

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the Deschutes  
County Zoning Ordinance, of the Deschutes County  
Code, to Amend the Land Use Regulations for Home  
Occupations. \*  
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ORDINANCE NO. 2004-002

WHEREAS, the Deschutes County Board of Commissioners (Board) has long recognized home occupations as land uses in the county; and

WHEREAS, the Board has continued the practice of allowing home occupations as conditional uses to ensure that such businesses can operate without impacting adjacent land uses; and

WHEREAS, the Board finds that some home occupations can and should be allowed outright in unincorporated areas of the county under certain circumstances; and

WHEREAS, the Board finds that other home occupations can be allowed conditionally; and

WHEREAS, the Board finds that adopting new standards for home occupations that are allowed as conditional uses will ensure their compatibility with adjacent land uses; and

WHEREAS, the Deschutes County Planning Commission has considered this matter after public hearings on November 14, 2002 and January 9, 2003 and forwarded changes to the zoning regulations for home occupations to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has considered this matter after public hearings on April 23, July 22, and October 28, 2003 and has concluded that the public will benefit from changes to the land use regulations for home occupations; now, therefore,

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

Section 1. AMENDMENT. DCC 18.04.030, Definitions, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. AMENDMENT. DCC 18.16.030, Conditional uses permitted-High value and nonhigh value farmland, is hereby amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 3. AMENDMENT. DCC 18.32.020, Uses permitted outright, is hereby amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined.

Section 4. AMENDMENT. DCC 18.32.030, Conditional uses permitted, is hereby amended to read as described in Exhibit "D," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. DCC 18.36.030, Conditional uses permitted, is hereby amended to read as described in Exhibit "E," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. DCC 18.40.030, Conditional uses permitted, is hereby amended to read as described in Exhibit "F," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. DCC 18.60.020, Uses permitted outright, is hereby amended to read as described in Exhibit "G," attached hereto and by this reference incorporated herein, with new language underlined.

Section 8. AMENDMENT. DCC 18.60.030, Conditional uses permitted, is hereby amended to read as described in Exhibit "H," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. DCC 18.61.030, La Pine Planning Area, is hereby amended to read as described in Exhibit "I," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. DCC 18.61.050, Neighborhood Planning Area, is hereby amended to read as described in Exhibit "J," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. DCC 18.65.020, RSC - Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop and Wildhunt), is hereby amended to read as described in Exhibit "K," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. DCC 18.65.022, Alfalfa RSC - Residential District, is hereby amended to read as described in Exhibit "L," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. DCC 18.66.020, Residential (TeR) district, is hereby amended to read as described in Exhibit "M," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. DCC 18.66.030, Residential-5 acre minimum (TeR5) district, is hereby amended to read as described in Exhibit "N," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. DCC 18.66.040, Commercial (TeC) district, is hereby amended to read as described in Exhibit "O," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. DCC 18.66.050, Commercial-rural (TeCR) district, is hereby amended to read as described in Exhibit "P," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. DCC 18.67.020, Residential (TuR) district, is hereby amended to read as described in Exhibit "Q," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. DCC 18.67.030, Residential-5 acre minimum (TuR5) district, is hereby amended to read as described in Exhibit "R," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. DCC 18.67.040, Commercial (TuC) district, is hereby amended to read as described in Exhibit "S," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. DCC 18.74.020, Uses permitted, is hereby amended to read as described in Exhibit "T," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. AMENDMENT. DCC 18.108.030, Single Family Residential – RS District, is hereby amended to read as described in Exhibit "U," attached hereto and by this reference incorporated herein, with new language underlined.


Section 22. AMENDMENT. DCC 18.108.040, Multiple Family Residential – RM District, is hereby amended to read as described in Exhibit "V," attached hereto and by this reference incorporated herein, with new language underlined.

Section 23. AMENDMENT. DCC 18.108.050, Commercial – C District, is hereby amended to read as described in Exhibit "W," attached hereto and by this reference incorporated herein, with new language underlined.

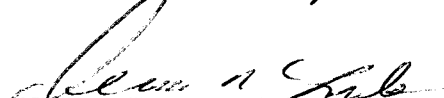
Section 24. ADDING. DCC 18.116.280, Home Occupations, is hereby added to read as described in Exhibit "X," attached hereto and by this reference incorporated herein.

Section 25. REPEALED. DCC 18.128.110, Home occupations, is hereby repealed in its entirety.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
MICHAEL M. DALY, Chair

  
TOM DEWOLF, Commissioner

  
DENNIS R. LUKE, Commissioner

Date of 1<sup>st</sup> Reading: 14 day of Jan., 2004.

Date of 2<sup>nd</sup> Reading: 28 day of Jan., 2004.

Record of Adoption Vote

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

Effective date: 28 day of April, 2004.

ATTEST:

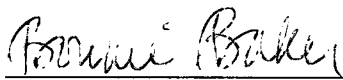
  
Recording Secretary

EXHIBIT "A"

**18.04.030. Definitions.**

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

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"Home occupation" means an occupation or profession carried on within a dwelling and/or a residential accessory structure by a resident of the dwelling or employees, depending on type pursuant to DCC 18.116.280 and is- ~~The occupation or profession shall be secondary to the residential use of the dwelling and/or the residential accessory structure.~~

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(Ord. 2004-002 § 1, 2004; Ord 2001-048 § 1, 2001; Ord. 2001-044 § 2, 2001; Ord. 2001-037 § 1, 2001; Ord. 2001-033 § 2, 2001; Ord. 97-078 § 5, 1997; Ord. 97-017 § 1, 1997; Ord. 97-003 § 1, 1997; Ord. 96-082 § 1, 1996; Ord. 96-003 § 2, 1996; Ord. 95-077 § 2, 1995; Ord. 95-075 § 1, 1995; Ord. 95-007 § 1, 1995; Ord. 95-001 § 1, 1995; Ord. 94-053 § 1, 1994; Ord. 94-041 §§ 2 and 3, 1994; Ord. 94-038 § 3, 1994; Ord. 94-008 §§ 1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§ 1, 2, and 3, 1994; Ord. 93-043 §§ 1, 1A and 1B, 1993; Ord. 93-038 § 1, 1993; Ord. 93-005 §§ 1 and 2, 1993; Ord. 93-002 §§ 1, 2 and 3, 1993; Ord. 92-066 § 1, 1992; Ord. 92-065 §§ 1 and 2, 1992; Ord. 92-034 § 1, 1992; Ord. 92-025 § 1, 1992; Ord. 92-004 §§ 1 and 2, 1992; Ord. 91-038 §§ 3 and 4, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 1, 1991; Ord. 91-002 § 11, 1991; Ord. 90-014 § 2, 1990; Ord. 89-009 § 2, 1989; Ord. 89-004 § 1, 1989; Ord. 88-050 § 3, 1988; Ord. 88-030 § 3, 1988; Ord. 88-009 § 1, 1988; Ord. 87-015 § 1, 1987; Ord. 86-056 § 2, 1986; Ord. 86-054 § 1, 1986; Ord. 86-032 § 1, 1986; Ord. 86-018 § 1, 1986; Ord. 85-002 § 2, 1985; Ord. 84-023 § 1, 1984; Ord. 83-037 § 2, 1983; Ord. 83-033 § 1, 1983; Ord. 82-013 § 1, 1982)

EXHIBIT "B"

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

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or nonhigh value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.

- A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings).
- B. A relative farm-help dwelling.
- C. Nonfarm dwelling and accessory uses thereto.
- D. Lot of record dwelling.
- E. Residential home, as defined in DCC 18.04.030, in existing dwellings.
- F. A hardship dwelling.
- G. A dwelling in conjunction with a wildlife habitat conservation and management plan.
- H. Commercial activity that is in conjunction with farm use.
- I. Operations conducted for
  1. Exploration, mining and processing of geothermal resources as defined by ORS 522.005;
  2. Exploration and extraction of natural gas or oil.
- J. Homestead retention when the entire parcel has been under single ownership for at least the preceding 10 consecutive years and the parcel occupies not less than 320 acres. This use will permit the owner to convey the parcel but retain a leasehold interest in the residence and the land underlying the residence up to a maximum of five acres. In no case shall another residence be constructed elsewhere on the parcel except in conformance with the terms of DCC 18.16. The leasehold interest shall extend throughout the lifetimes of the seller and his or her spouse.
- K. Expansion of an existing private park, playground, hunting and fishing preserve and campground.
- L. Expansion of an existing park, playground or community center owned and operated by a governmental agency or a nonprofit community organization.
- M. Utility facility necessary for public service except commercial utility facility for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- N. Transmission tower over 200 feet in height.
- O. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260), for the purpose of generating power for public use by sale.
- P. Personal use landing strip for airplanes and helicopter pad, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with agricultural operations.
- Q. Type 2 or 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation carried on by residents as an accessory use within their existing dwelling or other existing residential accessory building.~~ Home occupations are not allowed in structures accessory to resource use.
- R. A facility for the primary processing of forest products. The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.16.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- S. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete when such uses are in conjunction

EXHIBIT "B"

- with the maintenance or construction of public roads or highways.
- T. Expansion of an existing church or cemetery in conjunction with a church, provided such church or cemetery is not within three miles of an urban growth boundary.
  - U. Expansion of an existing church or cemetery in conjunction with a church within three miles of an urban growth boundary if an exception is first granted under state law.
  - V. Expansion of an existing public or private school, including all buildings essential to the operation of such a school, provided such school is not within three miles of an urban growth boundary.
  - W. Expansion of an existing public or private school, including all buildings essential to the operation of such a school, located within three miles of an urban growth boundary, if an exception is first granted under state law.
  - X. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.
  - Y. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels.
  - Z. Improvement of public roads and highway-related facilities such as maintenance yards, weigh stations and rest areas where additional property or right of way is required, but not resulting in the creation of new land parcels.
  - AA. The propagation, cultivation, maintenance and harvesting of aquatic species.
  - BB. Bed and breakfast inn.
  - CC. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
  - DD. Rural fire station.
  - EE. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law.
  - FF. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.  
(Ord. 2004-002 § 2, 2004; Ord. 2001-039 § 1, 2001; Ord. 2001-016 § 2, 2001; Ord. 98-030 § 1, 1998; Ord. 95-025 § 1, 1995; Ord. 95-007 § 11, 1995; Ord. 94-008 § 9, 1994; Ord. 92-065 § 3, 1992; Ord. 91-038 § 2, 1991; Ord. 91-020 § 1, 1991; Ord. 91-014 § 1, 1991; Ord. 91-005 § 5, 1991; Ord. 90-018 § 1, 1990; Ord. 90-014 §§ 23 and 31, 1991; Ord. 87-013 § 1, 1987; Ord. 86-018 § 3, 1986; Ord. 83-028 § 1, 1983)

EXHIBIT "C"

**18.32.020. Uses permitted outright.**

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.

Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.

- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

I. Type 1 Home Occupation, subject to DCC 18.116.280.

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

EXHIBIT "D"

**18.32.030. Conditional uses permitted.**

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~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 ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.
- R. Time-share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Churches, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- BB. Horse events, including associated structures, not allowed as a permitted use in this zone.

EXHIBIT "D"

CC. Manufactured home park on a parcel in use as a manufactured home park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996, as a manufactured home park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.

DD. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

EE. Guest lodge.

FF. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

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

## EXHIBIT "E"

### 18.36.030. Conditional uses permitted.

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.36.040 and other applicable sections of DCC Title 18.

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- D. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- E. Log scaling and weigh stations.
- F. Disposal site for solid waste for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- G. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. For the purpose of DCC 18.36.030 a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- H. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.36.030(D).
- I. Television, microwave and radio communication facilities and transmission towers.
- J. Fire stations for rural fire protection.
- K. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- L. Aids to navigation and aviation.
- M. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- N. Reservoirs and water impoundments.
- O. Cemeteries.
- P. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights of way 50 feet or less in width.
- Q. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- R. Type 2 or 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupations as defined in DCC 18.04.030 and subject to DCC 18.128.110.~~
- S. Expansion of existing airports.
- T. Public road and highway projects as described as ORS 215.283(2)(p) through (r) and 215.283(3).
- U. Private accommodations for fishing occupied on a temporary basis subject to other

EXHIBIT "E"

applicable sections of DCC Title 18 and the following requirements:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted;
  3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  4. Accommodations must be located within one-quarter mile of fish Type F waters.
- V. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- W. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- X. A manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.36.040 and 18.36.060 of this chapter. The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025 (3)(p).
- Y. Single-family dwellings or manufactured homes as specified in DCC 18.116.070, as pursuant to DCC 18.36.050.
- Z. Public parks including only those uses specified under OAR 660-034-0035.
- AA. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  2. Only minor incidental and accessory retail sales are permitted, and;
  3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission
- BB. Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.
- (Ord. 2004-002 § 5, 2004; Ord. 2000-033 § 1, 2000; Ord. 94-038 1, 1994; Ord. 92-068 § 1, 1992; Ord. 92-025 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 90-014 § 28, 1990; Ord. 86-018 § 8, 1986)

## EXHIBIT "F"

### 18.40.030. Conditional uses permitted.

The following uses and their accessory uses may be allowed in the Forest Use Zone, subject to applicable provisions of the Comprehensive Plan, DCC 18.40.040 and other applicable sections of DCC Title 18:

- A. Private hunting and fishing operations without any lodging accommodations.
- B. Caretaker residences for public parks and fish hatcheries.
- C. Temporary forest labor camps limited to the duration of the forest operation requiring it use.
- D. Destination Resorts where mapped in a DR zone and subject only to the provisions of DCC 18.113 and other applicable provisions of DCC Title 18 and the Comprehensive Plan not contained in DCC 18.40.
- E. Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- F. Log scaling and weigh stations.
- G. Disposal site for solid waste for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- H. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. For the purpose of DCC 18.40.030, a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides

buffers of existing native trees and vegetation or other natural features between campsites.. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

- I. Mining and processing of oil, gas or other subsurface resources, as defined in ORS 520.005, and not otherwise permitted under DCC 18.40.030(E).
- J. Television, microwave and radio communication facilities and transmission towers.
- K. Fire stations for rural fire protection.
- L. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to Oregon Administrative Rules 660, Division 4.
- M. Aids to navigation and aviation.
- N. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
- O. Reservoirs and water impoundments.
- P. Cemeteries.
- Q. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal) with rights of way 50 feet or less in width.
- R. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- S. Type 2 or 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupations as defined in DCC 18.04.030 and subject to DCC 18.128.110.~~
- T. Expansion of existing airports.

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- U. Public road and highway projects as described as ORS 215.283(2)(p) through (r) and 215.283(3).
- V. Private accommodations for fishing occupied on a temporary basis subject to other applicable sections of DCC Title 18 and the following requirements:
  - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - 2. Only minor incidental and accessory retail sales are permitted;
  - 3. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
  - 4. Accommodations must be located within one-quarter mile of fish-bearing Type F waters.
- W. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- X. Single-family dwellings or manufactured homes as specified in DCC 18.116.070, pursuant to DCC 18.40.050.
- Y. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
- Z. A manufactured home in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.283. The use shall be subject to the review criteria in DCC 18.116.090, as well as DCC 18.40.040 and 18.40.60. The manufactured home shall use the same subsurface sewage disposal system used by the existing dwellings if that disposal system is adequate to accommodate the additional dwelling. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025 (3)(p).
- AA. Public parks including only those uses specified under OAR 660-034-0035.
- BB. Private seasonal accommodations for fee hunting operations may be allowed subject to DCC 18.36.050 and the following requirements:
  - 1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
  - 2. Only minor incidental and accessory retail sales are permitted, and;
  - 3. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission
- CC. Any gathering subject to review by a county planning commission under the provisions of ORS 433.763. These gatherings are those of more than 3,000 persons which continue or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces.  
(Ord. 2004-002 § 6, 2004; Ord. 2000-033 § 1, 2000; Ord. 94-038 1, 1994; Ord. 92-068 § 1, 1992; Ord. 92-025 § 2, 1992; Ord. 91-038 § 1, 1991; Ord. 90-014 § 28, 1990; Ord. 86-018 § 8, 1986)

EXHIBIT "G"

**18.60.020. Uses permitted outright.**

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
  - 1. Fewer than 10 riders;
  - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
  - 3. More than 25 riders, no more than two times per year on nonconsecutive days.Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

J. Type 1 Home Occupation, subject to DCC 18.116.280.

(Ord. 2004-002 § 7, 2004; Ord. 2001-039 § 5, 2001; Ord. 2001-016 § 2, 2001; Ord. 94-008 § 12, 1994; Ord. 93-043 § 8, 1993; Ord. 91-020 § 1, 1991; Ord. 91-005 §§ 30 & 31, 1991)

EXHIBIT "H"

**18.60.030. Conditional uses permitted.**

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation.~~
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. 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.
- E. Planned development.
- F. Cluster development.
- G. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.
- H. Landfill when a written tentative approval by Department of Environmental Quality (DEQ) of the site is submitted with the application.
- I. Cemetery.
- J. Time-share unit or the creation thereof.
- K. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- L. Bed and breakfast inn.
- M. Golf course.
- N. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- O. Church.
- P. Public Uses.
- Q. Semipublic Uses.
- R. Commercial horse stables.
- S. Private or public school, including all buildings essential to the operation of such a school.
- T. 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 expansion of such uses on the same parcel, as configured on June 12, 1996.
- U. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- V. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material. (Ord. 2004-002 § 8, 2004; Ord. 2001-039 § 5, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-017 § 3, 1997; Ord. 96-038 § 2, 1996; Ord. 96-021 § 1, 1996; Ord. 94-008 § 13, 1994; Ord. 93-043 §§ 8A and 8B, 1993; Ord. 92-004 § 10, 1992; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 32, 1991; Ord. 90-014 § 22, 1990; Ord. 86-018 § 13, 1986; Ord. 83-033 § 5, 1983)

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**18.61.030. La Pine Planning Area.**

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

A. La Pine Residential District.

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

- a. Single-family dwelling.
- b. Manufactured home subject to DCC 18.116.070.
- c. Two-family dwelling or duplex.
- d. Agricultural use as defined in DCC Title 18, subject to the following limitations:

1. 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.
2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.

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

f. Class III road and street project.

g. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

h. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

i. Type 1 home occupation, subject to DCC 18.116.280.

2. Conditional Uses Permitted. The following uses may be allowed subject to

applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Multi-family dwelling with three or more units.
- b. Park, playground and community building.
- c. Utility facility, except landfill.
- d. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
- e. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation.~~
- f. Church.
- g. School.
- h. Manufactured home park.
- i. Multi-family dwelling complex.
- j. Cluster development.
- k. Nursery school, kindergarten and day care facility.
- l. Nursing home.
- m. Public use.
- n. Residential care facility for more than 15 people.
- o. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

3. Lot Sizes.

a. Partitions:

1. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.

2. Parcels served by an approved community, noncommunity, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.

3. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a

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- minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.
- b. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:
    1. All new lots shall be connected to a DEQ permitted community or municipal sewer system.
    2. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.
  4. Dimensional Standards. The following dimensional standards shall apply:
    - a. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.
    - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
  5. Yard and Setback Requirements.
    - a. Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.
    - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
    - c. Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- B. La Pine Commercial District.
1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
    - a. Single-family dwelling on a lot existing on March 27, 1996.
    - b. Manufactured home, on a lot existing on March 27, 1996, subject to DCC 18.116.070.
    - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
    - d. Class III road and street project.
    - e. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
  2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
    - a. Park, playground and community building.
    - b. Public use.
    - c. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
      1. Retail store, office and service establishment.
      2. Residential use in the same building as a permitted use.
      3. Art studio in conjunction with retail sales.
      4. Medical clinic.
      5. Automobile service station.
      6. Car wash.
      7. Day care facility.
      8. Restaurant and cocktail lounge.
      9. Club and fraternal lodge.
      10. Automobile and trailer sales.
      11. Uses accessory to the uses identified in DCC 18.61.030.

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- d. Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).
- 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review and DCC 18.128, Conditional Use:
  - a. Multi-family dwelling on a lot existing on March 27, 1996.
  - b. Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).
  - c. Manufactured home park and travel trailer park.
  - d. Church.
  - e. School.
  - f. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
  - g. Water supply and treatment facility.
  - h. Utility facility, except landfill.
  - i. Television and radio station with or without a transmitter tower.
  - j. Nursing home.
  - k. Residential care facility for more than 15 people.
  - l. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
    - 1. Veterinary clinic including enclosed kennel.
    - 2. Automobile repair garage.
    - 3. Commercial amusement and recreation establishment.
    - 4. Shopping complex subject to a master plan.
    - 5. Mini-storage facility.
    - 6. Uses accessory to the uses identified in DCC 18.61.030.
  - m. Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).
- n. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 4. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
  - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and
  - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.For the purposes of DCC 18.61.030, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.
- 5. Lot Size and Dimensional Standards.
  - a. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
  - b. Lot Coverage. No requirements.
  - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
- 6. Yard and Setback Requirements.
  - a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All

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- buildings shall be set at the front yard setback line.
  - b. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
  - c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- C. La Pine Industrial District.
- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
    - a. Agricultural use as defined in DCC Title 18.
    - b. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
    - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
    - d. Class III road or street project.
    - e. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
  - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
    - a. Expansion of a valid use existing on December 5, 1994.
    - b. Public use compatible with industrial uses.
    - c. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
    - d. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
    - e. Light manufacturing, assembly, fabricating or packaging and wholesale distribution.
    - f. Cold storage plant, including storage and office.
    - g. Kennel or veterinary clinic operated entirely within an enclosed building.
    - h. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
    - i. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
    - j. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
    - k. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
    - l. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
    - m. Manufactured home sales and service.
    - n. Plant nursery and greenhouse.
  - 3. Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
    - a. Mini-storage facility.
    - b. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
    - c. Asphalt plant.
    - d. Lumber manufacturing and wood processing including pulp and paper manufacturing.

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- e. Electrical substation.
  - f. Concrete, asphalt and ready-mix plant.
  - g. Petroleum products storage and distribution.
  - h. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.
  - i. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
  - j. Railroad track, freight depot and related facilities.
  - k. Agricultural products storage and processing plant.
  - l. Transfer station.
  - m. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
  - n. Any use permitted by DCC 18.61.030(C)(2) that is expected to:
    - 1. Require lot coverage in excess of 70 percent;
    - 2. Require more than one acre of land; or
    - 3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
  - o. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.
  - p. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
- a. Sewer and Water Requirements:
    - 1. New uses that require DEQ Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.
  - 2. Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.
  - 3. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.
- b. Compatibility:
- 1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
  - 2. A use expected to generate more than 30 truck trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
  - 3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
  - 4. Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones.
  - 5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing

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- authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
- c. Traffic/Parking.
1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
  2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
  3. All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.
  4. There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
- d. Requirements for Large Scale Uses. Any industrial use listed in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
  2. That such uses would not rely upon a work force served by uses within urban growth boundaries; and
  3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
- a. An increase in required setbacks.
  - b. Additional off-street parking and loading facilities.
  - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
  - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.
  - b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
  - c. Setbacks.
    1. The minimum building setback between a nonrailroad related structure and a street, road or railroad right of way line shall be

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- 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
2. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.
  3. The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.
- d. **Building Heights.** The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.
- e. **Minimum Lot Frontage.** The minimum lot frontage shall be 50 feet.
- f. **Side Yard.** None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- g. **Rear Yard.** None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- D. **La Pine Business Park District.**
1. **Uses Permitted Subject to Site Plan Review.** The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
    - a. **Commercial use,** as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.
    - b. **Industrial use,** as defined in DCC 18.04, in a building or buildings not exceeding 20,000 square feet of floor space.
  2. **Conditional Uses Permitted.** Notwithstanding the uses allowed under DCC 18.61.030(D)(1), the following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
    - a. Mini-storage facility.
    - b. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
    - c. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
    - d. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
    - e. Manufactured home sales and service.
    - f. Lumber manufacturing and wood processing.
    - g. Electrical substation.
    - h. Agricultural products storage and processing plant.
    - i. Any use permitted by DCC 18.61.030(D) that is expected to:
      1. Require lot coverage in excess of 70 percent;
      2. Require more than one acre of land; or
      3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
    - j. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

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3. Additional Requirements for Large Scale Uses. A commercial use in the Business Park District may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
  - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area, for the purposes of DCC 18.61.030(D), the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and
  - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
4. Use Limits. The following limitations and standards shall apply to all uses:
  - a. Sewer and Water Requirements:
    1. New uses shall be required to connect to the La Pine Sewer Treatment Facility.
    2. New uses must be connected to a municipal, community or public water system.
  - b. Compatibility:
    1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
    2. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
    3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
  4. Storage, loading and parking areas for all uses shall be screened from residential zones.
  5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
  6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
- c. Traffic/Parking
  1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
  2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
  3. All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off-street.
  4. Parking may be allowed within the front yard building setback area except that no parking shall

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- be allowed within 10 feet of any street.
5. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
  5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
    - a. An increase in required setbacks.
    - b. Additional off-street parking and loading facilities.
    - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
    - d. Additional landscaping, screening and other improvements.
  6. Dimensional Standards. The following dimensional standards shall apply:
    - a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.
    - b. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
    - c. Lot Coverage. A use permitted by DCC 18.61.030(D) which is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
  7. Setbacks.
    - a. Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
    - b. Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.
    - c. Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.
    - d. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
  8. Building Height. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.
- E. La Pine Sewer Treatment District.
1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
    - a. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
  2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use and DCC 18.16.040(A):
    - a. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.

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

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b. Park or playground.  
(Ord. 2004-002 § 9, 2004; Ord. 2001-044 § 3,  
2001; Ord. 2000-015 § 2, 2000; Ord. 97-063 § 3,  
1997; Ord. 97-041 § 1, 1997; Ord. 97-017 § 4,  
1997; Ord. 96-003 § 1, 1996)

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**18.61.050. Neighborhood Planning Area.**

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

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

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

1. Uses permitted outright.
  - a. Single-family dwelling, including a "Class A" manufactured home.
  - b. Duplex.
  - c. Accessory dwelling.
  - d. Multi-use path.
  - e. Open space.
  - f. Residential facility or residential home.
  - g. Type 1 Home Occupation, subject to DCC 18.116.280. ~~Home occupation that:~~
    - ~~1. Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
    - ~~2. Does not serve clients or customers on site;~~
    - ~~3. Does not produce odor, dust, glare, flashing lights or noise;~~

- ~~4. Does not occupy more than 25 percent of the floor area of the dwelling; and~~
- ~~5. Does not include the on-premises display or sale of stock in trade.~~
- ~~6. Does not have any outdoor storage of materials used in the home occupation.~~
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
  - a. Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.
  - b. Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
  - c. Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
  - d. Park or playground.
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
  - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation as defined in DCC 18.04.~~
  - b. Outdoor Recreational Equipment Storage area as defined in DCC 18.04.
4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.
5. Yard and Setback Requirements. The front, side and rear yard requirements in

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Table 2 shall apply to uses in the Residential General District.

6. Residential Density. The residential density requirements in Tables 1 and 2 A shall apply to the Residential General District.
- D. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as town homes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.
  1. Uses permitted outright.
    - a. Single Family Dwelling – Zero Lot Line. town home, duplex or triplex.
    - b. Accessory dwelling.
    - c. Live/work unit.
    - d. Multi-use path.
    - e. Open space.
    - g. Type 1 Home Occupation, subject to DCC 18.116.280. ~~Home occupation that:~~
      - ~~1. Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
      - ~~2. Does not serve clients or customers on site;~~
      - ~~3. Does not produce odor, dust, glare, flashing lights or noise;~~
      - ~~4. Does not occupy more than 25 percent of the floor area of the dwelling; and~~
      - ~~5. Does not include the on-premises display or sale of stock in trade; and,~~
      - ~~6. Does not have any outdoor storage of materials used in the home occupation.~~
  2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
    - a. Community center up to 4,000 square feet in floor area.
    - a. Neighborhood commercial building as defined in DCC 18.04.
    - b. Multi-family dwelling.
    - c. Bed and Breakfast Inn.
    - d. Church.
    - e. Park or playground.
  3. Conditional uses permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
    - a. Single-family dwelling, including "Class A" manufactured home, except as permitted in 18.61.050.D.1.a.
    - b. Residential facility or residential home.
    - c. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation as defined in DCC 18.04.~~
  4. Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.
  5. Yard and setback requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.
  6. Residential density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.
- E. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.
  1. Uses Permitted Outright.
    - a. Duplex, triplex or town home.
    - b. Multi-use path.
    - c. Open space.
  2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to

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

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

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- e. Open space.
  - f. Multi-use path.
  - 2. Corridor Open Space Uses Permitted Outright.
    - a. Open space.
    - b. Multi-use path.
    - g. Picnic area.
    - h. Benches along multi-use path.
    - i. Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.
  - 3. Uses Permitted Subject to an Open Space Management Plan under the provision of DCC 18.61.050(I)(4).
    - a. Vegetation management for wildfire hazard reduction.
    - b. Vegetation management for wildlife habitat enhancement.
    - c. Landscaped earthen berm.
  - 4. Open Space Management Plan.
    - a. An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.
- J. Quadrant Plan.
- 1. Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development including streets or placement of utilities within a Neighborhood or Quadrant, a Quadrant Plan shall be approved according to the provisions of DCC 18.61.050.
  - 2. Eligibility to Submit an Application. Deschutes County will accept a Quadrant Plan application from a developer who has an agreement with Deschutes County of intent to purchase land in the Quadrant. The County may also prepare a Quadrant Plan.
- 3. Application Requirements. All applications shall include the following elements.
    - a. Zoning Plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.
    - b. Transportation Plan, drawn to scale, including locations of street rights of way for central collector, neighborhood collector and local streets, block configurations and connections with adjacent Quadrants.
    - c. Non-motorized Circulation Plan showing locations of sidewalks paved and unpaved multi-use paths and where they will connect to adjacent Quadrants.
    - d. Open Space and Park Plan, drawn to scale, defining boundaries for the open space district and Neighborhood or Regional Parks where applicable.
    - e. Open Space Management Plan.
    - f. Utility Plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:
      - 1. How the proposed water and sewer systems will be adequate to serve the type and size of development planned.
      - 2. How the proposed location and sizing of facilities will be consistent with existing and planned facilities.
      - 3. How adequate water flow volumes will be provided to meet fire flow and domestic demands.
    - g. Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines. Notwithstanding DCC 23.40.020(F)(1)(g), and this requirement, no design guidelines shall be required for Quadrant 1c.

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

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

2. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
3. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
4. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights of way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
5. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
6. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the

Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.

7. Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:
  - i. Minimum 200 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
  - ii. Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
  - iii. Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
  - iv. Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
8. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:

(Ord. 2004-002 § 10, 2004; Ord. 2003-028 § 2, 2003; Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015 § 2, 2000)

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TABLE 1. La Pine Neighborhood Planning Area Density Standards

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

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

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TABLE 2. La Pine Neighborhood Planning Area Zoning Standards

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
<b>LOT SIZE Single-family</b>					
<b>NEIGHBORHOOD 1</b>					
Maximum square feet	7,000	4,500	N/A	N/A	N/A
Minimum square feet	4,000	2,400	N/A	N/A	N/A
<b>NEIGHBORHOOD 2</b>					
Maximum square feet	15,000	7,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
<b>LOT SIZE Townhome</b>					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
<b>LOT SIZE Duplex Triplex</b>					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
<b>LOT SIZE Multi-family</b>					
Maximum square feet	no maximum	no maximum	no maximum	N/A	N/A
Minimum square feet	15,000	10,000	10,000	N/A	N/A
<b>LOT SIZE Other uses</b>					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	none	none	7,000
<b>LOT WIDTH</b>					
Minimum (feet)	50' for detached dwellings 24' for attached townhome	40' for detached dwellings 24' for attached townhome	50	50	50
<b>LOT DEPTH</b>					
Minimum (feet)	100	100	150	150	150
<b>RESIDENTIAL DENSITY (per gross acre) (1)</b>					
<b>NEIGHBORHOOD 1</b>					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
<b>NEIGHBORHOODS 2, 3 &amp; 4</b>					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
<b>SETBACKS</b>					
<b>Primary Building</b>					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min.	5' min. or 0 lot line	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
Side at corner (2)	10 feet	5' or 0 lot line	5 feet	5 feet	5 feet
Rear	10 feet	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5 feet

EXHIBIT "J"

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

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
<b>LOT COVERAGE</b>					
Maximum	35 percent	50 percent	60 percent	60 percent	50 percent
<b>BLOCK REQUIREMENTS(3)</b>					
Maximum Perimeter	2,000	1,600	1,200	N/A	1,200 feet
Maximum block length without pedestrian connection	600 feet	600 feet	400 feet	800	600 feet
<b>BUILDING HEIGHT</b>					
Primary	30'	40' except Res. General standards apply to single family. Townhomes 35 ft. max.	45' except Res. General standards apply to single family. Townhomes 35 ft. max.	45'	30'
Accessory Dwelling or Building Higher with Conditional Use Permit	20'	25'	30'	30'	25'
	NO	YES up to 40 feet	YES	YES	NO
<b>GARAGE SETBACKS</b>					
Front lot line	20 feet	10 feet	10 feet	N/A	N/A
Min. from front of building	10 feet	5 feet	5 feet	N/A	N/A
<b>MINIMUM ONSITE PARKING</b>	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116
% Building at front lot line	N/A	50% min.(2)	N/A	N/A	N/A

NOTES:

- (1) Gross acres, excluding collector street right of way
- (2) Must met clear vision requirements of DCC 18.116.020
- (3) The block requirements not applicable to review and approval of quadrant plans.

(Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015 § 2, 2000)

EXHIBIT "K"

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

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

1. Single-family dwelling.
2. Manufactured home, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.~~Home occupation, limited in scope to an activity that:~~
  - ~~a. is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - ~~b. does not produce odor, dust, glare flashing lights or noise;~~
  - ~~c. does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - ~~e. does not include the on-premise display or sale of stock in trade.~~
4. Residential home and residential facility.
5. Two-family dwelling or duplex.
6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
8. Class III road and street project.
9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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

1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes

place in multiple buildings may not exceed 4,000 square feet.

2. Residential use in conjunction with a permitted commercial use.
3. Park or playground.
4. Community building.
5. Public or semipublic building or use.
6. Highway maintenance facility.

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

1. Multi-family dwelling with three or more units.
2. Church.
3. School.
4. Cemetery.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation that does not otherwise meet the provisions in DCC 18.65.020(A)(3).~~
6. Medical clinic or veterinary clinic.
7. Community Center.
8. Manufactured home park.
9. Recreational vehicle or trailer park.
10. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

D. Yard and Setback Requirements.

1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.
4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.

E. Lot Requirements.

1. Residential Uses:
  - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.

EXHIBIT "K"

- b. Each lot shall have a minimum width of 200 feet.
  - c. Each lot must be served by an on-site well.
  - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
  - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
2. Commercial and Public Uses.
- a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
  - b. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.
  - c. Each lot shall have a minimum width of 150 feet.
  - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

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

EXHIBIT "L"

**18.65.022. Alfalfa RSC - Residential District**

**A. Uses Permitted Outright.** The following uses and

their accessory uses are permitted outright, subject to the applicable provisions of this chapter:

1. Agricultural uses, as defined in Title 18, subject to the restrictions in DCC 18.65.021(D), and excluding livestock feed lot or sales yard, and hog or mink farms.
2. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
3. Two-family dwelling or duplex.
4. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
6. Class III road or street project.
7. Type 1 Home Occupation, subject to DCC 18.116.280.

**B. Uses Permitted Subject to Site Plan Review.**

The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124 Site Plan Review, of this title:

1. Park or playground.
2. Community building.
3. Utility facility.

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

1. Schools.
2. Medical clinic or veterinary clinic.
3. Daycare facility.
4. Church.

5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupations.~~

6. Bed and breakfast inn.
7. Public use.
8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

**D. Yard and Setback Requirements.**

1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
2. The minimum side yard setback shall be 10 feet.
3. The minimum rear yard setback shall be 20 feet.

**E. Lot Requirements.**

1. The minimum lot size is 5 acres.
2. The minimum average width of lots shall be 200 feet.
3. Each lot must be served by an on-site well.
4. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
5. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

**F. Limitations on uses – RSC-Residential District.** The following limitation shall apply to uses permitted in the RSC – Residential District:

1. Cows, horses, goats or sheep cannot be kept on lots having an area of less than 20,000 square feet. The total number of all such animals (other than their young under the age of six months) shall be limited to the square footage of the lot

EXHIBIT "L"

divided by 20,000 square feet, which is the minimum area per animal.

2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
3. All livestock shall be located a minimum of 100 feet away from a residential building on an adjacent lot.

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

EXHIBIT "M"

**18.66.020. Residential (TeR) district.**

The Terrebonne Residential District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280.~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers on-site;~~
  - c. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~Does not include the on-premises display or sale of stock in trade.~~
4. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.

7. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Cluster development.
5. Church.
6. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation as defined in DCC 18.04.~~
7. Child care center.
8. Public or private school.
9. Park.
10. Public or semi-public building.
11. Utility facility.
12. Water supply or treatment facility.
13. Veterinary clinic.
14. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
15. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Lot Requirements.

1. Partitions:
  - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system and not served by a public sewer system, shall have a minimum width of 150 feet with a minimum parcel size of one acre.
  - b. Subject to DCC 17.36.170 parcels served by an approved community, non-community, municipal or public water system, but not served by an approved public sewer system, shall

EXHIBIT "M"

- have minimum parcel sizes as follows:
- i. For a single-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 22,000 square feet.
  - ii. For a two-family dwelling, a parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
- c. For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:
- i. For a single-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.
  - ii. For a two-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.
2. Subdivisions:
- a. For subdivisions involving multi-family dwellings, a manufactured home park, a retirement center or a nursing home, all new lots shall be connected to a DEQ permitted wastewater pollution control facility.
  - b. For subdivisions involving only single-family and two family dwellings the standards set forth in DCC 18.66.020(C)(1) shall apply.
- D. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
  2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.020(D)(4).
  3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(D)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
  5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

(Ord. 2004-002 § 13, 2004; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

EXHIBIT "N"

**18.66.030. Residential-5 acre minimum (TeR5) district.**

The purpose of the Terrebonne Residential-5 Acre Minimum District is to retain large rural residential lots where community sewer and water are not available.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280. ~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers on site;~~
  - c. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~Does not include the on-premises display or sale of stock in trade.~~
4. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an

Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124 and 18.128:

1. Manufactured home park.
2. Multi-family dwelling complex.
3. Retirement center or nursing home.
4. Church.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation as defined in DCC 18.04.~~
6. Public or private school.
7. Child care center.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Lot Requirements. The minimum lot or parcel size in the TeR5 District is five acres regardless of the availability of approved community, non-community, municipal, or public water system and public sewer system.

D. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.66.030(D)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.66.030(D)(4).

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4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 of shall be met.  
(Ord. 2004-002 § 14, 2004; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

EXHIBIT "O"

**18.66.040. Commercial (TeC) district.**

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280. ~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers on site;~~
  - e. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling;~~
  - e. ~~Does not include the on premises display or sale of stock in trade.~~
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:

1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating or drinking establishment.
  - c. Offices.

- d. Veterinary clinic and kennel entirely within an enclosed building.
- e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).

2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
2. Recreational vehicle park.
3. Church.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation as defined in DCC 18.04.~~
5. Public or private school.
6. Child care center.
7. Park.
8. Public or semi-public building.
9. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
10. Utility facility.
11. Water supply or treatment facility.
12. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
13. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
  - a. Manufacturing and production.
  - b. Wholesale sales.
  - c. Mini-storage.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
15. Surface mining of mineral and aggregate resources in conjunction with the

## EXHIBIT "O"

operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).

1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

E. Requirements for Large Scale Uses.

1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
  - a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
  - b. The use will primarily employ a work force from the community and surrounding rural area; and
  - c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

F. Design Standards.

1. Ground Floor Windows. The following criteria for ground floor windows apply

to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.

- a. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
- b. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

- G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.

H. Dimensional Standards.

1. Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(C)(3)(b).

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
3. Rear Yard. No specific requirements, subject to DCC 18.66.040(H)(4).
4. Exceptions to Yard Standards.

- a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common property line. The required yard shall be increased by

EXHIBIT "O"

one foot for each foot by which the building height exceeds 20 feet.

b. Lot line adjacent to an EFU zone.

Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-002 § 15, 2004; Ord. 97-063 § 3, 1997; Ord. 97-003 § 2, 1997)

EXHIBIT "P"

**18.66.050. Commercial-rural (TeCR) district.**

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers on-site;~~
  - c. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~Does not include the on-premises display or sale of stock in trade.~~
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:

1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating or drinking establishment.
  - c. Office.
  - d. Residential use in the same building as a use listed in DCC 18.66.050.

2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:

1. Church.
2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation as defined in DCC 18.04.~~
3. Park.
4. Public or semi-public building.
5. Utility facility.
6. Water supply or treatment facility.
7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
  - a. Manufacturing or production.
  - b. Wholesale sales.
  - c. Mini-storage.
  - d. Truck terminal.
  - e. Farm or contractor equipment storage, sales, service or repair.
  - f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).
9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).

1. Sewer and Water Requirements.

EXHIBIT "P"

- a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
  - b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.
2. Compatibility.
- a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
  - b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
  - c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
  - d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.
3. Traffic and Parking.
- a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
  - b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
  - c. Site design shall not require backing of traffic onto a public or private road right-of-way.
4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
- a. An increased setback requirement.
  - b. Additional off-street parking and loading facilities.
  - c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
  - d. Additional landscaped buffering and screening improvements.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
    - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
    - b. The use will primarily employ a work force from the community and surrounding rural area; and
    - c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
  2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
  3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor

## EXHIBIT "P"

windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.

1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.

1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(C)(3)(b).

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
4. Exceptions to Yard Standards.

a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.

b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-002 § 16, 2004; Ord. 2001-039 § 7, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-003 § 2, 1997)

EXHIBIT "Q"

**18.67.020. Residential (TuR) district.**

The Tumalo Residential (TuR) District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling, or a manufactured home subject to DCC 18.116.070.
2. Two-family dwelling.
3. Type 1 Home Occupation, subject to DCC 18.116.280. ~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers onsite;~~
  - c. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~Does not involve the on-premise display or sale of stock in trade.~~
4. Agricultural uses as defined in DCC Title 18, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total number of such animals over the age of six months is limited to one for each 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals, provided that the total number of such animals over the age of six months does not exceed one for each 500 square feet of property.
5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
6. Class III road or street project.
7. Operation, maintenance, and piping of existing irrigation systems operated by an

Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116, 18.124, and 18.128:

1. Multi-family dwelling complex.
2. Retirement center or nursing home.
3. Church.
4. Cemetery.
5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation as defined in DCC 18.04.~~
6. Child care center.
7. Public or private school.
8. Park.
9. Public or semi-public building.
10. Utility facility.
11. Water supply or treatment facility.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

C. Lot Requirements.

1. Partitions:
  - a. Subject to the provisions of DCC 17.36.170(A), parcels not served by an approved community, non-community or municipal water system shall have a minimum width of 150 feet with a minimum parcel size of one acre.
  - b. Subject to DCC 17.36.170(A), parcels served by an approved community, non-community, municipal or public water system, shall have a minimum parcel size as follows:
    1. For a single-family dwelling the parcel shall have a minimum width of 100 feet and a

EXHIBIT "Q"

minimum parcel size of 22,000 square feet.

2. For a two-family dwelling the parcel shall have a minimum width of 100 feet and a minimum parcel size of 33,000 square feet.
2. Subdivisions:
  - a. For subdivisions involving multi-family dwellings, a manufactured home park or a retirement home, all new lots shall be connected to a DEQ-permitted Wastewater Pollution Control Facility.
  - b. For subdivisions involving only single-family and two-family dwellings the standards set forth in DCC 18.67.020(C)(1) shall apply.

D. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.020(D)(4).
3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.020(D)(4).
4. Exception to Yard Standards. Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-002 § 17, 2004; Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997)

EXHIBIT "R"

**18.67.030. Residential-5 acre minimum (TuR5) District.**

The purpose of the Tumalo Residential-5 Acre Minimum District is to retain large rural residential lots.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling or a manufactured home subject to DCC 18.116.070.
2. Type 1 Home Occupation, subject to DCC 18.116.280.~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers onsite;~~
  - c. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~Does not involve the on-premise display or sale of stock in trade.~~
3. Agricultural uses as defined in DCC 18.04, involving:
  - a. Keeping of cows, horses, goats, sheep or similar farm animals, provided that the total numbers of such animals over the age of six months is limited to the square footage of the lot or parcel divided by 20,000 square feet.
  - b. Keeping of chickens, fowl, rabbits or similar farm animals over the age of six months, provided that the total numbers of such animals does not exceed one for each 500 square feet of property.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:

1. Church.
  2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation as defined in DCC 18.04.~~
  3. Public or private school.
  4. Child care center.
  5. Park.
  6. Public or semi-public building.
  7. Utility facility.
  8. Water supply or treatment facility.
  9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
  10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- C. Lot Requirements. The minimum lot or parcel size in the TuR5 District is five acres.
- D. Yard Standards.
1. Front Yard. The front yard shall be 20 feet for a property fronting on a local street right-of-way, 30 feet for a property fronting on a collector right-of-way, and 80 feet for a property fronting on an arterial right-of-way.
  2. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet, subject to DCC 18.67.030(D)(4).
  3. Rear Yard. The minimum rear yard shall be 20 feet, subject to DCC 18.67.030(D)(4).
  4. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.
- (Ord. 2004-002 § 18, 2004; Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 2000-033 § 11, 2000; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997 )

EXHIBIT "S"

**18.67.040. Commercial (TuC) district.**

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.

1. Single-family dwelling or duplex.
2. Manufactured home subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280. ~~Home occupation that:~~
  - a. ~~Is carried on within a dwelling by members of the family who reside in the dwelling;~~
  - b. ~~Does not serve clients or customers onsite;~~
  - c. ~~Does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~Does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~Does not include the on-premises display or sale of stock in trade.~~
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:

1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
  - a. Retail or service business.
  - b. Eating and/or drinking establishment.
  - c. Offices.
  - d. Residential use in the same building as a use permitted in DCC 18.67.040.
2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than

4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:

1. Church.
2. Bed and breakfast inn.
3. Child care center.
4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280. ~~Home occupation as defined in DCC 18.04.~~
5. Park.
6. Public or semi-public building.
7. Utility facility.
8. Water supply or treatment facility.
9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
  - a. Farm equipment, sales, service or repair.
  - b. Trailer sales, service or repair.
  - c. Vehicle service or repair.
  - d. Veterinary clinic.
11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
  - a. Manufacturing or production.
  - b. Wholesale sales.
12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs,

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and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).

1. Compatibility.

a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.

2. Traffic and Parking.

a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.

b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.

E. Requirements for Large Scale Uses.

1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:

a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;

b. The use will primarily employ a work force from the community and surrounding rural area; and

c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.

2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).

3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the

Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.

F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.

1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.

2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.

1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.

2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(C)(3)(b).

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The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
4. Exceptions to Yard Standards.
  - a. Lot line adjacent to a residential zone.

For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.

- b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2004-002 § 19, 2004; Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 2000-033 § 11, 2000; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997 )

EXHIBIT "T"

**18.74.020. Uses permitted.**

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling.
2. Manufactured home subject to DCC 18.116.070.
3. Two-family dwelling.
4. Type 1 Home Occupation, subject to DCC 18.116.280.~~Home occupation that:~~
  - a. ~~is carried on within a dwelling only by members of the family who reside in the dwelling;~~
  - b. ~~does not serve clients or customers on-site;~~
  - c. ~~does not produce odor, dust, glare, flashing lights or noise;~~
  - d. ~~does not occupy more than 25 percent of the floor area of the dwelling; and~~
  - e. ~~does not include the on-premises display or sale of stock in trade.~~
5. Agricultural uses.
6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
7. Class III road or street project.
8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.128:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
  - a. Restaurant, café or delicatessen.
  - b. Grocery store.
  - c. Tavern.
  - d. Retail sporting goods and guide services.
  - e. Barber and beauty shop.
  - f. General store.
  - g. Video store.

h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.

2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
  - a. Retail sales of agricultural or farm products.
  - b. Farm machinery sales and repair.
  - c. Kennel.
  - d. Veterinary clinic.
  - e. Automobile service station and repair garage, towing service, fuel storage and sales.
  - f. Public or semi-public use.
  - g. Residential use in the same building as a use permitted by this chapter.
  - h. Park or playground.
4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
  - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.~~Home occupation as defined in DCC 18.04.~~
  - b. Utility facility.
  - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

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

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

EXHIBIT "U"

**18.108.030. Single Family Residential - RS District.**

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

1. Single-family dwelling, including one private garage for each dwelling unit.
2. Recreational path.
3. Type 1 Home Occupation, subject to DCC 18.116.280.

B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:

1. Park, playground and picnic and barbecue area.
2. Fire station.
3. Library.
4. Museum.
5. Health and fitness facility.
6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
7. Temporary subdivision sales office.
8. Community building.
9. Church.

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.

D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.

1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
3. Frontage. Every lot shall have a minimum width at the street of 50 feet,

except that on an approved cul-de-sac this may be reduced to 30 feet.

4. Front Yard. The front yard shall be a minimum of 20 feet.
5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.
6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.
7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

(Ord. 2004-002 § 21, 2004; Ord. 98-035 § 2, 1998; Ord. 97-078 § 2, 1997)

EXHIBIT "V"

**18.108.040. Multiple Family Residential - RM District.**

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

1. Two-family dwelling or duplex.
2. Multiple-family dwellings, apartment houses and dwelling groups including townhouses and condominiums.
3. Uses permitted outright in the RS District.
4. Planned unit developments and redevelopment.
5. Recreational path.
6. Residential home.
7. Residential facility.
8. Type 1 Home Occupation, subject to DCC 18.116.280.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

1. Park, playground and picnic and barbecue area.
2. Fire station.
3. Library.
4. Museum.
5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
6. Off-street parking lots when contiguous to a less restrictive zoning district.
7. Community center.
8. Church.
9. Temporary sales office for on-site dwelling units.
10. Interval ownership and/or time-share unit or the creation thereof.
11. Health and fitness facility.

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

D. Lot Requirements. The following lot requirements shall be observed:

1. Duplexes, threeplexes and fourplexes:
  - a. Lot Area. Every lot shall have a minimum area of 5,000 square feet for the first dwelling unit, plus the following minimum land area based

upon the number of bedrooms per additional dwelling unit in the following table:

Studio or Efficiency	750 sq. ft.
1 Bedroom	1,000 sq. ft.
2 Bedrooms	1,500 sq. ft.
3 Bedrooms	2,250 sq. ft.
4 Bedrooms	2,500 sq. ft.

The overall density shall not exceed eight dwelling units per acre.

- b. Lot Width. Every lot shall have a minimum average width of 50 feet.
  - c. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.
  - d. Front Yard. The front yard shall be a minimum of 10 feet.
  - e. Side Yard. There shall be a minimum side yard of five feet and the sum of the side yards shall be a minimum of 15 feet. The side yards shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
  - f. Rear Yard. There shall be a rear yard having a depth of not less than five feet. The rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
  - g. Lot Coverage. Maximum lot coverage by buildings and structures shall be 40 percent of the total lot area.
2. Townhouses, condominiums, zero lot line dwellings and apartments:
    - a. There shall be no minimum lot area for apartments, townhouses, condominium developments or planned unit developments provided, however, that the overall density shall not exceed eight dwelling units per acre.
    - b. Setbacks. Yard setbacks, lot widths and lot coverage shall be determined at the time of site plan approval.
  3. Single Family Residences.

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- a. Lot widths, yard setbacks and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.

E. Off-Street Parking. Off-street parking shall be provided for a minimum of two cars per dwelling unit.

(Ord. 2004-002 § 22, 2004; Ord. 99-036 § 1, 1999; Ord. 97-078 § 2, 1997)

EXHIBIT "W"

**18.108.050. Commercial - C District.**

A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.

1. Recreational path.
2. Ambulance service.
3. Library.
4. Church.
5. Bus stop.
6. Community center.
7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
  - a. Retail/rental store, office and service establishment.
  - b. Art galleries
  - c. Dry cleaner and/or self-service laundry establishment.
  - d. Radio and television sales and service.
  - e. Radio and television broadcasting studios and facilities, except towers.
  - f. Restaurant, bar and cocktail lounge, including entertainment.
  - g. Automobile service station.
  - h. Technical and business school.
  - i. Catering establishment.
  - j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
  - k. Medical and dental clinic, office and laboratory.
  - l. Theater not exceeding 4,000 square feet of floor area.
8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
10. Post Office.
11. Administrative and office facility associated with a community association or community use.
12. Police facility.
13. Type 1 Home Occupation, subject to DCC 18.116.280.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

1. Public buildings and public utility buildings and structures.
2. Club, lodge or fraternal organization.
3. Commercial off-street parking lot.
4. Bus passenger station.
5. Interval ownership and/or time-share unit or the creation thereof.
6. Miniature golf.
7. Bed and breakfast inn.
8. Inn.
9. Residential facility.
10. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
  - a. Bowling alley.
  - b. Car wash.
  - c. Dancing or music school, nursery school, kindergarten and day-care facility.
  - d. Theater exceeding 4,000 square feet in floor area.
  - e. Veterinary clinic or kennel operated entirely within an enclosed building.
  - f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.

C. Use Limits.

1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
  - a. No dwelling unit shall have more than three bedrooms.
  - b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
  - c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. Residential dwelling units constructed in the same building as a commercial use

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- developed in the C district shall be subject to the following requirements:
- a. Residential dwelling units shall be developed above first floor commercial use.
  - b. No dwelling unit shall have more than two bedrooms.
  - c. Individual dwelling units shall not exceed 850 square feet of floor area.
  - d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.
- D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
  2. The use will primarily employ a work force from the community and surrounding rural area; and
  3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
- E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
- F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
  2. Lot Width. No requirements.
  3. Lot Depth. 100 feet.
4. Front Yard. The front yards shall be a minimum of 10 feet.
  5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
  7. Lot Coverage. No requirements.

(Ord. 2004-002 § 23, 2004; Ord. 2003-026 § 1, 2003; Ord. 98-016 § 1, 1998; Ord. 97-078 § 2, 1997)

EXHIBIT "X"

**18.116.280. Home Occupations.**

**A. Uses Permitted Outright.**

1. Home occupations that operate from within a dwelling, have characteristics that are indistinguishable from the residential use of a dwelling, and meet the criteria in paragraph (A)(2) shall be considered uses accessory to the residential use of a dwelling.
2. Home occupations under this subsection (A) that meet the following criteria are uses permitted outright under Title 18 of the Deschuts County Code, the Deschutes County Zoning Ordinance, in all zones:
  - a. Are carried on within a dwelling only by residents of the dwelling;
  - b. Do not serve clients or customers on-site;
  - c. Do not occupy more than 25 percent of the floor area of the dwelling;
  - d. Do not have operating characteristics that produce odor, dust, glare, flashing lights or noise that are detectable off-site, and;
  - e. Do not include the on-premise advertisement, display or sale of stock in trade.

**B. Types.** The following describes the types of home occupations allowed in Deschutes County:

1. Type 1. Where permitted outright, a Type 1 home occupation shall be subject to the following limitations. A Type 1 home occupation is one that:
  - a. Is carried on within a dwelling and/or a residential accessory structure only by members of the family who reside in the dwelling;
  - b. Does not generate more than five (5) trips per day to the site, including parcel delivery services;
  - c. May include employees or contractors that work off-site;
  - d. Does not produce odor, dust, glare, flashing lights or noise;

- e. Does not involve the on-premise display or sale of stock in trade, and;
- f. Does not involve the use of a sign to advertise the location of the home occupation.

2. Type 2. Type 2 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established and the following criteria. A Type 2 home occupation is not subject to the approval criteria for a conditional use permit in DCC Chapter 18.128 or site plan review under DCC Chapter 18.124. A Type 2 home occupation is one that:

- a. Is conducted from a property that is at least one-half (1/2) acre in size.
- b. Is carried on within a dwelling and/or an accessory building by residents of the dwelling and no more than two (2) employees who report to the property for work.
- c. Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached garage, and one (1) accessory building. The maximum amount of floor area that can be devoted to a Type 2 home occupation is 1,500 square feet.
- d. Includes on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
- e. Creates no more than ten (10) business-related vehicle trips to the site per day by employees, customers or clients.
- f. Has adequate access and parking for employees and customers.
- g. Is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for operation.
- h. Does not involve any external changes to the dwelling or the accessory building in which the home occupation will be established that would give any building an outward appearance of a business.

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- 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 Deschutes County Planning Division.
- i. Does not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, light, interference with radio or television reception or other factors.
  - j. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
  - k. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated, and located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
  - l. May be subject to an annual inspection, as a condition of an approval, to ensure compliance with the conditions of an approved conditional use permit.
  - m. May not include outside storage of equipment or materials used in operation of the home occupation.
  - n. The following uses are not allowed as Type 2 home occupations:
    - i. Repair, towing, or storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, trailers, recreational vehicles, and boats.
    - ii. Detailing, painting, and upholstery of motorized vehicles.
    - iii. Businesses that store and use vehicles with a gross vehicle weight rating of greater than or equal to 15,000 pounds or equipment with an operating weight greater than or equal to 3,000 pounds.
    - iv. Appliance repair.
    - v. Welding or machine shop.
3. Type 3. Type 3 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established, the applicable provisions of DCC Chapter 18.128, and the following limitations. A Type 3 home occupation is not subject to site plan review under DCC Chapter 18.124. A Type 3 home occupation is one that:
    - a. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
    - b. Is carried on within a dwelling and/or an accessory building by members of the family who reside in the dwelling and no more than two (2) employees who report to the property for work. A home occupation proposed on property that is located in an EFU, Forest, MUA10, or RR10 Zone and that is at least 10 acres in size may have not more than five (5) employees who report to the property for work.
    - c. Does not occupy more than 35 percent of the combined floor area of the dwelling, including an

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- attached garage, and one (1) accessory building.
- d. Includes on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
  - e. Creates traffic that will not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses. A Type 3 home occupation can create no more than twenty (20) business-related vehicle trips to the site per day by employees, customers or clients.
  - f. Has adequate access and parking for employees and customers. Vehicles used by the operator to conduct the home occupation that have a gross vehicle weight of 15,000 or more pounds must be parked in a garage, a detached building, or screened according to the requirements of DCC 18.116.280(B)(3)(l)(i) through (v).
  - g. Is limited to the hours and days of operation proposed by an applicant and approved with a conditional use permit.
  - h. Does not involve any external changes to the dwelling in which the home occupation will be established that would give the dwelling an outward appearance of a business. 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 Deschutes County Planning Division.
  - i. Does not use materials or mechanical equipment 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.
  - j. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
  - k. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated, and located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
  - l. May include outside storage of equipment and materials if the subject property is 10 or more acres in size and the applicant shows that adequate setbacks, screening and/or buffering are provided, and will be maintained, to screen materials and equipment from adjacent properties. The form of screening may include, but is not limited to:
    - i. A sight-obscuring fence, as defined by this title.
    - ii. Intervening mature tree cover.
    - iii. Topography.
    - iv. Existing buildings on site.
    - v. Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.
  - m. The home occupation approval shall be reviewed every 12 months by the planning division to ensure compliance with the requirements of this section and the conditions required for approval of the use.

(Ord 2004-002 § 24, 2004)