

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Titles 17, 18, 22, 23, the Deschutes County Comprehensive Plan and the Deschutes County Zoning Map to Incorporate “Housekeeping” Changes that Correct Errors, Incorporate Changes to State Law, and Provide Clarification of Existing Regulations, Procedures, and Policies. *
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ORDINANCE NO. 2018-006

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (File No. 247-18-000432-TA) to the Deschutes County Code (DCC) Title 17, Chapter 17.24, Final Plat; Title 18, Chapters 18.04, Title, Purpose and Definitions; 18.16, Exclusive Farm Use Zones; 18.36, Forest Use Zone – F-1; 18.40, Forest Use Zone – F-2; 18.65, Rural Service Center – Unincorporated Community Zone; 18.76, Airport Development Zone – A-D; 18.80, Airport Safety Combining Zone – AS; 18.84, Landscape Management Combining – LM Zone; 18.100, Rural Industrial Zone – R-I; 18.116, Supplementary Provisions; 18.124, Site Plan Review; 18.128, Conditional Use; Title 22, Chapters 22.24, Land Use Action Hearings; 22.28, Land Use Action Decisions; Title 23, Chapter 23.01, Introduction; the Deschutes County Comprehensive Plan Chapter 5, Supplemental Sections; and the Deschutes County Zoning Map to incorporate “housekeeping” changes to correct errors, incorporate changes to state law, and provide clarification of existing regulations, procedures, and policies; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on June 28, 2018, and forwarded to the Deschutes County Board of County Commissioners (“Board”), a unanimous recommendation of approval; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on July 23, 2018, and concluded that the public will benefit from changes to the Deschutes County Comprehensive Plan and Deschutes County Code (DCC); now therefore,

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

Section 1. AMENDMENT. DCC 23.01.010, Introduction, is amended to read as described in Exhibit “A,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 2. AMENDMENT. Deschutes County Comprehensive Plan Chapter 5, Supplemental Sections, is amended to read as described in Exhibit “B,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 3. AMENDMENT. DCC 17.24, Final Plat, is amended to read as described in Exhibit “C,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 4. AMENDMENT. DCC 18.04, Title, Purpose and Definitions, is amended to read as described in Exhibit “D,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 5. AMENDMENT. DCC 18.16, Exclusive Farm Use Zones, is amended to read as described in Exhibit “E,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 6. AMENDMENT. DCC 18.36, Forest Use Zone – F-1, is amended to read as described in Exhibit “F,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 7. AMENDMENT. DCC 18.40, Forest Use Zone – F-2, is amended to read as described in Exhibit “G,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 8. AMENDMENT. DCC 18.65, Rural Service Center – Unincorporated Community Zone, is amended to read as described in Exhibit “H,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 9. AMENDMENT. DCC 18.76, Airport Development Zone – A-D, is amended to read as described in Exhibit “I,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 10. AMENDMENT. DCC 18.80, Airport Safety Combining Zone - AS, is amended to read as described in Exhibit “J,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 11. AMENDMENT. DCC 18.84, Landscape Management Combining – LM Zone, is amended to read as described in Exhibit “K,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 12. AMENDMENT. DCC 18.100, Rural Industrial Zone – R-1, is amended to read as described in Exhibit “L,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 13. AMENDMENT. DCC 18.116, Supplementary Provisions, is amended to read as described in Exhibit “M,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 14. AMENDMENT. DCC 18.124, Site Plan Review, is amended to read as described in Exhibit “N,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 15. AMENDMENT. DCC 18.128, Conditional Use, is amended to read as described in Exhibit “O,” attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 16. AMENDMENT. DCC 22.24, Land Use Action Hearings, is amended to read as described in Exhibit "P," attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.


Section 17. AMENDMENT. DCC 22.28, Land Use Action Decisions, is amended to read as described in Exhibit "Q," attached hereto and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 18. AMENDMENT. The Deschutes County Zoning Map is amended to read as described in Exhibit "R," attached hereto and incorporated by reference herein.

Section 19. FINDINGS. The Board adopts as its findings in support of this decision attached to Ordinance 2018-006 as Exhibit "S" and incorporated by reference herein.

Dated this 22 of August, 2018

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



ANTHONY DeBONE, Chair



PHIL HENDERSON, Vice Chair

ATTEST:


Recording Secretary



TAMMY BANEY, Commissioner

Date of 1st Reading: 8 day of August, 2018.
Date of 2nd Reading: 22 day of August, 2018.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	X	---	---	---
Phil Henderson	X	---	---	---
Tammy Baney	X	---	---	---

Effective date: ~~22 day of August, 2018.~~
20 November, 2018

Chapter 23.01 COMPREHENSIVE PLAN

Chapter 23.01 COMPREHENSIVE PLAN

23.01.010. Introduction.

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-005, are incorporated by reference herein.
- D. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.
- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-018, are incorporated by reference herein.
- R. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-010, are incorporated by reference herein.
- S. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-001, are incorporated by reference herein.
- T. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-022, are incorporated by reference herein.
- U. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-005, are incorporated by reference herein.

- V. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-027, are incorporated by reference herein.
- W. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-029, are incorporated by reference herein.
- X. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2017-007, are incorporated by reference herein.
- Y. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-002, are incorporated by reference herein.
- Z. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-006, are incorporated by reference herein.

(Ord. 2018-006 §1, 2018; Ord. 2018-002 §1, 2018; Ord. 2017-007 §1, 2017; Ord. 2016-029 §1, 2016; Ord. 2016-027 §1, 2016; Ord. 2016-005 §1, 2016; Ord. 2016-022 §1, 2016; Ord. 2016-001 §1, 2016; Ord. 2015-010 §1, 2015; Ord. 2015-018 § 1, 2015; Ord. 2015-029 § 1, 2015; Ord. 2015-021 § 1, 2015; Ord. 2014-027 § 1, 2014; Ord. 2014-021 §1, 2014; Ord. 2014-12 §1, 2014; Ord. 2014-006 §2, 2014; Ord. 2014-005 §2, 2014; Ord. 2013-012 §2, 2013; Ord. 2013-009 §2, 2013; Ord. 2013-007 §1, 2013; Ord. 2013-002 §1, 2013; Ord. 2013-001 §1, 2013; Ord. 2012-016 §1, 2012; Ord. 2012-013 §1, 2012; Ord. 2012-005 §1, 2012; Ord. 2011-027 §1 through 12, 2011; Ord. 2011-017 repealed; Ord.2011-003 §3, 2011)

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/compplan>)

Table 5.8.2 – Deschutes County Non-Significant Mining Mineral and Aggregate Inventory

Site #	Taxlot	Name	Type	Quantity*	Comments
100	15-10-1314-700	Whychus Creek Irrigation District— Watson Reservoir I.	Silt, sand, & dirt	200,000 cy	Reservoir Size is 80 acres.
101	15-10-1314-700	Whychus Creek Irrigation District— Watson Reservoir II.	sand & dirt	600,000 cy	Reservoir size is 40 acres.
102	14-11-33-500	Whychus Creek Irrigation District— McKenzie Reservoir	Silt, sand, & dirt	100,000 cy	Reservoir size is 12 acres
103	14-11-33-500	Whychus Creek Irrigation District— McKenzie Reservoir Expansion	Sand & dirt	250,000 to 300,000 cy	Reservoir expansion size is 20 acres

* Quantity in cubic yards unless otherwise noted

Source: 1979 Deschutes County Comprehensive Plan as revised

Section 5.9 Goal 5 Inventory

Cultural and Historic Resources

Background

This section contains information from the 1979 Deschutes County Comprehensive Plan, as revised. It lists the cultural and historic resources in Deschutes County. These inventories have been acknowledged by the Department of Land Conservation and Development as complying with Goal 5. One minor change has been made to acknowledge an already approved and existing change to Number 29, the Tumalo Creek Diversion Dam and Headgate of the Feed Canal.

Inventory

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- ~~12.~~ Cline Falls Power Plant: Early hydropower site on the Deschutes River, located off Highway 126 on White Rock Road west of Redmond. Site includes dam, penstock and powerhouse. 15-12-14 TL 901.
- ~~13.~~12. Cloverdale School: One-room school building in Cloverdale, located near 68515 George Cyrus Road. First building built in Cloverdale. 15-11-7 TL 600.
- ~~14.~~13. Eastern Star Grange: Grange hall for earliest grange organized in Deschutes County, located at 62850 Powell Butte Road. 17-13-19 TL 1900.
- ~~15.~~14. Enoch Cyrus Homestead Hay Station and Blacksmith Shop: The Enoch Cyrus Homestead was the original homestead of Oscar Maxwell, built in 1892 and purchased in 1900 by Enoch Cyrus. Important stage/store stop for early travelers. The homestead house, including a back porch and cistern, and the Blacksmith Shop are designated. 15-11-10 TL 700.
- ~~16.~~15. Fremont Meadow: A small natural meadow on Tumalo Creek in Section 34, Township 17 South, Range 11 East, lying within Shevlin Park. TL 5900. Campsite for 1843 Fremont expedition. 17-11-34 TL 5900.
- ~~17.~~16. Harper School: One-room schoolhouse, located west of South Century Drive, south of Sunriver, moved halfway between the Allen Ranch and the Vandever Ranch from the former townsite of Harper. 20-11-17 TL 1900.
- ~~18.~~17. Improved Order of Redmond Cemetery: Historic cemetery used by residents of La Pine/Rosland area. Located on Forest Road 4270, east of Highway 97. A 40-acre parcel described as: The Southwest one-quarter of the Southeast one-quarter (SW-¼; SE-¼) Section 7, Township 22 south, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.
- ~~19.~~18. Laidlaw Bank and Trust: One of the few remaining commercial buildings from the community of Laidlaw, located at 64697 Cook Avenue, Tumalo. 16-12-31A TL 2900.

- ~~20-19.~~ _____ La Pine Commercial Club: Building was built in 1912 as a community center, serving as a regular meeting place for civic organizations and occasionally served as a church. One of the oldest and continuously used buildings in La Pine. Located at 51518 Morrison Street, La Pine. 22-10-15AA TL 4600.
- ~~21-20.~~ _____ Lynch and Roberts Store Advertisement: Ad advertising sign painted on a soft volcanic ash surface. Only area example of early advertising on natural material. Lynch and Roberts established mercantile in Redmond in 1913. Roberts Field near Redmond was named for J. R. Roberts. Site includes the bluff. 14-12-00 TL 1505.
- ~~22-21.~~ _____ Maston Cemetery: One of the oldest cemeteries in County. Oldest grave marker is 1901. About one-half mile from site of Maston Sawmill and Homestead. Site includes the gravestones and memorials and the entire tax lot, identified as 22-09-00 TL 1800.
- ~~23-22.~~ _____ George Millican Ranch and Mill Site: Ranch established in 1886. Well dug at or near that date. Remains of vast cattle ranching empire. 19-15-33 TLs 100, 300.
- ~~24-23.~~ _____ George Millican Townsite: Town established 1913. Site includes store and garage buildings, which retain none of the architectural integrity from era. 19-15-33 TL 500.
- ~~25-24.~~ _____ Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. A residence house and museum are part of the site. The site has been a tourist attraction for over 60 years. Located at 7930 SW 77th, Redmond. Site includes entire tax lot. 16-12-11 TL 400.
- ~~26-25.~~ _____ Pickett's Island: After originally settling in Crook County, Marsh Awbrey moved to Bend and then homesteaded on this island in the Deschutes River south of Tumalo. The site was an early ford for pioneers. Located in Deschutes River near Tumalo State Park. 17-12-6 NE- $\frac{1}{4}$ TL 100. Portion between Deschutes River and Old Bend Road is designated.
- ~~27-26.~~ _____ Rease (Paulina Prairie) Cemetery: Historic cemetery on Elizabeth Victoria Castle Rease and Denison Rease's homestead. Earliest known grave is of their son, George Guy Rease, born in 1879, who was also a homesteader on Paulina Prairie. George Guy Rease died of smallpox on the Caldwell Ranch on May 2, 1903. Other known burials are William Henry Caldwell, 1841-October 15, 1910, died on the Caldwell Ranch of injuries sustained on a cattle drive; Melvin Raper, 1892-1914, died in a tent of tuberculosis; Addie Laura Caldwell, 1909-November 16, 1918, died of the Spanish influenza epidemic; and Emma Nimtz Deedon, 1886-April 15, 1915, died of complications from a pregnancy. There are several unmarked graves. The cemetery is a county-owned one-acre parcel on the north edge of Paulina Prairie, two miles east of Highway 97. 210-11-29, SE- $\frac{1}{4}$; NW- $\frac{1}{4}$ TL 99.
- ~~28-27.~~ _____ Terrebonne Ladies Pioneer Club: The Club was organized in 1910. The building has been a community-meeting place since 1911. Located at 8334 11th Street, Terrebonne. 14-13-16DC TL 700.
- ~~29-28.~~ _____ Tetherow House and Crossing: Site is an excellent example of an early Deschutes River crossing. Major route from Santiam Wagon Road to Prineville. Tetherow House was built in 1878. The Tetherows operated a toll bridge, store and livery stable for

travelers. Oldest house in County. Site includes house and entire tax lot. 14-12-36A TL 4500.

~~30~~.29. _____ Tumalo Creek – Diversion Dam The original headgate and diversion dam for the feed canal was constructed in 1914. The feed canal's purpose was to convey water from Tumalo Creek to the reservoir. The original headworks were replaced and the original 94.2 ft low overflow weir dam was partially removed in 2009/2010 to accommodate a new fish screen and fish ladder. The remaining original structure is a 90 foot (crest length) section of dam of reinforced concrete. Tax Map 17-11-23, Tax Lot 1600.

~~31~~.30. _____ Tumalo Community Church: The building is the oldest church in the County, built in 1905. It stands in the former town of Laidlaw, laid out in 1904. Located at 64671 Bruce Avenue, Tumalo. 16-12-31A TL 3900.

~~32~~.31. _____ Tumalo Project Dam: Concrete core, earth-filled dam 75 feet high. First project by State of Oregon to use State monies for reclamation project. On Tumalo Creek. 16-11-29.

~~33~~.32. _____ William P. Vandever Ranch Homestead House: The Vandever Ranch House stands on the east bank of the Little Deschutes River at 17600 Vandever Road near Sunriver. The homestead was established in 1892, and has been recently relocated and renovated. Vandever family history in the area spans 100 years. 20-11-00 TL 1900.

~~34~~.33. _____ Kathryn Grace Clark Vandever Grave: Kathryn Grace Vandever, daughter of William P. Vandever, died of influenza during the epidemic of 1918. Her grave is located across a pasture due south of the Vandever House, 50 feet east of the Little Deschutes River. Site includes gravestone and fenced gravesite measuring is approximately 15 feet by 25 feet. 20-11-00 TL 1900.

~~35~~.34. _____ Young School: Built in 1928, it is an excellent example of a rural "one-room" school which served homesteaders of the 1920s. Located on Butler Market Road. 17-13-19 TL 400.

~~36~~.35. _____ Agnes Mae Allen Sottong and Henry J. Sottong House and Barn. House and barn are constructed with lumber milled on the property in a portable sawmill run by the Pine Forest Lumber Company in 1911. Henry was awarded homestead patent 7364 issued at The Dalles on Dec 1, 1904. Henry was president of the Mountain States Fox Farm. A flume on the Arnold Irrigation District is named the Sottong Flume. The structures are also associated with William Kuhn, a president of the Arnold Irrigation District; Edward and Margaret Uffelman, who were part of the group that privatized and developed the Hoo Doo Ski Resort; and Frank Rust Gilchrist, son of the founder of the town of Gilchrist and Gilchrist Mill and president of the Gilchrist Timber Company from the time of his father's death in 1956 to 1988. Frank R. Gilchrist served on the Oregon Board of Forestry under four governors and was appointed by the governors to serve as a member of the Oregon Parks and Recreation Advisory Committee. He served on the Oregon State University's Forest Products Research Lab and was a director and president of the National Forest Products Association. T18 R12 Section 22, 00 Tax lot 01600.

Inventory note: Unless otherwise indicated the inventoried site includes only the designated structure. No impact areas have been designated for any inventoried site or structure.

Section 5.12 Legislative History

Background

This section contains the legislative history of this Comprehensive Plan.

Table 5.11.1 Comprehensive Plan Ordinance History

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumalo and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County

2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.
2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.

2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal II to allow sewers in unincorporated lands in Southern Deschutes County
2016-005	11-28-16/2-16-17	23.01.010, 2.2, 3.3	Comprehensive Plan Amendment recognizing non-resource lands process allowed under State law to change EFU zoning
2016-022	9-28-16/11-14-16	23.01.010, 1.3, 4.2	Comprehensive plan Amendment, including certain property within City of Bend Urban Growth Boundary
2016-029	12-14-16/12/28/16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial
2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18; 1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone

<u>2018-006</u>	<u>7-23-18/7-23-18</u>	<u>23.01.010, 5.8, 5.9</u>	<u>Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources</u>
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Chapter 17.24. FINAL PLAT

17.24.110. Conditions of Approval.

- A. The Planning Director and Road Department Director shall determine whether or not the plat conforms with the approved tentative plan and DCC Title 17. If the Planning Director and/or Road Department Director does not approve the plat, they shall advise the applicant of the changes or additions that must be made, and shall afford him an opportunity to make corrections. If the Planning Director and Road Department Director determine that the plat conforms to all requirements and if, in the case of partitions, they determine that all current taxes and assessments are paid, they shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Recommendation of approval of the plat does not constitute final approval, such authority for final approval being vested with the governing body.
- B. No plat of a proposed subdivision or partition shall be approved unless:
 - 1. Streets and roads for public use are to be dedicated without any reservation or restriction.
 - 2. Streets and roads held for private use and indicated on the tentative plan have been approved by the County;
 - 3. The plat contains provisions for dedication to the public of all common improvements, including, but not limited to, streets, roads, parks, sewage disposal and water supply systems, if made a condition of the approval of the tentative plan;
 - 4. Explanations of all common improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat.

(Ord. 2018-006 §3, 2018; Ord. 93-012 §29, 1993; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §3.050, 1981).

17.24.120. Improvement Agreement.

- A. The subdivider may, in lieu of completion of the required repairs to existing streets and facilities, and improvements as specified in the tentative plan, request the County to approve an agreement between himself and the County specifying the schedule by which the required improvements and repairs shall be completed; provided, however, any schedule of improvements and repairs agreed to shall not exceed one year from the date the final plat is recorded, except as otherwise allowed by DCC 17.24.120(F) below. The agreement shall also provide the following:
 - 1. A list of all the contractors who will construct or complete the improvements and repairs;
 - 2. The cost of the improvements and repairs;
 - 3. That the County may call upon the security for the construction or completion of the improvements and repairs, upon failure of the subdivider to adhere to the schedule for improvements and repairs;
 - 4. That the County shall recover the full cost and expense of any work performed by or on behalf of the County to complete construction of the improvements and repairs, including, but not limited to, attorneys and engineering fees;
 - 5. That a one-year warranty bond shall be deposited with the County following acceptance of the improvements and repairs. The bond shall be in the amount of 10 percent of the value of the improvements.

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(Ord. 2018-006 §3, 2018; Ord. 2002-026 §1, 2002; Ord. 97-016 §1, 1997; Ord. 93-012 §30, 1993; Ord. 90-003 §1, Exhibit A, 1990; Ord. 81-043 §1, Exhibit A, §4.050, 1981).

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

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.

"AASHTO Standards" refers to the road safety and design standards set forth in the publication entitled American Association of State Highway and Transportation Officials Policy on Geometric Designs of Highways and Streets, current edition.

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

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory use or accessory structure" means a use or structure incidental and subordinate to the main use of the property, and located on the same lot as the main use. Accessory uses include drilling for, and utilization of, low -temperature geothermal fluid in conjunction with the main use of the property.

"Adjoining" means contiguous; touching or connected, including tracts of land that only connect or touch at a common point.

Affected persons (Repealed by Ord. 91-038, 1991)

"Agricultural building or equine facility" means buildings and structures that are exempt from the State of Oregon Structural Specialty Code as agricultural buildings and equine facilities as described in ORS 455.315. A structural building permit is not required for agricultural buildings or equine facilities located on the same lot or parcel receiving special assessment for farm use.

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

"Agricultural structure" means any structure considered to be an "agricultural building" under the State Building Code (Section 326) as referenced in DCC 15.04.010 and is (1) located on a parcel that is at least 20 acres in size and contains at least 8.5 irrigated acres, or (2) a parcel that is at least 80 acres in size, regardless of irrigation.

...

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

...

(Ord. 2018-006 §4, 2018; Ord. 2017-015§1, 2017; Ord. 2016-026§1, 2016; Ord. 2016-015§1, 2016; Ord. 2016-006 §1, 2016; Ord. 2015-004 §1, 2015; Ord. 2014-009 §1, 2014; Ord. 2013-008 §1, 2013; Ord. 2012-007 §1, 2012; Ord. 2012-004 §1, 2012; Ord. 2011-009 §1, 2011; Ord. 2010-022 §1, 2010; Ord. 2010-018 3, 2010, Ord. 2008-007 §1, 2008; Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007- 020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. Chapter 18.04 35 (04/2015) 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §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, 1975; 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)

Chapter 18.16. EXCLUSIVE FARM USE ZONES

- 18.16.010. Purpose.**
- 18.16.020. Uses Permitted Outright.**
- 18.16.023. Lawfully Established Dwelling Replacement**
- 18.16.025. ~~Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 or DCC Section 18.16.042 and a Review Under DCC Chapter 18.124 where applicable.~~ ~~Uses Permitted Subject to the Special Provisions Under DCC Section 18.16.038 and a Review Under DCC Chapter 18.124 For Items C Through M.~~**
- 18.16.030. Conditional Uses Permitted - High Value and Non-high Value Farmland.**
- 18.16.031. Nonresidential Conditional Uses on Non-high Value Farmland Only.**
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- 18.16.070. Yards.**
- 18.16.080. Stream Setbacks.**
- 18.16.090. Rimrock Setback.**

18.16.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in DCC Title 18.
- B. Propagation or harvesting of a forest product.
- C. Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(2)(a) or (b).
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- G. Temporary public road and highway detours that will be abandoned and restored to original condition or use when no longer needed.
- H. Minor betterment of existing public road and highway-related facilities such as maintenance yards, weigh stations and rest areas, within a right of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
- I. Creation, restoration or enhancement of wetlands.

- J. A lawfully established dwelling may be altered, restored or replaced, subject to DCC 18.16.023.
 - 1. The replacement dwelling is subject to OAR 660-033-0130(30) and the County shall require as a condition of approval of a single-family replacement dwelling that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 to 30.937.
- K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling is listed on the National Register of Historic Places and on the County inventory as a historic property as defined in ORS 358.480, and subject to 18.16.020(J)(1)above.
- L. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- M. Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:
 - 1. A public right of way;
 - 2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
 - 3. The property to be served by the utility.
- N. The land application of reclaimed water, agricultural process or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone, subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246 to 215.251. For the purposes of this section, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit, or other approval.
- O. Fire service facilities providing rural fire protection services.
- P. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(2)(a) or (b).
- Q. Outdoor mass gathering described in ORS 197.015(10)(d), and subject to DCC Chapter 8.16.
- R. Composting operations that are accepted farming practices in conjunction with and auxiliary to farm use on the subject tract as allowed under OAR 660-033-0130(29).
- S. Marijuana production, subject to the provisions of DCC 18.116.330.
(Ord. 2018-006 §5, 2018; Ord. 2016-015 §2, 2016; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2010-022 §2, 2010; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2004-001 §2, 2004; Ord. 2001-039 §1, 2001; Ord. 2001-016 §2, 2001; Ord. 98-030 §1, 1998; Ord. 95-007 §10, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §§1 and 2, 1991; Ord. 91-024 §1, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §4, 1991; Ord. 91-002 §3, 1991; Ord. 86-007 §1, 1986; Ord. 81-025 §1, 1981; Ord. 81-001 §1, 1981)

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18.16.030. Conditional Uses Permitted -High Value and Non-high Value Farmland.

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or non-high 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.

...

DD. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130. On high-value farmland only, photovoltaic solar power generation facilities are subject to the provisions in ORS 215.447.

~~EEEE.~~ Commercial dog boarding kennel, or dog training classes or testing trials that exceed the standards under DCC 18.16.025(K), subject to DCC 18.16.040(A)(1 and 2).

FF. Equine and equine-affiliated therapeutic and counseling activities, provided:

1. The activities are conducted in existing buildings that were lawfully constructed on the property before the effective date of January 1, 2019 or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and
2. All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

(Ord. 2018-006 §5, 2018; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2004-001 §2, 2004; Ord. 2001-039 §1, 2001; Ord. 2001-016 §2, 2001; Ord. 98-030 §1, 1998; Ord. 95-025 §1, 1995; Ord. 95-007 §11, 1995; Ord. 94-008 §9, 1994; Ord. 92-065 §3, 1992; Ord. 91-038 §2, 1991; Ord. 91-020 §1, 1991; Ord. 91-014 §1, 1991; Ord. 91-005 §5, 1991; Ord. 90-018 §1, 1990; Ord. 90-014 §§23 and 31, 1991; Ord. 87-013 §1, 1987; Ord. 86-018 §3, 1986; Ord. 83-028 §1, 1983)

...

18.16.037. Guest Ranch.

- A. A guest ranch may be established in conjunction with an existing and continuing livestock operation, using accepted livestock practices that qualifies as a farm use under DCC 18.04.030, subject to the applicable provisions set forth in DCC 18.16.040(A)(1), (2) and (3), the applicable provisions of DCC 18.128, and the provisions of the applicable Oregon Revised Statutes. A guest ranch shall not be located within the boundaries of or surrounded by:
 - (1) A federally designated wilderness area or a wilderness study area;
 - (2) A federally designated wildlife refuge;
 - (3) A federally designated area of critical environmental concern; or
 - (4) An area established by an Act of Congress for the protection of scenic or ecological resources.
- B. "Guest ranch" means a facility for overnight guest lodging units, including passive recreational activities and food services, as set forth in ORS 215 that are incidental and accessory to an existing livestock operation that qualifies as a farm use under DCC 18.04.030.
- C. A guest lodging unit means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for permanent residence accommodations.
- D. For the purposes of DCC 18.16.037, "livestock" means cattle, sheep, horses, and bison.
- E. A proposed division of land in an exclusive farm use zone for a guest ranch or a division of a lot or parcel that separates a guest ranch from the dwelling of the person conducting the livestock operation shall not be allowed.

F. Notwithstanding DCC 18.16.055, a proposed division of land in an exclusive farm use zone for a guest ranch shall not be allowed.

(Ord. 2012-007 §2, 2012; Ord. 2010-022 §2, 2010; Ord. 2009-014 §1, 2009; Ord. 2001-043 §1, 2001; Ord. 98-056 §1, 1998)

Note: DCC 18.16.037 will be repealed ~~January 2, 2018~~ April 15, 2020 (Ord. 2018-006 §5, 2018; Ord. 2012-007 §2, 2012; Ord. 2010-017 §1, 2010).

...

18.16.040. Limitations on Conditional Uses.

A. Conditional uses permitted by DCC 18.16.030, 18.16.031, and 18.16.033 may be established subject to ORS 215.296, applicable provisions in DCC 18.128, and upon a finding by the Planning Director or Hearings Body that the proposed use:

1. Will not force a significant change in accepted farm or forest practices as defined in ORS 215.203(2)(c) on surrounding lands devoted to farm or forest uses; and
2. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
3. That the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock.

B. A commercial activity allowed under DCC 18.16.030(E) shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced outside of Deschutes County.

C. A power generation facility that is part of a commercial utility facility for the purpose of generating power for public use by sale identified in DCC 18.16.030(~~LK~~) and:

1. That is located on high-value farmland, the permanent features of which shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and Oregon Administrative Rules 660, Division 004.
2. That is located on non-high-value farmland, the permanent features of which shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and Oregon Administrative Rules 660, Division 4.
3. A power generation facility may include on-site and off-site facilities for temporary workforce housing as allowed under OAR 660-033-0130(17) and (22).

...

E. No aircraft may be based on a personal-use airport identified in DCC 18.16.030(ML) other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

...

(Ord. 2018-006 §5, 2018; Ord. 2015-016 §2, 2015; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2006-008 §3, 2006; Ord. 2004-001 §2, 2004; Ord. 98-030 §1, 1998; Ord. 95-075 §1, 1995; Ord. 95-007 §14, 1995; Ord. 92-065 §3, 1992; Ord. 91-038 §1 and 2, 1991; Ord. 91-020 §1, 1991; Ord. 91-011 §1, 1991)

...

18.16.050. Standards for Dwellings in the EFU Zones.

Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

A. Farm-related dwellings on non-high value farmland. A dwelling customarily provided in conjunction with farm use, as listed in DCC 18.16.030(A), may be approved if it satisfies any of the alternative tests set forth below:

1. Acreage test.

a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:

i. The parcel on which the dwelling will be located is at least:

(a) One hundred sixty acres and not in the Horse Ridge East subzone; or

(b) Three hundred twenty acres in the Horse Ridge East subzone;

ii. The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan;

iii. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale;

iv. There is no other dwelling on the subject tract, except as allowed under DCC 18.16.020(K);

2. Median acreage/gross sales test.

a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:

i. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area that includes all tracts wholly or partially within one mile of the perimeter of the subject tract;

ii. The subject tract is capable of producing at least the median level of annual gross sales of County indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in DCC 18.16.050(A)(2)(a)(i);

iii. The subject tract is currently employed for farm use, as defined in DCC 18.04.030, and which is evidenced by a farm management plan, at a level capable of producing the annual gross sales required in DCC 18.16.050(A)(2)(a)(ii). If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to establishment of the farm use capable of meeting the median income test.

iv. The subject lot or parcel on which the dwelling is proposed is at least 20 acres in size;

v. There is no other dwelling on the subject tract(1), except as allowed under DCC 18.16.020(K); and

vi. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.

b. For the purpose of calculating appropriate tract sizes and gross incomes to satisfy DCC 18.16.050(A)(2)(a)(i) and (ii), the County will utilize the methodology contained in Oregon Administrative Rules 660-33-135(3) using data on gross sales per acre tabulated by LCDC pursuant to Oregon Administrative Rules 660-33-135(4).

3. Gross annual income test.

- a. On land not identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, may be considered customarily provided in conjunction with farm use if:
 - i. The subject tract is currently employed for a farm use, and that the farm operator earned \$32,50040,000 in gross annual revenue in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years.
 - ii. There is no other dwelling on the subject tract, except as allowed under 18.16.020(K);
 - iii. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in DCC 18.16.050(A)(3)(a)(i); and

...

- C. Accessory dwelling. A dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be an accessory farm dwelling customarily provided in conjunction with farm use when:
 - 1. The accessory dwelling meets the following criteria:
 - a. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year-round assistance in the management of the farm use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator; and
 - b. The accessory farm dwelling will be located:
 - i. On the same lot or parcel as the primary farm dwelling; or
 - ii. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or
 - iii. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only a manufactured home and a deed restriction substantially in compliance with the form set forth in Exhibit A to DCC 18.16 is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured home may remain if it is reappraised under DCC 18.16.050; or
 - iv. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under DCC 18.16.065 and the lot or parcel complies with the gross farm income requirements in DCC 18.16.050(A)(3) or (B)(1), whichever is applicable; and
 - c. There is no other dwelling on land zoned EFU owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and
 - 2. The primary farm dwelling to which the proposed dwelling would be accessory meets one of the following:
 - a. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed in farm use and produced \$32,50040,000 in gross annual sales in the last two years, ~~or~~ three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years. In determining gross revenue, the cost of purchased livestock shall be deducted from the total gross revenue attributed to the tract; or
 - b. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, and produced at least \$80,000 in gross annual revenue from the sale of farm products in the last two years, three of the last five years, or based on the average farm revenue earned on the tract in the highest three of the last five years.

Gross revenue shall be calculated by deducting the cost of purchased livestock from the total gross revenue attributed to the tract; and

3. A lot or parcel approved for an accessory farm dwelling under DCC 18.16.050 shall not be approved for a division of land except as provided for in DCC 18.16.055(B).
4. An accessory farm dwelling approved pursuant to this section cannot later be used to satisfy the requirements for a nonfarm dwelling pursuant to DCC 18.16.050(G).

...

G. Nonfarm dwelling.

1. One single-family dwelling, including a manufactured home in accordance with DCC 18.116.070, not provided in conjunction with farm use, may be permitted on an existing lot or parcel subject to the following criteria:
 - a. The Planning Director or Hearings Body shall make findings that:
 - i. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices, as defined in ORS 215.203(2)(c), or accepted forest practices on nearby lands devoted to farm or forest use.
 - ii. The proposed nonfarm dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, the County shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated, by applying the standards under OAR 660-033-0130(4)(a)(D), and whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area.
 - iii. The proposed nonfarm dwelling is situated on an existing lot or parcel, or a portion of a lot or parcel that is generally unsuitable for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
 - iv. The proposed nonfarm dwelling is not within one-quarter mile of a dairy farm, feed lot or sales yard, unless adequate provisions are made and approved by the Planning Director or Hearings Body for a buffer between such uses. The establishment of a buffer shall be designed based upon consideration of such factors as prevailing winds, drainage, expansion potential of affected agricultural uses, open space and any other factor that may affect the livability of the nonfarm-dwelling or the agriculture of the area.
 - v. Road access, fire and police services and utility systems (i.e., electrical and telephone) are adequate for the use.
 - vi. The nonfarm dwelling shall be located on a lot or parcel created prior to January 1, 1993, or was created or is being created as a nonfarm parcel under the land division standards in DCC 18.16.055(B) or (C).
 2. For the purposes of DCC 18.16.050(G) only, "unsuitability" shall be determined with reference to the following:
 - a. A lot or parcel or a portion of a lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel.
 - b. A lot or parcel or portion of a lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel or portion of a lot or parcel is presumed to be suitable if it is composed

predominantly of Class I-VI soils. Just because a lot or parcel or portion of a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. If the parcel is under forest assessment, the area is not "generally unsuitable" simply because it is too small to be managed for forest production profitably by itself.

- c. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not "generally unsuitable." If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soil capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.
3. Loss of tax deferral. ~~Except as provided in DCC 18.16.050(I)(2), pursuant~~ Pursuant to ORS 215.236, a nonfarm dwelling on a lot or parcel in an Exclusive Farm Use zone that is or has been receiving special assessment may be approved only on the condition that before a building permit is issued the applicant must produce evidence from the County Assessor's office that the parcel upon which the dwelling is proposed has been disqualified under ORS 308A.113-050 to 308A.128 or ORS 308A.116 for special assessment at value for farm use under ORS 308A.062 or other special assessment under ORS 308A.315, 321.257 to 321.390, 321.700 to 321.754 or 321.805 to 321.855 068, 321.352, 321.730 or 321.815 and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid.

H. Temporary hardship dwelling.

1. A temporary hardship dwelling listed in DCC 18.16.030 is allowed under the following conditions:
 - a. The dwelling is an existing building, or is a manufactured home or recreational vehicle, ~~and that~~ is used in conjunction with an existing dwelling on the lot or parcel. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017;
 - b. The manufactured home or recreational vehicle would be temporarily sited on the lot or parcel only for the term of a hardship suffered by the existing resident or relative of the resident. The manufactured dwelling shall be removed or demolished within three months of the date the hardship no longer exists. The recreational vehicle shall not be occupied once the term of the medical hardship is completed, except as allowed under DCC 18.116.095. A temporary residence approved under this section is not eligible for replacement under DCC 18.16.020(J);
 - c. The existence of a medical hardship is verified by a written doctor's statement, which shall accompany the permit application; and
 - d. The temporary manufactured home uses the same subsurface sewage disposal system used by the existing dwelling, provided that the existing disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required.
 - e. If a recreational vehicle is used as a medical hardship dwelling, it shall be required to have a bathroom, and shall meet the minimum setbacks established under DCC 18.16.070.
2. Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090 and shall be required to meet any applicable DEQ review and removal requirements as a condition of approval.
3. As used in DCC 18.16.050(H), the term "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
4. As used in DCC 18.16.050(H), the term "relative" means grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, niece, nephew, uncle, aunt, or first cousin of the existing resident.
5. The proposed hardship dwelling or recreational vehicle shall meet the criteria under DCC 18.16.040(A)(1-2) and DCC 18.16.020(J)(1)

(Ord. 2018-006 §5, 2018; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2004-0020 §1, 2004; Ord. 2004-013 §2, 2004; Ord. 2004-001 §2, 2004; Ord. 98-033 §1, 1998; Ord. 98-030 §1, 1998; Ord. 95-007 §15, 1995; Ord. 94-026 §1, 1994; Ord. 92-065 §3, 1992; Ord. 91-038 §§2 and 3, 1991; Ord. 91-020 §1, 1991)

Chapter 18.36. FOREST USE ZONE - F-1

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 geo-thermal, 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.
 - 1. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.
 - 2. 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.
 - 3. 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 and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
 - 4. 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.
 - 5. Campsites may be occupied by a tent, travel trailer or recreational vehicle.
 - 6. Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).
 - 7. 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.
 - 8. A private campground may provide yurts for overnight camping.
 - a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.
 - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
 - c. As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- 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. Commercial 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, telephone, fiber optic cable) 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. Home Occupations, subject to DCC 18.116.280.
 - S. Expansion of existing airports.
 - T. Public road and highway projects as described as ORS 215.283(2) and 215.283(3).
 - U. 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 Class I waters.
 - V. Forest management research and experimentation facilities as described 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. An existing building, or a manufactured dwelling 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. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017.
 - 1. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.
 - 2. 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.
 - 3. 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.
 - 4. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.
 - 5. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.
 - 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 or 660-034-0040, whichever is applicable.
 - 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. An Extended Outdoor Mass gathering subject to review by a county planning commission pursuant to DCC Chapter 8.16.
 - DD. Permanent facility for the primary processing of forest products.
 - EE. Firearms training facility.
- (Ord. 2018-006 §6, 2018; Ord. 2012-007 §3, 2012; Ord. 2007-020 §3, 2007; 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)

18.36.040. Limitations on Conditional Uses.

A use authorized by DCC 18.36.030 must meet the following requirements. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest lands.
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of the uses listed in DCC 18.36.030(G), (N), (R), (U) ~~and~~, (X), and (Y), the land owner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(Ord. 2018-006 §6, 2018; Ord. 2012-007 §3, 2012; Ord. 94-038 §1, 1994; Ord. 92-025 §2, 1992; Ord. 91-020 §1, 1991)

Chapter 18.40. FOREST USE ZONE - F-2

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.
 - 1. Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.
 - 2. 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.
 - 3. 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 and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.
 - 4. 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.
 - 5. Campsites may be occupied by a tent, travel trailer or recreational vehicle.
 - 6. Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).
 - 7. 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.
 - 8. A private campground may provide yurts for overnight camping.
 - a. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.
 - b. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
 - c. As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- 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. Commercial 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 it 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, telephone, fiber optic cable) 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. Home Occupations, subject to DCC 18.116.280.
 - T. Expansion of existing airports.
 - U. Public road and highway projects as described as ORS 215.283(2) 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 Class I waters.
 - W. Forest management research and experimentation facilities as described 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. AAn existing building, or 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. For the purposes of this section, “existing” means the building was in existence on or before March 29, 2017.
 - 1. As used in this section, “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons.
 - 2. 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.
 - 3. 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.
 - 4. If the manufactured dwelling will use a public sanitary sewer system, such condition will not be required.
 - 5. A temporary residence approved under this subsection is not eligible for replacement under OAR 660-006-025.
 - AA. Public parks including only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
 - 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. An Extended Outdoor Mass Gathering subject to review by a county planning commission pursuant to DCC Chapter 8.16.
 - DD. Permanent storage and repair of logging equipment.
 - EE. Permanent facility for the primary processing of forest products.
 - FF. Firearms training facility.
- (Ord. 2018-006 §7, 2018; Ord. 2012-007 §4, 2012; Ord. 2007-020 §4, 2007; 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)

18.40.040. Limitations on Conditional Uses.

A use authorized by DCC 18.40.030 must meet the following requirements. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. Prior to final approval of the uses listed in DCC 18.40.030(H), (O), (S), (V), ~~(X)~~ and (Z), the landowner shall sign and record in the County Clerk's office a written statement recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules. (Ord. 2018-006 §7, 2018; Ord. 2012-007 §4, 2012; Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

18.40.050. Standards for Single-Family Dwellings.

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D. Template Dwelling. For approval under DCC 18.40.050(D), a single-family dwelling shall meet the following requirements:

- 1. The lot or parcel is predominantly composed of soils that are:
 - a. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - b. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - c. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - i. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - ii. At least three dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.
 - d. ~~Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection.~~
- 2. Requirements of Applying Template
 - a. ~~Lots or parcels within urban growth boundaries shall not be used to satisfy the template requirements under this subsection. If a tract 60 acres or larger described in DCC 18.40.050(D) abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream.~~
 - b. Except as provided by subsection (c) of this section, if the tract described in DCC 18.40.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

- c. (A) If a tract 60 acres or larger described in DCC 18.40.050(D) abuts a road or perennial stream, the measurement shall be made in accordance with subsection (b) of this section. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
- i. Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- (B) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
- i. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible aligned with the road or stream;
 - ii. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- e. If a tract reviewed under DCC 18.40.050(D) abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(Ord. 2018-006 §7, 2018; Ord. 2012-007 §4, 2012; Ord. 2003-007 §2, 2003; Ord. 94-038 §2, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991)

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE

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

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
1. Single-family dwelling.
 2. Manufactured home, subject to DCC 18.116.070.
 3. Type 1 Home Occupation, subject to DCC 18.116.280.
 4. Residential home and residential facility.
 5. Two-family dwelling or duplex.
 6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
 7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 8. Class III road and street project.
 9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

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E. Lot Requirements.

1. Residential Uses:
 - a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
 - b. Each lot shall have a minimum width of 200 feet.
 - c. Each lot must be served by an on-site well.
 - d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
 - e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
2. Commercial and Public Uses.
 - a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
 - ~~b. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.~~
 - eb. Each lot shall have a minimum width of 150 feet.
 - dc. 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. 2018-006 §8, 2018; Ord. 2016-015 §4, 2016; Ord. 2015-004 §2, 2015; Ord. 2004-002 §11, 2004; Ord. 2002-028 §1, 2002; Ord. 2002-002 §2, 2002)

18.65.021. Alfalfa RSC - Commercial/Mixed Use District.

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

- ~~A. A—Uses Permitted Outright.~~
- ~~1. Single-family dwelling.~~
 - ~~2. Manufactured home, subject to DCC 18.116.070.~~
 - ~~3. Type 1 Home Occupation, subject to DCC 18.116.280.~~
 - ~~4. Residential home and residential facility.~~
 - ~~5. Two-family dwelling or duplex.~~
 - ~~6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.~~
 - ~~7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.~~
 - ~~8. Class III road and street project.~~
 - ~~9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.~~
- ~~A. are those allowed in DCC 18.65.020 (A).~~
- 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. Marijuana wholesaling, office only. There shall be no storage of marijuana items or products at the same location.
- ~~Uses Permitted Subject to Site Plan Review are those allowed in DCC 18.65.020(B), with the exception of Highway maintenance facilities.~~
- C. Conditional Uses Permitted. 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. Church.
 2. School.
 3. Cemetery.
 4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Medical clinic or veterinary clinic.
 6. Community Center.
 7. Recreational vehicle or trailer park.
 8. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).
 9. Marijuana retailing, subject to the provisions of DCC 18.116.330.
- ~~Conditional Uses Permitted are those allowed in DCC 18.65.020(C), with the exception of Multi family dwellings and manufactured home parks.~~
- 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. The minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.

(Ord. 2018-006 §8, 2018; Ord. 2002-002 §2, 2002)

Chapter 18.76. AIRPORT DEVELOPMENT ZONE – A-D

18.76.100. Design and Use Criteria.

The following dimensional standards shall apply in the Airport Districts:

The Planning Director or Hearings Body shall take into account the impact of any proposed conditional use within the AD Zone on nearby residential and commercial uses, and on the capacity of transportation and other public facilities and services. In approving a proposed conditional use, the Planning Director or Hearings Body shall find that:

- A. The proposed use is in compliance with the Comprehensive Plan, including the ~~1994 Bend Airport Master Plan as amended (supplemented) in 2002~~ current version of the adopted Bend Airport Master Plan.
- B. The proposed use is in compliance with the intent and provisions of DCC Title 18.
- C. Any adverse social, economical, physical or environmental impacts are minimized.
- D. The proposed use is not sensitive to noise of the character anticipated by the current and expected noise level contours of the airport.
- E. The proposed use is compatible with adjacent agricultural and residential uses.
- F. There are sufficient public facilities and services to support the proposed use.
- G. The location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties, and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.
- H. The use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses, and minimize intrusion into the character of existing developments and land uses in the immediate vicinity of the proposed use.

(Ord. 2018-006 §9, 2018; Ord. 2003-036 §2, 2003; Ord. 91-020 §1, 1991)

Chapter 18.80 AIRPORT SAFETY COMBINING ZONE - AS

18.80.022. Definitions.

- A. Aircraft. Helicopters and airplanes, but not hot air balloons or ultralights. (Balloons are governed by FAR Part 30, and ultralights by FAR Part 103. Ultralights are basically unregulated by the FAA.)
- B. Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
- C. Airport Direct Impact Area. The area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface. (Redmond, Bend, and Sunriver)
- D. Airport Elevation. The highest point of an airport's usable runway, measured in feet above mean sea level.
- E. Airport Imaginary Surfaces (and zones). Imaginary areas in space and on the ground that are established in relation to the airport and its runways.

For the Redmond, Bend, Sunriver and Sisters airports, the imaginary surfaces are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.

For the Cline Falls and Juniper airports, the imaginary areas are only defined by the primary surface and approach surface.

- F. Airport Noise Criterion. The State criterion for airport noise is an Average Day-Night Sound Level (DNL) of 55 decibels (dBA). The Airport Noise Criterion is not designed to be a standard for imposing liability or any other legal obligation except as specifically designated pursuant to OAR 340, Division 35.
- G. Airport Noise Impact Boundary. Areas located within 1,500 feet of an airport runway or within established noise contour boundaries exceeding 55 ~~Ldn~~DNL.

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(Ord. 2018-006 §10, 2018; Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

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18.80.044. Land Use Compatibility.

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of DCC 18.80 as provided herein. When compatibility issues arise, the Planning Director or Hearings Body is required to take actions that eliminate or minimize the incompatibility by choosing the most compatible location or design for the boundary or use. Where compatibility issues persist, despite actions or conditions intended to eliminate or minimize the incompatibility, the Planning Director or Hearings Body may disallow the use or expansion, except where the action results in loss of current operational levels and/or the ability of the airport to grow to meet future community needs. Reasonable conditions to protect the public safety may be imposed by the Planning Director or Hearings Body. [ORS 836.619; ORS 836.623(1); OAR 660-013-0080]

- A. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5 (Table 2 of DCC 18.80). Applicants for any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries, shall sign and record in the Deschutes County Book of Records, a Declaration of Anticipated Noise declaring that the applicant and his successors will not now, or in the future complain about the allowed airport activities at the adjacent airport. In areas where the noise level is anticipated to be at or above 55 ~~Ldn~~DNL, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use),

| the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 ~~Leq~~Ldn. [NOTE: FAA Order 5100.38A, Chapter 7 provides that interior noise levels should not exceed 45 decibels in all habitable zones.]

| ^{...}
(Ord. 2018-006 §10, 2018; Ord. 2001-001 §2, 2001; Ord. 91-020 §1, 1991)

Chapter 18.84. LANDSCAPE MANAGEMENT COMBINING - LM ZONE

18.84.080. Design review standards.

The following standards will be used to evaluate the proposed site plan:

- A. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
- B. It is recommended that new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
- C. No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape. DCC 18.84.080 shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18.84.090(E), all structures shall be sited to take advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the designated road, river or stream. When more than one nonagricultural structure is to exist and no vegetation, trees or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
- E. Structures shall not exceed 30 feet in height measured from the natural grade on the side(s) facing the road, river or stream. Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flag poles or other projections from the roof of the structure. DCC 18.84.080(E) shall not apply to agricultural structures located at least 50 feet from a rimrock.
- F. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the designated road, river or stream.
- H. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points, or views of mountains, forests and other open and scenic areas as seen from the designated landscape management road, river or stream. Use of native species shall be encouraged. (Formerly section 18.84.080 (C))
- I. No signs or other forms of outdoor advertising that are visible from a designated landscape management river or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.) are permitted.
- J. A conservation easement as defined in DCC 18.04.280-030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Whychus Creek and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

(Ord. 2018-006 §11, 2018; Ord. 2015-016 §5, 2015; Ord. 2001-016 §2, 2001; Ord. 97-068 §1, 1997; Ord. 95-075 §3, 1995; Ord. 93-043 §12A and 12B, 1993; Ord. 92-034 §2, 1992; Ord. 91-020 §1, 1991; Ord. 90-020 §1 1990; PL-15 1979)

Chapter 18.100. RURAL INDUSTRIAL ZONE - R-I

18.100.020. Conditional Uses.

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.
- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.020010, which is expected to exceed the following standards:
 - 1. Lot coverage in excess of 70 percent.
 - 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
- K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- L. Public Landfill Transfer Station, including recycling and other related activities.
- M. Mini-storage facility.
- N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- P. Utility facility.
- Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
- R. Electrical substations.
- S. Marijuana retailing, subject to the provisions of DCC 18.116.330.
- T. Marijuana processing including cannabinoid extracts, subject to the provisions of DCC 18.116.330
- U. Marijuana production in the vicinity of Deschutes Junction, subject to the provisions of DCC 18.116.330.

(Ord. 2018-006 §12, 2018; Ord. 2016-015 §8, 2016; Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-014 §38, 1990; Ord. 86-018 §15, 1986)

18.100.030. Use Limitations.

In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:

- A. Properties subject to a limited use combining zone shall be limited to those uses and conditions

specified in the limited use combining zone.

- B. No use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall be permitted to locate on a lot adjacent to or across a street from a residential dwelling, a lot in a platted subdivision or a residential zone.
- C. No use shall be permitted that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises unless served directly by an arterial or collector or other improved street or road designed to serve the industrial use which does not pass through or adjacent to residential lots in a platted subdivision or a residential zone.
- D. Any use on a lot adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone 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.
- E. All parking demand created by any use permitted by DCC 18.100.020-010 or 030-020010 or 18.100.020 shall be accommodated on the applicant's premises entirely off-street.
- F. No use permitted by DCC 18.100.020-010-010 or 030-18.100.020 shall require the backing of traffic onto a public or private street or road right of way.
- G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.020-010 or 030-02018.100.020 per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, permitted uses shall provide for shared ingress and egress.
- H. All uses permitted by DCC 18.100.020-010 or 030-18.100.020 shall be screened from adjoining residential uses by a sight-obscuring fence.
- I. No use shall be permitted to operate for business between the hours of 11:00 p.m. and 7:00 a.m. if located adjacent to or across the street from a residential dwelling, a lot in a platted subdivision or a residential zone except as is consistent with DCC 8.08.
- J. No use shall be permitted which has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction. No use requiring 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 use or lot.
- K. Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.
- L. Residential and industrial uses shall be served by on-site wells or public water systems.
(Ord. 2018-006 §12, 2018; Ord. 2009-008 §2; Ord. 2004-013, §10, 2004; Ord. 2002-126, §1, 2002; Ord. 91-020 §1, 1991)

18.100.040. Dimensional Standards.

In an R-I Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be determined subject to the provisions of DCC 18.100.050.
- B. No conditional use permitted by DCC 18.100.030-020 that is located within 600 feet of a residential use, lot in a platted subdivision or a residential zone shall exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
- C. The minimum setback between a structure and a street or road shall be 50 feet.
- D. The minimum setback between a structure and a property line adjoining a residential lot or use shall be 50 feet.
- E. The minimum rear or side yard setback shall be 25 feet unless a greater setback is required by DCC 18.100.050 C or D070(A).
- F. The maximum building height for any structure shall be 30 feet on any lot adjacent to or across a street from a residential use or lot and 45 feet on any other lot.
- G. 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.
- H. Maximum industrial use floor area.
 - 1. The maximum size of a building is 7,500 square feet of floor space. The maximum square footage in a building or buildings for a single allowable use, as defined in DCC 18.100.020 and 18.100.030, on

an individual lot or parcel shall not exceed 7,500 square feet. There is no building size limit for uses that are for the primary processing of raw materials produced in rural areas.

2. A lawfully established use that existed on or before 02/25/03 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use which ever is greater.

(Ord. 2018-006 §12, 2018; Ord. 2002-126, §1, 2002; Ord. 95-075 §1, 1995; Ord. 94-008 §26, 1994; Ord. 91-020 §1, 1991)

...

18.100.070. Additional Requirements.

As a condition of approval of any use proposed within an R-I Zone, 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.

(Ord. 2018-006 §12, 2018; Ord. 91-020 §1, 1991)

Chapter 18.116. SUPPLEMENTARY PROVISIONS

- 18.116.010. Authorization of Similar Uses.**
- 18.116.020. Clear Vision Areas.**
- 18.116.030. Off-Street Parking and Loading.**
- 18.116.031. Bicycle Parking.**
- 18.116.035. Bicycle Commuter Facilities**
- 18.116.036. Special Parking Provisions for the Sunriver Town Center District**
- 18.116.040. Accessory Uses.**
- 18.116.050. Manufactured Homes.**
- 18.116.070. Placement Standards for Manufactured Homes.**
- 18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.**
- 18.116.090. A Manufactured Home or RV as a Temporary Residence for Medical Condition.**
- 18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.**
- 18.116.100. Building Projections.**
- 18.116.200. Repealed.**
- 18.116.120. Fences.**
- 18.116.130. Hydroelectric Facilities.**
- 18.116.140. Electrical Substations.**
- 18.116.150. Endangered Species.**
- 18.116.160. Rimrock Setbacks Outside of LM Combining Zone.**
- 18.116.170. Solar Height Restrictions.**
- 18.116.180. Building Setbacks for the Protection of Solar Access.**
- 18.116.190. Solar Access Permit.**
- 18.116.200. Repealed.**
- 18.116.210. Residential Homes and Residential Facilities.**
- 18.116.215. Family Childcare Provider.**
- 18.116.220. Conservation Easements on Property Adjacent to Rivers and Streams-Prohibitions.**
- 18.116.230. Standards for Class I and II Road Projects.**
- 18.116.240. Protection of Historic Sites.**
- 18.116.250. Wireless Telecommunications Facilities.**
- 18.116.260. Rock Crushing Outside the SM Zone.**
- 18.116.270. Conducting Filming Activities in All Zones.**
- 18.116.280. Home Occupations.**
- 18.116.290. Amateur Radio Facilities**
- 18.116.300. Wind Energy Systems that Generate Less than 100 kW**
- 18.116.310. Traffic Impact Studies**
- 18.116.320. Medical Marijuana Dispensary**
- 18.116.330. Marijuana Production, Processing, and Retailing**
- 18.116.340. Marijuana Production Registered by the Oregon Health Authority (OHA)**

18.116.180. Building Setbacks for the Protection of Solar Access.

- A. Purpose. The purpose of DCC 18.116.180 is to provide as much solar access as practical during the winter solar heating hours to existing or potential buildings by requiring all new structures, excepting lots less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 "lot width," and located in the Neighborhood Planning Area of the Urban

Unincorporated Community – La Pine, to be constructed as far south on their lots as is necessary and feasible.

- B. Standards. Every new structure or addition to an existing structure, excepting lots less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 “lot width,” and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine, shall meet the following standards for a solar setback from the north lot line, except as provided in DCC 18.116.180(B)(3):

1. South Wall Protection Standard. The south wall protection standard is based on an eight-foot solar fence on the subject property's north lot line which allows solar radiation on a neighboring building's south wall above two feet from the ground, assuming a 20-foot setback from the common property line to the neighboring building. Solar setbacks for the south wall protection standards can be calculated with the diagram in Appendix A-1 or estimated with the table in Appendix A-2. Final determination of solar setback distance is made by entering the following variables into the Deschutes County Shadow Length computer program:

- a. Pole height;
- b. The eight-foot fence height;
- c. The scale of the plot plan submitted in feet per inch; and
- d. Degrees of slope of the land from east to west and from north to south.
- e. If a setback meeting this requirement is not feasible due to physical constraints of the lot, including, but not limited to, rock outcroppings, septic systems, existing legal restrictions or lot dimensions, as determined by the Planning Director or Hearings Body, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standard set forth in DCC 18.116.180(B)(2).

2. South Roof Protection Standard. The south roof protection standard is based on a 14 foot solar fence on the subject property's north lot line which allows for solar radiation on a neighboring building above eight feet from ground level and assuming a 20 foot setback from the common boundary line to the neighboring building. Solar setbacks for this standard can be calculated using the diagram in Appendix B-1 or estimated using the table in Appendix B-2. Final determination of the setback will be made using the Shadow Length computer program by specifying a 14-foot solar fence and additional site specific information as listed in DCC 18.116.180(B)(1).

3. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:

- a. That the structure cannot be located on the lot without violating the requirements contained in Appendix B; and
- b. That the structure is built with its highest point as far to the south as feasible; and
 - 1) That the structure is a single family residence with a highest point less than or equal to 16 feet high; or, if not a single family residence;
 - 2) That it is a permitted or conditional use for the lot.

4. Exemptions.

- a. The governing body may exempt from the provision of DCC 18.116.180 any area where it is determined that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zones in which taller buildings are planned.
- b. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director or Hearings Body.

- c. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure is in conformance with a solar height restriction as provided in DCC Title 17, the Subdivision/Partition Ordinance, as amended.
5. Variances.
- a. The Planning Director or Hearings Body may authorize a variance from the requirements of DCC 18.116.180.
 - b. A variance may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:
 - i. The variance does not preclude the reasonable use of solar energy or insolation by future buildings on the property to be shaded;
 - ii. The variance does not diminish any solar access which benefits a habitable structure on adjacent lot or parcel;
 - c. Shaded property.
 - i. Notwithstanding DCC 18.116.180(B)(5)(a)(i) and (ii), if property is to be shaded that is other than the property for which the variance is sought, in order for the County to approve the variance, the applicant must provide written consent to the shading from the owner or owners of all property to be shaded.
 - ii. The written consent shall be recorded in the Deschutes County Official Records.
 - iii. The written consent shall be on a form provided by the County and shall contain the following information:
 - a). The notarized signatures of all owners and registered leaseholders who hold an interest in the property being shaded;
 - b). A statement that the solar access provided in DCC 18.116.180 is waived for that particular structure and the County is held harmless for any damages resulting from the waiver.
 - c). A statement that the waiver applies only to the specific building or buildings to which the waiver is granted;
 - d). A description and drawing of the shading which would occur; and
 - e). A statement binding all successors in interest.

(Ord. 2018-006 §13, 2018; Ord. 2012-007 §5, 2012; Ord. 2006-035 §2, 2006; Ord. 2004-013 §12, 2004; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 83-037 §3, 1983)

Chapter 18.124. SITE PLAN REVIEW

18.124.060. Approval Criteria.

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

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
- F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.
- H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
- J. All exterior lighting shall be shielded so that direct light does not project off-site.
- K. Transportation access to the site shall be adequate for the use.
 1. Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.
 2. Mitigation for transportation-related impacts shall be required.
 3. Mitigation shall meet applicable County standards in ~~DCC 17.16 and DCC 17.48~~18.116.310, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.

(Ord. 2018-006 §14, 2018; Ord. 2010-018 §2, 2010, Ord. 93-043 §§21, 22 and 22A, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

Chapter 18.128. CONDITIONAL USE

18.128.340. Wireless Telecommunications Facilities.

An application for a conditional use permit for a wireless telecommunications facility or its equivalent in the EFU, Forest, or Surface Mining Zones shall comply with the applicable standards, setbacks and criteria of the base zone and any combining zone and the following requirements. Site plan review under DCC 18.124 including site plan review for a use that would otherwise require site plan review under DCC 18.84 shall not be required.

...

(Ord. 2018-006 §15, 2018; Ord. 2010-011 §2, Ord. 2000-019 §2, 2000; Ord. 97-063 §2, 1997; Ord. 97-017 §8, 1997)

...

18.128.360. Guest Ranch.

A guest ranch established under DCC 18.16.037 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360(C), the guest lodging units cumulatively shall:
 1. Include not less than four nor more than 10 overnight guest lodging units, and;
 2. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of the lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.
- B. The guest ranch shall be located on a lawfully established unit of land that:
 1. Is at least 160 acres in size;
 2. Contains the dwelling of the person conducting the livestock operation; and
 3. Is not classified as high value farmland as defined in DCC 18.04.030.
- C. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described under DCC 18.128.360(B), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.
- D. A guest ranch may provide recreational activities in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding and swimming. Intensively developed recreational facilities including golf courses or campgrounds identified in DCC 18.16.030 through 18.16.033, shall not be allowed in conjunction with a guest ranch, and a guest ranch shall not be allowed in conjunction with an existing golf course or with an existing campground.
- E. Food services shall be incidental to the operation of the guest ranch and shall be provided only for the guests of the guest ranch, individuals accompanying the guests, and individuals attending a special event at the guest ranch.
 1. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch.
 2. The sale of individual meals to persons who are not guests of the guest ranch, an individual accompanying a guest, or an individual attending a special event at the guest ranch shall not be allowed.
- F. The exterior of the buildings shall maintain a residential appearance.
- G. To promote privacy and preserve the integrity of the natural setting, guest ranches shall retain existing vegetation around the guest lodging structure.

- H. All lighting shall be shielded and directed downward in accordance with DCC 15.10, Outdoor Lighting Control.
- I. Signage shall be restricted to one sign no greater than 20 square feet, nonilluminated and posted at the entrance to the property.
- J. Occupancies shall be limited to not more than 30 days.
- K. The guest ranch shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- L. One off-street parking space shall be provided for each guestroom in addition to parking to serve the residents.
- M. Any conversion or alterations to properties designated as historic landmarks shall be approved by the Deschutes County Historical Landmarks Commission.
(Ord. 2010-022 §3, 2010; Ord. 2004-020 §2, 2004; Ord. 2004-001 §3, 2004; Ord. 2001-043 §1, 2001; Ord. 98-056 §2, 1998)

Note: DCC 18.128.360 is repealed ~~January 2, 2012~~ April 15, 2020 (Ord. 2018-006 §15, 2018; Ord. 2010-022 §3, 2010).

Chapter 22.24. LAND USE ACTION HEARINGS

22.24.160. Reopening the Record.

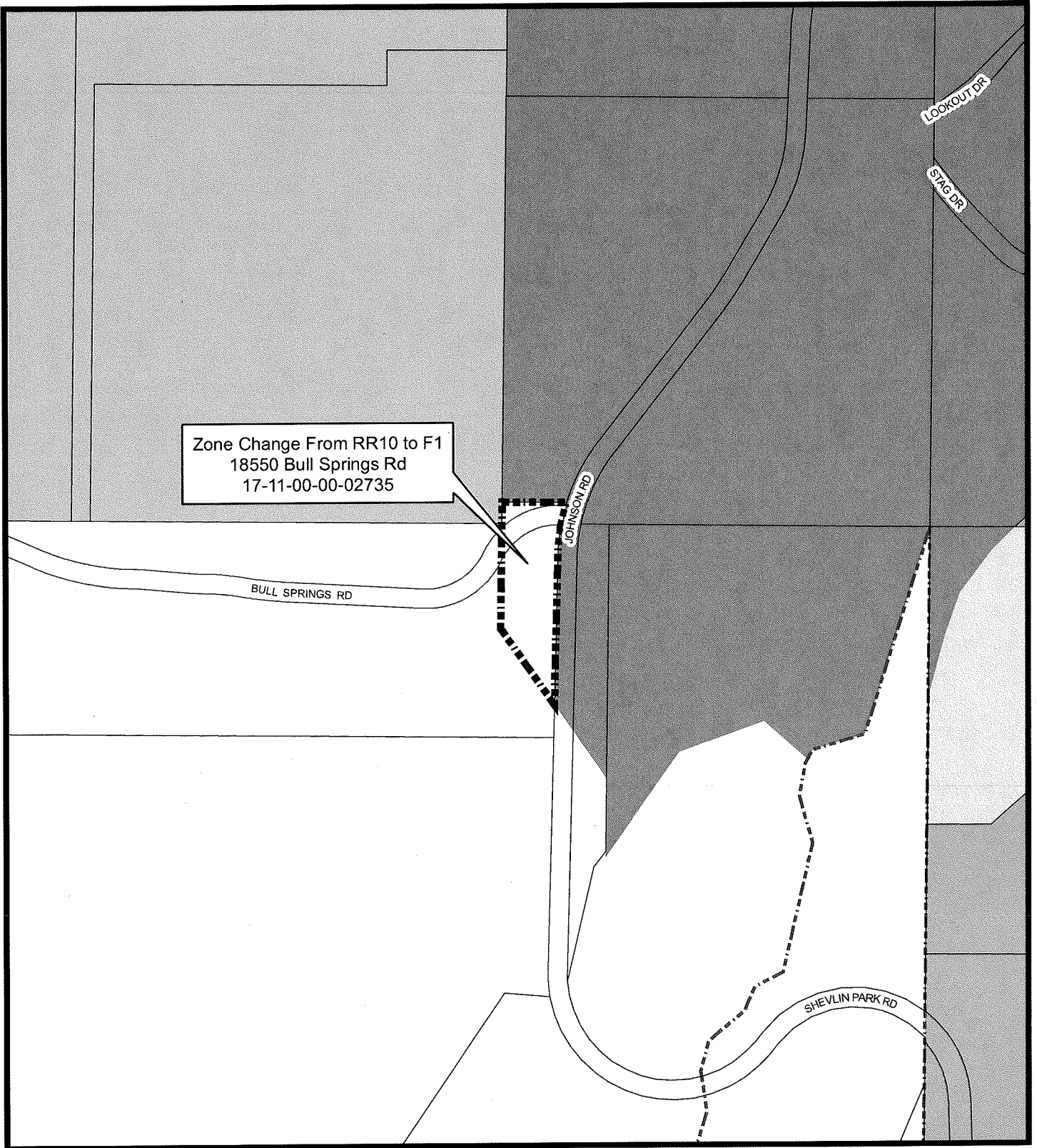
- A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to an extension or a waiver of the 150-day time limit.
- B. Procedures.
 - 1. Except as otherwise provided for in DCC 22.24.160, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion ~~at~~ of the Hearings Body.
 - 2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

(Ord. 2018-006 §16, 2018; Ord. 99-031 §10, 1999; Ord. 96-071 §1D, 1996; Ord. 95-045 §21, 1995)



Chapter 22.28. LAND USE ACTION DECISIONS

22.28.070. Compliance with ORS 215.418.







- A. Final approval of any activity referred to in ORS 215.418(1) regarding state-identified wetlands must include the notice statements required by ORS 215.418(3).
 - B. Individual notice to the applicant and the owner of record consistent with ORS 215.418(5) shall be provided, unless notice in the written decision notice satisfies that requirement.
 - C. Failure of the County to provide notice as required in DCC 22.28.070 shall not invalidate county approval.
 - D. DCC 22.28.070 shall not become operative until the ~~Division~~Department of State Lands makes available to the County a copy of the applicable portion of the Statewide Wetland Inventory.
- (Ord. 2018-006 §17, 2018; Ord. 90-007 §1, 1990)



Map Symbols

-  Bend City Limit
-  Subject Property 17-11-00-00-02735

Zoning

-  F1 - Forest Use 1
-  F2 - Forest Use 2
-  OS&C - Open Space And Conservation
-  RR10 - Rural Residential
-  SM - Surface Mining
-  UAR10 - Urban Area Reserve 10 Acre Minimum

PROPOSED ZONING MAP

Todd & Lorri Taylor
18550 Bull Springs Rd, Bend

Exhibit "R"
to Ordinance 2018-006 §18, 2018



June 7, 2018

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Anthony DeBore, Chair

Phil Henderson, Vice-Chair

Tammy Baney, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of July, 2018
Effective Date: ____, 2018

FINDINGS

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS:

- A. **PROPOSAL:** The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements, incorporate changes to state law, and correct errors found in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development.

III. CONCLUSIONARY FINDINGS:

A. CHAPTER 22.12, LEGISLATIVE PROCEDURES

1. Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing will be held before the Deschutes County Planning Commission and Board of County Commissioners.

2. Section 22.12.020, Notice

Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion will be met by notice being published in the Bend Bulletin newspaper.

- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

FINDING: This criterion will be met when notice is posted in the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice will be provided to the County public information official for wider media distribution. This criterion has been met.

3. Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division, which received a fee waiver. This criterion has been met.

4. Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

- 1. The Planning Commission.**
- 2. The Board of County Commissioners.**

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: These criteria will be met.

5. Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-18-000432-TA will be implemented by ordinances upon approval and adoption by the Board. This criterion will be met.

IV. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the referenced ordinance attached hereto with additional text identified by underline and deleted text by ~~strikethrough~~. Below are explanations of the proposed changes.

A. Title 17, Subdivisions:

Chapter 17.24 FINAL PLAT

Section 17.24.110. Conditions of Approval

Section 17.24.120. Improvement Agreement

DCC 17.24.110(A) and 17.24.120(A) each contain a scrivener's error (the words "plan" and "one," respectively). The proposed amendment corrects these errors.

B. Title 18, County Zoning:

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

Section 18.04.030. Definitions.

DCC 18.04.030 defines "agricultural land" by referring to the U.S. Soil Conservation Service (SCS); the proposed amendment changes this reference to the U.S. Natural Resources Conservation Service (NRCS) in order to be consistent with OAR/ORS.

DCC 18.04.030 currently omits a definition for "vacation trailer." However, the definitions for "trailer" and "travel trailer" both contain references to "vacation trailer." The proposed amendment reinstates the definition of "vacation trailer" from previous versions of the code in order for the reference to be complete.

Chapter 18.16 EXCLUSIVE FARM USE ZONES

Table of Contents

The Table of Contents for Chapter 18.16 contains an older title for section 18.16.025. In examining the ordinance history for this section, it was determined that the correct section title is the one used in the section itself, which was changed in Ordinance 2012-004. The proposed amendment replaces the outdated title in the Table of Contents with the correct section title.

Section 18.16.020. Uses Permitted Outright

DCC 18.16.020(N) discusses the onsite treatment of septage prior to the land application of biosolids. Amendments in 2018 to Oregon Administrative Rule (OAR) 660-033-0120 and OAR 660-033-0130 further refine the standards for onsite treatment of septage prior to the land application of biosolids. The proposed amendment adds these standards to reflect the change.

Section 18.16.030. Conditional Uses Permitted – High-Value and Non-High Value Farmland

DCC 18.16.030(DD) defines criteria for photovoltaic solar power generation facilities on both high- and non-high-value farmland. ORS 215.447 provides additional provisions for photovoltaic solar power generation facilities in high-value farmland only. The proposed amendment includes these additional provisions.

DCC 18.16.030(FF) has been added to this section pursuant to recent amendments to ORS 215.213. This amendment allows equine-related therapeutic and counseling activities in an EFU zone. The proposed amendment adds this use and its conditions as defined in ORS 215.213.

Section 18.16.037. Guest Ranch

DCC 18.16.037 defines criteria for guest ranches in the EFU zone. Previously, this chapter was due to sunset in 2012, and then in 2018; however, in 2018, Oregon HB 4031 extended this sunset date to April 15, 2020. The proposed amendment reflects this change.

Section 18.16.040. Limitations on Conditional Uses

DCC 18.16.040(C) contains a reference to section 18.16.030(L); the correct reference should be to 18.16.030(K). The proposed amendment corrects this error.

DCC 18.16.040(E) contains a reference to section 18.16.030(M); the correct reference should be to 18.16.030(L). The proposed amendment corrects this error.

Section 18.16.050. Standards for Dwellings in the EFU Zones

DCC 18.16.050(A)(3)(a)(i) outlines the criteria for the gross annual income test to allow a dwelling on non-high-value farmland. The code currently requires a gross annual income of at least \$32,500. However, OAR 660-033-0135(3) currently requires a gross annual income of \$40,000. The proposed amendment changes the income requirement to reflect the requirements in OAR 660-033-0135(3), and changes an additional reference to the gross annual income text in DCC 18.16.050(C)(2)(a), Accessory Dwelling.

DCC 18.16.050(G)(3) contains an outdated reference to DCC 18.16.050(I)(2), Wildlife Conservation Plan Dwelling, which no longer exists. The proposed amendment removes this reference. In addition, this section contains outdated references to ORS 308A.068, 321.352, 321.730 or 321.815. The proposed amendment corrects these references to reflect those in ORS 215.236.

DCC 18.16.050(H)(1)(a) describes the conditions in which a temporary hardship dwelling is allowed in the EFU zone. DCC 18.116.090(A) had previously been changed to allow an existing building to be used for a medical hardship dwelling in the EFU and Forest zones only. However, medical hardship dwellings for the EFU zone are defined in its own section,

not in DCC 18.116.090(A). The proposed amendment modifies DCC 18.16.050(H)(1)(a) to allow medical hardship dwellings in existing buildings, as described in DCC 18.116.090(A).

Chapter 18.36. FOREST USE ZONE – F-1

Section 18.36.030. Conditional Uses Permitted

DCC 18.32.030(X) defines the type of building that can be used for a temporary medical hardship. DCC 18.116.090(A) had previously been changed to allow an existing building to be used for a medical hardship dwelling in the EFU and Forest zones only, but it was not reflected in this chapter. The proposed amendment modifies DCC 18.36.030(X) to allow medical hardship dwellings in existing buildings, as described in DCC 18.116.090(A).

Section 18.36.040. Limitations on Conditional Uses

DCC 18.36.040(C) defines the uses under which the landowner must sign and record a written statement recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules. However, it omits single-family dwelling uses in this list. OAR 660-006-0029, Siting Standards for Dwellings and Structures in Forest Zones, does include single family residential uses. The proposed amendment adds single-family residential uses to this list to reflect Oregon Administrative Rule.

Chapter 18.40. FOREST USE ZONE – F-2

Section 18.40.030. Conditional Uses Permitted

DCC 18.40.030(Z) defines the type of building that can be used for a temporary medical hardship. DCC 18.116.090(A) had previously been changed to allow an existing building to be used for a medical hardship dwelling in the EFU and Forest zones only, but it was not reflected in this chapter. The proposed amendment modifies DCC 18.40.030(Z) to allow medical hardship dwellings in existing buildings, as described in DCC 18.116.090(A).

Section 18.40.040. Limitations on Conditional Uses

DCC 18.40.040(C) defines the uses under which the landowner must sign and record a written statement recognizing the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules. However, it omits single-family dwelling uses in this list. OAR 660-006-0029, Siting Standards for Dwellings and Structures in Forest Zones, does include single family residential uses. The proposed amendment adds single-family residential uses to this list to reflect Oregon Administrative Rule.

Section 18.40.050. Standards for Single-Family Dwellings

DCC 18.40.050(D)(1) and (2) describe the requirements for a single-family template dwelling in a forest zone. However, these sections do not accurately reflect the current requirements listed in OAR 660-006-027(5). The proposed amendment revises these sections to accurately reflect the requirements set forth in OAR 660-006-027(5).

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE

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

DCC 18.65.020(E)(2) describes the lot requirements that are to be applied to Brothers, Hampton, Millican, Whistlestop and Wildhunt. However, DCC 18.65.020(E)(2)(b) notes requirements for Alfalfa, when in fact Alfalfa has its own section below. The proposed amendment removes the reference to Alfalfa from this section and places it in DCC 18.65.021.

Section 18.65.021. Alfalfa RSC - Commercial/Mixed Use District

DCC 18.65.021 contains a scrivener’s error in the section number, appearing as “18.65.21.” The proposed amendment fixes this error, adding a zero into the section number.

DCC 18.65.021(A), (B) and (C) define uses by referring to the code section pertaining to Brothers, Hampton, Millican, Whistlestop and Wildhunt (DCC18.65.020), with several use exceptions. For clarity, permitted and conditional uses have been listed individually rather than referring the reader to another section.

DCC 18.65.021 previously did not contain sections for yard and setback requirements or for lot requirements. It was determined that this was likely an inadvertent omission. The proposed amendment adds section 18.65.021(D), Yard and Setback Requirements, utilizing the standards from DCC 18.65.020 as done in DCC 18.65.021(A), (B) and (C). In addition, the proposed amendment adds section 18.65.021(E), Lot Requirements, populated with the text that was removed from 18.65.020(E)(2).

Chapter 18.76. AIRPORT DEVELOPMENT ZONE – A-D

Section 18.76.100. Design and Use Criteria

DCC 18.76.100(A) describes the conditions required for approval of a conditional use, and refers to the Comprehensive Plan and the 1994 Bend Airport Master Plan as amended in 2002. For clarity, the proposed amendment changes the reference to the “current version of the adopted Bend Airport Master Plan.” *(See Exhibit I)*

Chapter 18.80. AIRPORT SAFETY COMBINING ZONE – AS

Section 18.80.022. Definitions

Section 18.80.044. Land Use Compatibility

DCC 18.80.022(G) and 18.80.044(A) contain references to “Ldn” and “DNL” (Average Day-Night Sound Level) when referring to noise levels in airport areas; however, the code defines only DNL. While both abbreviations are generally used interchangeably, the proposed amendment changes instances of “Ldn” to “DNL” for purposes of clarification.

Chapter 18.84. LANDSCAPE MANAGEMENT COMBINING – LM ZONE

Section 18.84.080. Design Review Standards

DCC 18.84.080(j) contains a scrivener’s error in referring to the definition of “conservation easement.” The proposed amendment corrects this area to provide reference to the correct section.

Chapter 18.100. RURAL INDUSTRIAL ZONE – R-I

Section 18.100.020. Conditional Uses

DCC 18.100.020(l) contains an erroneous section reference when referring to uses permitted outright in DCC 18.100.020. The proposed amendment corrects this reference to the appropriate subsection, DCC 18.100.010.

Section 18.100.030. Use Limitations

DCC 18.100.030(E), (F), (G), and (H) all contain the same scrivener’s error when referring to Sections 18.100.010 or 18.100.020, utilizing an incorrect numbering convention. The proposed amendment corrects the references in each of these sections to “DCC 18.100.010 or 18.100.020.”

Section 18.100.040. Dimensional Standards

DCC 18.100.040(B) refers to the section on conditional uses by the incorrect section number. The proposed amendment corrects this error.

DCC 18.100.040(E) refers to setback requirements, but references two sections that do not exist in County Code. The proposed amendment corrects this reference to the appropriate subsection, DCC 18.100.070(A).

Section 18.100.070. Additional Requirements

DCC 18.100.070 contains a scrivener’s error in the section number, appearing as “18.100.70.” The proposed amendment fixes this error, adding a zero into the section number.

Chapter 18.116. SUPPLEMENTARY PROVISIONS

Table of Contents

The proposed amendment adds a new subsection to the end of the Table of Contents, Accessory Dwelling Units in RR10 and MUA Zones (see below for description of section).

Section 18.116.180. Building Setbacks for the Protection of Solar Access

DCC 18.116.180(B)(5)(c)(i) refers to the requirements for obtaining a variance if said variance will result in the shading of property other than the property for which the variance is sought. The section contains an error in the reference to the section describing the required findings by the

Planning Director or Hearings Body. The proposed amendment corrects the reference to the appropriate subsection, DCC 18.116.180(B)(5)(b)(i) and (ii).

Chapter 18.124. SITE PLAN REVIEW

Section 18.124.060. Approval Criteria

DCC 18.124.060(K)(3) notes the County standards for the mitigation of transportation-related impacts, but the reference to the section of code is outdated. The proper reference should be to DCC 18.116.310, Traffic Impact Studies. This reference is the same as in DCC 18.124.080. The proposed amendment corrects the reference error.

Chapter 18.128. CONDITIONAL USE

Section 18.128.340. Wireless Telecommunications Facilities

DCC 18.128.340 outlines the application process for a conditional use permit for a wireless telecommunications facility in the EFU, Forest, or Surface Mining zones. However, the EFU zone no longer classifies wireless telecommunications facilities as a conditional use; instead it is reviewed as an Administrative Determination. Therefore DCC 18.128.340 should not refer to EFU in the list of zones requiring conditional use permits. The proposed amendment removes the EFU zone from the section.

Section 18.128.360. Guest Ranch

DCC 18.128.360 defines criteria for guest ranches as a conditional use. Previously, this section was due to sunset in 2012, and then in 2018; however, in 2018, Oregon HB 4031 extended this sunset date to April 15, 2020. The proposed amendment reflects this change.

C. Title 22, Deschutes County Development Procedures Ordinances:

Chapter 22.24. LAND USE ACTION HEARINGS

Section 22.24.160. Reopening the Record

DCC 22.24.160(B)(1) contains a scrivener's error, referring to "...the discretion *at* the Hearings Body." The proposed amendment corrects this error to "...*of* the Hearings Body."

Chapter 22.28. LAND USE ACTION DECISIONS

Section 22.28.070. Compliance with ORS 215.418

DCC 22.28.070(D) contains a reference to the "Division of State Lands." The correct name is the Department of State Lands. The proposed amendment corrects this error.

D. Title 23, Deschutes County Comprehensive Plan

Chapter 5, SUPPLEMENTAL SECTIONS

Table 5.8.2. Deschutes County Non-Significant Mining Mineral and Aggregate Inventory

Table 5.8.2 of the Comprehensive Plan contains two tax lot number errors for Sites 100 and 101. The proposed amendment corrects the errors.

Section 5.9, Goal 5 Inventory, Cultural and Historic Resources

Item 12 in the inventory of cultural and historic resources is the Cline Falls Power Plant. Per a land use decision and demolition permit issued by the Deschutes County Historic Landmarks Commission in 2016, the plant is no longer in existence. The proposed amendment removes it from the list, as well as renumbers all subsequent items in the list.

Item 12 (formerly item 13, per above renumbering) refers to the Cloverdale School as a “one-room school building,” when it in fact contains several rooms. The proposed amendment removes the words “one room” from the item.

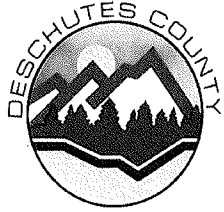
Item 20 (formerly Item 21) of the inventory of cultural and historic resources contains a reference to an outdated tax lot number for the Lynch and Roberts Store Advertisement. The proposed amendment provides the correct number.

E. Deschutes County Zoning Map

As part of a 2016 hearing requesting approval of a minor partition of 18500 Bull Springs Road, Bend, from one property into three smaller parcels (File Number 247-15-000668-MP), it was determined that a 0.78-acre portion of the site that was zoned RR-10 should in fact have been zoned F-1. This change was granted, citing DCC 18.12.040(C), Zone Boundaries. However, this was never noted on the county zoning map. The proposed amendment modifies the zoning map to reflect the change from the RR-10 zone to the F-1 zone.

V. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make minor changes necessary to clarify existing standards and procedural requirements, incorporate changes to state law, and to correct errors.



Deschutes County Board of Commissioners
1300 NW Wall St, Bend, OR 97703
(541) 388-6570 - www.deschutes.org

BUSINESS MEETING AGENDA

DESCHUTES COUNTY BOARD OF COMMISSIONERS

9:00 AM, WEDNESDAY, AUGUST 22, 2018

Barnes Sawyer Rooms - Deschutes Services Center - 1300 NW Wall Street - Bend

This meeting is open to the public. To watch it online, visit www.deschutes.org/meetings. Business Meetings are usually streamed live online and video recorded.

Pursuant to ORS 192.640, this agenda includes a list of the main topics that are anticipated to be considered or discussed. This notice does not limit the Board's ability to address other topics.

Meetings are subject to cancellation without notice.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT

This is the time provided for individuals wishing to address the Board, at the Board's discretion, regarding issues that are not already on the agenda. Please complete a sign-up card (provided), and give the card to the Recording Secretary. Use the microphone and clearly state your name when the Board Chair calls on you to speak. PLEASE NOTE: Citizen input regarding matters that are or have been the subject of a public hearing not being conducted as a part of this meeting will NOT be included in the official record of that hearing.

If you offer or display to the Board any written documents, photographs or other printed matter as part of your testimony during a public hearing, please be advised that staff is required to retain those documents as part of the permanent record of that hearing.

CONSENT AGENDA

1. Consideration of Board Signature of Document No. 2018-563, PacificSource - Amendment #9

ACTION ITEMS

2. FIRST READING OF Ordinance No. 2018-007, Amending County Code Relative to the County Internal Auditor and Audit Committee - *David Givans, Internal Auditor*
3. SECOND READING OF Ordinance No. 2018-006, Housekeeping Amendments - *Tanya Saltzman, Associate Planner*

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

ADJOURN

Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format please call (541) 617-4747.

FUTURE MEETINGS:

Additional meeting dates available at www.deschutes.org/meetingcalendar

Meeting dates and times are subject to change. If you have question, please call (541) 388-6572.