

0161-2507

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Chapter 18.04 and Sections 18.32.030 and 18.128.040 of Title 18 of the Deschutes County Code, As Amended, and Declaring an Emergency. *

MAY 19 9:22 AM MARY SUE PENNOLLO COUNTY CLERK

ORDINANCE NO. 97-029

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

Section 1. Amendment. Chapter 18.04 of Title 18 is amended to add a new definition of "guest lodge", as set forth in Exhibit A attached hereto and incorporated herein, with new language set out underlined.

Section 2. Amendment. Section 18.32.030 of Title 18 is amended to add a new use of "guest lodge", as set forth in Exhibit B attached hereto and incorporated herein, with new language set out underlined.

Section 3. Amendment. Section 18.128.040, "Conditional Uses - Special Use Standards", of Title 18 is amended to add a new subsection EE as set forth in Exhibit C attached hereto and incorporated herein.

Section 4. Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance 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.

Section 5. 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 Deschutes County Form and Style Manual for Board Documents. Such codification shall include the authority to make such changes, to make changes in numbering systems and to make such numbering changes consistent with interrelated code sections. 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 6. Repeal of Ordinances as Affecting Existing Liabilities. The repeal, express or implied, of any ordinance, ordinance provision, code section, or any map or any line on a map incorporated therein by reference, by this amending ordinance shall not release or extinguish any duty, condition, penalty,

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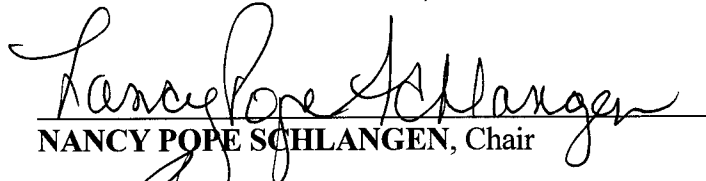
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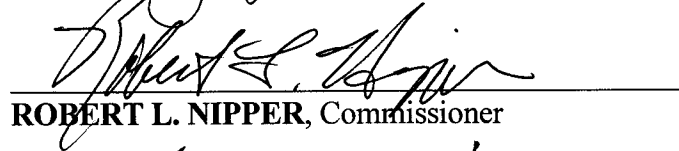
forfeiture, or liability previously incurred or that may hereafter be incurred under such ordinance, unless a provision of this amending ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution, conviction and punishment of the person or persons who previously violated the repealed ordinance.

Section 7. **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 14 day of May, 1997.

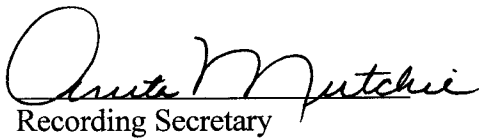
**BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON**


NANCY POPE SCHLANGEN, Chair


ROBERT L. NIPPER, Commissioner


LINDA L. SWEARINGEN, Commissioner

ATTEST:


Anita Mutchie
Recording Secretary

0161-2509

EXHIBIT A to Ordinance 97-029

18.04.541 **Guest lodge.**

“Guest lodge” means an owner-occupied single-family dwelling unit located on a parcel of not less than five acres where lodging and meals are provided for compensation and in which no more than five guest rooms are provided for no more than ten guests at one time.

EXHIBIT B to Ordinance 97-029

18.32.030. Conditional uses permitted.

The following uses may be allowed subject to chapter 18.128 of this title:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining county.
- D. Dude Ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in section 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Home occupations.
- 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 Oregon Revised Statutes 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous

land where the primary processing facility is located.

- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.
- R. Time-share unit or the creation thereof.
- S. Hydroelectric facility, subject to sections 18.116.130 and 18.128.040(V).
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to sections 18.120.050 and 18.128.040(W).
- 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.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- BB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- CC. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.
- DD. Wireless telecommunications facility except those facilities meeting the requirements of Section 18.116.250.
- EE. Guest lodge.
(Ord. 96-038 § 1, 1996; Ord. 94-053 § 2, 1994; Ord. 94-008 § 11, 1994; Ord. 93-043 § 4B, 1993; Ord. 93-043 § 4A, 1993; Ord. 92-055 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 90-014 §§ 27 and 35, 1990; Ord. 91-005 §§ 19 and 20, 1991; Ord. 91-002 § 7, 1991; Ord. 86-018 § 7, 1986; Ord. 83-033 § 2, 1983; Ord. 80-206 § 3, 1980)

EXHIBIT C to Ordinance 97-029

18.128.040 Specific Use Standards

* * *

EE. Guest lodge.

1. The exterior of the building shall maintain a residential appearance.

2. One off-street parking space shall be provided for each guest room in addition to parking to serve the residents.

3. The lodge shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.

4. Occupancies for individuals shall be limited to not more than 30 consecutive days.

5. Meals shall be served to registered overnight lodge guests only and shall not be provided to the public at large.

(Ord. 96-003 § 9, 1996; Ord. 95-075 § 1, 1995; Ord. 95-046 § 3, 1995; Ord. 94-053, § 6, 1994; Ord. 94-008 § 15, 1994; Ord. 93-043 §§ 23A-J, 1993; Ord. 93-005 §§ 9, 10 and 11, 1993; Ord. 92-025 §§ 6 and 7, 1992; Ord. 92-004 § 12, 1992; Ord. 91-038 §§ 1 and 3, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 §§ 46 and 47, 1991; Ord. 90-014 §§ 39 and 40, 1990; Ord. 89-008 § 1, 1989; Ord. 87-032 § 1, 1987; Ord. 86-056 §§ 3 and 4, 1986; Ord. 86-018 § 1, 1986; Ord. 85-002 § 9, 1985; Ord. 84-023 § 4, 1984; Ord. 84-015 § 3, 1984; Ord. 80-206 § 4, 1980)