 2. ADOPTION OF AMENDMENTS TO PARAGRAPH 18.32.030 OF THE DESCHUTES COUNTY CODE. Paragraph 18.32.030 of the Deschutes County Code, as amended, is further amended as follows herein, and as shown on Exhibit "B" attached:

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"18.32.030 Conditional Uses Permitted.

E. Kennel and/or [animal hospital] veterinary clinic."

Section 3. ADOPTION OF AMENDMENT TO PARAGRAPH 18.64.030 OF THE DESCHUTES COUNTY CODE. Paragraph 18.64.030 of the Deschutes County Code, as amended, is further amended as follows herein, and as shown on Exhibit "C" attached:

"18.64.030 Conditional Uses Permitted.

E. Kennel or [animal hospital] veterinary clinic."

Section 4. ADOPTION OF AMENDMENT TO PARAGRAPH 18.68.030 OF THE DESCHUTES COUNTY CODE. Paragraph 18.68.030 of the Deschutes County Code, as amended, is further amended as follows herein, and as shown on Exhibit "D" attached:

"18.68.030 Conditional Uses Permitted.

D. Medical clinic[s] or veterinary clinic."

Section 5. ADOPTION OF AMENDMENT TO PARAGRAPH 18.88.040 OF THE DESCHUTES COUNTY CODE. Paragraph 18.88.040 of the Deschutes County Code, as amended, is further amended as follows herein, and as shown on Exhibit "E" attached:

"18.88.040 Uses Permitted Conditionally.

B.9. [Animal hospital] veterinary clinic."

Section 6. ADOPTION OF AMENDMENTS TO PARAGRAPH 18.128.040 OF THE DESCHUTES COUNTY CODE. Paragraph 18.128.040 of the Deschutes County Code as amended, is further amended as follows herein, and as shown on Exhibit "F" attached:

"18.128.040 Specific Use Standards.

C. Cemeter[ies]y.

E. [Clinics] Medical clinic, veterinary clinic, Club[s], Lodge[s], Fraternal Organization[s], Community Center[s], Grange Hall[s], Golf Course[s], Horse Stable[s], and Horse Events requiring conditional uses, Grounds and Buildings for Games or Sports, Country Club[s].

E.c. noise, [and] glare, odor and other adverse impacts."

Section 7. ADDITIONS AND DELETIONS. Additions are set forth in bold faced type and deletions are bracketed.

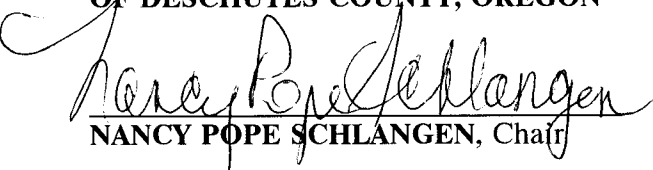
Section 8. SEVERABILITY. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance or any exhibit thereto is adjudged to be invalid by a court of competent jurisdiction that decision shall not affect the validity of the remaining portions of this ordinance or exhibit thereto.

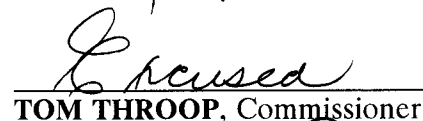
Section 9. CODIFICATION. County Legal Counsel shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the County Legal Counsel form and style for ordinance codification. Such codification shall include the authority to make format changes, to make changes in numbering systems and to make such numbering changes consistent with interrelated code section. In addition, as part of codification of these ordinances, County Legal Counsel may insert appropriate legislative history reference. Any legislative history references included herein are not adopted as part of the substance of this ordinance, but are included for administrative convenience and as a reference. They may be changed to correct errors and to conform to proper style without action of the Board of County Commissioners.

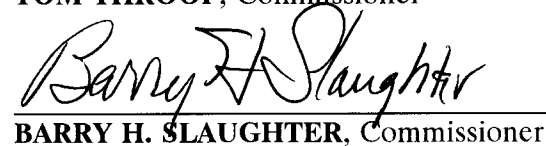
Section 10. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 7 day of December 1994.

**BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON**


NANCY POPE SCHLANGEN, Chair


TOM THROOP, Commissioner


BARRY H. SLAUGHTER, Commissioner

ATTEST:


Anita Mutchie
Recording Secretary

NOTE: Additions are in **bold** and underlined; and deletions are bracketed [].

Chapter 18.04

TITLE, PURPOSE AND DEFINITIONS

Sections:

- 18.04.010 Title
18.04.020 Purpose
18.04.030 Definitions

18.04.010 Title.

This title shall be known as the Deschutes County Zoning Ordinance of 1979.

18.04.020 Purpose.

A. The intent or purpose of this title is to promote the public health, safety and general welfare and to carry out the Deschutes County Comprehensive Plan, the provisions of ORS Chapter 215 and the Statewide Planning Goals adopted pursuant to ORS Chapter 197. This title 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 this title and for the officials whose duty it shall be to enforce the provisions thereof; to provide penalties for the violations of this title; and to provide for resolution of conflicts; (Ord. 91-020 § 1, 1991)

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. 83-037 § 1, 1983)

18.04.030 Definitions.

As used in this title, the following words and phrases shall mean:

Accepted Farming Practice. A mode of operation common to farms and ranches of a similar nature, necessary for the operation of such farms and ranches with the intent to obtain a profit in money, and customarily utilized in conjunction with farm use.

Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use of the property, and located on the same lot as the main use. Accessory uses include drilling for, and utilization of, low-temperature geothermal fluid in conjunction with the main use of the property. (Ord. 85-002 § 1, 1985)

Adjoining. Contiguous; touching or connected, including tracts of land that only connect or touch at a common point. (Ord. 91-020 § 1, 1991)

Affected Persons. (Deleted by Ord. 91-038 § 4, 1991)

Agricultural Land. Lands classified by the U. S. Soil Conservation Service (SCS) as predominately Class I-VI soils, and other lands in different soil classes which are suitable for farm use, taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural lands in any event.

Agricultural Structure. Agricultural structures include any structure considered to be an agricultural structure under the building code. (Ord. 92-034 § 1, 1992)

Agricultural Use. Any use of land, whether for profit or not, related to raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof not specifically covered elsewhere in the applicable zone. Agricultural use includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. Agricultural use also includes the propagation, cultivation, maintenance and harvesting of aquatic species. Agricultural use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees. (Ord. 94-008 § 2, 1994)

Aircraft. Any vehicle designed or used for flight through the air and capable of carrying goods or people.

Airport. Any area of land or water which is used or intended to be used by the general public for the landing and taking off of aircraft and any appurtenant areas, buildings or facilities.

[Animal Hospital. A place where animals or pets are given medical attention and cared for during the time of such treatment.]

Apartment. See Dwelling, multiple-family.

Area of Shallow Flooding. (Deleted by Ord. 93-002 § 1, 1993)

Area of Special Flood Hazard. The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Such areas are designated by the letter A or V on the Flood Insurance Rate Map (FIRM). (Ord. 88-030 § 3, 1988)

Automobile Wrecking Yard. A premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of obsolete

automobiles, trailers, trucks, machinery or parts thereof.

Automobile Service Station. A building or portion thereof or land used for the retail sale of automobile fuel, oil and accessories and service.

Automobile Repair Garage. A building or portion thereof used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Automobile and Trailer Sales Area. An open area, other than a street, for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

Auxiliary. As used in Chapters 18.36 and 18.40, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on a site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded. (Ord. 92-025 § 1, Exhibit A, 1992)

Bank-Full Stage. The elevation at which water overflows the natural banks of a stream, river or lake and begins to inundate the upland. In the absence of physical evidence, the two-year reoccurrence interval flood elevation may be used to approximate bank-full stage. (Ord. 86-056 § 2, 1986)

Basement. A story partly or wholly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet above the average level of the adjoining grade.

Bed and Breakfast Inn. A single-family dwelling unit where lodging and meals are provided for compensation, in which no more than three (3) guest rooms are provided for no more than eight (8) guests. A guest shall not rent for a time period longer than thirty

(30) consecutive days. (Ord. 91-038 § 3, 1991)

Bed or Banks of Stream or River. The physical container of the waters of a stream or river lying below bank-full stage and the land 10 feet on either side of the container. (Ord. 86-056 § 2, 1986)

Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter or having three wheels in contact with the ground, any of which is more than 14 inches in diameter. (Ord. 93-005 §1, 1993)

Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities, all bikeways and shared roadways not specifically designated for bicycle use. (ord. 93-005 § 1, 1993)

Bikeway. Any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facility is designated for the exclusive use of bicycles or is shared with other transportation modes. (Ord. 93-005 § 1, 1993)

Bicycle commuter facilities. Shower(s) and changing room(s) provided in commercial and public buildings employing at least 25 people. Such facilities may be part of regular bathroom facilities. (Ord. 93-005 § 1, 1993)

Boarding House. A building or portion thereof, other than a motel, restaurant or hotel, where meals or lodging or both are provided for compensation for more than four persons, other than a family.

Boat Dock or Pier, Community. A personal use boating structure that is built over or floats upon the water of a lake, river or stream, that serves more than one property owner for the mooring of boats or as a landing place for marine transport, and that has a surface area of 320 square feet or less. (Ord. 89-009 § 2, 1989)

Boat Dock or Pier, Individual. A personal use boating structure that is built over or

floats upon the water of a lake, river or stream and that serves one property owner for mooring boats or as a landing place for marine transport, and that has a surface area of 160 square feet or less. (Ord. 89-009 § 2, 1989)

Boat House. A covered or enclosed structure designed to provide moorage and/or storage for recreational or commercial marine transport and built over or floating upon a lake, river or stream. (Ord. 89-009 § 2, 1989)

Boat Slip. An area of bank or shore where soil or other material is excavated to a level at or below the level of the waters of an adjacent lake, river or stream, to allow the mooring or landing of marine transport within the excavated area. (Ord. 89-009 § 2, 1989)

Building. A structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Camp, Tourist or Trailer Park. (Deleted by Ord. 91-038 § 4, 1991)

Campground. An area designed for overnight, temporary use where facilities are provided to accommodate camping for two or more tents or recreational vehicles. A campground shall not include campsite utility hook-ups or commercial activities. (Ord. 91-038 § 3, 1991)

Camping Vehicles. (Deleted by Ord. 91-038 § 4, 1991)

Carrying Capacity. Level of use which can be accommodated and continued without irreversible impairment of natural resource productivity, the ecosystem and the quality of air, land and water resources.

Church. An institution that has non-profit status as a church established with the Internal Revenue Service. (Ord. 91-038 § 3, 1991)

Clear Vision Area. A triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in Section 18.116.020(B) of this title. Where lot lines have rounded corners, the specified distance is

measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. (Ord. 91-038 § 3, 1991)

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 exceeding 2 acres in size. Individual lots are contiguous to one another except for occasional corridors to allow for human passage, wildlife travel or natural features such as a stream or bluff. No commercial or industrial uses permitted. (Ord. 84-015 § 1, 1984)

Commercial Agricultural Enterprise. Farm operations which will:

A. Contribute in a substantial way to the area's existing agricultural economy; and

B. Help maintain agricultural processors and established farm markets.

When determining whether a farm is part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered. (Ord. 91-038 § 3, 1991)

Commercial Amusement Establishment. A facility supplying refreshments and various forms of entertainment to the general public.

Commercial Farm. As used in Chapter 18.16, "Commercial farm" means those land tracts shown on the 1991 Assessor's records as contiguous ownership tracts under one name (or separated only by a road), zoned EFU, receiving special assessment for farm use and in the top 90% of assessed farm use values (arranged in ascending order). These farms are identified in the resource element of the comprehensive plan. (Ord. 92-065 § 1, 1992)

Commercial Forest Land. Land which is used for the growing and harvesting of forest tree species. (Ord. 92-025 § 1, Exhibit A, 1992)

Commercial Residential Use. A building, portion of a building or group of buildings designed or used for human occupancy or

lodging for which a fee is charged, such as a hotel, motel or tourist camp, but excluding quarters intended for permanent occupancy such as a duplex or apartment. A manufactured home park is not included in this definition.

Community Service Use. Any public or semi-public uses, such as landfills, schools, utility facilities, churches, community buildings, fire stations, cemeteries, mausoleums, crematories, airports and private uses which attract significant numbers of people, such as airports, livestock sales yards and other similar uses. (Ord. 85-016 § 1, 1985)

Community Water System. A domestic water supply source or distribution system which serves or is designed to serve more than three individual residences or other uses for the purpose of supplying water for household uses, having legal and financial capacity for long-term operation and maintenance. Does not include municipality water supply systems.

Community Sewage System. A sewage disposal system serving or designed to serve more than ten individual residences or other uses for the purpose of disposing of household liquid wastes, having legal and financial capacity for long-term operation and maintenance. Does not include municipal or public utility sewage disposal system.

Conditional Use. A use that may be permitted, permitted with conditions or denied at the discretion of the hearings body based upon findings of fact as required by this title, the County Uniform Development Procedures Code and the Comprehensive Plan. (Ord. 91-038 § 1, 1991; Ord. 86-032 § 1, 1986)

Condominium. A type of ownership defined by state statute as the land, if any, whether leasehold or in fee simple, and whether contiguous or not contiguous; any buildings, improvements and structures on the property; and any easements, rights and appurtenances belonging to the property which are submitted to the provisions of ORS 100.050 to 100.625. (Ord. 91-038 § 3, 1991)

Conduit. Any tunnel, canal, pipeline, aqueduct, flume, ditch or similar man-made struc-

ture which is or may be used to convey water. (Ord. 86-018 § 1, 1986)

Conflicting Use. A land use which could negatively impact or be negatively impacted by a Goal 5 resource. (Ord. 91-038 § 3, 1991)

Conservation Easement. A non-possessory interest in real property conveyed by the property owner to the county, imposing limitations or affirmative obligations concerning the use of the property. The purposes of a conservation easement include, but are not limited to, retaining or protecting natural, scenic or open space values, public access, protecting natural resources, maintaining or enhancing air and water quality and preserving the historical, archaeological or cultural aspects of the property. (Ord. 86-054 § 1, 1986)

Contiguous Land. Parcels of land under the same ownership which abut, irrespective of roadways, stream or valley bottom.

Cross-Section. A profile of the ground surface perpendicular to the center line of a street, stream or valley bottom.

Dam. Any man-made structure which is or may be used to impound water. (Ord. 86-018 § 1, 1986)

Destination Resort. A self-contained development providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a "major destination resort" under Goal 8, a proposed development must meet the following standards:

A. The resort is located on a site of 160 or more acres.

B. At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas.

C. At least two million dollars (\$2,000,000) (in 1984 dollars) is spent in the first phase on improvements for on-site developed recreational facilities and visitor-oriented accommodations, exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Developed recreational facilities and key

facilities intended to serve the entire development and visitor-oriented accommodations must be physically provided or be guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

D. Visitor-oriented accommodations are provided, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings. Accommodations available for residential use will not exceed two such units for each unit of overnight lodging.

D. Commercial uses limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses are not permitted. (Ord. 92-004 § 1, Exhibit A, 1992)

DEQ. The Oregon Department of Environmental Quality. (Ord. 90-014 § 2, 1990)

Developed Recreation Facilities. With respect to destination resorts, means improvements constructed for the purpose of recreation. These include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities and bicycle paths. (Ord. 92-004 § 2, Exhibit B, 1992)

Diversion. Any man-made structure which is or may be used to deflect or divert water from a river or stream into a conduit. (Ord. 86-018 § 1, 1986)

Disposal Site. Means land and facilities used for disposal, handling or transfer of or resource recovery of solid wastes. (Ord. 92-066 § 1, 1992)

DOGAMI. The Oregon Department of Geology and Mineral Industries. (Ord. 90-014 § 2, 1990)

Dust-Sensitive Use. Real property normally used as a residence, school, church, hospital or similar use. Property used in industrial or agricultural activities is not "dust-sensitive"

unless it meets the above criteria in more than an incidental manner. Accessory uses such as garages and workshops do not constitute dust-sensitive uses. (Ord. 91-038 § 1, 1991; Ord. 90-014 § 2, 1990)

Dwelling, Multi-Family. A building or portion thereof designed for occupancy by three or more families living independently of each other.

Dwelling, Single-Family. A detached building containing one dwelling unit and designed for occupancy by one family only, not including manufactured homes and such temporary structures as tents, tepees, travel trailers and other similar structures. (Ord. 91-005 § 1, 1991)

Dwelling, Seasonal. A dwelling unit, including a manufactured home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one family for recreational or seasonal purposes only.

Dwelling, Two-Family. A building containing two dwelling units and designed for occupancy by two families.

Dwelling Unit. One or more rooms in a building designed for occupancy by one family and having not more than one cooking area or kitchen.

Dude Ranch. A ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accommodations for vacation use by non-residents.

Easement. A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

Ensure. Guarantee; make sure or certain something will happen. (Ord. 91-020 § 1, 1991)

ESEE. The letters stand for "economic, social, environmental, and energy." ESEE means the economic, social, environmental and energy "consequences," as defined in the Oregon Administrative Rules, Section 660-16-005, that might result from prohibiting, restricting, or fully allowing a "conflicting" use.

A conflicting use is one which could negatively impact or be negatively impacted by the Goal 5 resource. (Ord. 90-014 § 2, 1990)

Excavation, Grading and Fill and Removal. As used in this title, these activities shall not include practices that constitute accepted farming practices as defined in ORS Chapter 215. (Ord. 91-038 § 3, 1991)

Exempt Vegetation. A tree or other plant that is shown by the sunchart accompanying a solar access permit application to cast existing shade on a protected area. (Ord. 83-037 § 2, 1983)

Existing. Existing at the time of application. (Ord. 83-037 § 2, 1983)

Factory Built Dwelling. A dwelling unit built substantially or entirely at a place other than the residential site, meeting county and state building code requirements and including, but not limited to, prefabricated or modular homes, but excluding manufactured homes. (Ord. 91-020 § 1, 1991)

Family. An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship living together as one housekeeping unit using a common kitchen and providing meals or lodging to not more than three additional unrelated persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using a common kitchen.

Farm Use. The current employment of land for the primary purpose of obtaining profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Farm use includes the preparation and storage of the products raised on such land for human and animal use and disposal by marketing or otherwise. "Farm Use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equine. Farm use also

includes the propagation, cultivation, maintenance and harvesting of aquatic species. Farm use does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees. (Ord. 94-008 § 1, 1994; Ord. 91-038 § 1, 1991)

Feed Lot. A livestock feeding yard. (Ord. 91-020 § 1, 1991)

Fence, Sight-Obscuring. A continuous fence, wall, evergreen planting or combination thereof constructed and/or planted to effectively screen a particular use from view. (Ord. 91-020 § 1, 1991)

Fill and Removal. The deposit or removal by artificial means of material at a location within the waters of any lake, river or stream, or in wetlands or riparian areas. (Ord. 91-020 § 1, 1991; Ord. 89-009 § 2, 1989)

Fire Break. A break in the ground cover fuels intended to prevent the spread of fire.

Fish Passage Device. Any man-made structure which is or may be used to enable fish to pass over a dam to move upstream. (Ord. 86-018 § 1, 1986)

Fish Protection Device. Any man-made structure, such as a fish screen, which is or may be used to prevent fish from entering into or passing through conduits, penstocks and other water-conducting structures or devices connected to a hydroelectric facility. (Ord. 86-018 § 1, 1986)

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source. (Ord. 88-030 § 3, 1988)

Flood, Base. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Such areas are designated by the letter A or V on the Flood Insurance Rate Map (FIRM). (Ord. 88-030 § 3, 1988)

Flood Hazard Area. (Repealed by Ord. 88-030 § 1, 1988)

Flood Hazard Boundary Map. (Repealed by Ord. 88-030 § 1, 1988)

Flood Insurance Rate Map. (FIRM). The official map on which the United States Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The FIRM is adopted by reference in Ordinance No. 88-031. (Ord. 88-030 § 3, 1988)

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood condition of partial or complete inundation of normally dry land areas. The Study is adopted by reference in Ordinance No. 88-031. (Ord. 88-030 § 3, 1988)

Flood Plain. The area adjoining a stream that is subject to inundation by the base flood discharge that is outside the floodway. (Ord. 93-002 § 2, 1993)

Flood Plain Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, located within the area of special flood hazard. (Ord. 88-030 § 3, 1988)

Flood Plain Profile. (Repealed by Ord. 88-030 § 1, 1988)

Floodway. The channel of a river or other water course, and the adjacent land areas, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Ord. 88-030 § 3, 1988)

Forest Lands. Lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources. (Ord. 92-025 § 1, Exhibit A, 1992)

Forest Operation. Any commercial activity relating to the growing and harvesting of forest tree species. (Ord. 92-025 § 1, Exhibit

A, 1992)

Forest Practice. Any operation conducted on or pertaining to commercial forest lands, including but not limited to:

- A. Reforestation of forest land;
- B. Road construction and maintenance;
- C. Harvesting of forest tree species;
- D. Application of chemicals; and
- E. Disposal of slash. (Ord. 92-025 § 1, Exhibit A, 1992)

Forest Uses. Forest uses include production of trees and the processing of forest products; open space; buffers from noise and visual separation of conflicting uses; watershed protection and wildlife and fisheries habitat; soil protection from wind and water; maintenance of clean air and water; outdoor recreational activity and related support services and wilderness values compatible with these uses; and grazing for livestock.

Frontage. All property adjoining one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and a right-of-way, waterway, end of a dead-end or city boundary.

Geothermal Energy Facility, Small-Scale. An electrical power generating plant with a nominal electric generating capacity of less than 25 MW; a pipeline that is less than 16 inches in diameter and less than 5 miles in length used to carry geothermal resources; and related or supporting equipment and facilities. (Ord. 85-002 § 2, 1985)

Geothermal Resource, High-Temperature. Any groundwater, steam or other fluid 250 degrees F. or greater which is used for its thermal characteristics. (Ord. 85-002 § 3, 1985)

Geothermal Resource, Low-Temperature. Any groundwater, steam or other fluid less than 250 degrees F. which is used for its thermal characteristics. (Ord. 85-002 § 4, 1985)

Geothermal Well, High-Temperature. Any excavation, as defined by ORS 522.005(10), 522.005(12) or 522.005(15), that is constructed or used for the thermal properties of the resource contained within, or which is con-

structed or used for returning such resource to an underground reservoir. (Ord. 85-002 § 5, 1985)

Geothermal Well, Low-Temperature. Any excavation, as defined by ORS 537.515(7), that is constructed or used for the thermal properties of the resource contained within, or which is constructed or used for returning such resource to an underground reservoir. (Ord. 85-002 § 6, 1985)

Goal 5 Resource. Open spaces, scenic and historic areas and natural resources as specified in Goal 5 of Oregon's Statewide Planning Goals and its implementing Administrative Rule, OAR 660, Division 15. (Ord. 91-038 § 3, 1991)

Grade (Ground Level). The average of the finished ground elevations of all walls of a building. For purposes of height determination in the Landscape Management Combining Zone, grade shall be the average of natural ground elevations prior to construction for the wall closest to and facing the road, river or stream. (Ord. 91-038 § 1, 1991)

Guest House. Living quarters within a detached accessory building located on the same lot as the main building for use by temporary guests of the occupants of the main premises, not rented or otherwise used as a separate dwelling. A guest house shall contain no kitchen, kitchenette or other cooking facilities. (Ord. 91-038 § 1, 1991)

Habitable Floor. Any floor usable for living purposes, including working, sleeping, eating, cooking, or recreation or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Highest Shade Producing Point. The highest shade producing point of the structure two hours before and after the solar zenith on December 21. (Ord. 83-037 § 2, 1983)

Height of Building. The vertical distance from grade to the highest point of the roof. (Ord. 91-038 § 1, 1991)

Historic Area or District. Lands with sites, structures or objects of local, regional, statewide or national historical significance as

indicated in the Comprehensive Plan Resource Element. (Ord. 91-020 § 1, 1991)

Historic Site. A location, structure or object having local, regional, statewide or national historic significance as indicated in the Comprehensive Plan Resource Element. (Ord. 91-038 § 3, 1991)

Home Occupation. An occupation or profession carried on within a dwelling or a residential accessory structure by a resident of the dwelling. The occupation or profession shall be secondary to the residential use. (Ord. 91-020 § 1, 1991)

Hog Farm. Any premises where 25 or more hogs are maintained.

Horse Events. Means any exhibition or competition involving horses whose purpose is to test and/or advance the skills of a horse and/or its rider, such as but not limited to horse shows, schooling events, horse training seminars or clinics, open houses, cutting competitions, rodeos [or] **and** jackpot roping contests. (Ord. 94-008 § 3, 1994)

Horse Stables. Structures, including indoor and outdoor riding arenas, for the stabling or training of horses and other facilities normally associated with such uses. (Ord. 94-008 § 4, 1994)

Horse Stables, Commercial. Stables for the boarding and/or keeping of horses and the training of horses that are not non-commercial riding stables as defined in this title. (Ord. 94-008 § 5, 1994)

Horse Stables, Non-Commercial. A detached accessory structure for the stabling or training of horses owned by the land owner or a single lessee of the stable facility for personal use. May also include the incidental boarding or keeping of up to 5 horses owned by persons not the owner or lessee of the horse stable for their personal use. (Ord. 94-008 § 6, 1994)

Hydroelectric Facility. All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including, but not limited to, conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, tur-

bines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas and surrounding and adjacent lands which are necessary for or related to the facility. (Ord. 86-018 § 1, 1986)

Impoundment. Any man-made structure which is or may be used to impound water. (Ord. 86-018 § 1, 1986)

Insure. (Repealed by Ord. 91-020 § 1, 1991)

Intensive Agricultural Use. Any agricultural use where accepted farming practice may produce noise, dust, chemical application or other potential nuisance at any time during the year. (Ord. 91-038 § 3, 1991)

Interest. Includes a lot or parcel, a share, undivided interest or membership which includes the right to occupy the land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period of more than three years. Interest does not include any interest in a condominium as that term is defined in ORS Chapter 91.505 or any security interest under a land sales contract, trust deed or mortgage. Interest does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

Irrigated acres. As used in Chapter 18.16, irrigated acres means those lands to which a water right is appurtenant. (Ord. 92-065 § 2, 1992)

Junk Yard. Primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off or salvage material of any sort in other than the original form in which it was manufactured or assembled, not including reconditioned secondhand furniture or fixtures sold from within a walled building.

Kenel. A lot or building in which four or more dogs, cats, pot-bellied pigs or other animals at least four months of age are kept commercially for board, breeding, training or sale. (Ord. 94-001 § 1, 1994)

Key Facilities. Basic services usually furnished by local government but which also

may be provided by private enterprise, essential to the support of more intensive development. Includes public schools, transportation, water supply, fire protection, sewage and solid waste disposal.

Land Development. The division of land into parcels or lots for any purpose or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. Includes the intent for disposition of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests offered as a part of a common promotional plan of advertising and disposition by a single developer or group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering to be offered for disposition as part of a common promotional plan.

Land Disposal Site. Means a disposal site and related facilities at which the method of disposing solid waste is by landfill. (Ord. 92-066 § 1, 1992)

Landing Strip. An area used for the landing and taking off of aircraft for the personal use of the property owner or his guests, or aircraft employed in agricultural operations.

Landing Strip, Personal Use. See "Personal Use Landing Strip." (Ord. 91-020 § 1, 1991)

Landscaping. Trees, grass, bushes, shrubs, flowers, and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework and artificial plants, bushes or flowers.

Legislative. A planning or zoning action resulting in a general rule or policy which is applicable to an open class of individuals or situations.

Livestock. Domestic animals of types customarily raised or kept on farms for profit or other productive purposes. This definition does not include household dogs, cats and pot-bellied pigs. (Ord. 94-001 § 2, 1994; Ord. 91-038 § 1, 1991)

Livestock Feed Lot. An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for commercial slaughter. (Ord. 91-020 § 1, 1991)

Livestock Sales Yard. An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

Loading Space. An off-street space within a building or on the same lot with a building, having direct access to a street or alley, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials.

Lodge. A structure or group of related structures wherein transient eating and/or sleeping accommodations are provided for a fee in connection with outdoor recreation activities. (Ord. 91-038 § 3, 1991)

Lot. A unit of land created by a subdivision of land.

A. Lot Area. The total horizontal area contained within the lot lines. Said area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 acres and smaller. The total horizontal net area within lot lines of a lot is that square footage of a lot that is free from roads, streets, rights-of-way or easements of access to other property. Provided, however, that the Planning Director or Hearings Body shall include in gross lot areas all streets, roads, and easement of access to other property that would accrue to that lot if the road, street or easement were vacated, and shall treat the gross area of lots that have never been previously described of record as other than fractions of a section as if the section contained 640 acres, in cases where a lot is sought to be partitioned. (Ord. 91-020 § 1, 1991)

B. Lot, Corner. A lot adjoining two or more streets, other than alleys, at their intersection provided the angle of intersection of the adjoining streets does not exceed 135 degrees.

C. Lot Depth. The average horizontal distance between the front and rear lot lines.

D. Lot Line. The property lines bound-

ing a lot.

E. Lot Line, Front. The lot line separating a lot from a street other than an alley. In the case of a lot that does not front directly on any street, the front lot line shall be that lot line parallel to and facing the same direction as the front lot lines of the majority of other properties in the immediate area. (Ord. 91-038 § 1, 1991)

F. Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd-shaped lot, a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.

G. Lot Line, Side. Any lot line other than a front or rear lot line bounding a lot.

H. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.

I. Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (Ord. 91-020 § 1, 1991)

J. Lot of Record.

a. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:

1. By partitioning land as defined in ORS Chapter 92;

2. By a subdivision plat, as defined in ORS Chapter 92, filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;

3. By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots subject to a recorded subdivision or town plat;

4. By a town plat filed with the

Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or

5. By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.

b. The following shall not be deemed to be a lot of record:

1. A lot or parcel created solely by a tax lot segregation because of an assessor's roll change or for the convenience of the assessor.

2. A lot or parcel created by an intervening section or township line or right-of-way.

3. A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed subject to paragraph (a)(3) of this section.

4. A parcel created by the foreclosure of a security interest.

For the purposes of this title, "lot" or "parcel" means a lot of record as defined herein. (Ord. 91-038 § 1, 1991; Ord. 88-009 § 1, 1988; Ord. 87-015 § 1, 1987)

Lowest Floor. The lowest floor of the lowest enclosed area of a structure, including the basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 18.96.060. (Ord. 88-030 § 3, 1988)

Major Partition. A partition which includes the creation of a road or street. (Ord. 91-038 § 3, 1991)

Manufactured Home. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, and that is being used for residential purposes. It does not include any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer. (Ord. 91-005 § 1, 1991; Ord. 89-004 § 1, 1989)

Manufactured Home Park. Any place where two or more manufactured homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. (Ord. 89-004 § 1, 1989)

Manufactured Home Subdivision. A subdivision intended to be occupied primarily or exclusively by manufactured homes. (Ord. 89-004 § 1, 1989)

Marina. A structure built over or floating upon the waters of a lake, river, stream or man-made waterway that provides moorage, launching, storage, supplies and services for recreational and/or commercial marine transport. (Ord. 89-009 § 2, 1989)

Mean Sea Level. The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map (FIRM) are referenced. (Ord. 93-002 § 2, 1993)

Mineral. Includes, but is not limited to, soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or constructional use. (Ord. 90-014 § 2, 1990)

Mini-Storage. Commercial development of multiple storage units for rental to the public. (Ord. 91-038 § 3, 1991)

Minor Partition. A partition that does not include the creation of a road or street. (Ord. 91-038 § 3, 1991)

Mitigation. The minimizing or offsetting of impacts by the provision of on- or off-site improvement or compensation which benefits impacted property owners, resources and the public interest. Mitigation measures include, but are not limited to, the provision of additional fish and wildlife habitat, conservation easements, on- and off-site screening and buffering, compensation for the maintenance of existing off-site screening, fees in lieu of

improvements and similar arrangements which are agreed to in writing by the affected parties and which relate to and are necessitated by a surface mining development or operation. (Ord. 90-014 § 2, 1990)

Mobile Home. (Deleted by Ord. 91-005 § 2, 1991; Ord. 89-004 § 1, 1989)

Mobile Home Park. (Deleted by Ord. 91-005 § 2, 1991; Ord. 89-004 § 1, 1989)

Mobile Home Subdivision. (Deleted by Ord. 91-005 § 2, 1991)

Modular Homes. See "Factory Built Dwelling." (Ord. 91-020 § 1, 1991)

Municipal Water Supply System. A domestic water supply source and distribution system owned and operated by a city, county, special district or other public corporation which has independent tax-levying powers to support the system and which supplies water to a total of 1,000 or more households.

Natural Area. As indicated in the Comprehensive Plan Resource Element, land and water that has substantially retained its natural character or land and water that, although altered in character is important as habitats for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features or for the enjoyment of its natural features.

Natural Hazard Area. An area subject to natural events known to result in death or endangerment of the works of man, such as stream flooding, ground water, flash flooding, erosion or fluvial deposits, landslides, earthquakes, weak foundation soils and other hazards unique to a local or regional area.

Natural Resources. Air, land, water and the elements thereof valued for their existing and potential usefulness to man.

Necessary For. As used in Sections 18.36.050 and 18.40.050, "necessary for" means the dwelling will contribute substantially to effective and efficient management of the forest land to be managed by the resident(s) of the dwelling. (Ord. 92-025 § 1, Exhibit A, 1992)

New Construction. Any structure for which the start of construction [commenced] was on

or after the effective date of Ordinance PL-15. For purposes of the Flood Plain Zone (FP), "new construction" means any structure for which the start of construction commenced on or after the date of adoption of the amendments to the Flood Plain Zone in Ordinance No. 88-030. (Ord. 93-002 § 3, 1993; Ord. 88-030 ss 3, 1988)

Noise-Sensitive Use. Real property normally used for sleeping or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not "noise-sensitive" unless it meets the above criteria in more than an incidental manner. Accessory uses such as garages or workshops do not constitute noise-sensitive uses. (Ord. 91-038 § 1, 1991; Ord. 90-014 § 2, 1990)

Nonconforming Lot or Parcel. A lot or parcel which is smaller in area than the minimum lot or parcel size in the zone. (Ord. 87-015 § 1, 1987)

Nonconforming Structure or Use. A lawful existing structure or use at the time this title or any amendment thereof becomes effective which does not conform to the requirements of the zone in which it is located.

North Lot Line. A lot line that requires solar access protection, as specified in Section 18.116.180, that is 45 degrees or more from a north-south axis as determined by a metes and bounds description established on a County Assessor's tax lot map, verified by a survey filed with the County Surveyor or established by an official plat recorded in the County Clerk's Office. If more than one north lot line exists for a parcel or lot, solar protection shall be required for each line and the most restrictive solar setback must be met. (Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 83-037 § 2, 1983)

Nursery, Day. A facility providing day care to three or more children, aged 14 years or under, but not including any: (a) facility providing care that is primarily educational unless provided to a preschool child for more than four hours a day; (b) facility providing care that is primarily supervised training in a

specific subject, including but not limited to dancing, drama, music or religion; (c) facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group; (d) facility operated by a school district or governmental agency; (e) residential facility licensed under ORS 443.400 to 443.445 and 443.991(2).

Nursing Home. Any home, institution or other structure maintained or operated for the nursing or care of four or more ill, aged or infirm adults not requiring hospital care or hospital facilities.

Open Space. Lands used for agricultural or forest uses and any land area that would, if preserved and continued in its present use, conserve and enhance natural or scenic resources; protect air, streams or water supply; promote conservation of soils, wetlands, beaches or marshes; conserve landscaped areas such as public or private golf courses, that reduce pollution and enhance the value of adjoining or neighboring property; enhance the value to the public of adjoining or neighboring parks, forests, wildlife preserves, nature reservations or other open space; enhance recreation opportunities; preserve historic, geological and archeological sites; promote orderly urban development; and minimize conflicts between farm and non-farm uses.

Ordinary High Water Mark (OHM). The highest level on the bank or shore of a lake, river or stream to which the water ordinarily rises annually in season. (Ord. 89-009 § 2, 1989)

Ordinary Low Water Mark (OLM). The lowest level on the bank or shore of a lake, river or stream to which the water ordinarily recedes annually in season. (Ord. 89-009 § 2, 1989)

Overburden. Earth or rock that lies above a natural deposit of a mineral. (Ord. 90-014 § 2, 1990)

Overnight Lodgings. With respect to destination resorts, means permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings

include hotel or motel rooms, cabins and time share units. Individually-owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodging for the purpose of this definition. (Ord. 92-004 § 2, Exhibit B, 1992)

Owner. The owner of the title to real property or the authorized agent thereof or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Recorder's records.

Parcel. A unit of land created by a partitioning of land.

Parking Space. A clear, off-street area for temporary parking or storage of one automobile, having an all-weather surface of a width not less than eight and one-half feet, a length of not less than 22 feet and not less than eight and one-half feet in height when within a building or structure. Such parking space shall not be less than 190 square feet in area and shall have easy access to a street or alley by a driveway having an all-weather surface, except as approved subject to Section 18.116.030.

Partition. An act of partitioning land or an area or tract of land partitioned as defined under "Partition Land." (Ord. 91-038 § 1, 1991)

Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include divisions of land resulting from lien foreclosures, or recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots. Partition land does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with

other contiguous lots or property by a single owner.

Partition Plat. The final map describing parcels created by partition and other writing as specified in the subdivision and partition ordinance containing all other descriptions, locations, specifications, dedications, provisions and information concerning a major or minor partition. (Ord. 91-038 § 3, 1991)

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting and benches which make it safe or convenient to walk. (Ord. 93-005 § 1, 1993)

Penstock. Any conduit or other structure which is or may be used to convey water to the driving mechanism of a generator. (Ord. 86-018 § 1, 1986)

Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

Personal Use Landing Strips for Airplanes and Helicopter Pad. 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 permitted uses of the land. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use airport lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division. (Ord. 91-020 § 1, 1991)

Petroleum Distribution Facility. A facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

Planned Community. A self-contained complex of residential, commercial and indus-

trial uses in the form of a planned development in conjunction with a master plan with an interrelated system for transportation, utilities, recreational areas and other public facilities all of which constitute a separate community which is at least 640 acres in size. Sunriver is an example of a planned community. (Ord. 91-038 § 1, 1991)

Planned Development. The development of an area of land at least 40 acres in size for a number of dwelling units, commercial or industrial uses, according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the standard regulations otherwise required by this title, and usually featuring a clustering of residential units.

Planned Unit Development. See "Planned Development." (Ord. 91-038 § 3, 1991)

Plant Nursery. A place where young trees or other plants are raised for experimental purposes or for transplanting for sale.

Plat. A final map or diagram concerning a subdivision or partition. Includes a subdivision plat, replat or partition plat. (Ord. 91-038 § 1, 1991)

Pole Height. The height of the point on a building that casts the longest shadow on the north side of the building as measured between 10:00 a.m. and 2:00 p.m. on December 21. (Ord. 91-038 § 3, 1991)

Pot-bellied Pig. A swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig. Such animals shall not exceed a maximum height of eighteen (18) inches at the shoulder. (Ord. 94-001 § 3, 1994)

Potential Structure. For purpose of solar access protection on a potential structure is any structure or building that could be built as a permitted use in a particular location under existing development standards under the existing Deschutes County Comprehensive Plan. (Ord. 83-037 § 2, 1983)

Pre-existing Nonconforming Lot or Parcel. A nonconforming lot or parcel which is a lot of record. (Ord. 87-015 § 1, 1987)

Prefabricated House. See "Factory Built Dwelling." (Ord. 91-020 § 1, 1991; Repealed by Ord. 89-004 § 1, 1989)

Primary or Principal Use. The first use to which property is or may be devoted, and to which all other uses on the premises are accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

Productive Solar Collector. A solar collector that provides no less than a) 10 percent of a building's annual total energy requirement; or b) 50 percent of a building's annual water heating requirements. (Ord. 83-037 § 2, 1983)

Prospect Well. Any well drilled as a geophysical test well, seismic shot hole, mineral exploration drilling, core drilling or temperature gradient test well less than 2,000 feet in depth. Prospect well does not include a geothermal well as defined in this section. (Ord. 91-038 § 3, 1991)

Protect. Save or shield from loss, destruction, injury or for future intended use.

Protected Area. The specific area which is provided solar access for specific hours and dates under this title. (Ord. 83-037 § 2, 1983)

Provide. Prepare, plan for and supply what is needed.

Public Use. A use owned or operated by a public agency for the benefit of the public generally. This does not include landfill sites, garbage dumps or utility facilities.

Public Water System. A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

Quasi-Judicial. A land use action entailing application of a general rule or policy to specific individuals or situations.

Ramada. A stationary structure having a roof extending over a manufactured home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used primarily for protection from sun and rain. (Ord. 89-004 § 1, 1989)

Ranch Hand Residence. A building, struc-

ture or manufactured home used for residential purpose for an agricultural employee and his family.

Reclamation. The employment in a surface mining operation of procedures designed to minimize, as much as practical, the disruption of the surface mining operation and to provide for rehabilitation of any such surface resources adversely affected by such mining operations through the rehabilitation of plant cover, soil stability, water resource and other measures appropriate to the subsequent beneficial use of mined and reclaimed lands. (Ord. 90-014 § 2, 1990)

Recreation Camps or Resorts. An area devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other similar uses, whether the use of such area is limited to private membership or open to the public upon payment of a fee.

Recreation Parks. An area designated by the landowner for picnicking or overnight camping and offered to the general public whether or not a fee or charge is made for such accommodations.

Recreational Vehicle. A mobile unit which is designed for temporary human occupancy and licensed as a motor home, recreational trailer or camper by the Oregon Motor Vehicles Division or similar units licensed by another state. (Ord. 91-038 § 1, 1991)

Recreational Vehicle Park. A park intended, designed or utilized for temporary occupancy primarily by recreational vehicles. (Ord. 91-038 § 3, 1991)

Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications and provisions and information concerning a recorded partition or subdivision plat. (Ord. 91-038 § 3, 1991)

Resource Recovery. Means the process of obtaining useful material or energy resources from solid waste and includes:

a. Energy recovery which means recovery in which all or a part of the solid waste

materials are processed to utilize the heat content, or other forms of energy,, of or from the material.

b. Material recovery which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties and can be reused or recycled from some purpose.

c. Recycling which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

d. Re-use which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity. (Ord. 92-066 §1, 1992)

Residential. Any dwelling unit or group of units built or used for human occupancy.

Residential Facility. A facility licensed by or under the authority of the Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (Ord. 91-038 § 3, 1991)

Residential Home. A home licensed by or under the authority of the Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (Ord. 91-038 § 3, 1991)

Right-of-way. The area between the boundary lines of a street, road or other public easement.

Rimrock. Any ledge, outcropping or top or overlying stratum of rock, which forms a face in excess of 45 degrees, and which creates or is within the canyon of the following rivers and streams: 1) Deschutes River; 2) Crooked River; 3) Fall River; 4) Little Deschutes River; 5) Spring River; 6) Paulina Creek; 7) Squaw Creek; and 8) Tumalo Creek. For the purpose of this title, the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock. (Ord. 86-053 § 1, 1986; Ord. 82-013 § 1, 1982)

Road or Street. A public or private way created to provide ingress or egress to one or more lots, parcels, areas or tracts of land, excluding a private way created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

A. **Alley.** A narrow street through a block primarily for vehicular service access to the back or side of properties adjoining another street.

B. **Arterial.** A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the county.

C. **Bicycle Route.** A segment of a bikeway system designated with appropriate directional and information markers by the jurisdiction having authority. (Ord. 93-005 § 2, 1993)

D. **Collector.** A street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterials and local streets and roads within the county.

E. **Cul-de-sac.** A short street having one end open to traffic and terminated by a vehicle turnaround. (Ord. 91-020 § 1, 1991)

F. **Half Street.** A portion of the width of a street sufficient for safe service temporarily (as approved by the County Engineer) when the remaining portion of the street is likely to be provided in another subdivision.

G. **Marginal Access Street.** A minor street parallel and adjacent to a major arterial

providing access to adjoining properties, but protected from through traffic.

H. **Local Street.** A street intended primarily for access to adjoining properties.

I. **Stubbed Streets.** A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

Road and Street Project. The construction and maintenance of the roadway, bicycle lanes, sidewalks or other facilities 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 amount 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 where none existed before.

C. **Class III Project.** No land use permit required. "Class III Project" is a modernization traffic safety improvement, maintenance, repair or preservation of a road or street."

Roadway. That portion of a street or road right-of-way developed for vehicular traffic.

Scenic Area. Land and other natural features valued for their aesthetic qualities.

School, Private. Any licensed or accredited private entity that offers instruction or training for any academic, technical or identified occupational objective. (Ord. 91-038 § 3,

1991)

School, Public. A school operated by a government agency. (Ord. 91-038 § 3, 1991)

Self-Contained Development. With respect to destination resorts, means community sewer, water and recreational facilities provided on-site and limited to meet the needs of the resort or provided by existing public sewer or water service as long as all costs related to service extension and any capacity increase are borne by the development. A "self-contained development" shall have developed recreational facilities provided on-site. (Ord. 92-004 § 2, Exhibit B, 1992)

Semi-Public Use. A structure or use intended or used for both private and public purposes by a church, lodge, club or any other non-profit organization.

Service Establishment. A business selling a service and products directly related to that service. Service establishment includes, but is not limited to, shoe or appliance repair; hair cutting and styling; realtor; interior decorator; upholsterer; pet grooming; optician and travel agent. An automobile repair garage or medical office is not a service establishment for the purposes of this title. (Ord. 91-038 § 3, 1991)

Setback. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.

Setback, Front. A setback between side lot lines, measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building.

Setback, Rear. A setback between side lot lines, measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

Setback, Side. A setback between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

Setback, Street Side. A setback adjacent to a street between the front setback and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Shade. A shadow, except a shadow caused by a narrow object, including, but not limited to, a utility pole, an antenna, a wire or a flagpole. (Ord. 83-037 § 2, 1983)

Shopping Complex. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking on site and aesthetic considerations which integrate it with the surrounding area. (Ord. 84-023 § 1, 1984)

Sign. An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

Sign, Advertising. A sign which directs attention to a business, product, activity, or service not necessarily conducted, sold or offered upon the premises where such a sign is located.

Solar Access. Protection from shade for a specific area during specific hours and dates, but not including protection from shade cast by exempt vegetation. (Ord. 83-037 § 2, 1983)

Solar Access Permit. The instrument issued by the county which limits the size of non-exempt vegetation on certain lots in the vicinity of a recorded solar collector. (Ord. 83-037 § 2, 1983)

Solar Collector. Any object that uses solar radiation for a useful purpose, including, but not limited to, windows, walls, roofs and collectors. (Ord. 83-037 § 2, 1983)

Solar Heating Hours. The hours and dates during which solar access is provided. (Ord. 83-037 § 2, 1983)

Solar Height Restriction. The allowable height of buildings, structures and non-exempt vegetation on a property burdened by the solar access of another property. (Ord. 83-037 § 2, 1983)

Solid Waste. All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; commercial, industrial, demolition and construction wastes; discarded home and industrial appliances; and

other wastes; but the term does not include:

- a. Hazardous wastes as defined in ORS 466.005.
- b. Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals. (Ord. 92-066 § 1, 1992)

Stabling or training equines. As used in the definition of "farm use" means the use of land involving the pasturing, keeping, boarding, management or training of horses. For the purposes of this definition, horse events, as defined herein are deemed to be an incident of training. (Ord 94-008 § 7, 1994)

Stables, Private. Deleted by Ordinance 94-008. (Ord. 94-008 § 8, 1994)

Stables, Public. Deleted by Ordinance 94-008. (Ord. 94-008 § 8, 1994)

Start of Construction. The first act of permanent construction of a structure, other than a manufactured home, on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling. Does not include the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or as part of the main structure. For a structure other than a manufactured home without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundations. For manufactured homes not within a manufactured home park or manufactured home subdivision, start of construction means the affixing of the mobile home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, start of construction is the date on which construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a

minimum, the construction of streets, either final site grading or pouring of concrete pads, and installation of utilities) is begun.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above.

Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

Stream, Perennial. Includes the following rivers and streams in Deschutes County: Alder Creek; Bottle Creek; Bridge Creek; Brush Draw; Bull Creek; Cache Creek; Charlton Creek; Cultus Creek; Cultus River; Deer Creek; Deschutes River; Dry Creek; Fall Creek; First Creek; Full Creek; Goose Creek; Indian Ford Creek; Jack Creek; Kaleetan Creek; Lake Creek-Middle Fork; Little Deschutes River; Metolius Creek; Park Creek-East Fork; Park Creek-West Fork; Paulina Creek; Pole Creek; Rock Creek; Snow Creek; Soap Creek; Soda Crater Creek; Spring Creek; Squaw Creek; Squaw Creek-North Fork; Three Creek; Todd Lake Creek; Trout Creek; Tumalo Creek; Tumalo Creek-North Fork; Tumalo Creek-Middle Fork; and Tumalo Creek-South Fork. (Ord. 90-014 § 2, 1990)

Street. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic. Includes the terms "road," "highway," "land," "place," "avenue," "alley" or other similar designation.

Structural Alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, any structural change in the roof or in the exterior walls, or any alteration requiring a building permit.

Structure. Something constructed or built having a fixed base on, or fixed connection to, the ground or another structure.

Subdivision and Subdivided Lands. Improved or unimproved area or tract of land

divided into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. This section does not apply to divisions of land resulting from lien foreclosures or foreclosures of recorded contracts for the sale of real property.

Subdivision Plat. The final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision. (Ord. 91-038 § 3, 1991)

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the true cash value of the structure either:

A. before the improvement or repair is started; or

B. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

C. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

D. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 91-020 § 1, 1991; Ord. 88-030 § 3, 1988)

Substantially Shaded. Less than 80 percent of the available solar insolation is available during winter solar heating hours to either the south roof and/or wall of an existing or potential structure. (Ord. 83-037 § 2, 1983)

Sunchart. A photograph or photographs, taken subject to the guidelines of the Planning Director or Hearings Body, which plots the position of the sun during each hour of the day and each month of the year relative to a protected area. The sunchart shall contain, at

a minimum:

A. Solar altitude in 10-degree increments;

B. Solar azimuth measured from true south in 15-degree increments;

C. If the solar collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; and

D. A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures, and deciduous and evergreen vegetation. (Ord. 91-020 § 1, 1991; Ord. 83-037 § 2, 1983)

Surface Mining.

A. Includes:

a. all or any part of the process of mining by removal of the overburden and extraction of natural mineral deposits thereby exposed by any method including, open pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits, except those constructed for access roads;

b. mining which involves more than 1,000 cubic yards of material or excavation prior to mining of a surface area of more than one acre.

B. Does not include:

a. the construction of adjacent or off-site borrow pits which are used for access roads to the surface mine.

b. excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's property for the primary purpose of construction, reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction and other on-site construction, or non-surface impacts of underground mines;

c. batching and blending of mineral and aggregate into asphaltic concrete or portland cement concrete. (Ord. 90-014 § 3, 1990)

Surface Mining, Minerals. Includes, but is

not limited to, soil, select fill, coal, clay, stone, sand, gravel, aggregate, pumice, cinders, metallic ore and any other inorganic solid excavated from a natural deposit in the earth for commercial, industrial or construction use. (Ord. 90-014 § 2, 1990)

Surface Mining Operator. Any person or entity engaged in surface mining. (Ord. 90-014 § 2, 1990)

Surface Mining Processing. Processing includes crushing, washing, milling and screening as well as batching and blending of mineral aggregate into asphaltic concrete and portland cement concrete. (NOTE: Processing of mineral and aggregate material into secondary products, such as building materials, is allowed in industrial zones and may be sited as part of a limited use combining zone in conformance with all plan amendment and zone change requirements of the county comprehensive plan and zoning ordinance.) (Ord. 90-014 § 2, 1990)

Time Share Unit.

A. A dwelling unit, lot or parcel divided into periods of time under any arrangement, plan, scheme or device; whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right-to-use agreement or otherwise; where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot or parcel for a period of time less than a full year during any given year, but not necessarily for consecutive years, which extends for a period of more than three years; or

B. A dwelling unit, lot or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in paragraph (A), above, whether immediate or future, into eleven or more undivided interests or eleven or more other interests, or any other similar arrangement of interests in the dwelling unit, lot or parcel. (Ord. 83-033 § 1, 1983)

Trailer. Any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels and which does

not fall within the definitions of vacation trailer, manufactured home or prefabricated house. Includes boat trailers, bunk trailers, portable schoolrooms and industrial, commercial or public offices and accessory uses.

Trailer Park. An area of land upon which two or more travel trailers occupied for dwelling or sleeping purposes are located, the primary purpose of which is to rent space or keep space for rent.

Trailer Travel. See Vacation Trailer.

Trailer, Vacation. A portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, having sleeping, cooking and plumbing facilities independent of external utility connections, and intended for use principally as a temporary recreational or vacation residence.

Transit Facility. Improvements at selected points along transit routes for passenger pick-up, drop-off and waiting. Facilities and improvements may include shelters, benches, signs and structures and other improvements to provide security, protection from the weather and access to nearby services. (Ord. 93-005 § 1, 1993)

Transit Route. An existing or planned route for public service in the local or regional transportation plan. (Ord. 93-005 § 1, 1993)

Transmission Facility. The conductors, lines, poles, towers, structures, corridors and construction staging and assembly areas necessary for or associated with the transmission of electricity from a hydroelectric facility for distribution. (Ord. 86-018 § 1, 1986)

Traveler's Accommodations. Any establishment having rooms or apartments rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities.

(Tree . . . repealed by Ord. 91-020 § 1, 1991)

Unbuildable Area. An area in which a structure could not be built as a permitted use under existing development standards for the area under the existing Deschutes County Comprehensive Plan. (Ord. 83-037 § 2, 1983)

Use. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Utility Facility. Any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. (Ord. 86-018 § 2, 1986)

Variance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by a zoning Ordinance.

A. Area Variance. A variance which does not concern a prohibited use. Usually granted to construct, alter or use a structure for a permitted use in a manner other than that prescribed by the zoning ordinance.

B. Use Variance. A variance which permits a use of land other than that prescribed by the zoning or other applicable ordinances.

Veterinary Clinic. A place where animals or pets are given medical attention and cared for during the time of such treatment.

Vision Clearance Area. (Deleted by Ord. 91-038 § 4, 1991)

Visitor-Oriented Accommodations. With respect to destination resorts, means overnight lodging, restaurants and meeting facilities designed to provide for the needs of visitors rather than residents. (Ord. 92-004 § 2, Exhibit B, 1992)

Walkway. A structure that is built over or floats upon the waters of a lake, river or stream and that provides access to a boat dock or pier. (Ord. 89-009 § 2, 1989)

Wetland. An area that is inundated or saturated by surface or ground water at a

frequency or duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs and other similar areas. (Ord. 86-056 § 2, 1986)

Winter Solar Heating Hours. The time period extending two hours before and after the solar zenith on December 21. (Ord. 83-037 § 2, 1983)

Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title.

Yard, Front. A yard between side lot lines measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and adjoining on a street other than an alley shall be considered a front yard.

Yard, Rear. A yard between side lot lines measured horizontally at right angles from the rear lot line to the nearest point of a building.

Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot lines to the nearest point of a building.

Yard, Street Side. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Zero Lot Line. The location of a building on a lot or parcel in such a manner that one or more of the building's sides coincides with a lot line. (Ord. 93-043 § 1, 1A, 1B, 1993; Ord. 91-038 § 3, 1991)

NOTE: Additions are in **bold** and underlined; and deletions are bracketed[].

Chapter 18.32

MULTIPLE USE AGRICULTURAL MUA ZONE

Sections:

- 18.32.010 Purpose**
- 18.32.020 Uses Permitted Outright**
- 18.32.030 Conditional Uses Permitted**
- 18.32.035 Destination Resorts**
- 18.32.040 Dimensional Standards**
- 18.32.050 Yards**
- 18.32.060 Stream Setbacks**
- 18.32.070 Rimrock Setback**

In an MUA Zone, the following regulations shall apply:

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.

18.32.020 Uses Permitted Outright.

The following uses and their accessory uses are permitted outright: (Ord. 91-020 ss 1, 1991)

- A. Agricultural use as defined in this title.
- B. A single family dwelling, or a manufactured home subject to Section

18.116.070.

C. Propagation or harvesting of a forest product.

D. Class I and II road or street projects subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.

E. Class III road or street projects.

F. Non-commercial horse stables, excluding horse events. (Ord. 94-008 § 10, 1994)

G. Horse events, including associated structures, involving:

- (1) Fewer than 10 riders;
- (2) 10 to 25 riders, no more than two times per month on non-consecutive days; or
- (3) More than 25 riders, no more than two times per year on non-consecutive days.

Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events. (Ord. 94-008 § 10, 1994)

18.32.030 Conditional Uses Permitted.

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

- A. Public use.
- B. Semi-public use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining county.
- D. Dude Ranch.
- E. Kennel and/or [animal hospital] veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in Section 18.116.070. (Ord. 91-005 ss 19, 1991).
- H. Exploration for minerals. (Ord. 91-002

ss 7, 1991; Ord. 90-014 ss 27, 1990).

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

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

K. Golf courses.

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

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

(Nonfarm related single-wide ... repealed by Ord. 91-005 ss 20, 1991; Ord. 80-206 ss 3, 1980).

N. Destination resorts.

O. Planned developments.

P. Cluster developments.

Q. Landfills when a written tentative approval by the Department of Environmental

Quality (DEQ) of the site is submitted with the conditional use application.

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

S. Hydroelectric facility, subject to Sections 18.116.130 and 18.128.040(V). (Ord. 86-018 ss 7, 1986).

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

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

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

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

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

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

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

AA. Commercial horse stables. (Ord. 94-008 § 10, 1994)

BB. Horse events, including associated structures, not allowed as a permitted use in this zone. (Ord. 94-008 § 11, 1994)

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 ten acres, except planned and cluster developments shall be allowed an equivalent density of one unit

per 7.5 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. (Ord. 91-020 ss 1, 1991)

B. The minimum average lot width shall be one hundred (100) feet and the minimum street frontage fifty (50) feet.

C. The minimum average lot depth shall be one hundred fifty (150) feet.

D. **Building Height.** No non-agricultural building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under Section 18.120.040. (Ord. 92-055 § 4, 1992)

18.32.050 Yards.

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

B. Each side yard shall be a minimum of 20 feet, except on the street side, which shall be a minimum of 30 feet. For parcels or lots created before November 1, 1979, which are one-half (1/2) acre or less in size, the side yard setback may be reduced to a minimum of 10 feet. For parcels or lots adjacent to an intensive agricultural use, the adjacent side yard shall be a minimum of 100 feet. (Ord. 88-021 § 1, 1988)

C. Rear yards shall be a minimum of 25 feet, except when parcels or lots have rear yards adjacent to an intensive agricultural use, rear yards shall be a minimum of 100 feet. (Ord. 91-020 § 1, 1991)

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180. (Ord. 83-037 § 9, 1983)

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

adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met. (Ord. 94-008 § 17, 1994)

18.32.060 Stream Setbacks.

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 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 Section 18.116.160. (Ord. 86-053 § 6, 1986)

NOTE: Additions are in **bold** and underlined; and deletions are bracketed [].

Chapter 18.64

**RURAL SERVICE CENTER ZONE
RSC ZONE**

Sections:

- 18.64.010 Purpose**
- 18.64.020 Uses Permitted Outright**
- 18.64.030 Conditional Uses Permitted**
- 18.64.040 Limitations on Uses**
- 18.64.050 Lot Size**
- 18.64.060 Dimensional Standards**
- 18.64.070 Stream Setback**
- 18.64.080 Yards**
- 18.64.090 Off-Street Parking and Loading**
- 18.64.100 Rimrock Setback**

In an RSC Zone, the following regulations shall apply:

18.64.010 Purpose.

The purpose of the Rural Service Center Zone is to provide standards and review procedures for concentrations of local commercial services to meet the needs of rural residents, as well as limited tourist commercial services consistent with the maintenance of the rural character of the area.

18.64.020 Uses Permitted Outright.

In an RSC Zone, the following uses and their accessory uses are permitted outright:

- A. Farming, excluding livestock feed lot or sales yard, subject to the restrictions in Section 18.64.040, and hog and mink farms.
- B. Single-family dwelling, or a manufactured home subject to Section 18.116.070. (Ord. 91-020 § 1, 1991; Ord. 91-005 § 33, 1991)
- C. Retail store, office or service establishment.
- D. Automobile service station.
- E. Agriculturally oriented commercial use.
- F. Park, playground or community building. (Church, school or cemetery deleted

by Ord. 91-038 § 1, 1991)

- G. Utility facility, except landfills.
- H. Television or radio station, transmitter or tower.
- I. Restaurant or cocktail lounge.
- J. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.
- K. Class III road or street project. (Ord. 93-043 § 9, 1993)

18.64.030 Conditional Uses Permitted.

The following uses may be allowed subject to Chapter 18.128 of this title: (Ord. 91-038 ss 1, 1991)

- A. Commercial residential use.
- B. Multi-family dwelling.
- C. Tourist or travelers' accommodations.
- D. Manufactured home park and travel trailer park. (Ord. 91-005 ss 34, 1991)
- E. Kennel or [animal hospital] **veterinary clinic.**
- F. Automobile repair garage.
- G. Commercial amusement or recreation establishment.
- H. Water supply and treatment facility.
- I. Hog and mink farm.
- J. Cluster development.
- K. Planned development.
- L. Home occupation.
- M. Time-share unit or the creation thereof (Ord. 83-033 ss 6, 1983)
- N. Shopping complex subject to a master plan and consistent with the specific use standards established by Section 18.128.040(T). (Ord. 84-023 ss 3, 1984)
- O. Mini-storage facility. (Ord. 91-038 ss 1, 1991)
- P. Church, school or cemetery. (Ord. 91-038 ss 1, 1991)
- Q. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W). (Ord. 91-038 §

1, 1991)

- R. Public use.
- S. Semi-public use. (Ord. 93-043 § 9A, 1993)

18.64.040 Limitations on Uses.

The following limitations shall apply to uses allowed by Section 18.64.020(A), above:

A. 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 square feet, which is the minimum area per animal. (Ord. 91-020 § 1, 1991)

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

C. All livestock shall be located a minimum of 100 feet away from a residential dwelling on an adjacent lot.

18.64.050 Lot Size.

A. The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewage system shall not be less than 50 feet with a minimum area of 6,000 sq. ft.

B. The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewage system, but not served by both, shall not be less than 100 feet with a minimum area of 15,000 sq. ft.

C. The minimum average width of lots not served by either an approved community, municipal or public water system or an approved community or public sewage system shall be 150 feet with a minimum area of one acre. Subject to the findings below, the Hearings Body may approve a lot area of less than one acre, but in no case shall a lot area of less than 20,000 sq. ft. be approved. The Hearings Body shall make all of the following findings:

- a. The lot can meet DEQ on-site sewage

disposal rules then in effect;

b. The approval of a smaller lot would not significantly increase nitrate levels in the ground water; and

c. The lot shall have a supply of potable water that would not be affected by the installation of an on-site sewage system. (Ord. 85-045 § 1, 1985; Re-adopted by Ord. 86-005 § 1, 1986)

18.64.060 Dimensional Standards.

The following dimensional standards shall apply in an RSC Zone:

A. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than thirty percent of the total lot area.

B. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under Section 18.120.040. (Ord. 92-055 § 13, 1992)

18.64.070 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:

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] **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. (Ord. 91-020 § 1, 1991)

18.64.080 Yards.

A. The minimum front yard shall be 20 feet.

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

C. The minimum rear yard shall be 20 feet.

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180. (Ord. 83-037 § 17, 1983)

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be mey. (Ord. 94-008 § 22, 1994)

18.64.090 Off-Street Parking and Loading.

Off-street parking and loading shall be provided subject to the provisions of Chapter 18.116.

18.64.100 Rimrock Setback.

Setbacks from rimrock shall be as provided in Section 18.116.160. (Ord. 86-053 § 14, 1986)

NOTE: Additions are in **bold** and underlined; and deletions are brackets [].

Chapter 18.68

RURAL SERVICE RESIDENTIAL - M RSR-M ZONE

Sections:

- 18.68.010 Purpose
- 18.68.020 Uses Permitted Outright
- 18.68.030 Conditional Uses Permitted
- 18.68.040 Limitations on Uses
- 18.68.050 Lot Size
- 18.68.060 Dimensional Standards
- 18.68.070 Stream Setback
- 18.68.080 Yards
- 18.68.090 Off-Street Parking and Loading
- 18.68.100 Rimrock Setback

In an RSR-M Zone, the following regulations shall apply:

18.68.010 Purpose.

The purpose of the Rural Service Residential-M Zone is to permit and encourage the development of residential uses in the rural service centers; provide for densities compatible with a higher level of services available; allow the opportunity for people to enjoy life in a more rural environment without impinging on the rural areas and assure development compatible with the rural character of the area.

18.68.020 Uses Permitted Outright.

The following uses and their accessory uses are permitted outright. (Ord. 91-020 § 1, 1991)

- A. Farming, excluding livestock feed lot or sales yard, subject to the restrictions in Section 18.68.040, and hog or mink farms.
- B. The propagation and harvesting of forest products.
- C. Single-family dwelling, or a manufactured home subject to Section 18.116.070. (Ord. 91-020 § 1, 1991; Ord. 91-005 § 35, 1991)
- D. Park, playground or community

building.

- E. Utility facility.
- F. Church, public school, cemetery.
- G. Class I and II road or street projects subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.
- H. Class III road or street project. (Ord. 93-043 § 9A, 1993)

18.68.030 Conditional Uses Permitted.

The following uses may be allowed subject to Chapter 18.128 of this title: (Ord. 91-038 ss 1, 1991)

- A. Two-family dwelling.
- B. Private school.
(Mobile home ... repealed by Ord. 91-005 ss 36, 1991)
- C. Water supply and treatment facility.
- D. Medical clinic or veterinary clinic.
- E. Sewage disposal and treatment facility.
- F. Cluster development
- G. Planned development.
- H. Home occupations.
- I. Time-share unit or the creation thereof. (Ord. 83-033 ss 7, 1983)
- J. Bed and breakfast inn. (Ord. 91-038 ss 1, 1991)
- K. Multi-family housing where community or municipal sewer is available. (Ord. 91-038 ss 1, 1991)
- L. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W). (Ord. 91-038 ss 1, 1991)
- M. Manufactured home park subject to the density of the underlying zone. (Ord. 91-038 ss 1, 1991)
- N. Public uses. (Ord. 93-043 § 10A, 1993)

18.68.040 Limitations on Uses.

The following limitations shall apply to uses

permitted by Section 18.68.020(A), above:

A. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 sq. ft. 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 square feet, which is the minimum area per animal. (Ord. 91-020 § 1, 1991)

B. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of property.

C. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

18.68.050 Lot Size.

A. The minimum average width of lots served by an approved community, municipal or public water system and an approved community or public sewage system shall not be less than 50 feet with a minimum lot size of 5,000 sq. ft.

B. The minimum average width of lots served by either an approved community, municipal or public water system or an approved community or public sewage system, but not served by both, shall not be less than 100 feet with a minimum lot size of 15,000 square feet.

C. The minimum average width of lots not served by either an approved community, municipal, or public water system or by an approved community or public sewage system shall be 150 feet with a minimum lot size of one acre.

18.68.060 Dimensional Standards.

The following dimensional standards shall apply in an RSR-M Zone:

A. Lot Coverage. The main and accessory buildings located on any building site or lot shall not cover in excess of thirty percent of the total lot area.

B. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as

approved under Section 18.120.040. (Ord. 92-055 § 15, 1992)

18.68.070 Stream Setback.

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

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

18.68.080 Yards.

A. The minimum front yard shall be 20 feet.

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

C. The minimum rear yard shall be 20 feet.

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180. (Ord. 83-037 § 18, 1983)

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under Chapter 15.04 of this title shall be met. (Ord, 94-088 § 23, 1994)

18.68.090 Off-Street Parking and

Loading.

Off-street parking and loading shall be provided subject to the provisions of Chapter 18.116.

18.68.100 Rimrock Setback.

Setbacks from rimrock shall be as provided in Section 18.116.160. (Ord. 86-053 § 15, 1986)

NOTE: Additions are in **bold** and underlined; and deletions are bracketed [].

CHAPTER 18.88

WILDLIFE AREA COMBINING WA ZONE

Sections:

- 18.88.010 Purpose**
- 18.88.020 Application of Provision**
- 18.88.030 Uses Permitted Outright**
- 18.88.040 Uses Permitted Conditionally**
- 18.88.050 Dimensional Standards**
- 18.88.060 Siting Standards**
- 18.88.070 Fencing Standards**

In any zone which is a Wildlife Area Combining Zone (WA), the requirements and standards of this chapter shall apply in addition to those specified in this title for such underlying zone. If a conflict in regulations or standards occurs, the provisions of this section shall govern except that the larger minimum lot size shall always apply. (Ord. 93-043 § 13, 13A, 1993)

18.88.010 Purpose

The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

18.88.020 Application of Provisions

The provisions of this section shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. Rural service centers are exempt from the provisions of this title.

18.88.030 Uses Permitted Outright

In a zone with which the WA Zone is combined, the uses permitted outright shall be

those permitted outright by the underlying zone.

18.88.040 Uses Permitted Conditionally

A. Except as provided in Section B, in a zone with which the WA Zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone subject to the provisions of the Comprehensive Plan, Section 18.128 of this title and other applicable sections of this title.

B. The following uses are not permitted in the WA zone as conditional uses:

1. Golf course, not included in a destination resort;
2. Commercial dog kennel;
3. Church;
4. Public school or private school;
5. Bed and breakfast inn;
6. Dude ranch;
7. Playground, recreation facility or community center owned and operated by a government agency or a non-profit community organization;
8. Timeshare unit;
9. [Animal hospital] Veterinary clinic;
10. Fishing lodge.

C. An application for a destination resort, or any portion thereof, in a Wildlife Area Combining Zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process.

18.88.050 Dimensional Standards

In a WA Zone, the following dimensional standards shall apply:

A. In the Tumalo, Metolius, North Paulina and Grizzly deer winter ranges designated in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 40 acres except as provided in section "D".

B. In areas designated as significant elk habitat in the Comprehensive Plan Resource

Element, the minimum lot size for new parcels shall be 160 acres.

C. In areas designated as antelope range in the Comprehensive Plan Resource Element, the minimum lot size for new parcels shall be 320 acres.

D. Residential land divisions, including partitions, in deer winter range where the underlying zone is RR-10 or MUA-10, shall not be permitted except as a planned development or cluster development conforming to the following standards:

1. The minimum area for a planned or cluster development shall be at least 40 acres.

2. The planned or cluster development shall retain a minimum of 80 percent open space and conform with the provisions of Sections 18.128.040(P) or (Q).

3. Notwithstanding the provisions of Title 18.128.040(P) or (Q), or Title 18.60.060(C), the total number of residences in a cluster development may not exceed the density permitted in the underlying zone.

E. Residential land divisions, including partitions, in the Bend/La Pine Deer Migration Corridor where the underlying zone is RR-10 shall not be permitted except as a cluster development conforming to the following standards:

1. The minimum area for a cluster development shall be at least 20 acres.

2. The cluster development shall retain a minimum of 80 per cent open space and conform with the provisions of Section 18.128.040(P) or (Q).

3. Notwithstanding the provisions of Title 18.128.040(P), or Title 18.60.060(C), the total number of residences in the cluster development may not exceed the density permitted in the underlying zone.

18.88.060 Siting Standards

A. Setbacks shall be those described in the underlying zone with which the WA Zone is combined.

B. New dwellings shall be located within 300 feet of public roads or easements or private roads or easements existing as of

August 5, 1992 unless it can be found that:

1. Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern; or,

2. The siting within 300 feet of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least impact on wildlife habitat possible considering browse, forage, cover, access to water, migration corridors, and minimizing length of new access roads.

18.88.070 Fence Standards

The following fencing provisions shall apply as a condition of approval for any new fences constructed as a part of development of a property in conjunction with a conditional use permit or site plan review.

A. New fences in the Wildlife Area Combining Zone shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design provides equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:

1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.

2. The height of the fence shall not exceed 48 inches above ground level.

3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.

B. Exemptions:

1. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.

2. Corrals used for working livestock. (Ord. 92-042 § 1, 1992)

NOTE: Additions are in **bold** and underlined; and deletions are bracketed [].

Chapter 18.128			Adjoining or Across a Street From a Lot in a Residential Zone
CONDITIONAL USE			
Sections:		(J)	Commercial Amusement Establishment
18.128.010	Operation	(K)	Manufactured Home Park
18.128.015	General Standards	(L)	Multi-Family Dwelling Complex
	Governing Conditional Uses	(M)	Recreational Vehicle Park
18.128.020	Conditions	(N)	Radio, Television Tower, Utility Station or Substation
18.128.030	Performance Bond	(O)	Schools
18.128.040	Specific Use Standards	(P)	Cluster Development (Single -Family Residential Uses Only)
(A)	Airport, Aircraft Landing Field, Aircraft Charter/Rental Service and Service Maintenance Facility Not Located in the A-D Zone	(Q)	Planned Development
(B)	Automobile Wrecking Yard or Junkyard	(R)	Planned Communities
(C)	Cemetery	(S)	Dude Ranches
(D)	Church, Hospital, Nursing Home, Convalescent Home, Retirement Home	(T)	Shopping Complex
(E)	<u>Medical Clinic, Veterinary Clinic, Club[s], Lodge[s], Fraternal Organization[s], Community Center[s], Grange Hall[s], Golf Course[s], Grounds and Buildings for Games or Sports, Country Club[s], Swimming, Boating, Tennis Clubs and Similar Activities, Government Structures and Land Uses, Park, Playground</u>	(U)	High-Temperature Geothermal Wells and Small-Scale Geothermal Energy Facilities Hydroelectric Facilities
(F)	Dog Pounds and Kennels	(V)	Fill and Removal
(G)	Home Occupations	(W)	Surface Mining of Resources Exclusively for On-Site Personal, Farm or Forest Use or Maintenance of Irrigation Canals
(H)	Landfill, Solid Waste Disposal Site	(X)	Storage, Crushing and Processing of Minerals in Conjunction With the Maintenance or Construction of Public Roads or Highways
(I)	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	(Y)	Mini-Storage Facility
		(Z)	Bed and Breakfast Inn
		(AA)	Campground
		(BB)	Procedure for Taking Action on Conditional Use Application
		18.128.050	Time Limit on a Permit for a Conditional Use
		18.128.060	Occupancy Permit
		18.128.070	Time Share Unit
		18.128.080	Building Permit for an Approved Conditional Use
		18.128.090	

18.128.010 Operation.

A. A conditional use listed in this title shall be permitted, altered or denied subject to the standards and procedures of this title; Deschutes County Code Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan. (Ord. 86-032 § 1, 1986)

B. In the case of a use existing prior to the effective date of this title and classified in this title 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.

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 this Chapter:

A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:

1[a]. Site, design and operating characteristics of the use;

2[b]. Adequacy of transportation access to the site; and

3[c]. 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 (A) above.

C. These standards and any other standards of this Chapter may be met by the imposition of conditions calculated to insure that the standard will be met. (Ord. 92-047 § 1, 1992)

18.128.020 Conditions.

In addition to the standards and conditions set forth in a specific zone or in Chapter 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. (Ord. 91-020 § 1, 1991; Ord. 83-037 § 24, 1983)

L. Require that a site plan be prepared in conformance with Chapter 18.124 of this title. (Ord. 91-038 § 1, 1991)

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 subject to 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 this section.

A. Airports, Aircraft Landing Fields, Aircraft Charter, Rental and 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. 93-043 § 23, 1993; 91-020 § 1, 1991)

B. Automobile Wrecking Yard or Junkyard: Before being issued a conditional use permit, an automobile wrecking yard or junkyard shall meet the following requirements:

1[a]. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.

2[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.

3[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.

4[d]. If applicable, the proposal shall conform to state regulations. (Ord. 91-020 § 1, 1991)

C. Cemetery.

1. 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. 91-020 § 1, 1991)

D. Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.

1[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.

2[b]. The applicant shall address the following issues in the application:

a[1]. Location of the site relative to the service area.

b[2]. Probable growth and needs thereof.

c[3]. Site location relative to land uses in the vicinity.

d[4]. Conformity with Deschutes County Public Works Department standards of proposed access to and from principal streets and the probable effect of the proposal on the traffic volume of adjoining and nearby streets.

3[c]. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.

4[d]. Except in an A-H 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. (Ord. 93-043 § 23A, 1993; 91-020 § 1, 1991)

E. Medical Clinic, Veterinary Clinic, Club, Lodge, Fraternal Organization, Community Center, Grange Hall, Golf Courses, 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:

1[a]. Access from principal streets subject to Deschutes County Public Works Depart-

ment standards.

2[b]. Off-street parking subject to Section 18.116.030.

3[c]. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise, glare, **odor and other adverse impacts**. (Ord. 94-008 § 15, 1994; Ord. 91-020 § 1, 1991)

F. Dog Pounds and Kennels.

1. 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. 91-020 § 1, 1991)

G. Home Occupations. When permitted as a conditional use and conducted as an accessory use, a home occupation shall be subject to the following limitations:

1[a]. The home occupation is to be secondary to the residential or other use for which a dwelling has been permitted. It shall be conducted only by members of the family residing on the property. The home occupation shall be conducted in such a way that it has no adverse impact on the residential, or in resource zones, resource-oriented character of its location. (Ord. 92-025 § 6, 1992)

2[b]. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located. No structural alterations affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Planning Division. (Ord. 91-020 § 1, 1991)

3[c]. The subject property shall have adequate access and parking for the home occupation. Traffic created by the business or customers of the business shall not be of a

volume or frequency that will cause disturbance or inconvenience to nearby land uses.

4[d]. All uses conducted on the subject property shall comply with all requirements of the Deschutes County Building and Safety Division and the Environmental Health Division and any other applicable state or federal laws.

5[e]. The home occupation approval shall be reviewed every twelve months by the Planning Division to ensure compliance with the requirements of this section and the conditions required for approval of the use.

6[f]. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors. (Ord. 91-038 § 1, 1991)

H. 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: (Ord. 91-020 § 1, 1991)

1[a]. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.

2[b]. The proposed site shall be located in or as near as possible to the area being served.

3[c]. The proposed site shall be located at least one-quarter mile from any existing dwelling, home or public road (except the access road).

4[d]. The proposed site shall be provided with a maintained all-weather access road.

I. 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:

1[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.

2[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.

3[c]. In order to avoid unnecessary traffic congestion and hazards, the Planning Director or Hearings Body may limit access to the property. (Ord. 91-020 § 1, 1991)

J. Commercial Amusement Establishment. A commercial amusement establishment may be authorized after consideration of the following factors:

1[a]. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets. (Ord. 91-020 § 1, 1991)

2[b]. Adequacy of off-street parking.

3[c]. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site. (Section 10.1, Standards and Criteria Related to Approval of Single-Wide. . . repealed by Ord. 91-005 § 46, 1991; Ord. 80-206 § 4, 1980)

K. Manufactured Home Park. A manufactured home park shall be built to state standards in effect at the time of construction and the following provisions:

1[a]. Evidence that the park will be eligible for a certificate of sanitation as required by state law.

2[b]. The space provided for each manufactured home shall be provided with piped potable water, electrical and sewerage connections.

3[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: (Ord. 91-020 § 1, 1991)

a[1]. If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.

b[2]. If in addition to the requirements in subsection (K)(c)(1) of this section 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 5%.

c[3]. If in addition to the requirements in subsections (K)(3[c])(a[1]) and (b[2]) of this section, approved recreation/community building is provided an additional 10% increase of units/acre may be allowed. (Maximum total increase possible through application of subsection (K)(3[c]) of this section = 25%.)

4[d]. A manufactured home pad shall occupy not more than 40% 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.

5[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 of another property boundary.

6[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.

7[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.

8[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.

9[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.

10[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 this section shall be open to the general public. (Ord. 91-020 § 1, 1991)

11[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.

12[l]. All manufactured home parks over 10 acres in area shall be located with access on a street designated as a collector street.

13[m]. All manufactured home parks containing a total site area of five acres or more shall provide a secondary access to the park. Such secondary access shall enter the public street system at least 150 feet from the primary access.

14[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.

15[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.

16[p]. All manufactured home parks shall have a minimum lot size of one acre. (Ord. 91-005 § 47, 1991)

L. Multi-Family Dwelling Complex. A multi-family dwelling complex shall comply with the following provisions prior to occupancy:

1[a]. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:

a[1]. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.

b[2]. If in addition to open space as provided in (1) above, a maintained playground area with approved equipment such as goal-posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.

c[3]. If in addition to open space and playgrounds as provided in (a[1]) and (b[2]) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.

d[4]. The maximum total increase in dwell-

ing units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.

2[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 (4) units or more). (Ord. 93-005 § 9, 1993)

3[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.

4[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% of the area is preserved as open space and is improved and landscaped for recreational enjoyment.

5[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.

6[f]. All such complexes shall provide both an ingress and egress.

7[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.

8[h]. A sight-obscuring fence or evergreen hedge may be required by the Hearings Officer when such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neigh-

borhood or vicinity and provide security for occupants of the subject complex.

9[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.

10[j]. Sewer and water facilities shall be provided according to Oregon Department of Environmental Quality standards. (Ord. 91-020 § 1, 1991)

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

1[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.

2[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. (Ord. 91-020 § 1, 1991)

3[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. (Ord. 91-020 § 1, 1991)

4[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.

5[e]. A recreational vehicle space shall be provided with electrical service.

6[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.

7[g]. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.

8[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.

9[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.

10[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 3 miles and are adequate to meet these standards.

11[k]. Building spaces required by subsections (M)(**9[i]**) and (**10[j]**) of this section 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 (F), 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.

12[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. (Ord. 91-020 § 1, 1991)

13[m]. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. (Ord. 91-020 § 1, 1991)

14[n]. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

15[o]. Access to the recreational vehicle park shall be from an arterial or collector street. (Ord. 91-038 § 1, 1991)

N. Radio, Television Tower, Utility Station or Substation.

1[a]. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

2[b]. The use may be required to be fenced and landscaped.

3[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.

4[d]. Transmission towers, posts, overhead wires, pumping stations and similar installations shall be located, designed and installed to minimize conflicts with scenic values. (Ord. 93-043 § 23B, 1993; 91-020 § 1, 1991)

O. Schools.

1[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.

2[b]. Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment.

3[c]. Secondary schools shall provide a basic site area of 10 acres plus one additional

acre for each 100 pupils of predicted ultimate enrollment.

P. Cluster Development (Single-Family Residential Uses Only).

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

a[1]. Need for residential uses in the immediate area of the proposed development.

b[2]. Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.

c[3]. Effect of the development on the rural character of the area.

d[4]. Effect of the development on agricultural, forestry, wildlife or other natural resource uses in the area.

2[b]. The conditional use shall not be granted unless the following findings are made:

a[1]. Human activities, including all development and alterations of the natural landscape, will be limited to 35 percent of the land and 65 percent shall be kept in open space uses. The area of 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. (Ord. 92-025 § 7, Exhibit D, 1992; Ord. 91-020 § 1, 1991)

b[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.

c[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 Planning Director or Hearings Body finds that special circumstances warrant a wider corridor. (Ord. 91-020 § 1, 1991)

d[4]. In the rural zones, the cluster development shall be located on the least productive land. (Ord. 92-025 § 7, Exhibit D, 1992)

e[5]. All subdivision requirements contained in Deschutes County Code Title 17, the

Subdivision/Partition Ordinance, shall be met.

f[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.

g[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.

h[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.

i[9]. The rural character of the area shall not be adversely affected.

j[10]. All service connections shall be the minimum length necessary and underground where feasible. (Ord. 91-020 § 1, 1991)

k[11]. Private developments with private roads shall provide bicycle and pedestrian facilities. If the bikeways are constructed as a part of the private roadway, they shall be at least four (4) feet wide on each side of the uncurbed roadway, resulting in a minimum total roadway width of 28 feet. If the private roads are constructed to the minimum standard width of 20 feet, separated bike paths built to County standards shall be provided. If separated paths are meant to be shared by pedestrians or other users, the minimum width shall be 12 feet. Bicycle and pedestrian facilities shall connect with the County bicycle and pedestrian transportation system. (Ord. 93-005 § 10, 1993)

l[12]. 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. (Ord. 93-005 § 10, 1993)

i. In residential areas and industrial parks 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% over other available routes.

ii. For schools or commercial uses where the addition of a connection would reduce 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% over other available routes.

iii. For cul-de-sacs or dead end streets where a street connection is determined by the Hearings Officer or Planning Director to be infeasible or inappropriate. (Ord. 93-005 § 10, 1993)

3[c]. All applications shall be accompanied by a plan with the following information:

a[1]. A plat map meeting all the subdivision requirements of Deschutes County Code Title 17, the Subdivision/Partition Ordinance.

b[2]. An open space management plan which includes designation of proposed open space on the plat, a written management plan and deed restrictions that retain the open space in perpetuity. (Ord. 91-020 § 1, 1991)

c[3]. A written agreement establishing an acceptable homeowners association assuring the maintenance of common property in the development.

4[d]. Dimensional Standards:

a[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, but in no case shall the setbacks be less than 25 feet or the height greater than 40 feet. (Ord. 91-020 § 1, 1991)

b[2]. Minimum area for a cluster development shall be 5 acres unless otherwise limited by the zone in which it is proposed.

5[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. (Ord. 91-020 § 1, 1991; Ord. 84-015 § 3, 1984)

Q. Planned Development.

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

a[1]. Proposed land uses and densities.

b[2]. Building types and densities.

c[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. (Ord. 93-005 § 11, 1993)

d[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% 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. (Ord. 93-005 § 11, 1993)

e[5]. Parks, playgrounds, open spaces.

f[6]. Existing natural features.

g[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. (Ord. 91-020 § 1, 1991)

h[8]. Effect of the development on the rural character of the area.

i[9]. Proposed ownership pattern.

j[10]. Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).

k[11]. Waste disposal facilities.

l[12]. Water supply system.

m[13]. Lighting.

n[14]. General timetable of development.

2[b]. The conditional use may be granted upon the following findings:

a[1]. All subdivision restrictions contained

in Deschutes County Code Title 17, the Subdivision/Partition Ordinance, shall be met.

b[2]. The proposed development conforms to the Comprehensive Plan.

c[3]. Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.

d[4]. The proposal is in harmony with the surrounding area or its potential future use.

e[5]. The system of ownership and the means of developing, preserving and maintaining open space is adequate.

f[6]. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.

g[7]. Sixty-five percent of the land is to be maintained in open space.

h[8]. Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation and special terrain features.

3[c]. a[1]. All applications for planned developments shall include the materials and information required for approval of a subdivision as specified in Deschutes County Code Title 17, the Subdivision/Partition Ordinance and the materials and information required for approval of a conditional use as specified in this title. (Ord. 91-020 § 1, 1991)

b[2]. Approval for the conditional use application and the planned development application may be given simultaneously.

4[d]. Dimensional Standards:

a[1]. Setbacks and height limitations shall be as determined by the Planning Director or Hearings Body upon review of the evidence submitted. (Ord. 91-020 § 1, 1991)

b[2]. Densities shall not exceed that established by the underlying zone.

c[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.

d[4]. Minimum size for a planned development shall be 40 acres.

5[e]. Any commercial use permitted outright in the RSC Zone will be allowed in a planned development, subject to the following conditions:

a[1]. Each use shall be wholly enclosed in a building.

b[2]. The total area of such uses shall not exceed 3% of the total area of the planned development.

R. Planned Communities.

1[a]. Such uses may be authorized as a conditional use only after consideration of the factors listed in subsection (Q)(1[a]) of this section.

2[b]. The conditional use may be granted upon the findings specified in subsection (Q)(2[b]) of this section, except that there must be an additional finding that the planned community will actually function as an independent community.

3[c]. All applications shall be submitted in the form and with the materials required of subdivisions as required by Deschutes County Code Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements of this title for the approval of conditional uses.

4[d]. Dimensional standards shall be determined as specified in subsection (Q)(4[d]) of this section, except that the minimum size for a planned community shall be 640 acres.

5[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. 91-020 § 1, 1991)

S. Dude Ranches.

1[a]. Such uses may be authorized as a conditional use only after consideration of the factors listed in subsection (Q)(1[a]) of this section.

2[b]. The conditional use may be granted

upon the findings specified in subsection (R)(2[b]) of this section.

3[c]. All applications shall be submitted in the form and with the materials required of subdivisions by Deschutes County Code Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements in this title for the approval of conditional uses.

4[d]. Dimensional standards are the same as those in subsection (Q)(4[d]) of this section, 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 this title.

5[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. 92-004 § 12, 1992; Ord. 91-020 § 1, 1991)

T. Shopping Complex.

1[a]. Such uses may be authorized as a conditional use only after a determination is made by the Planning Director or Hearings Body.

a[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.

b[2]. That the entire complex shall be completed within one year 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 extended subject to the terms of Deschutes County Code Title 22, the Uniform Develop-

ment Procedures Ordinance.

c[3]. That there is adequate area for the buildings, landscaping, parking, septic systems and access to serve the proposed development.

d[4]. That the use is consistent with the character of the area and is not detrimental to the land use pattern of the area.

e[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.

f[6]. The proposed shopping complex is appropriate for serving the needs of rural residents in the area.

g[7]. The proposed shopping complex will not attract residents outside the rural area to be serviced. (Ord. 91-020 § 1, 1991; Ord. 84-023 § 4, 1984)

U. High-Temperature Geothermal Wells and Small-Scale Geothermal Energy Facilities.

1[a]. Applicants shall provide the following information:

a[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.

b[2]. Maps. As may be required by the Planning Director or Hearings Body, maps shall be submitted on readily reproducible transparencies as follows: (Ord. 91-020 § 1, 1991)

i. 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.

ii. A map of the project site, of a scale not less than one inch to fifty feet, on which is shown a detailed layout of all drilling pads, sumps, equipment, buildings, pipelines, power lines and related facilities.

iii. 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. (Ord. 91-020 § 1, 1991)

c[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:

i. How the emergency will or might affect the applicant's operations; or endanger personnel, public health, safety or the environment.

ii. Measures proposed to prevent, control, mitigate or minimize the possible negative effects of emergency incidents.

iii. Procedures for training and instructing personnel as to proper procedures for preventing, controlling or minimizing the impacts of emergency incidents.

iv. Where and how stand-by emergency

control equipment and services are to be obtained in the event of an emergency incident.

v. 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.

vi. Where and how first aid, and minor and major medical aid will be obtained if needed during work on the project.

d[4]. For drilling applications, a narrative and diagrammatic description of the following:

i. The type and capacity of drilling equipment to be used.

ii. The expected drilling schedule.

iii. 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.

iv. The number and type of workers to be employed during drilling.

v. The safety provisions and emergency shutdown procedures to be used for protection of the public health and the environment.

vi. The planned use, source, quality and consumption rate for any outside water supply.

vii. The method and locations for disposal of wastes.

viii. A description of the intended site restoration procedures to be used after completion of drilling.

ix. 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 paragraphs (U)(1[a])(a[1]) through (U)(1[A])(d[4]), above by submission of a copy of the applicant's prospect well permit application to the Oregon Department of Geology & Mineral Industries. (Ord. 91-020 § 1, 1991)

e[5]. For energy facility applications, a narrative and diagrammatic description of the following:

- i. The structures, equipment and support facilities to be used in the project and their manner of operation.
- ii. A description of the purpose and operational characteristics of the major components in the energy facility, including schematic flow diagrams.
- iii. An artist's rendering which illustrates the visual appearance of the facility and its immediate environs after completion.
- iv. A time schedule for the installation and start-up of the facility.
- v. The number and type of construction and permanent workers to be employed at the facility.
- vi. 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.
- vii. The planned use, source, quality and consumption rate for any outside water supply.
- viii. The method and locations for disposal of wastes.
- ix. 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.
- x. A description of the intended abandonment and site restoration procedures to be used if and when the facility is permanently taken out of operation.

2[b]. The siting, drilling, operation and abandonment of wells and energy facilities shall comply with the following standards:

a[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.

b[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 non-reflective and of colors which blend with and reduce contrast with surrounding landscape colors. (Ord. 91-020 § 1, 1991)

c[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.

d[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. (Ord. 91-038 § 1, 1991)

e[5]. Access Roads. Activities shall be designed and constructed to utilize existing roads as much as practical. (Ord. 91-020 § 1, 1991)

f[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.

g[7]. Earth Work. Drill pads, pipeline routes, facility sites and roads shall be designed and constructed as follows:

- i. Plans for drill pads, pipelines, facility sites and roads shall be prepared by a registered civil engineer.
- ii. Upon commencement of site work,

topsoil shall be removed and stockpiled for later respreading over disturbed areas prior to revegetation subject to subsection (U)(3[c]) of Section 18.128.040. 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.

iii. Fills shall be compacted to a minimum of 90% relative density (ASTM D-1557) to minimize erosion. If significant erosion occurs, the applicant shall take prompt remedial action. (Ord. 91-020 § 1, 1991)

iv. 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 subsection (U)(3[c]). Cut slopes shall not exceed a gradient of 1 1/2:1. Modification of these slope gradients may be made upon written approval of the Deschutes County Public Works Director.

v. Subdrains shall be provided under all fills where natural drainage courses and seepage are evident.

vi. No drill pads, pipelines, facility sites or access roads shall be allowed on potentially active landslides.

vii. 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.

viii. 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 mini-

mum of 90% relative density (ASTM D1557), and shall be lined with either clay or an equivalent impermeable membrane. Safety fencing may be required.

ix. 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. (Ord. 91-020 § 1, 1991)

h[8]. Pipelines. All pipelines shall be designed and constructed subject to 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.

i[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 require noise monitoring and reporting over and above that required by the Department of Environmental Quality. (Ord. 91-020 § 1, 1991)

j[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.

k[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.

l[12]. Public Safety. Activities shall be designed and conducted to prevent access by unauthorized persons to unattended equipment and operational areas. (Ord. 91-020 § 1,

1991)

m[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.

n[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.

o[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 non-toxic fluids or suspension of production. (Ord. 91-020 § 1, 1991)

p[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.

q[17]. Well Drilling Completion Notice. Applicants shall notify the county in writing of completed well drilling and testing within 7 days of said completion. Applicants shall notify the county in writing of suspended drilling within 7 days of said suspension, when

such suspension is expected to last longer than 180 days.

r[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 subsection (U)(c).

s[19]. Re-Entry of Wells. Applicants may redrill or otherwise re-enter the same wellbore 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.

t[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 operations to match original land contours as closely as practical and shall revegetate the area subject to subsection (U)(3[c]) of 18.128.040, below.

3[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:

a[1]. Previously stockpiled topsoil and chipped vegetation shall be respread over disturbed areas prior to reseeding.

b[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 reseeding, and if determined to have resulted in less than a 75% survival rate, additional revegetation shall be required in the immediately succeeding fall season. (Ord. 93-

043 § 23C, 23D, 23E, 23F, 23G, 1993; 85-002 § 9, 1985)

V. Hydroelectric Facilities.

1[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: (Ord. 91-020 § 1, 1991)

a[1]. The facility is located at and physically connected to an existing man-made diversion or impoundment.

b[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.

c[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.

d[4]. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.

e[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.

f[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:

i. deposit or create a zone for the deposit of sediments in the river at or adjacent to the site;

ii. 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

iii. create the potential for or result in spillage, leakage or discharge of oil, waste products, chemicals or other substances which could reach the river. (Ord. 91-020 § 1, 1991)

g[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.

h[8]. The facility and its operation will maintain existing public access to the affected stretch of the river.

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

j[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.

k[11]. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.

1[12]. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.

2[b]. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:

a[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. (Ord. 91-020 § 1, 1991)

b[2]. Detailed plans for meeting the criteria set forth in subsection (**a[1]**) above.

c[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 streamflows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.

d[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.

e[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:

- i. A program timetable;
- ii. Projected gross revenues from the proposed facility;
- iii. Projected program expenditures and the percentage of gross revenues they represent;
- iv. Projected water savings and the percentage of known current water losses they represent;
- v. A declaration by the applicant that at least fifty percent of the conserved water will remain undiverted by the applicant;
- vi. 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

vii[f]. A declaration that the applicant will enter into an agreement with the county to fulfill all of the requirements in paragraphs (**a[1]**) through (**e[5]**) of this subsection before beginning construction. (Ord. 91-020 § 1, 1991; Ord. 86-018 § 1, 1986)

W. Fill and Removal.

Except as otherwise provided in this title, 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:

1. An application shall be filed containing a plan with the following information:

a[i]. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.

b[ii]. An explanation of why the fill or removal is necessary.

c[iii]. 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:

i.[*] An inventory of existing vegetation.

ii.[*] The proposed modifications, if any, to the vegetation.

iii.[*] Existing and proposed site contours.

iv.[*] Location of property lines, easements and high water marks.

v.[*] Other site elements or information that will assist in the evaluation of the proposed fill or removal.

2. 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:

a[i]. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.

b[ii]. 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.

c[iii]. 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.

d[iv]. That erosion will be adequately controlled during and after construction.

e[v]. 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.

f[vi]. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done. (Ord. 91-038 § 1, 1991)

3. 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:

a[i]. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.

b[ii]. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.

c[iii]. 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.

d[iv]. That such construction and maintenance is designed to minimize the adverse impact on the site.

e[v]. That erosion will be adequately controlled during and after construction.

f[vi]. 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.

g[vii]. 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. (Ord. 91-038 § 1, 1991)

4. Except for uses identified in paragraphs (2) and (3), above, 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:

a[i]. Shall be granted only after consideration of the following factors:

i[*] The effects on public or private water supplies and water quality.

ii[*] 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.

iii[*] Recreational, aesthetic and economic values of the affected water resources.

iv[*] 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.

v[*] The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.

b[ii]. Shall not be granted unless all of the following conditions are met:

i[*] That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.

ii[*] That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in subsection (4)(a[i]) above.

iii[*] That there will be no significant impacts on the surrounding area, considering the factors established in subsection (4)(a[i]) above.

iv[*] That erosion will be adequately controlled during and after the project.

v[*] 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. (Ord. 91-020 § 1, 1991)

vi.[*] That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.

vii.[*] That a conservation easement, as defined in Section 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. 93-043 § 23H, 23I, 23J, 1993; 91-020 § 1, 1991; Ord. 89-008 § 1, 1989; Ord. 87-032 § 1, 1987; Ord. 86-056 § 3 & 4, 1986)

X. Surface Mining of Resources Exclusively for On-Site Personal, Farm or Forest Use or Maintenance of Irrigation Canals. These uses are subject to the following standards:

1[a]. An application shall be filed containing the following information:

a[1]. A detailed explanation of the project and why the surface mining activity is necessary.

b[2]. A site plan drawn to scale and accompanied by any drawings, sketches and descriptions necessary to describe and illustrate the proposed surface mining.

2[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:

a[1]. The surface mining is necessary to conduct or maintain a use allowed in the zone in which the property is located.

b[2]. Erosion will be controlled during and after the surface mining.

c[3]. The surface mining activity can meet all applicable DEQ noise control standards and ambient air quality and emission standards.

d[4]. Sufficient water is available to support approved methods of dust control and vegetation enhancement.

e[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.

3[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:

a[1]. There is adequate water legally available to the site to maintain the water impoundment and to prevent stagnation.

b[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.

c[3]. Where the impoundment bank slope is steeper than 3 feet horizontal to 1 foot vertical, or where the depth is 6 feet or deeper, the perimeter of the impoundment is adequately protected by methods such as fences or access barriers and controls.

d[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. (Ord. 90-014 § 39, 1990)

Y. 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:

1[a]. An application shall be filed containing the following information:

a[1]. A detailed explanation of the project, including the duration and operation characteristics of the site.

b[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.

2[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 Section 18.52.110, except Section 18.52.110, paragraphs (J), (K) and (L). (Ord. 90-014 § 40, 1990)

Z. Mini-Storage Facility.

1[a]. Each individual space for rent or sale shall be less than 500 square feet.

2[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.

3[c]. Yards shall be permanently landscaped.

4[d]. Yard dimensions adjacent to residential zones shall be the same as required yards within the residential zone.

5[e]. One parking space for each twenty five storage spaces shall be located at the project office for use by customers.

6[f]. All structures shall be fenced and visually screened.

7[g]. Traffic lanes shall be twelve feet wide with an additional ten-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.

8[h]. A residence for a caretaker or 24-hour on-site manager is permitted.

9[i]. There shall be only one access from each adjacent street.

10[j]. Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes. (Ord. 91-038 § 3, 1991)

AA. Bed and Breakfast Inn.

1[a]. Bed and breakfast inns shall be restricted to owner-occupied single-family residences.

2[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.

3[c]. No more than three sleeping rooms shall be available for the accommodation of inn visitors.

4[d]. No more than eight guests shall be accommodated at any one time.

5[e]. Occupancies shall be limited to not more than thirty consecutive days.

6[f]. Breakfast shall be the only meal provided to inn guests.

7[g]. The exterior of the building shall maintain a residential appearance.

8[h]. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.

9[i]. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.

10[j]. Approval shall be conditional upon compliance with all applicable state building code requirements and state sanitation requirements. (Ord. 91-038 § 3, 1991)

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

1[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.

2[b]. Street access shall be provided as follows:

a[1]. The campground shall obtain direct access from a street or road designated as an arterial or collector by the Deschutes County Comprehensive Plan.

b[2]. Access to the campground shall be adequate to handle the anticipated traffic generated by the use.

c[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.

3[c]. Water supply and sewage disposal shall be provided as follows:

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

b[2]. Plans for water supply and sewage disposal improvements must be approved by the State Health Division and the Department of Environmental Quality.

c[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.

4[d]. A campground shall conform to state standards specified in ORS 918.650 and the following:

a[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.

b[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.

c[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.

d[4]. Campgrounds shall not provide campsite hookups for sewage disposal or electricity. A centralized sewage dump station that meets state standards may be provided.

e[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.

f[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.

g[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.

h[8]. Campgrounds shall be surrounded by buffer strips of existing vegetation or landscaping.

i[9]. To promote privacy and preserve the integrity of the natural setting, campgrounds shall retain existing vegetation to the fullest extent practical.

j[10]. Yards and Setbacks.

i. 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.

ii. 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.

iii. No developed portion of the campground shall be located closer than 300 feet from a road in a Landscape Management overlay zone.

iv. Setback requirements in (ii) and (iii) above 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.

k[11]. Tent campers and recreational vehicles shall not remain in the campground for more than 30 days in any 60-day period.

l[12]. The campground shall be licensed as

a tourist facility by the State Department of Health as specified in ORS Chapter 446, unless operated by a public entity, timber company or private utility.

m[13]. One dwelling may be allowed for a resident caretaker or proprietor. (Ord. 93-005 § 9, 10 & 11, 1993; 91-038 § 3, 1991)

18.128.050 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 Deschutes County Code Title 22, the Uniform Development Procedures Ordinance. (Ord. 86-032 § 1, 1986)

18.128.060 Time Limit on a Permit for a Conditional Use.

A. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place or the proposed use has occurred. However, the Planning Director or Hearings Body may extend authorization for an additional period not to exceed one year.

B. If it can be demonstrated to the Planning Director or Hearings Body that a delay in establishing a use is due to a delay by a state or federal agency in issuing a required permit and not the fault of the applicant, the Planning Director or Hearings Body may extend the time limit imposed by paragraph (A), above, for a period not to exceed one year following issuance of the state or federal permit. (Ord. 91-020 § 1, 1991)

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

18.128.080 Time Share Unit.

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 (A), above, and the following:

1[a]. That such development has a minimum site size of ten acres, except within the Planned Community (PC) Zone.

2[b]. 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. (Ord. 91-020 § 1, 1991)

D. No structure shall be utilized as a time-share unit unless all the units in the structure or particular phase of the develop-

ment are used as time-share units for this purpose. (Ord. 83-033 § 11, 1983)

**18.128.090 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)

(Temporary Use Permit repealed by Ord. 91-020 § 1, 1991)

(Section 8.090 repealed by Ord. 89-004 § 3, 1989)