



<p>REVIEWED</p> <p><i>[Signature]</i></p> <p>LEGAL COUNSEL</p>
<p>REVIEWED</p> <p><i>[Signature]</i></p> <p>CODE REVIEW COMMITTEE</p>

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For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes County Zoning Ordinance, of the Deschutes County Code by Making technical changes to the text. *
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 ORDINANCE NO. 2004-013

WHEREAS, the Deschutes County Planning Division has proposed a Text Amendment to Title 18, the Deschutes County Zoning Ordinance, to make minor changes that will correct errors, omissions, inconsistencies, and clarify awkward text; and

WHEREAS, the Deschutes County Planning Commission held a duly noticed public hearing on March 18, 2004 and recommended to the Board the proposed changes to Title 18 as described in Exhibits "A" through "O," and

WHEREAS, the Board held a duly notice public hearing on June 9, 2004; now, therefore,

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

Section 1. AMENDMENT. DCC Chapter 18.12, Establishment of Zones, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. AMENDMENT. DCC Chapter 18.16, Exclusive Farm Use Zones, is hereby amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with language to be deleted in ~~striketrough~~.

Section 3. AMENDMENT. DCC Chapter 18.36, Forest Use Zone, is hereby amended to read as described in Exhibit "C," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 4. AMENDMENT. DCC Chapter 18.40, Forest Use Zone, is hereby amended to read as described in Exhibit "D," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 5. AMENDMENT. DCC Chapter 18.56, Surface Mining Impact Area Combining Zone, is hereby amended to read as described in Exhibit "E," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 6. AMENDMENT. DCC Chapter 18.61, Unincorporated Community Zone - La Pine, is hereby amended to read as described in Exhibit "F," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 7. AMENDMENT. DCC Chapter 18.67, Tumalo Rural Community Zoning Districts, is hereby amended to read as described in Exhibit "G," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. DCC Chapter 18.76, Rural Commercial Zone, is hereby amended to read as described in Exhibit "H," attached hereto and by this reference incorporated herein, with language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. DCC Chapter 18.88, Wildlife Area Combining Zone, is hereby amended to read as described in Exhibit "I," attached hereto and by this reference incorporated herein, with language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. DCC Chapter 18.100, Rural Industrial Zone, is hereby amended to read as described in Exhibit "J," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. DCC Chapter 18.108, Urban Unincorporated Community Zone - Sunriver, is hereby amended to read as described in Exhibit "K," attached hereto and by this reference incorporated herein, with language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. DCC Chapter 18.116, Supplementary Provisions, is hereby amended to read as described in Exhibit "L," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. DCC Chapter 18.120, Exceptions, is hereby amended to read as described in Exhibit "M," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. DCC Chapter 18.128, Conditional Use, is hereby amended to read as described in Exhibit "N," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. DCC Chapter 18.132, Variances, is hereby amended to read as described in Exhibit "O," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

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Section 16. FINDINGS. The Board adopts the staff report adopted as Exhibit "P" to Ordinance 2004-013, and incorporated herein by this reference, as its findings to support this Ordinance.

DATED this 23rd day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

- absent -
MICHAEL M. DALY, Chair

[Signature]
TOM DEWOLF, Commissioner

[Signature]
DENNIS R. LUKE, Commissioner

Date of 1st Reading: 9th day of June, 2004.

Date of 2nd Reading: 23rd day of June, 2004.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Michael M. Daly				✓
Tom DeWolf	✓			
Dennis R. Luke	✓			

Effective date: 21st day of Sept., 2004.

ATTEST:

[Signature]
Recording Secretary

EXHIBIT "A"

18.12.010. Establishment of zones.

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and zone districts are hereby established:

A. Primary zones.

Primary Zones	Abbreviations
Airport Development	AD
Exclusive Farm Use Zones	EFU
Flood Plain	FP
Forest Use	F1
Forest Use	F2
Multiple Use Agriculture	MUA10
Open Space and Conservation	OS&C
Rural Commercial	RC
Rural Industrial	RI
Rural Residential	RR10
Rural Service Center	RSC
Surface Mining	SM

B. Combining zones.

Combining Zones	Abbreviations
Airport Height	AH
Conventional Housing	CH
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBM
Surface Mining Impact Area	SMIA
Wildlife Area	WAC.

C. Exclusive Farm Use Zones.

Exclusive Farm Use Subzones	Abbreviations
Alfalfa	EFUAL
Horse Ridge East	EFUHR
La Pine	EFULA
Lower Bridge	EFULB
Sisters/Cloverdale	EFUSC
Terrebonne	EFUTE
Tumalo/Redmond/Bend	EFUTRB

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

La Pine Planning Area	Abbreviations
Commercial District	LPC
Community Facility District	LPCF
Community Facility Limited District	LPCFL
Flood Plain District	LPFP
Industrial District	LPI
Business Park District	LPBP
Residential District	LPR
Sewer Treatment District	LPST
Neighborhood Planning Area	Abbreviations
Neighborhood Community Facility	LPNCF
Neighborhood Community Facility Limited	LPNCFL
Neighborhood Commercial	LPNC
Neighborhood Park	LPNPK
Neighborhood Open Space	LPNO
Neighborhood Residential Center	LPNRC
Neighborhood Residential General	LPNRG
Wickiup Planning Area	Abbreviation
Wickiup Commercial/Residential	LPWJ

2. Sunriver Urban Unincorporated Community.

Sunriver UUC Districts	Abbreviations
Airport District	SUA
Business Park District	SUBP
Commercial District	SUC
Community General District	SUCG
Community Limited District	SUCL
Community Neighborhood District	SUCN
Community Recreation District	SUCR
Flood Plain Combining District	SUFP
Forest District	SUF
Multiple Family Residential District	SURM
Resort District	SUR
Resort Equestrian District	SURE
Resort Golf Course District	SURG
Resort Marina District	SURA
Resort Nature Center District	SURN
Single Family Residential District	SURS
Utility District	SUU

3. Terrebonne Rural Community.

EXHIBIT "A"

Terrebonne RC Districts	Abbreviations
Commercial District	TERC
Commercial-Rural District	TECR
Residential District	TER
Residential-5 acre minimum District	TER5

4. Tumalo Rural Community.

Tumalo RC Districts	Abbreviations
Commercial District	TUC
Residential District	TUR
Residential-5 acre minimum District	TUR5
Research & Development District	TURE

5. Rural Service Center.

Commercial/Mixed Use District	RSC-C/M
Residential	RSC-R
Open Space	RSC-OS

6. Resort Community.

A. Black Butte Ranch	Abbreviations
Resort District	BBRR
Surface Mining District/Limited Use	BBRSM
Utility District/Limited Use	BBRU

B. Inn of the 7 th Mountain/ Widgi Creek	Abbreviations
Resort District	SMWCR/WCRD
Widgi Creek Residential District	WCR

7. Rural Commercial

Deschutes Junction	RC
River Woods Store	RC
Spring River	RC-LU

(Ord. 2004-013 § 1, 2004; Ord. 2002-019 § 1, 2002, Ord. 2002-001, § 1, 2002, Ord. 2001-048 § 4, 2001, Ord. 2001-044 § 2, 2001; Ord. 98-063 § 2, 1998; Ord. 96-003 § 4, 1996; Ord. 92-025 § 5, 1992)

EXHIBIT "B"

18.16.050. Standards for dwellings in the EFU zones.

Dwellings listed in DCC 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling:

A. Farm-related dwellings on nonhigh 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, is considered to be 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 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; and

v. The dwelling will be located on the least productive part of the parcel.

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, is considered to be 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 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);

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; and

vi. The dwelling will be located on the least productive part of the parcel.

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, is considered to be customarily provided in conjunction with farm use if:

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- i. The subject tract is currently employed for a farm use that produced \$32,500 in gross annual income in the last two years or three of the last five years.
 - ii. There is no other dwelling on the subject tract;
 - 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
 - iv. The dwelling will be located on the least productive part of the parcel.
- b. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

B. Farm related dwellings on high value farmland.

On land identified as high-value farmland, a dwelling, including a manufactured home in accordance with DCC 18.116.070, is considered to be customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;
2. There is no other dwelling on the subject tract;
3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income DCC 18.16.050(B)(1); and
4. The dwelling will be located on the least productive part of the parcel.

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 assistance in the management of the farm use 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 principal farm dwelling; or
 - ii. On the same tract as the principal farm dwelling when the lot or parcel on which the accessory 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 principal farm dwelling is not located, when the accessory farm dwelling is 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. An accessory farm dwelling approved pursuant to DCC 18.16.050 may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured home may remain if it is reapproved under DCC 18.16.050; 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

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- could reasonably be used as an accessory farm dwelling; and
2. The principal 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 principal farm dwelling is located on a farm or ranch operation that is currently employed in farm use and produced \$32,500 in gross annual sales in the last two years or three of the last five years. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - b. On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. Gross income shall be calculated by deducting the cost of purchased livestock from the total gross income 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).

D. Relative farm help dwelling.

1. A dwelling listed in DCC 18.16.030(B) is allowed when:
 - a. The subject tract is at least 40 acres in size, unless it is demonstrated to the Planning Director or Hearings Body that a smaller unit of land is a commercial agricultural enterprise.
 - b. The subject tract is used for farm use;
 - c. The dwelling is a manufactured home and is sited in accordance with DCC 18.116.070, or is a pre-existing site-built home that: (1) was established at least 30 years prior to the date the conditional use permit was submitted and (2) is located on a

- parcel of at least 40 acres in size and that meets the minimum irrigated acres standard for the subzone within which it is located;
 - d. The dwelling is located on the same lot or parcel as the dwelling of the farm operator, and is occupied by a grandparent, grandchild, parent, child, brother, or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the commercial farm use is or will be required by the farm operator.
 - e. The farm operator plays the predominant role in the management and farm use of the farm and will continue to do so after the relative farm help dwelling is approved.
 - f. Any approval granted under DCC 18.16.050 shall be conditioned with a requirement that the farm operator annually submit a report to the Planning Division identifying the resident(s) of the dwelling, their relationship to the farm operator, the assistance the resident provides to the farm operator, and verifying the farm operator's continued residence on the property and the predominant role the farm operator continues to play in the management and farm use of the farm.
2. A manufactured home permitted under DCC 18.16.050 shall be considered to be a temporary installation, and permits for such home shall be renewable and renewed on an annual basis. The manufactured home shall be removed from the property if it no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
 3. A pre-existing dwelling approved under DCC 18.16.050 shall be removed or converted to an allowable use within one year of the date the relative farm help dwelling no longer meets the criteria of DCC 18.16.050 and the approval shall be so conditioned.
 4. Upon approval of a dwelling under DCC 18.16.050, a Conditions of Approval

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Agreement shall be recorded with the Deschutes County Clerk prior to issuance of any building or placement permit for the new dwelling on the property.

5. For the purposes of DCC 18.16.050(D), a farm operator is a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

E. Lot of record dwelling on nonhigh value farmland.

1. A lot of record dwelling will be approved on nonhigh value farmland when all of the following requirements are met:
 - a. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired by the present owner:
 - i. Prior to January 1, 1985; or
 - ii. By devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.
 - b. The tract on which the dwelling will be sited does not include a dwelling.
 - c. For lots or parcels located within a wildlife area (WA) combining zone, siting of the proposed dwelling would be consistent with the limitations on density as applied under the applicable density restrictions of DCC 18.88.
 - d. If the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
 - e. The County Assessor shall be notified of any approval of a dwelling under DCC 18.16.050.
2. For purposes of DCC 18.16.050(E), "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business

entity owned by any one or combination of these family members.

F. Lot of record dwelling on high-value farmland.

1. A lot of record dwelling will be approved on nonhigh value farmland when all of the following requirements are met:
 - a. The requirements set forth in DCC 18.16.050(E)(1)(a) through (e), as determined by the County; and
 - b. The requirements of Oregon Administrative Rules 660-33-130(3)(c)(C), as determined by a hearings officer of the State Department of Agriculture.
2. Applicants under DCC 18.16.050(F) shall make their application to the County. The County shall give its conditional approval under DCC 18.16.050(F)(1)(a) before forwarding an application made under DCC 18.16.050(F) to the State Department of Agriculture for hearing under DCC 18.16.050(F)(1)(b).
3. Applicants under DCC 18.16.050(F) shall be subject to such other procedural requirements as are imposed by the Oregon Department of Agriculture.

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 does not materially alter the stability of the overall land use pattern of the area. In

EXHIBIT "B"

- 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 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, sales yard, slaughterhouse or poultry, hog or mink farm, 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.
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 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 is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If 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 is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because 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.

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3. Loss of tax deferral. Except as provided in DCC 18.16.050(I)(2), 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 or ORS 308A.116 for special assessment at value for farm use under ORS 308A.062 or other special assessment under ORS 308A.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 dwelling listed in DCC 18.16.030(F) is allowed under the following conditions:
 - a. The dwelling is a manufactured home and is used in conjunction with an existing dwelling on the lot or parcel;
 - b. The manufactured home 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;
 - 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.
2. Permits granted under DCC 18.16.050(H) shall be subject to the provisions of DCC 18.116.090(B) and (C) 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. As used in DCC 18.16.050(H), the term "relative" means grandparent, grandchild, parent, child, brother or sister of the existing resident.

I. Wildlife conservation plan dwelling.

1. A dwelling listed in DCC 18.16.030(G) is allowed when the Planning Director or the Hearings Body finds, that the proposed dwelling:
 - a. Is situated on a lot or parcel existing on November 4, 1993, that qualifies for a farm dwelling, as listed in DCC 18.16.030(A), or a nonfarm dwelling, as listed in DCC 18.16.030(C);
 - b. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - c. Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - d. Will not be established on a lot or parcel that is predominantly composed of soils rated Class I or II, when not irrigated, or rated Prime or Unique by the United States Natural Resources Conservation Service or any combination of such soils; and
 - e. Is the only dwelling situated on the affected lot or parcel.
2. For a wildlife conservation plan dwelling approval based upon nonfarm dwelling criteria, DCC 18.16.050(I) shall also apply. Unless prior to approval of a conditional use permit for a wildlife conservation plan dwelling the applicant submits to the assessor certification demonstrating approval by Oregon Department of Fish and Wildlife of a wildlife conservation and management plan and its implementation, the conditional use permit shall contain a condition requiring that the applicant, prior to issuance of a building permit for such dwelling, either 1) submit certification to the assessor from ODFW demonstrating approval and implementation of a wildlife

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conservation and management plan
qualifying under ORS 215.808 or 2) pay
the tax penalties required by DCC
18.16.050(G)(3).

(Ord. 2004-013 § 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)

EXHIBIT "C"

18.36.070. Fire siting standards for dwellings and structures.

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses), except as otherwise noted:

A. Access

1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.36.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.36.080.

B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

1. ~~Primary Firebreak.~~ ~~Prior to use, owners of dwellings and structures shall construct a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.~~
2. ~~Secondary Firebreak.~~ ~~Owners of the dwellings and structures shall construct a~~ A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
3. ~~Fuel Break.~~ ~~Owners of the dwellings and structures shall maintain a~~ A fuel break

shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.

4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.

C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.

D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.

E. Structural Standards.

1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.
2. If the dwelling or structure has a chimney, it shall have a spark arrester.

F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located

EXHIBIT "C"

upon a parcel for which fire protection services are available or where alternative protective measures are authorized by DCC 18.36.070(F).

1. For the purposes of DCC 18.36.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
 - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

(Ord. 2004-013 § 3, 2004; Ord. 2003-007 § 1, 2003; Ord. 94-038 § 1, 1994; Ord. 92-025 § 2, 1992)

EXHIBIT "D"

18.40.070. Fire siting standards for dwellings and structures.

The following fire siting standards shall apply to all new dwellings and permanent structures (including permitted uses):

A. Access.

1. If a water supply, such as a swimming pool, pond, stream or lake, is available and suitable for fire protection or is required under DCC 18.40.070, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall be constructed and maintained to accommodate the maneuvering of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. Road access to the dwelling or structure shall meet the road design standards described in DCC 18.40.080.

B. Firebreaks. The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:

1. Primary Firebreak. ~~Prior to use, owners of dwellings and structures shall construct~~ a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.
2. Secondary Firebreak. ~~Owners of the dwellings and structures shall construct~~ a secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.
3. Fuel Break. ~~Owners of the dwellings and structures shall maintain~~ a fuel break shall be maintained, extending a

minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.

4. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.

C. Caretaker residences and private accommodations for fishing shall not be located on hillsides steeper than 30 percent and containing flammable fuels. A single family dwelling shall not be sited on a slope greater than 40 percent.

D. The applicant for a single-family dwelling, caretaker residence or private accommodations for fishing shall obtain an address from the County address coordinator and shall display that number in a location of the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted in a contrasting or visible color and shall comply with all other applicable standards for signs.

E. Structural Standards.

1. All dwellings and structures shall use noncombustible or fire resistant roofing materials. This means roofing material identified as Class A, B or C in the Oregon Uniform Building Code. Roof sprinklers are not an acceptable alternative to this standard.
2. If the dwelling or structure has a chimney, it shall have a spark arrester.

F. Fire Protection. Single-family dwellings, caretaker residences and private accommodations for fishing shall be located upon a parcel for which fire protection

EXHIBIT "D"

services are available or where alternative protective measures are authorized by DCC 18.40.070(F).

1. For the purposes of DCC 18.40.070 fire protection services are available if the parcel is located within the boundaries of a fire protection district or residential fire protection service is provided by contract, as evidenced by a written, signed contract.
2. If the dwelling or structure is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included in the nearest such district.
3. If the parcel is not located within a fire protection district and it is determined, following application for inclusion within the nearest such district, that inclusion in the district would be impracticable, alternative means of fire protection shall be allowed, consistent with the following standards:
 - a. The dwelling or structure shall be equipped with a residential fire sprinkler system. For caretaker residences or single-family residences, such a sprinkler system shall be installed to the minimum requirements of NFPA 13D "Standards for the Installation of Sprinkler Systems in One and Two-Family Dwellings."
 - b. The dwelling shall have on-site water storage capability from a swimming pool, pond, lake, or similar water body of at least 4,000 gallons or a stream having a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use.

(Ord. 2004-013 § 4, 2004; Ord. 2003-007 § 2, 2003; Ord. 94-038 § 2, 1994; Ord. 92-025 § 3, 1992)

EXHIBIT "E"

18.56.140. Exemptions.

The following shall be exempt from the provisions of DCC 18.56:

- A. Uses in the SMIA Zone which are not within one-half mile of any identified resource in the SM Zone after all reclamation has occurred.
- B. Continuation and maintenance of a conforming or nonconforming use established prior to the effective date of Ordinance No. 90-014.
- C. The employment of land for farm or forest use.
- D. Additions to a dwelling noise-sensitive or dust-sensitive uses or structures existing on the effective date of Ordinance No. 90-014 or established or constructed in accordance with DCC Chapter 18.56 which are completely screened from the surface mining site by the existing ~~dwelling use or structure~~.

(Ord. 2004-013 § 5, 2004; Ord. 90-014 § 5, 1990; Ord. 86-053 § 12, 1986; Ord. 86-018 § 12, 1986; Ord. 85-002 § 8, 1985; Ord. 83-037 § 15, 1983)

EXHIBIT "F"

**Chapter 18.61. URBAN
UNINCORPORATED
COMMUNITY ZONE -
LA PINE**

18.61.010. Purpose.

18.61.020. Standards for all districts.

18.61.030. La Pine Planning Area.

18.61.040. Wickiup Junction Planning Area.

18.61.050. Neighborhood Planning Area.

18.61.010. Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone – La Pine is to provide standards and review procedures for the future development of the urban unincorporated community of La Pine. The La Pine UUC includes three separate planning areas, La Pine, Wickiup Junction and Neighborhood, each with its own zoning districts, with allowed uses and distinct regulations, as further set forth in DCC 18.61.

(Ord. 2000-015 § 2, 2000; Ord. 96-003 § 1, 1996)

18.61.020. Standards in all districts.

A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

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

1. All sewage disposal installations, such as septic tanks and septic drain fields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.

2. All structures, buildings and similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

C. Building Code Setbacks. 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.

D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.

E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10 providing outdoor lighting control.

(Ord. 2000-015 § 2, 2000; Ord. 96-003 § 1, 1996)

18.61.030. La Pine Planning Area.

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

A. La Pine Residential District.

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

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

1. Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.
2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.

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- e. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - f. Class III road and street project.
 - g. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - h. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Multi-family dwelling with three or more units.
 - b. Park, playground and community building.
 - c. Utility facility, except landfill.
 - d. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
 - e. Home occupation.
 - f. Church.
 - g. School.
 - h. Manufactured home park.
 - i. Multi-family dwelling complex.
 - j. Cluster development.
 - k. Nursery school, kindergarten and day care facility.
 - l. Nursing home.
 - m. Public use.
 - n. Residential care facility for more than 15 people.
 - o. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Lot Sizes.
- a. Partitions:
 - 1. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - 2. Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 - 3. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.
 - b. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:
 - 1. All new lots shall be connected to a DEQ permitted community or municipal sewer system.
 - 2. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.
4. Dimensional Standards. The following dimensional standards shall apply:
- a. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
5. Yard and Setback Requirements.

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- a. Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- B. La Pine Commercial District.
1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Single-family dwelling on a lot existing on March 27, 1996.
 - b. Manufactured home, on a lot existing on March 27, 1996, subject to DCC 18.116.070.
 - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road and street project.
 - e. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Park, playground and community building.
 - b. Public use.
 - c. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 1. Retail store, office and service establishment.
 2. Residential use in the same building as a permitted use.
 3. Art studio in conjunction with retail sales.
 4. Medical clinic.
 5. Automobile service station.
 6. Car wash.
 7. Day care facility.
 8. Restaurant and cocktail lounge.
 9. Club and fraternal lodge.
 10. Automobile and trailer sales.
 11. Uses accessory to the uses identified in DCC 18.61.030.
 - d. Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).
 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review and DCC 18.128, Conditional Use:
 - a. Multi-family dwelling on a lot existing on March 27, 1996.
 - b. Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).
 - c. Manufactured home park and travel trailer park.
 - d. Church.
 - e. School.
 - f. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
 - g. Water supply and treatment facility.

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- h. Utility facility, except landfill.
 - i. Television and radio station with or without a transmitter tower.
 - j. Nursing home.
 - k. Residential care facility for more than 15 people.
 - l. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1. Veterinary clinic including enclosed kennel.
 - 2. Automobile repair garage.
 - 3. Commercial amusement and recreation establishment.
 - 4. Shopping complex subject to a master plan.
 - 5. Mini-storage facility.
 - 6. Uses accessory to the uses identified in DCC 18.61.030.
 - m. Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).
 - n. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
- a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

For the purposes of DCC 18.61.030, the surrounding rural area shall be that area identified in the map depicted as Figure 5

in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.

- 5. Lot Size and Dimensional Standards.
 - a. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
- 6. Yard and Setback Requirements.
 - a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line.
 - b. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

C. La Pine Industrial District.

- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Agricultural use as defined in DCC Title 18.
 - b. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

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- c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road or street project.
 - e. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
- a. Expansion of a valid use existing on December 5, 1994.
 - b. Public use compatible with industrial uses.
 - c. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
 - d. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - e. Light manufacturing, assembly, fabricating or packaging and wholesale distribution.
 - f. Cold storage plant, including storage and office.
 - g. Kennel or veterinary clinic operated entirely within an enclosed building.
 - h. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
 - i. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - j. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - k. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
 - l. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
 - m. Manufactured home sales and service.
 - n. Plant nursery and greenhouse.
3. Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Mini-storage facility.
 - b. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
 - c. Asphalt plant.
 - d. Lumber manufacturing and wood processing including pulp and paper manufacturing.
 - e. Electrical substation.
 - f. Concrete, asphalt and ready-mix plant.
 - g. Petroleum products storage and distribution.
 - h. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.
 - i. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
 - j. Railroad track, freight depot and related facilities.
 - k. Agricultural products storage and processing plant.
 - l. Transfer station.
 - m. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - n. Any use permitted by DCC 18.61.030(C)(2) that is expected to:
 - 1. Require lot coverage in excess of 70 percent;

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2. Require more than one acre of land; or
 3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
 - o. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.
 - p. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 4. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
 - a. Sewer and Water Requirements:
 1. New uses that require DEQ Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.
 2. Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.
 3. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.
 - b. Compatibility:
 1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
 - c. Traffic/Parking:
 1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be adjacent to a lot in a residential district.
2. A use expected to generate more than 30 truck trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
 3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
 4. Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones.
 5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
 6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.

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- served directly by an arterial or collector.
2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 3. All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.
 4. There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
- d. Requirements for Large Scale Uses. Any industrial use listed in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
 2. That such uses would not rely upon a work force served by uses within urban growth boundaries; and
 3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
- a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.
 - b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
 - c. Setbacks.
 1. The minimum building setback between a nonrailroad related structure and a street, road or railroad right of way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 2. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.
 3. The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.
 - d. Building Heights. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential

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district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.

- e. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- f. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- g. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

D. La Pine Business Park District.

- 1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Commercial use, as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.
- b. Industrial use, as defined in DCC 18.04, in a building or buildings not exceeding 20,000 square feet of floor space.

- 2. Conditional Uses Permitted. Notwithstanding the uses allowed under DCC 18.61.030(D)(1), the following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Mini-storage facility.
- b. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet

and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.

- c. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - d. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - e. Manufactured home sales and service.
 - f. Lumber manufacturing and wood processing.
 - g. Electrical substation.
 - h. Agricultural products storage and processing plant.
 - i. Any use permitted by DCC 18.61.030(D) that is expected to:
 - 1. Require lot coverage in excess of 70 percent;
 - 2. Require more than one acre of land; or
 - 3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
 - j. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- 3. Additional Requirements for Large Scale Uses. A commercial use in the Business Park District may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
 - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area, for the purposes of DCC 18.61.030(D), the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated

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- Community section of the Comprehensive Plan;
- b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
4. Use Limits. The following limitations and standards shall apply to all uses:
- a. Sewer and Water Requirements:
 1. New uses shall be required to connect to the La Pine Sewer Treatment Facility.
 2. New uses must be connected to a municipal, community or public water system.
 - b. Compatibility:
 1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
 2. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
 3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
 4. Storage, loading and parking areas for all uses shall be screened from residential zones.
 5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
 - c. Traffic/Parking
 1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
 2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 3. All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off-street.
 4. Parking may be allowed within the front yard building setback area except that no parking shall be allowed within 10 feet of any street.
 5. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
5. Additional Requirements. As a condition of approval of any use proposed, the

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- Planning Director or Hearings Body may require:
- a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.
 - b. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
 - c. Lot Coverage. A use permitted by DCC 18.61.030(D) which is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
7. Setbacks.
- a. Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 - b. Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.
 - c. Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.
 - d. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
8. Building Height. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.
- E. La Pine Sewer Treatment District.
1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
 2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use and DCC 18.16.040(A):
 - a. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.
 3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 4. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of

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the two side yards shall be a minimum of 15 feet.

- c. Rear Yard. The minimum rear yard shall be 20 feet.

F. La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Zone.

G. La Pine Community Facility District.

- 1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:

- a. Performing arts center.
- b. Swimming pool.
- c. Community center.
- d. Public use.
- e. School.
- f. Theater.

- 2. Yard and Setback Requirements.

- a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line. A parcel or lot with a front yard adjacent to zoned forest land shall have a minimum front yard of 100 feet.
- b. Side Yard. None required, except when abutting a lot in a Residential District in which case the side yard shall be the side yard required in the abutting Residential District. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- c. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to

zoned forest land shall have a minimum rear yard of 100 feet.

- 3. Dimensional Standards. The following dimensional standards shall apply:

- a. Lot Coverage. No requirements.
- b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

- 4. Lot Size.

- a. Lot Size. New lots shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
- b. Lot Coverage. No requirements.
- c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

- 5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:

- a. An increase in required setbacks.
- b. Additional off-street parking and loading facilities.
- c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
- d. Additional landscaping, screening and other improvements.

H. La Pine Community Facility Limited District.

- 1. Uses Permitted Outright.
 - a. Multi-use path.
- 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. School.
 - b. Park or playground.

(Ord. 2003-002 § 1, 2003; Ord. 2002-033 § 1, 2002; Ord. 2001-044 § 3, 2001; Ord. 2000-015 § 2, 2000; Ord. 97-063 § 3, 1997; Ord. 97-041 § 1, 1997; Ord. 97-017 § 4, 1997; Ord. 96-003 § 1, 1996)

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18.61.040 Wickiup Junction Planning Area.

The Wickiup Junction Planning Area is composed of one Commercial/Residential zoning district with its own set of allowed uses and regulations, as further set forth in DCC 18.61.040.

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

1. Single-family dwelling.
2. Manufactured home subject to DCC 18.116.070.
3. Two-family dwelling or duplex.
4. 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.
5. Class III road and street project.
6. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

1. Park, playground and community building.
2. Public Use.
3. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail store, office and service establishment.
 - b. Residential use in conjunction with a permitted use.
 - c. Art studio in conjunction with a permitted use.
 - d. Medical clinic.
 - e. Automobile service station.
 - f. Car wash.
 - g. Day care facility.
 - h. Restaurant and cocktail lounge.
 - i. Club and fraternal lodge.
 - j. Automobile and trailer sales.

- k. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(B)(3) housed in a building or buildings exceeding 8,000 square feet of floor space, but not greater than 12,000 square feet of floor space, subject to the provisions of DCC 18.61.040 (D).

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses:

1. Multi-family dwelling with three or more units.
2. Tourist and travelers' accommodations of up to 100 units, provided the use is served by a community sewer system as that term is defined in OAR 660-22-010 (2).
3. Manufactured home park.
4. Travel trailer park.
5. Cluster development.
6. Church.
7. School.
8. 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 DCC 18.128.270.
9. Water supply and treatment facility.
10. Utility facility, except landfill.
11. Television and radio station with or without a transmitter tower.
12. Nursing home.
13. Residential care facility for more than 15 people.
14. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Veterinary clinic including enclosed kennel.
 - b. Automobile repair garage.
 - c. Commercial amusement and recreation establishment.
 - e. Shopping complex subject to a master plan.
 - f. Mini-storage facility.

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- g. Uses accessory to the uses identified in DCC 18.61.040.
 - 15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(C)(14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).
 - 16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040—(B)(3)(m) (C)(14) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:
- a₁. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;
 - b₂. The use will primarily employ a work force from the community and surrounding rural area; and
 - e₃. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space but could locate the use in a building not exceeding 12,000 square feet of floor space.
- E. For the purposes of DCC 18.61.040, the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.
- F. Lot Size.
- 1. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 6,000 square feet. Maximum lot size for residential subdivisions shall be 15,000 square feet.
 - 2. New lots or parcels served by either an approved community, non-community, municipal or public water system shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 - 3. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewer system shall have a minimum width of 150 feet with a minimum are of one acre. In addition, an applicant shall demonstrate that:
 - a. The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval;
 - b. Residential subdivision will be served by either a municipal or community water system or a non-community public water system.
- G. Dimensional Standards. The following dimensional standards shall apply:
- 1. Lot Coverage. No requirements.
 - 2. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under DCC 18.120.040.
- H. Yards.
- 1. Front Yard. The front yard shall be no more than 20 feet, except as otherwise allowed by DCC 18.124.070(D)(2). All buildings shall be set at the front yard setback line.
 - 2. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - 3. Rear Yard. None required, except when a parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

(Ord. 2004-013 § 6, 2004; Ord. 2003-008 § 1, 2003; Ord. 2002-015 § 1, 2002; 2000-015 § 2, 2000; Ord. 97-063 § 3, 1997; Ord. 96-007 § 1, 1996)

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18.61.050. Neighborhood Planning Area.

- A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the La Pine UUC and is the "receiving area" for transferable development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as further set forth in DCC 18.61.050.
- B. Water and Wastewater Facilities. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.
- C. Residential General District. Purpose: The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.
1. Uses permitted outright.
 - a. Single-family dwelling, including a "Class A" manufactured home.
 - b. Duplex.
 - c. Accessory dwelling.
 - d. Multi-use path.
 - e. Open space.
 - f. Residential facility or residential home.
 - g. Home occupation that:
 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 2. Does not serve clients or customers on-site;
 3. Does not produce odor, dust, glare, flashing lights or noise;
 2. Does not occupy more than 25 percent of the floor area of the dwelling; and
 3. Does not include the on-premises display or sale of stock in trade.
 4. Does not have any outdoor storage of materials used in the home occupation.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
- a. Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.
 - b. Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
 - c. Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
 - d. Park or playground.
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Home occupation as defined in DCC 18.04.
4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.
5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential General District.
6. Residential Density. The residential density requirements in Tables 1 and 2 A

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shall apply to the Residential General District.

D. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.

1. Uses permitted outright.
 - a. Town home, duplex or triplex.
 - b. Accessory dwelling.
 - c. Live/work unit.
 - d. Multi-use path.
 - e. Open space.
 - g. Home occupation that:
 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 2. Does not serve clients or customers on-site;
 3. Does not produce odor, dust, glare, flashing lights or noise;
 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
 5. Does not include the on-premises display or sale of stock in trade; and,
 6. Does not have any outdoor storage of materials used in the home occupation.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Community center up to 4,000 square feet in floor area.
 - a. Neighborhood commercial building as defined in DCC 18.04.
 - b. Multi-family dwelling.
 - c. Bed and Breakfast Inn.
 - d. Church.

- e. Park or playground.
3. Conditional uses permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Single-family dwelling, including "Class A" manufactured home.
 - b. Residential facility or residential home.
 - c. Home occupation as defined in DCC 18.04.
4. Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.
5. Yard and setback requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.
6. Residential density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.

E. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.

1. Uses Permitted Outright.
 - a. Duplex, triplex or townhome.
 - b. Multi-use path.
 - c. Open space.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multi-family dwelling.
 - b. Continuing care retirement center.
 - c. Hospital.
 - d. Medical facility.
 - e. Assisted living, congregate care facility.

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

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5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Commercial District.
- H. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 and or 3 during Quadrant Plan approval process.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 2. Uses Subject to Provisions of DCC 18.61.050(H)(4).
 - a. Neighborhood Park.
 3. Conditional Uses. The following uses and their accessory uses are permitted subject to the development standards in DCC 18.61.050(H)(5) and the applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Regional Park.
 4. Neighborhood Park Development Standards.
 - a. Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.
 - b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.
 - c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.40.020. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(K)(J).
 - d. Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.
5. Regional Park Development Standards.
 - a. The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.
 - b. Size Standard. The Regional Park shall be between 10 and 25 acres in size.
 - c. The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.
 - d. If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center of a Neighborhood, it may replace the required Neighborhood Park.
 - e. Siting Standards.
 - i. The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.
 - ii. The Regional Park shall have direct access to a paved multi-use path.
- I. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains unpaved multi-use paths.
1. Perimeter Open Space Uses Permitted Outright.
 - e.a. Open space.
 - f.b. Multi-use path.
 2. Corridor Open Space Uses Permitted Outright.
 - a. Open space.
 - b. Multi-use path.

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- shall be required for an application for Quadrant 1c.
- h. A plan showing the zone boundaries for Neighborhood General and Neighborhood Center Districts.
 - i. A plan showing the proposed locations and dimensions of road rights-of-way.
 - j. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18.
 - k. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association. Notwithstanding DCC 23.40.020 (F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowners association shall be required with an application for a quadrant plan for Quadrant 1c.
4. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the Deschutes County Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a quadrant plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:
- a. The Quadrant Plan contains all of the elements required in DCC 18.61.050(J)(3).
 - b. The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC 23.40.020.
 - c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
 - d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.40.020. The proposed street design conforms to the standards in DCC Title 17, Table 2 for the La Pine Neighborhood Planning Area. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under DCC Title 17.
 - e. The paved and unpaved multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 3.40.020.
 - f. The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.40.020 and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.40.020.
 - g. The Zoning Plan conforms to the following performance standards:
 1. Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are

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- approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
2. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
 3. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
 4. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights of way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
 5. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
 6. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.40.020, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.
 7. Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:
 - i. Minimum 200 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
 - ii. Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
 - iii. Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
 - iv. Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
 8. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:
(Ord. 2004-013 § 6, 2004; Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015 § 2, 2000)

EXHIBIT "F"

TABLE 1. La Pine Neighborhood Planning Area Density Standards

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

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

EXHIBIT "F"

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
LOT SIZE Single-family					
NEIGHBORHOOD 1					
Maximum square feet	7,000	4,500	N/A	N/A	N/A
Minimum square feet	4,000	2,400	N/A	N/A	N/A
NEIGHBORHOOD 2					
Maximum square feet	15,000	7,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
LOT SIZE Townhome					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
LOT SIZE Duplex Triplex					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
LOT SIZE Multi-family					
Maximum square feet	no maximum	no maximum	no maximum	N/A	N/A
Minimum square feet	15,000	10,000	10,000	N/A	N/A
LOT SIZE Other uses					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	none	none	7,000
LOT WIDTH					
Minimum (feet)	50' for detached dwellings 24' for attached townhome	40' for detached dwellings 35' for detached zero lot line development 24' for attached townhome	50	50	50
LOT DEPTH					
Minimum (feet)	100	100	150	150	150
RESIDENTIAL DENSITY (per gross acre) (1)					
NEIGHBORHOOD 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
NEIGHBORHOODS 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
SETBACKS					
Primary Building					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min.	5' min. or 0 lot line	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
Side at corner (2)	10 feet	5' or 0 lot line	5 feet	5 feet	5 feet
Rear	10 feet	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5 feet

EXHIBIT "F"

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

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

NOTES:

- (1) Gross acres, excluding collector street right of way
 - (2) Must met clear vision requirements of DCC 18.116.020
 - (3) The block requirements not applicable to review and approval of quadrant plans.
- (Ord. 2004-013 § 6, 2004; Ordinance 2004-06 § 2, 2004; Ord. 2003-077 § 1, 2003; Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015 § 2, 2000)

EXHIBIT "G"

18.67.040. Commercial (TuC) district.

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

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

1. Single-family dwelling or duplex.
2. Manufactured home subject to DCC 18.116.070.
3. Type 1 Home Occupation, subject to DCC 18.116.280.
4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
5. Class III road or street project.
6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted, Subject to Site Plan Review.

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

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

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

1. Church.
2. Bed and breakfast inn.
3. Child care center.

4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 5. Park.
 6. Public or semi-public building.
 7. Utility facility.
 8. Water supply or treatment facility.
 9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
 10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
 - a. Farm equipment, sales, service or repair.
 - b. Trailer sales, service or repair.
 - c. Vehicle service or repair.
 - d. Veterinary clinic.
 11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
 - a. Manufacturing or production.
 - b. Wholesale sales.
 12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).
1. Compatibility.
 - a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel

EXHIBIT "G"

- adjacent to or across a local or collector street from a lot or parcel in a residential district.
2. Traffic and Parking.
 - a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
 - b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.
- E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
 - a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
 2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
 3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.
- F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.
1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.
 2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.
- G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.
- H. Dimensional Standards.
1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
 2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.
- I. Yard Standards.
1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 ~~(C)(D)(3)(b)~~.

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
 2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
 3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
 4. Exceptions to Yard Standards.

EXHIBIT "G"

- a. Lot line adjacent to a residential zone.

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

- b. Lot line adjacent to an EFU zone.

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

(Ord. 2004-013 § 7, 2004; Ord. 2004-002 § 19, 2004; Ord. 2001-039 § 8, 2001; Ord. 2001-016 § 2, 2001; Ord. 2000-033 § 11, 2000; Ord. 97-063 § 3, 1997; Ord. 97-033 § 2, 1997)

EXHIBIT "H"

18.76.080. Aviation Support District (ASD).

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Runway, taxiway, service road, fuel storage and sales and emergency repair.
 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 3. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Restaurant, which may include a bar or cocktail lounge as an accessory use. One restaurant per airport. Restaurant, including any accessory use, to be 2,500 square feet or less in size.
 2. Airport or aviation-related ~~industrial~~ businesses that benefit from an on-airport location.

(Ord. 2004-013 § 8, 2004; Ord. 2003-036 § 2, 2003)

EXHIBIT "I"

18.88.020. Application of provisions.

The provisions of DCC 18.88.020 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. Unincorporated communities are exempt from the provisions of DCC 18.88.

(Ord. 2004-013 § 9, 2004; Ord. 96-003 § 6, 1996; Ord. 92-042 § 1, 1992)

EXHIBIT "J"

**Chapter 18.100. RURAL INDUSTRIAL
ZONE - R-I**

- 18.100.010. Uses permitted outright.**
- 18.100.020. Conditional uses.**
- 18.100.030. Use limitations.**
- 18.100.040. Dimensional standards.**
- 18.100.050. Off-street parking and loading.**
- 18.100.060. Site design.**
- 18.100.070. Additional requirements.**
- 18.100.080. Solar setback.**

18.100.010. Uses permitted outright.

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision or a residential zone.

- A. Farming or forest use.
- B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
 - 1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
 - 2. Ornamental horticultural products and nurseries.
 - 3. Softwood and hardwood products excluding pulp and paper manufacturing.
 - 4. Sand, gravel, clay and other mineral products.
- C. Residence for caretaker or night watchman on property.
- D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
- E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
- F. Ice or cold storage plant.

- G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
- H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
- I. Kennel or a Veterinary clinic.
- J. Lumber manufacturing and wood processing except pulp and paper manufacturing.
- K. 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.
- L. Class III road or street project.
- M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

(Ord. 2002-126, § 1, 2002; Ord. 2001-039 § 12, 2001; Ord. 2001-016 § 2, 2001; Ord. 93-043 § 16, 1993; Ord. 91-038 § 1, 1991)

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.

EXHIBIT "J"

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.

(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 030 020 shall be accommodated on the applicant's premises entirely off-street.

F. No use permitted by DCC 18.100.020-010 or 030-020 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 030 020 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 or 030 shall be screened from adjoining residential uses by a sight-obscuring fence.

EXHIBIT "J"

- 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. 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 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 D.

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

18.100.050. Off-street parking and loading.

Off-street parking and loading shall be provided subject to the provisions of DCC 18.100.070 and DCC 18.116.

(Ord. 91-020 § 1, 1991)

18.100.060. Site design.

All uses except farm, forest and residential uses are subject to the provisions of DCC 18.124, Site Plan Review.

(Ord. 2002-126, § 1, 2002; Ord. 91-020 § 1, 1991)

18.100.70. 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.

EXHIBIT "J"

- 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. 91-020 § 1, 1991)

18.100.080. Solar setback.

The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

(Ord. 91-020 § 1, 1991; Ord. 83-037 § 20, 1983)

(Zoning Map amended by Ord. 95-016 § 1, 1995;
Ord. 94-011 § 1, 1994)

EXHIBIT "K"

18.108.030. Single Family Residential - RS District.

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

1. Single-family dwelling, ~~including one private garage for each dwelling unit.~~
2. Recreational path.

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

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

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

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

1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.

4. Front Yard. The front yard shall be a minimum of 20 feet.

5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.

6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.

7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

(Ord. 2004-013 § 11, 2004; Ord. 98-035 § 2, 1998; Ord. 97-078 § 2, 1997)

EXHIBIT "L"

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.
- 18.116.040. 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 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.

18.116.010. Authorization of similar uses.

- A. The purpose of DCC 18.116.010 is to, consistent with provisions of state law, provide for land uses not specifically listed in any zone, but which are similar in character, scale, impact and performance to a permitted or conditional use specified in a particular zone.
- B. Review Criteria. A similar use may be authorized by the Planning Director or Hearings Body provided that the applicant establishes that the proposed use meets the following criteria:
 - 1. The use is not listed specifically in any zone;
 - 2. The use is similar in character, scale, impact and performance to one or more of the permitted or conditional uses listed for the zone in which it is proposed; and
 - 3. The use is consistent with any applicable requirements of state law with respect to what uses may be allowed in the particular zone in question.

Any similar use authorized by the Planning Director or Hearings Body shall conform to the applicable standards and requirements of the zone in which it is located, including any requirements for conditional use review set forth in DCC 18.128.

- C. Procedure:
 - 1. A property owner may initiate a request for authorization of a similar use by filing an application with the Planning Division on forms prescribed by the division.
 - 2. The Planning Director or Hearings Body shall consider a request for authorization of a similar use under the requirements of Title 22, the Deschutes County Uniform Development Procedures Ordinance.
- (Ord. 91-038 § 3, 1991)

18.116.020. Clear vision areas.

- A. In all zones, a clear vision area shall be maintained on the corners of all property at

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the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.

B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B)(1) and (2). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the County:

1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.
2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

Right of way Width	Clear vision
80 feet or more	20 feet
60 feet	30 feet
50 feet and less	40 feet

(Ord. 91-020 § 1, 1991)

18.116.030. Off-street parking and loading.

A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property

for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.

B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 5,000	0
5,000-30,000	1
30,000-100,000	2
100,000 and Over	3

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.
4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

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5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.

D. Number of Spaces Required. Off-street parking shall be provided as follows:

1. Residential.

Use	Requirements
One, two and three family dwellings	2 spaces per dwelling unit
Multi-family dwelling containing four or more dwelling units: Studio or efficiency unit	0.75 space per unit
1 bedroom	1.00 space per unit
2 bedroom	1.50 space per unit
3 bedroom	2.25 space per unit
4 bedroom	2.50 space per unit
Apartment/hotel, rooming or boarding house	0.50 space guest parking per dwelling unit
Quad or quint dwelling	4.50 spaces per quad and 5.50 spaces per quint

2. Commercial Residential.

Use	Requirements
Hotel	1 space per guest room plus 1 space per 2 employees.
Motel	1 space per guest room or suite plus 1 additional space for the owner-manager
Club or lodge	Spaces to meet the combined requirements of the uses being

	conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory	1 space for each 6 student beds

3. Institutions.

Use	Requirements
Welfare or correctional institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, nursing hospital, sanitarium, rest home, home for the aged	1 space per 2 beds for patients or residents
Hospital	1.50 spaces per bed

4. Places Of Public Assembly.

Use	Requirements
Church	1 space per 4 seats or 8 feet of bench length in the main auditorium or 1 space for each 50 sq. ft. of floor area used for assembly
Library, reading room, museum, art gallery	1 space per 400 sq. ft. of floor area plus 1 space per 2 employees
Preschool, nursery or kindergarten	2 spaces per teacher
Elementary or junior high schools	1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater, plus 1 space per employee.
High schools	1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater, plus 1 space per employee
College or commercial school for adults	1 space per 3 seats in classrooms
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor space.

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5. Commercial Amusements.

Use	Requirements
Stadium, arena or theater	1 space per 4 seats or 8 feet of bench length
Bowling alley	6 spaces per lane, plus 1 space per 2 employees
Dance hall or skating rink	1 space per 100 sq. ft. of floor area, plus 1 space per 2 employees.

6. Commercial.

Use	Requirements
Grocery stores of 1,500 sq. ft. or less of gross floor area, and retail stores, except those selling bulky merchandise	1 space per 300 sq. ft. of gross floor areas
Supermarkets, grocery stores	1 space per 200 sq. ft. of gross floor area
Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 sq. ft. of gross floor area
Bank or office, except medical or dental	1 space per 300 sq. ft. of gross floor area
Medical and dental office or clinic	1 space per 150 sq. ft. of gross floor area
Eating or drinking establishments	1 space per 100 sq. ft. of gross floor area.
Mortuaries	1 space per 4 seats or 8 ft. of bench length in chapels

7. Industrial.

Use	Requirements
Manufacturing establishment	1 space per employee on the largest working shift
Storage warehouse, wholesale	1 space per 2,000 sq. ft. of floor area

establishment, rail or trucking freight terminal	
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8. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.

E. General Provisions. Off-Street Parking.

1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
3. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
4. Use of Parking Facilities. Required parking space shall be available for the

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parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.

5. Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the LaPine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.
6. On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
 - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
 - b. Diagonal parking (60 degree), each with 11 feet of curb;
 - c. Perpendicular parking (90 degree), each with 10 feet of curb;
 - d. Curb space must be connected to the lot that contains the use;
 - e. Parking spaces that would not obstruct a required clear vision area,

nor any other parking that violates any law or street standard; and

- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

1. Except for parking to serve residential uses, An off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.
3. Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.
4. Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:
 - a. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
 - b. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or

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- c. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.
- ~~5. Except for parking to serve residential uses, parking and loading areas adjacent to residential uses shall be designed to minimize disturbance of residents.~~
65. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
76. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
87. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.
98. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.
- G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:
(SEE TABLE 1 AT END OF CHAPTER 18.116)
1. For one row of stalls use "C" + "D" as minimum bay width.
 2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.
 3. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.
 4. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.
- (Ord. 2004-013 § 12, 2004; Ord. 2003-005 § 2, 2003; Ord. 2002-015 § 2, 2002; Ord. 2001-044 § 4, 2001; Ord. 97-078 § 6, 1997; Ord. 96-003 § 7, 1996; Ord. 93-063 § 2, 1993; Ord. 93-043 § 19, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 90-017 § 1, 1990)
- 18.116.031. Bicycle parking.**
New development and any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.
- A. Number and Type of Bicycle Parking Spaces Required.
1. General Minimum Standard. All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces. Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.
 2. Special Minimum Standards.
 - a. Multi-Family Residences. Every residential use of four or more dwelling units shall provide at least one bicycle parking space for each

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- unit. In those instances in which the residential complex has no garage, required spaces shall be sheltered.
- b. **Parking Lots.** All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
 - c. **Schools.** Secondary schools, both public and private, shall provide one bicycle parking space for every 10 students, all of which shall be sheltered.
 - d. **Colleges.** One-half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.
3. **Trade Off with Motor Vehicle Parking Spaces.**
 - a. One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking. Any deleted motor vehicle space shall be replaced with at least five bicycle spaces. If such additional parking is to be located in the area of the deleted automobile parking space, it must meet all other bicycle parking standards.
 - b. The Hearings Body or Planning Director may authorize additional bicycle parking in exchange for required motor vehicle parking in areas of demonstrated, anticipated, or desired high bicycle use.
 4. **Calculating number of bicycle spaces.**
 - a. Fractional spaces shall be rounded up to the next whole space.
 - b. For facilities with multiple uses (such as a commercial center) bicycle-parking requirements shall be calculated by using the total number of motor vehicle spaces required for the entire development.
- B. Bicycle Parking Design.**
1. **General Description.**
 - a. **Sheltered Parking.** Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.
 - b. Unsheltered parking may be provided by bicycle racks.
 2. **Location.**
 - a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space. Bicycle parking shall be located in areas of greatest use and convenience to bicyclist. Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.
 - b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.
 - c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.
 3. **Dimensional Standards.**
 - a. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
 - b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.

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- c. Each required bicycle parking space shall be accessible without moving another bicycle.
- 4. Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.
- 5. Security.
 - a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
 - b. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.
- 6. Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planning Director.

(Ord. 93-005 § 4, 1993)

18.116.035. Bicycle commuter facilities.

- A. Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.
- B. This provision shall apply to (1) new development requiring off-street parking and

(2) any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.

(Ord. 93-005 § 5, 1993)

18.116.040. Accessory uses.

An accessory use shall comply with all requirements for a principal use, except as DCC Title 18 specifically allows to the contrary, and shall comply with the following limitations:

- A. The primary use of the property must be established or applied for prior to issuance of any building or land use permits for an accessory structures.
 - 1. Exception:
 - a. Building permit for a ramada or carport may be issued without establishment or application of primary use if all other criteria for issuance are met.
 - b. Land use, building or environmental health permits or extensions of such permits sought to correct existing code violations for the subject property shall be issued if all other criteria for issuance are met.
 - c. A building permit for an accessory structure or structures not exceeding a combined total of 2,000 square feet in size, with no windows, with only one floor, an operable garage door, no plumbing or stack vents through the roof or walls and not requiring plumbing or mechanical permits.
- B. A side yard or rear yard may be reduced to five feet for an accessory structure erected more than 65 feet from a front lot line, provided the structure is detached from other buildings by five feet or more and does not exceed a height of one story nor an area of 450 square feet.
- C. Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone provided that:

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1. In a residential zone, parking or storage in a front yard or in a side yard adjoining a street other than an alley shall be permitted only on a driveway.
 2. Parking or storage shall be at least three feet from an interior side lot line.
- D. A manufactured home may be stored on an individual lot subject to obtaining a zoning approval from the Planning Division and subject to the following:
1. Storage period shall not exceed one year.
 2. No utilities other than electric may be connected.
 3. The mobile home shall not be inhabited.
 4. The subject lot is not located in a CH, Conventional Housing Combining Zone.
- (Ord. 96-057 § 1, 1996; Ord. 95-077 § 1, 1995; Ord. 95-075 § 1, 1995; Ord. 91-038 § 1, 1991)

18.116.050. Manufactured homes.

Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into the following types:

A. A Class A manufactured home shall:

1. Have more than 1,000 square feet of occupied space in a double section or larger multi-section unit;
2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
3. Have wheels, axles and hitch mechanisms removed;
4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications;
5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
6. Have roofing materials of a type customarily used on site constructed residences, including wood shakes or shingles, asphalt or fiberglass shingles, corrugated mat finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass

panels. The roof pitch shall be a minimum of two over 12; and

7. Have siding materials of a type customarily used on site-constructed residences such as clapboard, horizontal vinyl or aluminum lap-siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.

B. A Class B manufactured home shall:

1. Have at least 750 square feet of occupied space in a single, double, expand or multi-section unit;
2. Be placed on a foundation, as specified by the manufacturer. Skirting shall be required;
3. Have wheels, axles and hitch mechanisms removed;
4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications;
5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
6. Have roofing materials of a type customarily used on site constructed residences, including wood shakes or shingles, asphalt or fiberglass shingles, corrugated matte finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and
7. Have siding materials of a type customarily used on site constructed residences such as clapboard, horizontal vinyl or aluminum lap siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.

C. A Class C manufactured home shall:

1. Have at least 576 square feet of occupied space, excluding tipouts and hitches;

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2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
3. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976, or bear the Oregon Department of Commerce "Insignia of Compliance"; and
4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications.

D. A Class D manufactured home shall:

1. Have more than 320 square feet of occupied space;
2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required; and
3. Have utilities connected subject to requirements of the Building Codes Agency and manufacturer's specifications.

(Ord. 2004-013 § 12, 2004; Ord. 2001-013 § 1, 2001; Ord. 2000-033 § 7, 2000; Ord. 93-043 §§ 19B-E, 1993; Ord. 91-038 § 4, 1991; Ord. 91-017 §§ 1-3 and 4, 1991; Ord. 91-005 §§ 38-40 and 41, 1991; Ord. 89-004 §§ 3 and 5, 1989; Ord. 81-042 § 1-3 and 4, 1981)

18.116.070. Placement standards for manufactured homes.

A. As defined in DCC 18.116.050, Class A and B manufactured homes shall be permitted as follows, subject to the requirements of the underlying zone:

1. In the following zones, except where there is a Conventional Housing Overlay Zone (CH): Any EFU zone, MUA-10, F-1, F-2, RR-10, any area zoned as an unincorporated community (as that term is defined herein), RSR-M, RSR-5, and FP as the primary dwelling, and R-I and SM as a caretaker's residence.
2. In manufactured home parks and subdivisions.
3. As permitted in DCC 18.116.080 and 18.116.090.

4. Class A and B manufactured homes are not permitted in any historic district or on any historic site.

B. Class C manufactured homes shall be permitted as follows:

1. Except as otherwise allowed in DCC 18.116.070, on parcels 10 acres in size or larger.
2. As a secondary accessory farm dwelling.
3. In manufactured home parks and manufactured home subdivisions.
4. As permitted in DCC 18.116.080 and 18.116.090.
5. As a replacement to an existing nonconforming manufactured home destroyed by fire or other natural act, or as an upgrade to an existing manufactured home.
6. In the following subdivisions: Rockview II, Tetherow Crossing, Chaparral Estates, Crystal Acres, Hidden Valley Mobile Estates, Johnson Acres, Seven Peaks, Sun Mountain Ranches, Deschutes River Homesites Rimrock Addition, Happy Acres, Rancho El Sereno, Whispering Pines, Bend Cascade View Estates, Raintree, Holmes Acres, La Pine Meadows North, Pine Crest Ranchettes, Dora's Acres, Pierce Tracts, Roan Park, South Forty, Tomes, Crooked River Ranch, Dale Acres, Replat/Hillman, Lake Park Estates, Mary K. Falls Estates.
7. Class C manufactured homes are not permitted in any historic district or on any historic site.

C. An exception may be granted by the Planning Director or Hearings Body to allow a Class C manufactured home to be placed in a subdivision which is not listed in DCC 18.116.070(B)(6), where all of the following conditions exist:

1. The manufactured home is specifically designed or has been substantially modified for wheelchair or handicapped access (handicapped accessible manufactured home).
2. There are Class C manufactured homes in the subdivision located within

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one-quarter mile of the lot upon which the manufactured home will be placed.

3. The handicapped accessible manufactured home and lot upon which the manufactured home is to be placed were purchased by the applicant prior to February 22, 1989.

D. Class D manufactured homes shall be permitted as follows:

1. In manufactured home parks and subdivisions.
2. As permitted in DCC 18.116.080 and 18.116.090.
3. Class D manufactured homes are not permitted in any historic district or on any historic site.

(Ord. 2000-033 § 8, 2000; Ord. 96-003 § 8, 1996; Ord. 91-020 § 1, 1991; Ord. 91-005 §§ 42 and 43, 1991; Ord. 89-016 § 1, 1989; Ord. 89-014 § 1, 1989; Ord. 89-004 §§ 3 and 5, 1989; Ord. 81-042 § 5, 1981)

18.116.080. Manufactured home or RV as a temporary residence on an individual lot.

A manufactured home of any class or a recreational vehicle may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- A. The manufactured home or recreational vehicle shall be placed upon a lot for which a building permit for a housing unit has been obtained.
- B. The manufactured home or recreational vehicle shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
- C. Electric, water and sewer utility connections shall be made to the manufactured home or recreational vehicle.
- D. The manufactured home shall be removed from the lot not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the date of final building inspection of the housing unit,

whichever occurs first. The habitation of the recreational vehicle must cease, and its connection to all utilities other than electric must be discontinued not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever occurs first.

- E. All evidence that the manufactured home has been on the lot shall be removed within the 30 days following the removal of the manufactured home.

(Ord. 93-043 § 19F, 1993; Ord. 91-005 § 44, 1991; Ord. 89-004 § 4, 1989)

18.116.090. A manufactured home as a temporary residence for medical condition.

- A. A temporary use permit for a manufactured home of any class in a residential area may be granted when a medical condition exists which requires the temporary location of a manufactured home on the property in order to provide necessary care for a member of the principal occupant's family. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.
- B. The temporary use permit shall be reviewed annually for compliance with the terms of DCC 18.116.090.
- C. The manufactured home shall be removed not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist.

(Ord. 91-005 § 45, 1991; Ord. 89-004 § 5, 1989)

18.116.095. Recreational vehicle as a temporary residence on an individual lot.

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling and used as a temporary dwelling unit:
 1. For a period totaling not more than 30 days in any consecutive 60-day period

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without obtaining a land use permit from the Deschutes County Planning Division; or

2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.

B. All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.

C. A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on-site.

D. A recreational vehicle used as a temporary dwelling unit shall meet the same setbacks required of a permanent dwelling on the subject lot.

(Ord. 98-062 § 1, 1998; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.116.100. Building projections.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet into a required yard, provided that the projection is not closer than three feet to a property line.

(Ord. 91-038 § 4, 1991)

18.116.120. Fences.

A. Fences which form a solid barrier or are sight obstructive shall not exceed three and one-half feet in height when located in a required front yard or in a clear vision area.

B. Fences in Wildlife Area Combining Zones shall be designed in conformance with the requirements of DCC 18.88.

C. All fences shall comply with the requirements of the State of Oregon Building Code.

(Ord. 92-042 § 3, 1992; Ord. 91-038 § 1, 1991)

18.116.130. Hydroelectric facilities.

A. No new hydroelectric facilities shall be constructed, and no existing hydroelectric facilities shall be enlarged or expanded in size of area or generating capacity, on the following rivers and streams within Deschutes County:

1. Deschutes River, from its headwaters to River Mile 227, above, but not including Wickiup Dam, and from Wickiup Dam to River Mile 171 below Lava Island Falls;
2. Crooked River;
3. Fall River;
4. Little Deschutes River;
5. Spring River;
6. Paulina Creek;
7. Squaw Creek; and
8. Tumalo Creek.

B. Hydroelectric facilities are allowed as a conditional use on the Deschutes River at Wickiup Dam, and from River Mile 171 below Lava Island Falls downstream to the northern Deschutes County line. Such conditional use shall be governed by the conditions set forth in DCC 18.128.260.

(Ord. 86-018 § 17, 1986)

18.116.140. Electrical substations.

Electrical substations, whether as an outright or conditional use, shall submit a site plan complying with the provisions of DCC Title 18 to the Planning Department.

(Ord. 91-020 § 1, 1991)

18.116.150. Endangered species.

Developments which occur in areas which may disturb species (plant or animal) listed by the U.S. Environmental Protection Agency or the Department of Fish and Wildlife as endangered shall prepare an acceptable protection plan for use during and after construction (e.g., a nest protection plan for developments in the vicinity of Bald Eagle nesting sites).

(Ord. 91-020 § 1, 1991)

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18.116.160. Rimrock setbacks outside of LM combining zone.

All structures, including decks, within 50 feet from the edge of a rimrock, as defined in DCC 18.04.030, shall be subject to site review if visible from the river or stream. Prior to approval of any structure within 50 feet of a rimrock, the Planning Director or Hearings Body shall make the following findings:

- A. All structures, including decks, shall be set back a minimum of 20 feet from the edge of the rimrock.
- B. The height of the structure shall not exceed the setback from the edge of the rimrock.
- C. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
- D. Where multiple structures are proposed on a parcel of land the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the effected area. This shall require a maintenance of at least 65 percent open space along all rimrocks.

(Ord. 92-034 § 3, 1992; Ord. 91-020 § 1, 1991; Ord. 88-004 § 1, 1988; Ord. 86-053 § 21, 1986; Ord. 85-016 § 2, 1985; Ord. 82-013 § 2, 1982; Ord. 81-015 § 1, 1981)

18.116.170. Solar height restrictions.

No building, structure or nonexempt vegetation may exceed the solar height restriction established on a burdened property by the solar access of a benefited property.

(Ord. 83-037 § 25, 1983)

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 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 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

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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
 - i. 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;
 - ii. 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 zone 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.

(Ord. 2004-013 § 12, 2004; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 83-037 § 3, 1983)

18.116.190. Solar access permit.

- A. Purpose. The purpose of DCC 18.116.190 is to provide solar access to productive solar collectors by establishing limitations, on a case by case basis, for the growth of vegetation on certain lots in the vicinity of a productive solar collector.
- B. Application for Solar Access Permit.
 1. Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.
 2. The application for a solar access permit shall be on forms prescribed by the County and shall contain, at a minimum:
 - a. A legal description of the applicant's lot, including a statement that the applicant is the owner of the lot, and a description of the nature of the applicant's interest in the lot;
 - b. Documentation to show that the solar collector is or will be a productive solar collector within one year of application;
 - c. Descriptive drawings of the solar collector showing its dimensions and precise location;
 - d. A sun chart and a statement of the solar heating hours for which solar access is sought;
 - e. A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighboring lot;
 - f. A statement that trimming the vegetation on the applicant's lot will not permit an alternative location that would lessen the burden on a neighboring lot;
 - g. A list of the lots that are within 150 feet to the south, southeast, or

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- southwest of the solar collector, including streets, alleys and other unbuildable areas; a legal description for each such lot; the owner of record and his address; the exempt vegetation located on the lot; and any existing nonexempt vegetation likely to encroach on the protected area;
- h. A statement that none of the lots impacted is located on a north-facing slope with a grade that exceeds, on average, 15 percent; and
 - i. A plot plan showing the location of and delineating all exempt and nonexempt vegetation as shown on the sunchart photograph as well as any nonexempt vegetation not shown on the sunchart which may encroach on the protected area in the future. The plot plan shall also include:
 - i. The exact site of the solar collector, its height and its orientation.
 - ii. Scale.
 - iii. An indication of true north.
 - iv. A survey of the lot.
3. The solar access permit application shall be approved if:
- a. The solar collector is or will be a productive solar collector;
 - b. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under DCC 18.116.190(B)(3)(b) if the applicant could trim his own vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot. A solar access permit shall also be denied under DCC 18.116.190(B)(3)(b) if there is an alternate location that would impose a lesser burden on a neighboring lot or lots;
 - c. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21;
 - d. The solar access provided by the permit does not burden any lot with a north facing slope with a grade that exceeds, on average, 15 percent; or which is more than 150 feet from the solar collector; and
 - e. The application is accurate and complete.
- C. Solar Access Permit Issuance and Recordation.
1. Upon the approval of an application, the County shall issue and acknowledge a solar access permit creating the solar access requested in the application.
 2. Upon receiving such a permit, the County Clerk shall:
 - a. Record the solar access permit in the chain of title of the applicant's lot and of each neighboring lot identified in the application; and
 - b. Keep a copy of the approved application on file in County records.
 3. The form of the solar access permit shall be as prescribed by the County and shall contain, at a minimum:
 - a. A legal description of the applicant's lot and each neighboring lot to be burdened by the solar access created by the solar access permit; and
 - b. A complete description of the solar access restrictions applicable to each neighboring lot, including the solar heating hours during which solar access is provided, and a sun chart showing the plotted skyline, including vegetation and structures, and a scaled drawing showing the size and location of the protected area and its orientation with respect to true south; and
 - c. A reference to where the approved application may be obtained.
- D. Obligation Created by Solar Access Permit. The owner of any lot burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot that shades the

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protected area created by the solar access permit, provided that there is no vegetation on the lot benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot if the vegetation existed at the time of permit application as shown on the plot plan; and for all other vegetation, by the owner of the burdened lot. Before any trimming is required, the collector owner must certify that the collector is still productive.

E. Termination of Solar Access Permit.

1. The Planning Director or Hearings Body shall terminate the solar access permit with respect to all or part of the neighboring lots burdened by the solar access permit if a petition for termination is submitted by the applicant or the applicant's successor in interest, or the collector is not productive for 12 consecutive months.
2. The County Clerk shall record the termination of the solar access permit in the chain of title of each lot affected by the termination.

(Ord. 93-043 § 19G, 1993; Ord. 91-020 § 1, 1991; Ord. 83-037 § 3, 1983)

18.116.200. (Repealed by Ord. 98-062, 1998)

18.116.210. Residential homes and residential facilities.

- A. Residential homes and residential facilities shall be permitted in the same manner that single-family dwellings are permitted under DCC Title 18. For the purposes of DCC Title 18, the term "dwelling" or "single-family dwellings" shall be synonymous with the terms "residential home" or "residential facility."
- B. In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.

(Ord. 91-038 § 3, 1991)

18.116.215. Family childcare provider.

- A. A family childcare provider's home shall be considered a residential use of property, permitted in all areas zoned for residential and commercial purposes, including areas zoned for single-family dwellings.
- B. The family childcare provider's home is subject to the same restrictions imposed on any residential dwelling in the same residential or commercial zone.

(Ord. 97-003 §3, 1997)

18.116.220. Conservation easements on property adjacent to rivers and streams-prohibitions.

- A. As a condition of approval of all land use actions involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Paulina Creek, Squaw Creek and Tumalo Creek, the property owner shall convey to the County a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," affecting all property on the subject lot which is within 10 feet of the ordinary high water mark of the river or stream.
- B. The form of the conservation easement shall be as prescribed by the County and may contain such conditions as the County deems necessary to carry out the purposes described in DCC 18.04.030, "Conservation Easement."
- C. Any public access required as part of a conservation easement shall be subject to the following conditions:
 1. Public access shall be limited to foot traffic for recreational purposes and the putting in or taking out of boats.
 2. Unless otherwise permitted by the affected property owner, public access does not allow public passage through other private property to gain access to the property subject to the conservation easement.
 3. Unless otherwise permitted by state law, County ordinance or the property owner,

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no person on the subject property as a result of a public access requirement of a conservation easement shall deposit solid waste, damage or remove any property, (including wildlife and vegetation) maintain or ignite fires or fireworks, discharge firearms or camp.

(Ord. 91-020 § 1, 1991; Ord. 89-004 § 3, 1989; Ord. 86-054 § 2, 1986)

18.116.230. Standards for class I and II road projects.

Class I and II road or street projects shall be reviewed against the applicable Comprehensive Plan Transportation Plan element, shall be consistent with applicable road standards and shall meet the following criteria:

- A. Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.
 - B. Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).
 - C. Retention of scenic quality, including tree preservation.
 - D. Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.
 - E. In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.
 - F. Consideration of the potential developmental impact created by the facility.
 - G. Cost effectiveness.
- (Ord. 93-043 § 19H, 1993)

18.116.240. Protection of historic sites.

Historic sites listed and described on the County's Goal 5 inventory, contained in the Resource Element of the comprehensive plan, shall be protected or not protected in accordance with programs set forth in the ESEE determinations for each individual site, adopted as part of the

Resource Element of the comprehensive plan and any comprehensive plan policies specifically applicable to the site. The uses allowed and dimensional standards prescribed by the underlying zoning designations for designated historic sites are not otherwise affected by the historic designation.

(Ord. 94-030 § 1, 1994)

18.116.250. Wireless telecommunications facilities.

A. Tier 1 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize natural wood colors or muted tones from amongst colors approved by Ordinance 97-017, that utilize a radio equipment cabinet or shelter that is less than 120 square feet in area and less than 10 feet in height, and that meet the following standards are allowed outright in any zone other than the Exclusive Farm Use, the Surface Mining Zone, and the Forest Zones and shall not be subject to any other provision of the zone:

1. Facilities established by co-locating an additional set of antennas on an existing wireless telecommunications tower or monopole that do not exceed the County approved height of the tower or monopole, and do not add ground based equipment outside the existing lease area. Notwithstanding any provision of DCC 18.116.250(A), facilities established under DCC 18.116.250(A)(1) are permitted outright in any zoning district.
2. Facilities that make use of existing vertical structures, including but not limited to power or telephone utility poles or towers, parking lot or street lighting standards or flagpoles. For the purposes of DCC 18.116.250(A), a vertical structure is "existing" if it was constructed after receiving all required land use and/or building permits on or before November 12, 1997, the date of adoption of Ordinance 97-063. A pole location in a public right of way shall not be fenced. Antennas established on an existing vertical structure shall be

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installed so that they do not exceed the height of the existing vertical structure by more than 15 feet. New structures in this category are limited to equipment shelters that do not require a building permit. Walk-in equipment shelters shall be set back out of any road right of way at least 20 feet back from the pole location. Any necessary road right of way permits shall be obtained from the Deschutes County Road Department. Equipment cabinets shall be subject only to the road right of way setback requirements.

3. Facilities that are established by attaching or placing an antenna or set of antennas on an existing building not designated as an historic structure, where the antenna array does not exceed the height of the building by more than 15 feet. All equipment shall be stored inside a building. For the purpose of DCC 18.116.250(A), a building exists if it was constructed after receiving all required land use and/or building permits and was occupied on or before November 12, 1997, the date of adoption of Ordinance 97-063.
4. Facilities that include installation of a new wood monopole that does not exceed the height limit of the underlying zone, and does not exceed 45 feet in height. All equipment shall be stored in a building that has a roof area that does not exceed 120 square feet in area or 10 feet in height. The monopole, and any building, shall be set back from adjacent property lines according to the setbacks of the underlying zone. Any microwave dishes installed on the monopole shall not exceed a diameter of three feet. No more than two dishes shall be installed on a monopole or tower. The perimeter of a lease area for a facility established under DCC 18.116.250(A) shall be landscaped with shrubs eight feet in height and planted a maximum of 24 inches on center.

B. Tier 2 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize a wood monopole for supporting antennas and/or microwave dishes and that meet the criteria in DCC 18.116.250 are allowed outright, subject to site plan review under DCC 18.116.250(B) (and not DCC 18.124.060) in the following zones: La Pine Commercial District (LPCD), La Pine Industrial District (LPID), Rural Industrial (RI), Rural Service Center (RSC), Rural Service Center-Wickiup Junction (RSC-WJ), Terrebonne Commercial District (TeC), and Tumalo Commercial District (TuC). Lattice towers or metal monopoles are not permitted with a Tier 2 facility.

1. An application for site plan review for a Tier 2 wireless telecommunications facility shall meet the following criteria:
 - a. Maximum Monopole Height. In the LPCD, LPID, RSC, RSC-WJ, TeC, and TuC zones, the maximum height of a monopole that supports antennas and/or microwave dishes for a wireless telecommunications facility shall be 60 feet from finished grade. In the RI Zone, the maximum height of a monopole that supports antennas and/or microwave dishes for a wireless telecommunications facility shall be 75 feet from finished grade.
 - b. Setbacks. All equipment shelters shall be set back from property lines according to the required setbacks of the underlying zone. A monopole shall be set back from any adjacent dwelling a distance equal to the height of the monopole from finished grade, or according to the setbacks of the underlying zone, whichever is greater.
 - c. Shelters. Any equipment shelter shall be finished with natural aggregate materials or from colors approved with Ordinance 97-017.
 - d. Landscaping. The perimeter of a lease area shall be landscaped with plant materials appropriate for its

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location. The lessee shall continuously maintain all installed landscaping and any existing landscaping used to screen a facility.

- e. Cabinets. Any equipment cabinets shall be finished with colors from amongst those colors approved with Ordinance 97-063. Such colors shall be non-reflective and neutral.
- f. Fences. A sight obscuring fence, as defined by DCC Title 18, shall be installed around the perimeter of the lease area. The sight obscuring fence shall surround the monopole and the equipment shelter.

C. Tier 3 Facilities. Wireless telecommunications facilities (or their equivalent uses described in the EFU, Forest, and SM Zones) not qualifying as either a Tier 1 or 2 facility may be approved in all zones, subject to the applicable criteria set forth in DCC 18.128.330 and 18.128.340.

1. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 shall be submitted to the County in writing and accompanied by a site plan and proposed schematics of the facility. If the County can issue a written determination without exercising discretion or by making a land use decision as defined under ORS 197.015(10), the County shall respond to the request in writing.
2. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 that involves exercising discretion or making a land use decision shall be submitted and acted upon as a request for a declaratory ruling under DCC 22.40.

(Ord. 2000-19 § 1, 2000; Ord. 97-063 § 1, 1997; Ord. 97-017 § 7, 1997)

18.116.260. Rock crushing outside the SM zone.

- A. The following standards apply to all on-site rock crushing activity outside the SM zone:
 1. The subject property has received site plan, tentative plat or final plat approval for the construction or maintenance activity for which on-site rock crushing occurs;
 2. Rock crushing equipment has a valid Oregon Department of Environmental Quality air contaminant discharge permit;
 3. The volume of material excavated on-site does not exceed the amount necessary to complete on-site construction and maintenance;
 4. Rock crushing equipment and all activity directly associated with crushing such as truck traffic is located at least 500 feet from the nearest noise-sensitive or dust-sensitive use or structure, unless an exception to this standard is allowed pursuant to DCC 18.116.260(F);
 5. No off-site material is brought on site for crushing;
 6. Rock crushing equipment is removed from the site within 30 days of completing the crushing activity; and
 7. Excavated and crushed material not used for on-site construction or landscaping is removed from the site prior to occupancy, where a site plan is approved, or within 60 days of completing all road, utility or other improvements where a tentative or final plat is approved.
- B. On-site rock crushing for on-site construction and maintenance is permitted outright in any zone, except Flood Plain (FP), or in any combining zone, except Wildlife Area (WA), Landscape Management (LM), or Sensitive Bird And Mammal Habitat (SBMH), if the requirements of DCC 18.116.260(A) and the following standards are met:
 1. Rock crushing activity, including set up and crushing, occurs for no more than 60 consecutive days on a site within any one-year period;

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2. Rock crushing occurs Monday through Friday, between 7:00 a.m. and 5:00 p.m., and not on legal holidays; and
 3. Water is available on-site to provide dust control.
- C. Except for the activity allowed outright as set forth under DCC 18.116.260(B), a temporary use permit for rock crushing for on-site construction and maintenance may be permitted in any zone or combining zone subject to approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.260(D).
- D. Use limitations. On-site rock crushing provided for in DCC 18.116.260(C) may be approved upon satisfaction of the requirements in DCC 18.166.260(A) and the following:
1. The site under consideration is suitable for rock crushing and rock crushing is compatible with the existing uses within 500 feet of the rock crushing equipment, based upon the proposed duration of use of the equipment and the natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values;
 2. An engineer registered in Oregon verifies in writing that the operation of the rock crushing equipment will meet applicable DEQ noise standards; and
 3. Sufficient water is available on-site to provide approved methods of dust control.
- E. Application requirements. An application for a temporary use permit for on-site rock crushing shall contain the following:
1. A detailed explanation of the proposed construction and rock crushing activities, including the duration and operating characteristics of rock crushing;
 2. A map drawn to scale showing the location of property boundaries, setbacks to the rock crushing activity and any topographic features in the immediate vicinity of the proposed rock crusher;
 3. A written explanation describing how each of the requirements in DCC 18.116.260(D) will be met; and
 4. Any additional information which will assist in the evaluation of the proposed rock crushing.
- F. Setback exceptions. An exception to the setback requirement in DCC 18.116.260(A) shall be allowed pursuant to a notarized written agreement for a lesser setback made between the owner of the noise sensitive or dust-sensitive use or structure located within 500 feet of the proposed rock crushing activity and the owner or operator of the rock crusher.
- (Ord. 97-006 § 2, 1997)
- 18.116.270. Conducting filming activities in all zones.**
- Any use of land or activity involving on-site filming and accessory and supporting activities as those terms are defined in DCC 18.116.270 shall be governed by the provisions of DCC 18.116.270 and shall govern in any conflict with other provisions of DCC Title 18 or DCC Title 22.
- A. On-site filming and activities accessory to on-site filming are permitted outright in any zone or combining zone of the County if:
1. The activity would involve no more than 45 days on any site within any one-year period; or
 2. The activity does not involve erection of sets that remain in place for filming longer than any 45-day period and does not involve fill and removal activities regulated by DCC Title 18, involve activities within a sensitive habitat area governed by DCC 18.90 or involve activities, improvements or structures covered by DCC 18.96; and
 3. All evidence of filming activity and sets is removed from the site and the site is restored to its previous condition within 15 days after the filming is complete.
- B. Except for the activities allowed outright as set forth under DCC 18.116.270(A), on-site filming and activities accessory to and/or

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supporting on-site filming may be conducted in any zone or combining zone subject to the approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.270(C). For the purposes of DCC 18.116.270(B) only, "support activities" shall include office administrative functions such as payroll and scheduling; the use of campers, truck trailers and similar temporary facilities; and temporary facilities used for housing of security personnel.

C. Use Limitations. Any use of land or activity involving on-site filming and activities accessory to and/or supporting on-site filming provided for under DCC 18.116.270(B) may be approved upon satisfaction of the following criteria:

1. General Limitations.

a. The site under consideration is suitable for the proposed filming or accessory activity based upon the following factors:

- i. The design, operating characteristics and duration of the use;
- ii. Adequacy of transportation access to the site; and
- iii. The natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values.

b. The proposed use will be compatible with the existing uses on surrounding properties based upon the factors listed in DCC 18.116.270(C)(1)(a)(i), (ii) and (iii).

2. Special Limitations. In addition to the general limitations set forth under DCC 18.116.270(C)(1)(a) and (b), the following additional special limitations shall be applied, where applicable:

a. Filming and accessory or supporting activities proposed for a site designated as exclusive farm use by the zoning ordinance shall be subject to applicable provisions of ORS 215.296.

b. Filming and accessory or supporting activities involving structures or improvements regulated under DCC 18.96 (flood plain zone) shall be subject to the applicable provisions of DCC 18.96 unless the Federal Emergency Management Agency authorizes a waiver of the provisions of DCC 18.96.

c. Filming and accessory or supporting activities necessitating fill or removal activities shall comply with the applicable provisions of DCC 18.128.270, except that no conservation agreement shall be required where the fill is associated with a temporary structure or improvement and such fill would be removed along with the temporary structure or improvement under a fill and removal permit required by the County.

d. Filming and accessory or supporting activities shall not be allowed in any sensitive habitat area designated under DCC 18.90 during the nesting period identified in the ESEE for each site.

3. At the completion of filming, any structure or improvement for which land use approval would otherwise be required shall obtain the required approvals or the structure or improvement shall be removed. The County may require the applicant to post a bond in an amount sufficient to cover the cost of removal for any such structure or improvement.

4. The standards of DCC 18.116.270(B) may be met by the imposition of conditions calculated to ensure that this standard will be met.

D. Procedures for review. All applications subject to DCC 18.116.270 shall be processed in accordance with DCC Title 22 with the exception that the Board of County Commissioners shall be the initial hearings body.

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E. Definitions.

1. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" means:
 - a. Filming and site preparation, construction of sets, staging, make-up and support services customarily provided for on site filming.
 - b. Production of advertisements, documentaries, feature films, television series and other film productions that rely on the qualities of the zone in which the filming is to be located in more than an incidental way.
2. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" do not include:
 - a. Facilities for marketing, editing and other such activities that are allowed only as a home occupation; or
 - b. Construction of new structures that require a building permit.

(Ord. 97-007 § 1, 1997)

18.116.280. Home Occupations.

A. Uses Permitted Outright.

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

flashing lights or noise that are detectable off-site, and;

- e. Do not include the on-premise advertisement, display or sale of stock in trade.

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

1. Type 1. Where permitted outright, a Type 1 home occupation shall be subject to the following limitations. A Type 1 home occupation is one that:
 - a. Is carried on within a dwelling and/or a residential accessory structure only by members of the family who reside in the dwelling;
 - b. Does not generate more than five (5) trips per day to the site, including parcel delivery services;
 - c. May include employees or contractors that work off-site;
 - d. Does not produce odor, dust, glare, flashing lights or noise;
 - e. Does not involve the on-premise display or sale of stock in trade, and;
 - f. Does not involve the use of a sign to advertise the location of the home occupation.
2. Type 2. Type 2 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established and the following criteria. A Type 2 home occupation is not subject to the approval criteria for a conditional use permit in DCC Chapter 18.128 or site plan review under DCC Chapter 18.124. A Type 2 home occupation is one that:
 - a. Is conducted from a property that is at least one-half (1/2) acre in size.
 - b. Is carried on within a dwelling and/or an accessory building by residents of the dwelling and no more than two (2) employees who report to the property for work.
 - c. Does not occupy more than 25 percent of the combined floor area of the dwelling, including attached

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- garage, and one (1) accessory building. The maximum amount of floor area that can be devoted to a Type 2 home occupation is 1,500 square feet.
- d. Includes on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
 - e. Creates no more than ten (10) business-related vehicle trips to the site per day by employees, customers or clients.
 - f. Has adequate access and parking for employees and customers.
 - g. Is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for operation.
 - h. Does not involve any external changes to the dwelling or the accessory building in which the home occupation will be established that would give any building an outward appearance of a business. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located. No structural alterations affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and, then, only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
 - i. Does not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, light, interference with radio or television reception or other factors.
 - j. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
- k. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated, and located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
 - l. May be subject to an annual inspection, as a condition of an approval, to ensure compliance with the conditions of an approved conditional use permit.
 - m. May not include outside storage of equipment or materials used in operation of the home occupation.
 - n. The following uses are not allowed as Type 2 home occupations:
 - i. Repair, towing, or storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, trailers, recreational vehicles, and boats.
 - ii. Detailing, painting, and upholstery of motorized vehicles.
 - iii. Businesses that store and use vehicles with a gross vehicle weight rating of greater than or equal to 15,000 pounds or equipment with an operating weight greater than or equal to 3,000 pounds.
 - iv. Appliance repair.
 - v. Welding or machine shop.
 3. Type 3. Type 3 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established, the applicable provisions of DCC Chapter 18.128, and the following limitations. A Type 3 home

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occupation is not subject to site plan review under DCC Chapter 18.124. A Type 3 home occupation is one that:

- a. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
- b. Is carried on within a dwelling and/or an accessory building by members of the family who reside in the dwelling and no more than two (2) employees who report to the property for work. A home occupation proposed on property that is located in an EFU, Forest, MUA10, or RR10 Zone and that is at least 10 acres in size may have not more than five (5) employees who report to the property for work.
- c. Does not occupy more than 35 percent of the combined floor area of the dwelling, including an attached garage, and one (1) accessory building.
- d. Includes on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
- e. Creates traffic that will not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses. A Type 3 home occupation can create no more than twenty (20) business-related vehicle trips to the site per day by employees, customers or clients.
- f. Has adequate access and parking for employees and customers. Vehicles used by the operator to conduct the home occupation that have a gross vehicle weight of 15,000 or more pounds must be parked in a garage, a detached building, or screened according to the requirements of DCC 18.116.280(B)(3)(l)(i) through (v).
- g. Is limited to the hours and days of operation proposed by an applicant and approved with a conditional use permit.
- h. Does not involve any external changes to the dwelling in which the home occupation will be established that would give the dwelling an outward appearance of a business. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located. No structural alterations affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
- i. Does not use materials or mechanical equipment which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.
- j. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
- k. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08, that is no more than three (3) square feet in area, non-illuminated, and located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.

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1. May include outside storage of equipment and materials if the subject property is 10 or more acres in size and the applicant shows that adequate setbacks, screening and/or buffering are provided, and will be maintained, to screen materials and equipment from adjacent properties. The form of screening may include, but is not limited to:
 - i. A sight-obscuring fence, as defined by this title.
 - ii. Intervening mature tree cover.
 - iii. Topography.
 - iv. Existing buildings on site.
 - v. Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.
- m. The home occupation approval shall be reviewed every 12 months by the planning division to ensure compliance with the requirements of this section and the conditions required for approval of the use.

(Ord 2004-002 § 24, 2004)

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TABLE 1
DCC Section 18.116.030
OFF-STREET PARKING LOT DESIGN

A	B	C	D	E	F
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0

- A. Parking Angle
- B. Stall Width
- C. 20' Stall
- D. Aisle Width-One Way
- E. Curb Length Per Car
- F. Bay Width *24' Minimum for Two-Way Traffic

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Chapter 18.120. EXCEPTIONS

18.120.010. Nonconforming uses.

18.120.020. Nonconforming lot sizes.

18.120.030. Exceptions to yard requirements.

18.120.040. Building height exceptions.

18.120.050. Fill and removal exceptions.

18.120.010. Nonconforming uses.

Except as otherwise provided in DCC Title 18, the lawful use of a building, structure or land existing on the effective date of DCC Title 18, any amendment thereto or any ordinance codified therein may be continued although such use or structure does not conform with the standards for new development specified in DCC Title 18. A nonconforming use or structure may be altered, restored or replaced subject to DCC 18.120.010. No nonconforming use or structure may be resumed after a one-year period of interruption or abandonment unless the resumed use conforms with the provisions of DCC Title 18 in effect at the time of the proposed resumption.

A. Expansion or Replacement of a Nonconforming Structure.

1. Nonconforming Structure. For the purposes of DCC 18.120.010, a nonconforming structure is one that was lawfully established and violates current setbacks of DCC Title 18 but conforms with respect to use.
2. Replacement or Expansion without Additional Encroachment in Setback Area. A nonconforming structure may be replaced with a new structure of the same size on the same footprint as the preexisting nonconforming structure or may be expanded with an addition that does not project into the required setback area at any point ~~along the footprint of the structure,~~ subject to all other applicable provisions of DCC Title 18.
3. Replacement or Expansion with Additional Encroachment in Setback Area. Replacement or expansion of a nonconforming structure that would involve an additional projection into the front, side or rear yard setback area at any point along the footprint of the

existing or preexisting structure may be allowed provided such additional projection into the setback area (1) does not exceed 900 square feet; (2) does not exceed the floor space of the existing or preexisting structure; (3) does not cause the structure to project further toward the front, side or rear property lines than the closest point of the existing or preexisting structure; and (4) meets the variance approval standards set forth in DCC 18.132.025(A)(1) through (4).

Such replacements or expansions must conform with all other applicable provisions of DCC Title 18.

B. Verification of Nonconforming Use.

1. Subject to the procedures set forth in DCC 18.120.010 and in DCC Title 22 for processing declaratory rulings, the planning division will verify whether or not a use constitutes a valid nonconforming use in accordance with the provisions of DCC 18.120.010 and applicable state law. Verification of the existence of a nonconforming use is required prior to or concurrent with any application to alter or restore the use.
2. Subject to DCC 18.120.010(F)(2), the applicant shall demonstrate all of the following:
 - a. The nonconforming use was lawfully established on or before the effective date of the provisions of the zoning ordinance prohibiting the use or had proceeded so far toward lawful completion as of the date it became nonconforming that a right to complete and maintain the use would be vested;
 - b. The nonconforming use as it existed on the date it became nonconforming, considering the nature and the extent of the actual use of the property, has continued without abandonment or interruption; and
 - c. Any alteration in the nature and extent of the nonconforming use was done in compliance with applicable zoning ordinance standards

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- governing alterations of nonconforming uses.
3. For purposes of determining whether an abandonment or interruption of use has occurred, the following shall apply:
 - a. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be one year.
 - b. An abandonment or interruption in a use or portion thereof may arise from the complete cessation of actual use of a property for a one-year period or may arise from a change in the nature or extent of the use made of the property for a one-year period or more.
 - c. An interruption or abandonment that constitutes less than full cessation of the use or a portion thereof may, in accordance with DCC 18.120.010(F)(4), result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued.
 - d. Absent an approved alteration, a change in the nature of the use may result in a determination that the use has been abandoned or has ceased if there are no common elements between the activities of the previous use and the current use.
 - e. Change of ownership or occupancy shall not constitute an interruption or abandonment, provided that, absent an approved alteration, the continuing use made of the property falls within the allowed scope of use made of the property by previous owners or occupants.
 - f. Factors to be considered in determining whether there has been a change in the nature and/or extent of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated with the use (including off-site impacts of those activities), the frequency of use, the hours of operation, changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.
- C. Maintenance of a nonconforming use. Normal maintenance of a verified nonconforming use or structure shall be permitted. Maintenance does not include alterations which are subject to DCC 18.120.010(E).
 - D. Restoration or replacement of a nonconforming use. A verified nonconforming use may be restored or replaced if all of the following criteria are met:
 1. Restoration is made necessary by fire, natural disaster or other casualty;
 2. The nonconforming use is restored or replaced on the same location and is the same size or smaller than it was prior to the damage or destruction; and
 3. The restoration or replacement of the nonconforming use is commenced within one year of the damage or destruction.
 - E. Alteration of a nonconforming use.
 1. The alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement.
 2. Any other alteration to a nonconforming use may be permitted subject to all applicable provisions of DCC Title 18, including site plan review and upon a finding that the alteration will have no greater adverse impact on the neighborhood.
 3. For the purposes of DCC 18.120.010(E)(2), an "alteration of a nonconforming use" shall include any change in the use of the property that would constitute a change in the nature or extent of the use of the property.
 - F. Procedure.
 1. Any application for verification of a nonconforming use or to expand, alter, restore or replace a nonconforming use

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shall be processed in conformance with the applicable procedures set forth in DC 18.120.010 and the applicable procedures of DCC Title 22, the Deschutes County Uniform Development Procedures Ordinance.

2. Notwithstanding DCC 22.20.010, the initial decision on an application for an alteration of a nonconforming use shall be made administratively, without a public hearing. The Planning Director may give prior notice of the pending application pursuant to DCC 22.20.020.
3. Except as allowed by DCC 18.120.010(F)(3)(a), the burden of proof shall be on a verification applicant to prove the existence, continuity, nature and extent of the use.
 - a. Notwithstanding DCC 22.24.050, if an applicant demonstrates by a preponderance of the evidence that the nature and extent of the use sought to be verified is of the same nature and extent as the use of the property for the ten-year period immediately preceding the application, without interruption or abandonment, it shall be presumed that the nonconforming use, as proven, lawfully existed at the time the use became nonconforming and has continued without interruption or abandonment until the date of application.
 - b. The presumption may be rebutted by a preponderance of evidence showing that the use was unlawful prior to the time it became nonconforming, or that the use prior to the ten-year period was of a different nature or different in extent than the use, as proven, or that the use prior to the ten-year period was interrupted or abandoned. If the presumption is so rebutted, the presumption shall disappear and be of no further aid to the applicant.
4. If the proof demonstrates the continued existence of a valid non-conforming use, but of a different nature or extent than that claimed by the applicant, the

Hearings Body may declare there to be a valid nonconforming use to the extent proven.

5. An approval of a verification, replacement or restoration of a nonconforming use verification shall not be conditioned; an approval shall be sufficiently detailed to describe the allowed parameters of the verified use. However, an approval of an alteration of a nonconforming use may be conditioned in a manner calculated to ensure mitigation of adverse impacts so that the change has no greater adverse impact to the neighborhood.
6. After a decision has been rendered on an application for a verification of a nonconforming use (including any appeals provided for under DCC Title 22 and under state law), the applicant shall not be entitled to reapply under DCC 22.28.040 for another verification determination involving the same use of the property.

(Ord. 2004-013 § 13, 2004; Ord. 98-037 § 1, 1998; Ord. 95-050 § 1, 1995; Ord. 93-043 § 20, 1993; Ord. 91-038 § 1, 1991)

18.120.020. Nonconforming lot sizes.

- A. Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 18.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes, where applicable, shall be considered as standard metes and bounds land section division, (i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.); lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 18 if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control.
- C. Any lot that is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:

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1. The lot or parcel is a lot of record, as defined in DCC 18.04.030(J), Lot of record.
 2. The use conforms to all other requirements of that zone.
 3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
 4. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right of way created after June 30, 1993, shall be exempt from the minimum lot dimension of 10 acres in size. Such parcels may be partitioned only as separated by the right of way and shall not be smaller than one acre.
(Ord. 93-034 § 2, 1993; Ord. 87-015 §§ 1 and 2, 1987)

18.120.030. Exceptions to yard requirements.

The following exceptions to yard requirements are authorized for a lot in any zone:

- A. If there are buildings on both lots adjoining an intervening lot that are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the adjoining lots.
 - B. Architectural features such as cornices, eaves, sunshades, gutters, chimneys and flues may project into a required yard in accordance with DCC 18.116.100. Also, steps, terraces, platforms, porches having no roof covering and fences not interfering with the vision clearance requirements may project into a required yard. Signs conforming to the requirements of DCC Title 18 and all other applicable ordinances shall be permitted in required yards.
 - C. Canopies: The yard between a canopy and any lot line shall be a minimum of 10 feet, except that a smaller setback may be permitted if specifically allowed in a given zone.
 - D. An addition to an existing residential dwelling which is within 100 feet from the ordinary high water mark along a stream or lake may be constructed provided that the addition is for residential dwelling purposes, no part of the addition is closer to the stream or lake than the existing residential structure, the addition is 900 square feet in area or smaller and does not exceed the area of floor space of the existing structure and the addition conforms with all other setbacks and building limitations.
- E. Dwellings on parcels created prior to November 1, 1979, may be granted an exception to the 100-foot setback from the ordinary high water mark along a stream or lake subject to DCC Title 22, the Uniform Development Procedures Ordinance, and the following conditions:
1. An application shall be filed which includes:
 - a. A detailed explanation of the planned development.
 - b. An explanation of why an exception is necessary.
 - c. A site plan, drawn to scale, and accompanied by such drawings, sketches and descriptions necessary to describe and illustrate the proposed development. The site plan shall, at a minimum, include:
 - i. An inventory of existing vegetation, including trees on the lot located within 200 feet of the ordinary high water mark along the stream or lake. The inventory shall be in sufficient detail to allow the review and evaluation of the impacts of the proposed development.
 - ii. Proposed modifications of the vegetation on the lot within 200 feet of the ordinary high water mark along the stream or lake, including the size, species and approximate locations of existing vegetation to be retained and new vegetation proposed to be placed upon the site.
 - iii. Existing and proposed site contours.
 - iv. The locations and dimensions of all structures, property lines,

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- easements, high water lines or marks, utilities and uses.
- v. Other site elements and information that will assist in the evaluation of the proposed development.
 - d. An explanation of how the proposed development will satisfy each of the exception criteria set forth in DCC 18.120.030(E)(4)(b).
2. An exception may be granted only upon findings that:
- a. The structure to be sited is a dwelling that is no greater than 40 feet in depth (including garages, carports and decks);
 - b. Adherence to the 100-foot setback would create a hardship, as defined in DCC 18.120.030(E)(3), preventing such a dwelling from being sited on the lot;
 - c. The site plan protects and enhances the vegetative fringe between the dwelling and the stream or lake to the degree necessary to meet the requirements set forth in the applicable goals and policies of the Comprehensive Plan; and
 - d. A conservation easement providing that the elements of the site plan will be carried out and maintained as approved, in perpetuity, for the area between the ordinary high water mark and the dwelling has been conveyed to the County.
3. For the purposes of DCC 18.120.030, a hardship exists ~~only~~ only in one or more of the following situations:
- a. Adherence to setbacks required by the zoning ordinance in effect at the time of the application made under DCC 18.120.030 would prevent the dwelling from being sited on the lot, if the 100-foot setback were observed;
 - b. The siting of a legal on-site disposal system, placed on the lot prior to November 1, 1979 makes it impossible for the dwelling to meet the 100-foot setback;
 - c. Any approved initial on-site sewage disposal system and replacement system other than a sand filter system cannot be sited on the lot in a manner that will allow the dwelling to meet the 100-foot setback requirement;
 - d. If the only initial on-site sewage disposal system for which approval can be obtained is a sand filter system and such a system and its replacement system cannot be sited on the lot in a manner that will allow the dwelling to meet the 100-foot setback requirement; or
 - e. Dwellings exist on both adjoining lots that are closer to the stream or lake than the proposed dwelling and such existing dwellings are located within 40 feet of the proposed dwelling.
If utilization of a sand filter system as a replacement system will allow such a dwelling to meet the 100-foot setback, no exception shall be granted for reasons of on-site sewage disposal constraints.
4. Dwellings qualifying for a setback exception under the criteria set forth above shall be located as follows:
- a. Except as set forth in DCC 18.120.030(E)(4)(b), the dwelling must be located as far as possible from the ordinary high water line of the stream or lake, allowing for the hardship constraints identified for the property.
 - i. In instances where use of a sand filter system for a replacement system would allow the dwelling to be located further from the stream or lake than if another type of replacement system were utilized, the dwelling shall be sited in a manner to allow only enough room for the approved initial on-site sewage disposal system and a sand filter system as a replacement system.
 - b. Where a dwelling qualifies for a setback by virtue of DCC 18.120.030(E)(3)(e), the dwelling

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may be set back at a distance from the ordinary high water mark consistent with the adjoining houses, but in no case shall any part of such dwelling be located closer to the ordinary high water line than a line extending between the points of the adjoining houses that are closest to the river.

(Ord. 2004-013 § 13, 2004; Ord. 95-075 1, 1995; Ord. 93-043 §§ 20A and B, 1993; Ord. 91-020 § 1, 1991; Ord. 90-020 § 2, 1990; Ord. 86-032 § 1, 1986; Ord. 84-002 § 1, 1984; Ord. 81-005 § 1, 1981; Ord. 81-003 § 1, 1981)

18.120.040. Building height exceptions.

- A. The following structures or structural parts are not subject to the building height limitations of DCC Title 18: chimneys, not more than three feet six inches above the highest point of the roof, vertical support structures for telephone and power transmission lines in utility easements or public rights-of-way, not requiring a site plan review as defined in DCC 18.124.060, flagpoles not exceeding 40 feet, and agricultural structures as defined in DCC 18.04.030 not exceeding 36 feet. This exception does not apply to an Airport Development Zone, Airport Safety Combining Zone or Landscape Management Combining Zone.
- B. The following structures or structural parts may receive exceptions to the building height limitations of DCC Title 18 if approved as part of a Site Plan Review, as defined in DCC 18.124.060 and subject to the criteria contained therein, public schools, vertical support structures for telephone and power transmission lines requiring a site plan, structures that are necessary for public safety and flagpoles. This exception does not supercede the more restrictive requirements that are found in the Airport Safety Combining Zone or Landscape Management Combining Zone.
- C. An exception (up to 36 feet) to the building height limitations for structures not otherwise

exempted by DCC 18.120.040(A) may be approved upon findings that:

1. The structure is not located in a Landscape Management Zone, except when the structure is a single-family dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flagpoles or other projections from the roof of the structure;
 2. The structure is not located within 100 feet of any rimrock, as defined in DCC 18.04.030;
 3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department; and
 4. The proposed additional height will not adversely impact scenic views from existing nearby residences.
 5. The proposed structure shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- D. An exception to building height limitations for agricultural structures may be approved upon findings that the applicant meets the criteria listed in DCC 18.120.040(C)(1) through (3) and demonstrates that the proposed structure is:
1. An agricultural structure as defined in DCC 18.04.030;
 2. Located in an EFU or Forest zone; and
 3. Necessary to conduct generally accepted farming practices that are typical or customary of Deschutes County farmers who are regularly involved in the proposed type of agriculture. The applicant shall document satisfaction of this criterion by submitting evidence or testimony from an authorized representative of the Deschutes County Farm Bureau.
- (Ord. 2001-033 §1, 2001; Ord. 2001-004 § 3, 2001; Ord. 98-035 § 1, 1998; Ord. 96-035 § 1,

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1996; Ord. 93-043 § 20C, 1993; Ord. 92-055 § 10, 1992; Ord. 92-036 § 1, 1992)

18.120.050. Fill and removal exceptions.

A. Fill and removal activities involving the removal of vegetation are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume and such fill or removal activities are undertaken for the purpose of:

1. Removal of diseased or insect-infested trees or shrubs or of rotten or damaged trees that present safety hazards, or
2. Normal maintenance and pruning of trees and shrubs.

B. The following fill and removal activities may be authorized by the Planning Director or Hearings Body upon a finding that no adverse impacts will occur to the water resources of Deschutes County:

1. Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.
2. Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities and similar public and semipublic facilities, provided such fill or removal does not alter the existing characteristics of the stream, river or wetland.
3. Fill or removal for maintenance and repair of nonconforming structures or boat docks.
4. Emergency actions taken to mitigate fill and removal violations when such emergency actions are intended to have a beneficial impact on fish and wildlife habitat and are determined to be the actions with the least overall impacts on the surrounding area, considering hydrologic factors; impact on water quality, on aquatic life and habitat and wildlife and habitat; the recreational, aesthetic and economic values of the affected water resources; and existing streambank stabilization problems.
5. Fish and wildlife habitat enhancement projects approved or sponsored by the Oregon Department of Fish and Wildlife.

C. Fill and removal activities conducted by an Irrigation District involving piping work in existing canals and ditches within wetlands are permitted outright.

(Ord. 2001-039 § 13, 2001; Ord. 2001-016 § 2, 2001; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 86-056 § 3, 1986)

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Chapter 18.128. **CONDITIONAL USE**

- 18.128.010. Operation.
 - 18.128.015. General standards governing conditional uses.
 - 18.128.020. Conditions.
 - 18.128.030. Performance bond.
 - 18.128.040. Specific use standards.
 - 18.128.050. Airports, aircraft landing fields, aircraft charter, rental, service maintenance facilities not located in the A-D Zone.
 - 18.128.060. Automobile wrecking yard or junkyard.
 - 18.128.070. Cemeteries.
 - 18.128.080. Church, hospital, nursing home, convalescent home, retirement home.
 - 18.128.090. Medical clinic, veterinary clinic, club, lodge, fraternal organization, community center, grange hall, golf course, horse stable and horse events requiring conditional uses, grounds and buildings for games or sports, country club, swimming, boating, tennis clubs and similar activities, government structures and land uses, parks, playgrounds.
 - 18.128.100. Dog pounds and kennels.
 - 18.128.110. Repealed.
 - 18.128.120. Landfill, solid waste disposal site.
 - 18.128.130. Commercial use or accessory use not wholly enclosed within a building, or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot adjoining or across a street from a lot in a residential zone.
 - 18.128.140. Commercial amusement establishment.
 - 18.128.150. Manufactured home park.
 - 18.128.160. Multi-family dwelling complex.
 - 18.128.170. Recreational vehicle park.
 - 18.128.180. Radio, television tower, utility station or substation.
 - 18.128.190. Schools.
 - 18.128.200. Cluster development (single-family residential uses only).
 - 18.128.210. Planned development.
 - 18.128.220. Planned communities.
 - 18.128.230. Dude ranches.
 - 18.128.240. Shopping complex.
 - 18.128.250. High-temperature geothermal wells and small-scale geothermal energy facilities.
 - 18.128.260. Hydroelectric facilities.
 - 18.128.270. Fill and removal.
 - 18.128.280. Surface mining of resources exclusively for on-site personal, farm or forest use or maintenance of irrigation canals.
 - 18.128.290. Storage, crushing and processing of minerals in conjunction with the maintenance or construction of public roads or highways.
 - 18.128.300. Mini-storage facility.
 - 18.128.310. Bed and breakfast inn.
 - 18.128.320. Campgrounds.
 - 18.128.330. Microwave and radio communication towers in the SM Zone.
 - 18.128.340. Wireless telecommunications facilities.
 - 18.128.350. Guest lodge.
 - 18.128.360. Guest ranch.
 - 18.128.370. Time-share unit.
 - 18.128.380. Procedure for taking action on conditional use application.
 - 18.128.390. Time limit on a permit for a conditional use.
 - 18.128.400. Occupancy permit.
 - 18.128.410. Repealed.
 - 18.128.420. Building permit for an approved conditional use.
- 18.128.010. Operation.
- A. A conditional use listed in DCC Title 18 shall be permitted, altered or denied in accordance with the standards and procedures of this title; DCC Title 22, the Uniform Development Procedures Ordinance; and the Comprehensive Plan.

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- B. In the case of a use existing prior to the effective date of DCC Title 18 and classified in DCC Title 18 as a conditional use, any change in use or lot area or an alteration of structure shall conform with the requirements for a conditional use.

(Ord. 86-032 § 1, 1986)

18.128.015. General standards governing conditional uses.

Except for those conditional uses permitting individual single-family dwellings, conditional uses shall comply with the following standards in addition to the standards of the zone in which the conditional use is located and any other applicable standards of the chapter:

- A. The site under consideration shall be determined to be suitable for the proposed use based on the following factors:
1. Site, design and operating characteristics of the use;
 2. Adequacy of transportation access to the site; and
 3. The natural and physical features of the site, including, but not limited to, general topography, natural hazards and natural resource values.
- B. The proposed use shall be compatible with existing and projected uses on surrounding properties based on the factors listed in DCC 18.128.015(A).
- C. These standards and any other standards of DCC 18.128 may be met by the imposition of conditions calculated to insure that the standard will be met.

(Ord. 92-047 § 1, 1992; Ord. 91-038 § 3, 1991)

18.128.020. Conditions.

In addition to the standards and conditions set forth in a specific zone or in DCC 18.124, the Planning Director or the Hearings Body may impose the following conditions upon a finding that additional restrictions are warranted.

- A. Require a limitation on manner in which the use is conducted, including restriction of hours of operation and restraints to minimize environmental effects such as noise, vibrations, air pollution, glare or odor.

- B. Require a special yard or other open space or a change in lot area or lot dimension.
- C. Require a limitation on the height, size or location of a structure.
- D. Specify the size, number, location and nature of vehicle access points.
- E. Increase the required street dedication, roadway width or require additional improvements within the street right of way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- G. Limit or specify the number, size, location, height and lighting of signs.
- H. Limit the location and intensity of outdoor lighting and require shielding.
- I. Specify requirements for diking, screening, landscaping or other methods to protect adjacent or nearby property and specify standards for installation and maintenance.
- J. Specify the size, height and location of any materials to be used for fencing.
- K. Require protection and preservation of existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Require that a site plan be prepared in conformance with DCC 18.124.
- (Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 83-037 § 24, 1983)

18.128.030. Performance bond.

The Planning Director or Hearings Body may require the applicant to furnish the County with a performance bond or other adequate form of assurance to guarantee development in accordance with the standards and conditions attached in granting a conditional use permit.

(Ord. 91-020 § 1, 1991)

18.128.040. Specific use standards.

A conditional use shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in DCC 18.128.045 through DCC 18.128.370.

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(Ord. 2000-033 § 9, 2000; Ord. 94-053, § 6, 1994; Ord. 94-008 § 15, 1994; Ord. 91-020 § 1, 1991; Ord. 91-005 §§ 46 and 47, 1991; Ord. 90-014 §§ 39 and 40, 1990; Ord. 89-008 § 1, 1989; Ord. 87-032 § 1, 1987; Ord. 86-056 §§ 3 and 4, 1986; Ord. 86-018 § 1, 1986; Ord. 85-002 § 9, 1985; Ord. 84-023 § 4, 1984; Ord. 84-015 § 3, 1984; Ord. 80-206 § 4, 1980)

18.128.050. Airports, aircraft landing fields, aircraft charter, rental, service maintenance facilities not located in the A-D zone.

The Planning Director or Hearings Body shall find that the location and site design of the proposed facility will not be hazardous to the safety and general welfare of surrounding properties and that the location will not unnecessarily restrict existing and future development of surrounding lands as indicated in the Comprehensive Plan.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23, 1993; Ord. 91-020 § 1, 1991)

18.128.060. Automobile wrecking yard or junkyard.

Before being issued a conditional use permit, an automobile wrecking yard or junkyard shall meet the following requirements:

- A. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.
- B. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside of the enclosed area while at the establishment or business.
- C. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall occur from an enclosed building or within the fenced area.
- D. If applicable, the proposal shall conform to state regulations.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.070. Cemeteries.

The Planning Director or Hearings Body shall find that the terrain and soil types of a proposed location are suitable for internment, and that the nature of the subsoil and drainage will not have a detrimental effect on groundwater sources or domestic water supplies in the area of the proposed use.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.080. Church, hospital, nursing home, convalescent home, retirement home.

- A. Such a use shall be authorized as a conditional use only upon finding that sufficient area is provided for the building, required yards and off-street parking. Related structures and uses such as a manse, parochial school or parish house are considered separate uses and additional lot areas shall be required therefore.
- B. The applicant shall address the following issues in the application:
 - 1. ~~Location of the site relative to the service area.~~
 - 21. Probable growth and needs thereof.
 - 32. Site location relative to land uses in the vicinity.
 - 43. Conformity with Deschutes County Road Department standards for proposed access to and from principal streets and the probable effect of the proposal on the traffic volume of adjoining and nearby streets.
- C. Such uses or related buildings shall be at least 30 feet from a side or rear lot line.
- D. Except in an A-H zone, such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.
- E. Churches in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

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(Ord. 2004-013 § 14, 2004; Ord. 98-013 § 2, 1998; Ord. 95-075 § 1, 1995; Ord. 93-043 § 23A, 1993; Ord. 91-020 § 1, 1991)

18.128.090. Medical clinic, veterinary clinic, club, lodge, fraternal organization, community center, grange hall, golf course, horse stable and horse events requiring conditional uses, grounds and buildings for games or sports, country club, swimming, boating, tennis clubs and similar activities, government structures and land uses, parks, playgrounds.

In considering the above, the Planning Director or Hearings Body may authorize the conditional use after it has been determined that the following will be provided:

- A. Access from principal streets subject to Deschutes County Road Department standards.
- B. Off-street parking subject to DCC 18.116.030.
- C. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise, glare, odor and other adverse impacts.
- D. Playgrounds, recreation facilities and community centers in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

(Ord. 98-013 §§ 3, 1998; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.100. Dog pounds and kennels.

The Planning Director or Hearings Body may authorize a dog pound or kennel as a conditional use provided that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the Hearings Officer may require a sight-obscuring fence or hedge and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.110. Home occupations.

(Repealed by Ord. 2004-002 § 25, 2004)

18.128.120. Landfill, solid waste disposal site.

The Planning Director or Hearings Body may authorize a landfill or other solid waste disposal site as a conditional use, subject to the following standards:

- A. The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area.
- B. The proposed site shall be located in or as near as possible to the area being served.
- C. The proposed site shall be located at least one-quarter mile from any existing dwelling, home or public road (except the access road).
- D. The proposed site shall be provided with a maintained all-weather access road.
- E. Applications for a conditional use permit to establish a commercial composting facility under this category shall also meet the following criteria:
 - 1. The proposed facility shall be effectively screened from adjacent residential uses and scenic roadways. The proposed facility may use existing topography and trees and/or introduced landscaped material.
 - 2. The proposed facility shall employ practices of material handling and processing that prevent noise and odors from impacting residences at least one-quarter mile from the site.
 - 3. The proposed facility shall employ practices of material handling and processing that control debris and dust and ensure material is contained on site.

(Ord. 2001-040 § 2, 2001; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.130. Commercial use or accessory use not wholly enclosed within a building, or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment

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on a lot adjoining or across a street from a lot in a residential zone.

In any zone, these uses may be permitted conditionally subject to the following standards:

- A. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when he finds such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
- B. In addition to the requirements of the applicable zone, the Planning Director or Hearings Body may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.
- C. In order to avoid unnecessary traffic congestion and hazards, the Planning Director or Hearings Body may limit access to the property.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.140. Commercial amusement establishment.

A commercial amusement establishment may be authorized after consideration of the following factors:

- A. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
- B. Adequacy of off-street parking.
- C. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.150. Manufactured home park.

A manufactured home park shall be built to state standards in effect at the time of construction, or in the case of pre-existing parks in MUA-10 and RR-10 zones, at the time of permitting under DCC 18.128.150, and the following provisions:

- A. Evidence that the park will be eligible for a certificate of sanitation as required by state law.
- B. The space provided for each manufactured home shall be provided with piped potable water and electrical sewerage connections.
- C. The number of spaces for manufactured homes shall not exceed 12 for each acre of the total acres in the manufactured home park. The Planning Director or Hearings Body may vary this density as follows:
 - 1. If dedicated open space equals 50 percent or more of the total area of the park, a maximum 10 percent increase in units per acre may be granted.
 - 2. If in addition to the requirements in DCC 18.128.150(C)(1) a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional five percent.
 - 3. If in addition to the requirements in DCC 18.128.150(C)(1) and (2), approved recreation/community building is provided an additional 10 percent increase of units/acre may be allowed. (Maximum total increase possible through application of DCC 18.128.150(C) = 25 percent.)
- D. A manufactured home pad shall occupy not more than 40 percent of the contiguous space provided for the exclusive use of the occupants of the home, exclusive of space provided for the common use of tenants, such as roadways, general use structure, parking spaces, walkways and areas for recreation and landscaping.
- E. No manufactured home pad in the park shall be located closer than 15 feet from another manufactured home pad or from a general use building in the park. No manufactured home accessory building or other building or structure on a manufactured home space shall be closer than 10 feet from a manufactured home accessory building or other building or structure on another manufactured home space. No manufactured home pad or other

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- building or structure shall be within 25 feet of a public street property boundary or 10 feet or another property boundary.
- F. Facilities shall be provided to assure that there will be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the management of the park.
- G. The land which is used for park purposes shall be surrounded, except at entry and exit places, by a sight-obscuring fence or hedge not less than six feet in height.
- H. If the park provides spaces for 50 or more manufactured home units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department.
- I. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way.
- J. A minimum of at least 2,500 square feet plus 100 square feet per manufactured home space shall be provided for recreational play area, group or community activities. The Planning Director or Hearings Body may require this area to be protected from streets, parking areas or the like by a fence or the equivalent that conforms to fence regulations, but is at least 30 inches in height where allowed by fence ordinances. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacings or buildings suitable for recreational use. No recreation facility created within a manufactured home park only to satisfy the requirements of DCC 18.128.150 shall be open to the general public.
- K. A parking space shall be provided for each manufactured home space on the site. Additional guest parking spaces shall be provided in every manufactured home park within 200 feet of the manufactured home spaces served, at a ratio of one parking space for each two manufactured home spaces. Parking spaces shall have durable and dustless surfaces adequately maintained for all-weather use and shall be properly drained.
- L. All manufactured home parks over 10 acres in area shall be located with access on a street designated as a collector street.
- M. All manufactured home parks containing a total site area of five acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- N. Lighting shall be installed along the access ways of the manufactured home park and the recreation area with lights of 100 watts or better not over 100 feet apart. Wires for service to light poles and manufactured home spaces shall be underground.
- O. Roadways within the park shall be improved with an all-weather dustless surface and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.
- P. All manufactured home parks shall have a minimum lot size of one acre.
- Q. When expanding an existing manufactured home park in MUA-10 or RR-10 zones, the park shall satisfy all of the criteria of DCC 18.128.150 as to the existing developed areas as well as in the expansion area.
- (Ord. 96-038 § 3, 1996; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)
- 18.128.160. Multi-family dwelling complex.**
A multi-family dwelling complex shall comply with the following provisions prior to occupancy:
- A. The number of units permitted by the applicable zone per gross square footage of a site may be increased as follows:

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1. If dedicated open space which is developed and landscaped equals 50 percent or more of the total area of the site, a maximum of 10 percent increase in the number of units may be granted.
 2. If in addition to open space as provided in DCC 18.128.160(A)(1), a maintained playground area with approved equipment such as goalposts, swings, slides, etc., is provided, the number of units permitted may be increased an additional five percent.
 3. If in addition to open space and playgrounds as provided in DCC 18.128.160(A)(1) and (2), an approved recreational community building is provided, an additional 10 percent increase of units may be granted.
 4. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25 percent of the number of units otherwise allowed.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex. Bicycle storage shall be allowed in the provided sheltered bicycle parking facilities (one parking space per unit for complexes of four units or more).
- C. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the nearest city.
- D. A minimum of 2,500 square feet plus 100 square feet per dwelling unit shall be provided for recreation, including but not limited to, playgrounds, playing fields and facilities for group and community activities. The area shall be improved with grassy areas, landscaping, surfacing, equipment or buildings suitable for recreational use. The Hearings Body may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70 percent of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
- E. All such complexes with more than 20 dwelling units shall be located to have access on a street designated as a collector unless otherwise approved by the Planning Director or Hearings Body.
- F. All such complexes shall provide both an ingress and egress.
- G. All roadways and parking areas shall be paved, and roadways shall not be less than 20 feet in width, except as approved by the Planning Director or Hearings Body.
- H. A sight-obscuring fence or evergreen hedge may be required by the Planning Director or Hearings Body when such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity and provide security for occupants of the subject complex.
- I. All accessory structures associated with such a complex shall be set back 50 feet from the property line of an adjoining single-family residential lot or use.
- J. Sewer and water facilities shall be provided according to Oregon Department of Environmental Quality standards.
(Ord. 95-075 § 1, 1995; Ord. 93-005 § 9, 1993; Ord. 91-020 § 1, 1991)
- 18.128.170. Recreational vehicle park.**
A recreational vehicle park shall conform to state standards in effect at the time of construction and the following conditions:
- A. The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
 - B. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of

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- the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- C. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- D. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- E. A recreational vehicle space shall be provided with electrical service.
- F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- G. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.
- H. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- I. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- J. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.
- K. Building spaces required by DCC 18.128.170(I) and (J) shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
- L. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the Planning Director or Hearings Body.
- M. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
- N. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
- O. Access to the recreational vehicle park shall be from an arterial or collector street.

(Ord. 95-075 § 1, 1995; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)

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18.128.180. Radio, television tower, utility station or substation.

- A. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
- B. The use may be required to be fenced and landscaped.
- C. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
- D. Transmission towers, posts, overhead wires, pumping stations and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23B, 1993; Ord. 91-020 § 1, 1991)

18.128.190. Schools.

- A. Nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.
- B. Secondary schools shall provide a site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
- C. Notwithstanding DCC 18.128.190(B), private academic secondary schools with an enrollment of fewer than 50 students shall provide a minimum site area of one acre for every 10 students of predicted ultimate enrollment, with a minimum site area of not less than two acres.
- D. Schools in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.

(Ord. 98-013 § 4, 1998; Ord. 97-022 § 1, 1997; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.200. Cluster development (single-family residential uses only).

- A. Such uses may be authorized as a conditional use only after consideration of the following factors:
 - 1. Need for residential uses in the immediate area of the proposed development.
 - 2. Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.
 - 3. Effect of the development on the rural character of the area.
 - 4. Effect of the development on agricultural, forestry, wildlife or other natural resource uses in the area.
- B. The conditional use shall not be granted unless the following findings are made:
 - 1. Human activities, including all development and alterations of the natural landscape, will be limited to 35 percent of the land and 65 percent shall be kept in open space uses. The area of development shall be measured by drawing a continuous line around the affected area 150 feet on either side of any lot, building, road or other such facility.
 - 2. Uses permitted in the open space area may include the management of natural resources, trail systems or other outdoor uses that are consistent with the character of the natural landscape.
 - 3. All lots within the development shall be contiguous to one another except for occasional corridors which shall not be wider than the average lot width, unless the Planning Director or Hearings Body finds that special circumstances warrant a wider corridor.
 - 4. In the rural zones, the cluster development shall be located on the least productive land.
 - 5. All subdivision requirements contained in DCC Title 17, the

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Subdivision/Partition Ordinance, shall be met.

6. The total number of units may exceed the overall density established by the minimum lot size of the zone in which the development is proposed by not more than 33 percent.
 7. The open space of the proposed development may be platted as a separate parcel or in common ownership of some or all of the clustered units. However, the open area shall not be subject to development unless the whole development is brought inside an urban growth boundary.
 8. Roads within the development shall meet the requirements of the County Road Department and shall be considered private roads. An agreement acceptable to the Road Department shall be required for the maintenance of those roads.
 9. The rural character of the area shall not be adversely affected.
 10. All service connections shall be the minimum length necessary and underground where feasible.
- C. All applications shall be accompanied by a plan with the following information:
1. A plat map meeting all the subdivision requirements of DCC Title 17, the Subdivision/Partition Ordinance.
 2. An open space management plan which includes designation of proposed open space on the plat, a written management plan and deed restrictions that retain the open space in perpetuity.
 3. A written agreement establishing an acceptable homeowners association assuring the maintenance of common property in the development.
- D. Dimensional Standards:
1. Setbacks and height limitations shall be as prescribed in the zone in which the development is proposed unless adequate justification for variation is provided the Planning Director or Hearings Body, but in no case shall the setbacks be less than 25 feet or the height greater than 40 feet.
 2. Minimum area for a cluster development shall be five acres unless otherwise limited by the zone in which it is proposed.
- E. Conditions for phased development shall be specified and performance bonds shall be required by the Planning Director or Hearings Body to assure completion of the project as stipulated.
- F. Private developments with private roads shall provide bicycle and pedestrian facilities. If the bikeways are constructed as a part of the private roadway, they shall be at least four feet wide on each side of the uncurbed roadway, resulting in a minimum total roadway width of 28 feet. If the private roads are constructed to the minimum standard width of 20 feet, separated bike paths built to County standards shall be provided. If separated paths are meant to be shared by pedestrians or other users, the minimum width shall be 12 feet. Bicycle and pedestrian facilities shall connect with the County bicycle and pedestrian transportation systems.
- G. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., in the following situations. Connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, shall be as straight as possible, and shall not be more than 400 feet long.
1. In residential areas and industrial parks where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 400 feet and by at least 50 percent over other available routes.
 2. For schools or commercial uses where the addition of a connection would reduce the walking or cycling distance to an existing or planned transit stop, school, shopping center, or neighborhood park by 200 feet or by at least 50 percent over other available routes.

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3. For cul-de-sacs or dead end streets where a street connection is determined by the Hearings Officer or Planning Director to be unfeasible or inappropriate.

(Ord. 95-075 § 1, 1995; Ord. 93-005 § 10, 1993; Ord. 92-025 § 7, 1992; Ord. 91-020 § 1, 1991)

18.128.210. Planned development.

- A. Such uses may be authorized as a conditional use only after consideration of the following factors:

1. Proposed land uses and densities.
2. Building types and densities.
3. Circulation pattern, including bicycle and pedestrian circulation, and a demonstration of how those facilities connect to the County transportation facilities. Private developments with private roads shall provide bicycle and pedestrian facilities.
4. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., wherever the addition of such a connection would reduce the walking or cycling distance to a connecting street by 400 feet and by at least 50 percent over other available routes. These connections shall have a 20-foot right of way, with at least a 10-foot wide useable surface, and should not be more than 100 feet long if possible.
5. Parks, playgrounds, open spaces.
6. Existing natural features.
7. Environmental, social, energy and economic impacts likely to result from the development, including impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
8. Effect of the development on the rural character of the area.
9. Proposed ownership pattern.
10. Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).
11. Waste disposal facilities.
12. Water supply system.
13. Lighting.

14. General timetable of development.

- B. The conditional use may be granted upon the following findings:

1. All subdivision restrictions contained in DCC Title 17, the Subdivision/Partition Ordinance, shall be met.
2. The proposed development conforms to the Comprehensive Plan.
3. Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
4. The proposal is in harmony with the surrounding area or its potential future use.
5. The system of ownership and the means of developing, preserving and maintaining open space is adequate.
6. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
7. Sixty-five percent of the land is to be maintained in open space.
8. Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation and special terrain features.

- C. All applications for planned developments shall include the materials and information required for approval of a subdivision as specified in DCC Title 17, the Subdivision/Partition Ordinance and the materials and information required for approval of a conditional use as specified in DCC Title 18.

1. Approval for the conditional use application and the planned development application may be given simultaneously.

- D. Dimensional Standards:

1. Setbacks and height limitations shall be as determined by the Planning Director or Hearings Body upon review of the evidence submitted.
2. Densities shall not exceed that established by the underlying zone.
3. The minimum lot area, width, frontage and yard requirements otherwise

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applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. An equivalent overall density factor may be utilized in lieu of the appropriate minimum lot area.

4. Minimum size for a planned development shall be 40 acres.
- E. Any commercial use permitted outright in an area zoned as an unincorporated community as that term is defined herein will be allowed in a planned development, subject to the following conditions:
 1. Each use shall be wholly enclosed in a building.
 2. The total area of such uses shall not exceed three percent of the total area of the planned development.

(Ord. 96-003 § 9, 1996; Ord. 95-075 § 1, 1995; Ord. 93-005 § 11, 1993; Ord. 91-020 § 1, 1991)

18.128.220. Planned communities.

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.210(B), except that there must be an additional finding that the planned community will actually function as an independent community.
- C. All applications shall be submitted in the form and with the materials required of subdivisions as required by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements of DCC Title 18 for the approval of conditional uses.
- D. Dimensional standards shall be determined as specified in DCC 18.128.210(D), except that the minimum size for a planned community shall be 640 acres.
- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the

Planning Director or Hearings Body to assure completion of the project as stipulated.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.230. Dude ranches.

- A. Such uses may be authorized as a conditional use only after consideration of the factors listed in DCC 18.128.210(A).
- B. The conditional use may be granted upon the findings specified in DCC 18.128.220(B).
- C. All applications shall be submitted in the form and with the materials required of subdivisions by DCC Title 17, the Subdivision/Partition Ordinance, and shall also meet the requirements in DCC Title 18 for the approval of conditional uses.
- D. Dimensional standards are the same as those in DCC 18.128.210(D), except that the density of a dude ranch may be greater or less than the density of the underlying zone upon findings by the Planning Director or Hearings Body that the change is warranted and that the proposed density does not violate the purpose of the underlying zone or other terms of DCC Title 18.
- E. Phased development of the project may be permitted if agreed to by the Planning Director or Hearings Body at the time of the initial application. Conditions of approval for phased development shall be specified and performance bonds required by the Planning Director or Hearings Body to assure completion of the project as stipulated.

(Ord. 95-075 § 1, 1995; Ord. 92-004 § 12, 1992; Ord. 91-020 § 1, 1991)

18.128.240. Shopping complex.

- A. Such uses may be authorized as a conditional use only after a determination is made by the Planning Director or Hearings Body.
 1. That the public interest will be served by approval of the proposal based on analysis of environmental, social and economic and energy impacts likely to result from the development. Analysis may include, but not be limited to, consideration of impacts on public

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facilities such as roads, water supplies, sewer systems and police and fire protection.

2. That the entire complex shall be completed within two years or a master plan shall be submitted that explains the phased development of the project. The master plan shall specify a timetable of completion for all phases of the project. The master plan shall be fully implemented within five years or an extension shall be sought subject to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.
3. That there is adequate area for the buildings, landscaping, parking, septic systems and access to serve the proposed development.
4. That the use is consistent with the character of the area and is not detrimental to the land use pattern of the area.
5. That the proposed shopping complex is to be developed and managed as a total entity, with a plan for maintenance of all elements of the site plan.
6. The proposed shopping complex is appropriate for serving the needs of rural residents in the area.
7. The proposed shopping complex will not attract residents outside the rural area to be serviced.

(Ord. 95-075 § 1, 1995; Ord. 95-018 § 3, 1995; Ord. 91-020 § 1, 1991)

18.128.250. High-temperature geothermal wells and small-scale geothermal energy facilities.

A. Applicants shall provide the following information:

1. Project Description. A detailed narrative which describes the applicant's plan of operations for exploration, production, utilization, and/or injection. This description shall include estimated starting and completion dates for each activity or phase of the project. It shall also include a concise but comprehensive discussion of the project's expected

environmental impacts. This narrative shall also include as an exhibit a statement describing the applicability of all local, state or federal inventories of Statewide Planning Goal 5 resources in the project vicinity.

2. Maps. As may be required by the Planning Director or Hearings Body, maps shall be submitted on readily reproducible transparencies as follows:

- a. A topographic map, of a scale not less than one inch to one-half mile, on which the following are shown: All pertinent property ownership and geothermal lease boundaries; the location of all proposed, existing and abandoned geothermal wells and/or energy facilities; all existing and planned access roads; major drainage patterns of the project's operational area; and significant environmental features and natural resource locations, including but not limited to: Mineral or aggregate deposits, fish and wildlife habitats, ecologically or scientifically notable natural area, outstanding scenic views, wetlands, surface water bodies, wilderness areas, historic and cultural sites and recreation trails and facilities.
- b. A map of the project site, of a scale not less than one inch to 50 feet, on which is shown a detailed layout of all drilling pads, sumps, equipment, buildings, pipelines, power lines and related facilities.
- c. Other specialized maps, plans or drawings as may be required by the Planning Director or Hearings Body, including but not limited to: A larger-scale map to show any of the foregoing information if details cannot be satisfactorily indicated on the smaller scale map; detailed engineering drawings for any construction at a location on steep terrain, potentially unstable ground or other geologically or

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- environmentally sensitive areas; and engineering drawings of new road construction or existing road modification when such roads are in rugged terrain, or pass through or near environmentally sensitive areas.
3. Emergency Contingency Plan. A detailed emergency contingency plan which addresses prevention or control of fires, blow-outs, pollution incidents, accidents, injuries and adverse weather conditions. This plan shall describe the following:
 - a. How the emergency will or might affect the applicant's operations; or endanger personnel, public health, safety or the environment.
 - b. Measures proposed to prevent, control, mitigate or minimize the possible negative effects of emergency incidents.
 - c. Procedures for training and instructing personnel as to proper procedures for preventing, controlling or minimizing the impacts of emergency incidents.
 - d. Where and how stand-by emergency control equipment and services are to be obtained in the event of an emergency incident.
 - e. Notification list with order of notification, including names, telephone numbers and addresses of the applicant's responsible officials and those of applicable emergency service agencies.
 - f. Where and how first aid, and minor and major medical aid will be obtained if needed during work on the project.
 4. For drilling applications, a narrative and diagrammatic description of the following:
 - a. The type and capacity of drilling equipment to be used.
 - b. The expected drilling schedule.
 - c. The drilling method to be used; type of circulating media to be used, (e.g., water, mud, foam, air or combination thereof); chemical additives to be used; circulating media cooling measures to be employed; and amounts of reserve circulating media and water to be kept on the drill site. If toxic materials are to be used, protective measures must be explained in detail.
 - d. The number and type of workers to be employed during drilling.
 - e. The safety provisions and emergency shutdown procedures to be used for protection of the public health and environment.
 - f. The planned use, source, quality and consumption rate for any outside water supply.
 - g. The method and locations for disposal of wastes.
 - h. A description of the intended site restoration procedures to be used after completion of drilling.
 - i. When approved by the Planning Director or Hearings Body, applications for prospect wells, as defined by ORS 522.005(15), may satisfy the information requirements of DCC 18.128.250(A)(1) through (4), above by submission of a copy of the applicant's prospect well permit application to the Oregon Department of Geology & Mineral Industries.
 5. For energy facility applications, a narrative and diagrammatic description of the following:
 - a. The structures, equipment and support facilities to be used in the project and their manner of operation.
 - b. A description of the purpose and operational characteristics of the major components in the energy facility, including schematic flow diagrams.
 - c. An artist's rendering which illustrates the visual appearance of the facility and its immediate environs after completion.

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- d. A time schedule for the installation and start-up of the facility.
 - e. The number and type of construction and permanent workers to be employed at the facility.
 - f. The safety provisions and emergency shutdown procedures to be used in the facility for protection of the public health and environment, including a schedule for testing and maintaining safety devices.
 - g. The planned use, source, quality and consumption rate for any outside water supply.
 - h. The method and locations for disposal of wastes.
 - i. A description of facility monitoring to assure continuing compliance with applicable noise, air and water quality standards and regulations and for other potentially significant environmental impacts.
 - j. A description of the intended abandonment and site restoration procedures to be used if and when the facility is permanently taken out of operation.
- B. The siting, drilling, operation and abandonment of wells and energy facilities shall comply with the following standards:
1. Excluded Areas. No activity shall be permitted in inventoried natural resource areas, as defined by Oregon Statewide Planning Goal 5, which the County has determined to be unsuitable for any use other than the inventoried natural resource pursuant to Geothermal Policy 4(f) of the Comprehensive Plan.
 2. Scenic Protection. Activities shall be designed and conducted to be as compatible as practical with surrounding scenic and visual characteristics. Energy facilities shall be designed to minimize their visual profile and they shall be painted or prepared to be nonreflective and of colors which blend with and reduce contrast with surrounding landscape colors.
3. Fish and Wildlife Protection. Activities shall be designed, conducted and monitored, so as to assure protection of surrounding fish and wildlife resources. Activities shall not encroach upon or jeopardize habitat areas which are necessary to sustain local or migratory populations of fish and wildlife determined by the County to be significant.
 4. Protection of Historic and Cultural Resources. Activities shall be designed and conducted to avoid disturbance of historic and cultural resources. If such resources are discovered, the applicant shall cease construction or operations and inform the County of the discovery within 48 hours. Thereafter, the applicant shall submit a plan for preservation and interpretation of such resources and implement the plan before resumption of construction or operations.
 5. Access Roads. Activities shall be designed and constructed to utilize existing roads as much as practical.
 6. Signs. All well and facility sites shall have a sign of not less than three, nor more than six, square feet in surface area prominently erected, which displays the site's name or identification number; the operator's name, address and phone number; the name and phone number of the operator's representative to be contacted in the event of an emergency.
 7. Earth Work. Drill pads, pipeline routes, facility sites and roads shall be designed and constructed as follows:
 - a. Plans for drill pads, pipelines, facility sites and roads shall be prepared by a registered civil engineer.
 - b. Upon commencement of site work, topsoil shall be removed and stockpiled for later respreading over disturbed areas prior to revegetation in accordance with DCC 18.128.250(C). Except for large stumps, vegetation removed during initial site work shall be chipped, stockpiled and respread with topsoil.

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- Stumps shall be buried outside of fills. Vegetation beyond the site perimeter shall not be disturbed; the clearing limits for the site shall be specified in plans submitted to the County. Buffer zones of undisturbed soil and vegetation shall be maintained for 500 feet on either side of stream courses. Roads and pipelines crossing riparian areas shall be designed and constructed at minimum widths and in consideration of maximum erosion control.
- c. Fills shall be compacted to a minimum of 90 percent relative density (ASTM D-1557) to minimize erosion. If significant erosion occurs, the applicant shall take prompt remedial action.
 - d. Fill slopes shall not exceed a gradient of 2:1. The toes of all fills shall be stabilized with rock or keyed into stable soil and placed to reduce erosion potential to an absolute minimum. Revegetation of fill slopes shall be carried out subject to DCC 18.128.250(C). Cut slopes shall not exceed a gradient of 1.5:1. Modification of these slope gradients may be made upon written approval of the Deschutes County Public Works Director.
 - e. Subdrains shall be provided under all fills where natural drainage courses and seepage are evident.
 - f. No drill pads, pipelines, facility sites or access roads shall be allowed on potentially active landslides.
 - g. Grading and filling shall be designed to channel storm runoff to existing natural drainages. Energy dissipaters and collection devices to reduce the erosion force of unnatural runoff shall be provided.
 - h. Sumps shall be designed to withstand both static loads and dynamic loads imposed by potential seismic events. Sumps shall be constructed of material compacted to a minimum of 90 percent relative density (ASTM D1557), and shall be lined with either clay or an equivalent impermeable membrane. Safety fencing may be required.
 - i. Sumps shall be operated in a way that will preclude overtopping. Three feet of free board shall be maintained at all times when sumps are in use. Upon completion of drilling and testing, sumps shall be purged of environmentally harmful chemicals and precipitates and backfilled immediately.
8. Pipelines. All pipelines shall be designed and constructed in accordance with applicable state standards. Pipelines shall be subsurface at road crossings, unless it is demonstrated that no significantly adverse visual impacts will result from above-ground crossings. In no case shall pipelines impede vehicular traffic. Catch basins and drainages to acceptable receptacles shall be installed and continuously maintained in order to contain condensate.
 9. Noise. Activities shall be conducted in compliance with Oregon Department of Environmental Quality noise standards. Noise from drilling and facility operation shall be muffled and times of operation limited to prevent a public nuisance as defined by DEQ. The County may require noise monitoring and reporting over and above that required by the Department of Environmental Quality.
 10. Fire Protection. Activities shall be designed and conducted to provide fire protection measures acceptable to the County, any adjacent land management agency and any fire district in which the project is located.
 11. Waste Disposal. All wastes generated by a project, including but not limited to refuse, drilling fluids, drill cuttings, sand, precipitates and other solids shall be disposed of in a manner and at a location

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- in conformance with Oregon Department of Environmental Quality standards.
12. Public Safety. Activities shall be designed and conducted to prevent access by unauthorized persons to unattended equipment and operational areas.
 13. Air Quality. Activities shall be designed and conducted to comply with the air quality standards of the Oregon Department of Environmental Quality. Operational areas and access roads shall be regularly sprinkled with clean water to control dust. Except for prospect drilling, as defined by ORS 522.005(15), the County may require establishment of a meteorological station and meteorological monitoring at the site.
 14. Water Quality. Activities shall be designed and conducted to comply with the water quality standards of the Oregon Department of Environmental Quality. The equipment service and fuel transfer areas, and the area occupied by drilling rigs shall drain into sumps. No fluids of any type shall be allowed to enter stream courses.
 15. Subsidence and Induced Seismicity. Activities shall be designed and conducted to minimize the potential for land subsidence or induced seismicity which could result from the withdrawal and/or injection of geothermal fluids. Except for prospect drilling, as defined by ORS 522.005(15), the County may also require establishment of a monitoring program to gauge such impacts during operations. If either subsidence or induced seismicity is determined by the County to present a significant hazard, the County may require remedial action including, but not limited to, reduced production rates, increased injection of waste water or other nontoxic fluids or suspension of production.
 16. Clean-up. Upon completion of each phase of a project, the site shall be promptly cleared of all trash, refuse and other waste material. All drilling equipment shall be removed from well pads within 60 days of the completion of a well.
 17. Well Drilling Completion Notice. Applicants shall notify the County in writing of completed well drilling and testing within seven days of said completion. Applicants shall notify the County in writing of suspended drilling within seven days of said suspension, when such suspension is expected to last longer than 180 days.
 18. Standby Wells. Wells which have encountered geothermal resources and which are awaiting connection to a pipeline or energy facility shall be maintained at a minimum steam-bleeding rate in compliance with Oregon Department of Geology and Mineral Industry standards. The area surrounding the wellhead pads of standby wells and producing wells shall be subject to the revegetation requirements of DCC 18.128.250(C).
 19. Re-Entry of Wells. Applicants may redrill or otherwise re-enter the same well-bore of any well for which a conditional use permit has already been issued as long as all conditions for the use permit continue to be met.
 20. Site Abandonment and Restoration. When a well or facility is permanently abandoned, the applicant shall remove all equipment, structures and other related material within 180 days from the date operations cease. Thereafter, the applicant shall regrade the area of operations to match original land contours as closely as practical and shall revegetate the area subject to DCC 18.128.250(C).
- C. Revegetation. Following the completion of well drilling, or the permanent abandonment of a well or facility, the applicant shall revegetate the area of operations as follows:
1. Previously stockpiled topsoil and chipped vegetation shall be respread over disturbed areas prior to reseeding.

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2. Disturbed areas shall be reseeded with native plants and grasses in the first fall following completion of drilling or site abandonment. Temporary fencing of reseeded areas may be required to facilitate revegetation. The revegetation shall be evaluated by the County during the first spring following initial reseeded, and if determined to have resulted in less than a 75 percent survival rate, additional revegetation shall be required in the immediately succeeding fall season.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23C-G, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)

18.128.260. Hydroelectric facilities.

- A. The criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Planning Director or Hearings Body that the proposal meets each of the following criteria, where applicable:

1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
3. The facility will maintain or enhance to the greatest extent possible the existing scenic, visual, environmental and aesthetic qualities of the affected stretch of the river.
4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
5. The facility will maintain or enhance existing fish and wildlife habitat and will have no adverse impact upon any

- threatened or endangered fish, wildlife or plant species or their habitat.
6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river except during construction of the facility when adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
 - a. Deposit or create a zone for the deposit of sediments in the river at or adjacent to the site;
 - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in streamflow; or
 - c. Create the potential for or result in spillage, leakage or discharge of oil, waste products, chemicals or other substances which could reach the river.
7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site except during construction of the facility, during which time soil or bank erosion and destruction of bank habitat will be minimized.
8. The facility and its operation will maintain existing public access to the affected stretch of the river.
9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area or U. S. Forest Service Special Interest Area.
10. The facility will not be located on any stretch of the river that is being studied or recommended for inclusion in either the Federal Wild and Scenic Rivers Program or the State Scenic Waterways Program, unless location of the facility at that site would not preclude inclusion of the stretch in the state or federal program.

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11. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
 12. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features including building elevations of the powerhouse and other structures, excavation plans, a narrative describing where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
 2. Detailed plans for meeting the criteria set forth in DCC 18.128.260(B)(1).
 3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing streamflows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
 4. A cash deposit, performance bond or other security acceptable to Deschutes County in an amount equal to 100 percent of the estimated cost of river enhancement.
 5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:
 - a. A program timetable;
 - b. Projected gross revenues from the proposed facility;
 - c. Projected program expenditures and the percentage of gross revenues they represent;
- d. Projected water savings and the percentage of known current water losses they represent;
 - e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;
 - f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the minimum streamflow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and
 - g. A declaration that the applicant will enter into an agreement with the County to fulfill all of the requirements in DCC 18.128.260(B)(1) through (5) before beginning construction.

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.270. Fill and removal.

Except as otherwise provided in DCC Title 18, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland, unless such fill or removal is approved as a conditional use subject to the following standards:

- A. An application shall be filed containing a plan with the following information:
 1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 2. An explanation of why the fill or removal is necessary.
 3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.
 - b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.

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- d. Location of property lines, easements and high water marks.
 - e. Other site elements or information that will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses such as construction or maintenance of roads, bridges, electric, gas, telephone, water, sewer transmission and distribution lines, and related facilities controlled by public utilities or cooperative associations, shall not be granted conditional use permits to fill or remove unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 2. That the public facility and service uses and related facilities cannot, as a practical matter, be located outside of the wetland or bed and banks of the stream or river.
 3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream or river.
 4. That erosion will be adequately controlled during and after construction.
 5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 6. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 4. That such construction and maintenance is designed to minimize the adverse impact on the site.
 5. That erosion will be adequately controlled during and after construction.
 6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 7. That the specific location of a site for a public park, recreation area, natural and outdoor education area, historic and scientific area, wildlife refuges, public boat launching ramps, public docks and walkways will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
- D. Except for uses identified in DCC 18.128.270(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:
1. Shall be granted only after consideration of the following factors:
 - a. The effects on public or private water supplies and water quality.
 - b. The effects on aquatic life and habitat, and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.

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- c. Recreational, aesthetic and economic values of the affected water resources.
 - d. Effects on the hydrologic characteristics of the water body such as direction and velocity of flow, elevation of water surface, sediment transportation capacity, stabilization of the bank and flood hazards.
 - e. The character of the area, considering existing streambank stabilization problems and fill or removal projects which have previously occurred.
2. Shall not be granted unless all of the following conditions are met:
- a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 18.128.270(D)(1).
 - d. That erosion will be adequately controlled during and after the project.
 - e. That the essential character, quality, and density of existing vegetation will be maintained. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values, aesthetic resources and to prevent erosion.
 - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
 - g. That a conservation easement, as defined in DCC 18.04.030,

"Conservation Easement," shall be conveyed to the County, which provides, at a minimum, that all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill or removal area and all real property on the same lot, within 10 feet of any wetland, river or stream.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 23H-J, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)

18.128.280. Surface mining of Non-Goal 5 mineral and aggregate resources.

These uses are subject to the following standards:

- A. An application shall be filed containing the following information:
 1. A detailed explanation of the project and why the surface mining activity is necessary.
 2. A site plan drawn to scale and accompanied by any drawings, sketches and descriptions necessary to describe and illustrate the proposed surface mining.
- B. A conditional use permit shall not be issued unless the applicant demonstrates at the time of site plan review that the following conditions are or can be met:
 1. The surface mining is necessary to conduct or maintain a use allowed in the zone in which the property is located.
 2. Erosion will be controlled during and after the surface mining.
 3. The surface mining activity can meet all applicable DEQ noise control standards and ambient air quality and emission standards.
 4. Sufficient water is available to support approved methods of dust control and vegetation enhancement.
 5. The surface mining does not adversely impact other resources or uses on the site or adjacent properties, including, but not limited to, farm use, forest use, recreational use, historic use and fish and

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wildlife habitat as designed or through mitigation measures required to minimize these impacts.

C. If the surface mining actively involves the maintenance or creation of man-made lakes, water impoundments or ponds, the applicant shall also demonstrate, at the time of site plan review, that the following conditions are or can be met:

1. There is adequate water legally available to the site to maintain the water impoundment and to prevent stagnation.
2. The soil characteristics or proposed lining of the impoundment are adequate to contain the proposed water and will not result in the waste of water.
3. Where the impoundment bank slope is steeper than three feet horizontal to one foot vertical, or where the depth is six feet or deeper, the perimeter of the impoundment is adequately protected by methods such as fences or access barriers and controls.
4. The surface mining does not adversely affect any drainages, all surface water drainage is contained on site, and existing watercourses or drainages are maintained so as not to adversely affect any surrounding properties.

D. Limitations

1. Excavation does not include crushing or processing of excavated material.
2. A permit for mining of aggregate shall be issued only for a site included on the County's non-significant mineral and aggregate resource list.
3. Hours of operation shall be 7:00 a.m. to 6:00 p.m. - Monday through Saturday. No surface mining activity shall be conducted on Sundays or the following legal holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

(Ord. 2001-039 § 14, 2001; Ord. 2001-016 § 2, 2001; Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.290. Storage, crushing and processing of minerals in conjunction with the maintenance or construction of public roads or highways.

A conditional use permit for these uses shall be subject to the following standards:

- A. An application shall be filed containing the following information:
 1. A detailed explanation of the project, including the duration and operation characteristics of the site.
 2. A site plan drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed project.
- B. A conditional use permit for storage, crushing and processing of minerals to be used in conjunction with maintenance and construction of public roads and highways shall be subject to all applicable general operation standards established by DCC 18.52.110, except DCC 18.52.110(J), (K) and (L).

(Ord. 95-075 § 1, 1995; Ord. 91-020 § 1, 1991)

18.128.300. Mini-storage facility.

- A. Each individual space for rent or sale shall be less than 1000 square feet.
- B. Mini-storage shall be limited to dead storage. Outside storage shall be limited to boats, recreational vehicles and similar vehicles placed within designated spaces on an all-weather surfaced area which is surrounded by a sight-obscuring fence at least six feet in height.
- C. Yards shall be permanently landscaped.
- D. Yard dimensions adjacent to residential zones shall be the same as required yards within the residential zone.
- E. One parking space for each 25 storage spaces shall be located at the project office for use by customers.
- F. All structures shall be fenced and visually screened.

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- G. Traffic lanes shall be 12 feet wide with an additional 10-foot parking lane, except where the traffic lane does not serve the storage units. All areas provided for vehicle access, parking and movement shall be improved to minimum public road standards.
- H. A residence for a caretaker or 24-hour on-site manager is permitted.
- I. There shall be only one access from each adjacent street.
- J. Outside lighting, including shading to prevent glare on adjacent properties, may be required for safety and security purposes.
(Ord. 2001-025 § 1, 2001; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.128.310. Bed and breakfast inn.

- A. Bed and breakfast inns shall be restricted to owner-occupied single-family residences.
- B. Bed and breakfast inns located in farm or forest zones shall utilize existing dwellings or dwellings conforming to the requirements of those zones relating to single-family dwellings.
- C. No more than three sleeping rooms shall be available for the accommodation of inn visitors.
- D. No more than eight guests shall be accommodated at any one time.
- E. Occupancies shall be limited to not more than 30 consecutive days.
- F. Breakfast shall be the only meal provided to inn guests.
- G. The exterior of the building shall maintain a residential appearance.
- H. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.
- I. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.
- J. Approval shall be conditioned upon compliance with all applicable state building

code requirements and state sanitation requirements.

- K. Bed and breakfast inns in the Wildlife Area Combining Zone are subject to the provisions of DCC 18.88.
(Ord. 98-013 § 5, 1998; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.128.320. Campgrounds.

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

- A. Campgrounds shall provide patrons with opportunities for outdoor recreation that are compatible with the natural setting of the area. Outdoor recreation activities include fishing, swimming, boating, hiking, bicycling, horseback riding and other similar activities. Outdoor recreation does not include commercial uses such as miniature golf courses, go-cart tracks or rental of equipment or animals.
- B. Street access shall be provided as follows:
 - 1. The campground shall obtain direct access from a street or road designated as an arterial or collector by the Deschutes County Comprehensive Plan.
 - 2. Access to the campground shall be adequate to handle the anticipated traffic generated by the use.
 - 3. The Deschutes County Public Works Department or the State Highway Division may require refuge lanes for left-hand turns and deceleration lanes for right-hand turns where necessary for public safety.
- C. Water supply and sewage disposal shall be provided as follows:
 - 1. Applicant shall demonstrate that there is adequate potable water available at the site to serve the campground. When the water is to be supplied from a well, a well log is required to show that an ample supply of water will be available for the campground it will serve.
 - 2. Plans for water supply and sewage disposal improvements must be approved

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by the State Health Division and the Department of Environmental Quality.

3. Evidence shall be provided to demonstrate that the campground will be eligible for a certificate of sanitation as required by the Oregon Department of Environmental Quality.

D. A campground shall conform to state standards specified in ~~ORS 918.650~~ OAR Chapter 918, Division 650 and the following:

1. Sixty-five percent of a parcel developed as a campground shall be retained as open space. Natural vegetation shall be maintained in open space areas to the fullest extent possible. Walkways, roadways, parking spaces, structures, service areas and campsites shall not be considered open space.
2. The space provided for each campsite shall be not less than 1600 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, landscaped areas and parking spaces other than those assigned to particular campsites.
3. Campgrounds shall provide potable water, toilet and shower facilities, lighting, picnic tables and garbage collection sites for the convenient use of campers as specified in ORS 918.650. Water and electric lines shall be placed underground.
4. Campgrounds shall not provide campsite hookups for sewage disposal or electricity. A centralized sewage dump station that meets state standards may be provided.
5. Roadways permitting one-way traffic shall be not less than 10 feet wide and those permitting two-way traffic shall not be less than 20 feet wide. Where parking is allowed on the margin of the road, an additional 10 feet shall be added for each parking lane.

Roadways shall be improved with an all-weather, dustless surface.

6. Except for the access roadway serving the campground, no vehicular or

pedestrian access shall be allowed out of the campground. Fences shall be provided which prevent trespass to property not under the control of the campground owner.

7. Each campsite shall be provided with at least one parking space which shall be paved or covered with crushed gravel and designed to promote drainage of surface runoff.
8. Campgrounds shall be surrounded by buffer strips of existing vegetation or landscaping.
9. To promote privacy and preserve the integrity of the natural setting, campgrounds shall retain existing vegetation to the fullest extent practical.
10. Yards and Setbacks.
 - a. Campsites or parking spaces shall not be located within the yard and setback areas required by the County for permanent buildings in the zone in which the campground is located.
 - b. No developed portion of the campground shall be located within 100 feet of the right of way of any road or property line of a lot not part of the campground.
 - c. No developed portion of the campground shall be located closer than 300 feet from a road in a Landscape Management overlay zone.
 - d. Setback requirements in DCC 18.128.320(D)(10)(b) and (c) may be waived upon a finding by the Planning Director or Hearings Body that the developed portion of the campground will be sufficiently screened and buffered from neighboring properties or the protected landscape area.
11. Tent campers and recreational vehicles shall not remain in the campground for more than 30 days in any 60-day period.
12. The campground shall be licensed as a tourist facility by the State Department of Health as specified in ORS 446, unless

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operated by a public entity, timber company or private utility.

13. One dwelling may be allowed for a resident caretaker or proprietor.
(Ord. 2004-013 § 14, 2004; Ord. 95-075 § 1, 1995; Ord. 91-038 § 3, 1991)

18.128.330. Microwave and radio communication towers in the SM zone.

A conditional use permit for siting of a microwave or radio communication tower and accessory equipment structures in the SM Zone shall be subject to the criteria of DCC 18.128.340 and the following criteria:

- A. Towers shall be limited to monopole towers of under 150 feet and lighted only as prescribed by aviation safety regulations.
- B. Towers and accessory equipment structures shall be located only on portions of an SM-Zoned site that do not overlay economically viable mineral or aggregate deposits and that minimize conflicts with mining operations at the site.
- C. Such facilities proposed in an SM Zone where the underlying or surrounding comprehensive plan designation is for forest use must demonstrate compliance with the criteria set forth in DCC 18.36.040.
- D. No new parcels or lots shall be created for siting of the proposed tower.
- E. Such facilities must not conflict with any site plan which has been previously approved by the County.

(Ord. 97-017 § 8, 1997; Ord. 95-075 § 1, 1995; Ord. 95-046 § 3, 1995)

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.

A. Application Requirements. An application for a wireless telecommunications facility shall comply with the following meeting, notice, and submittal requirements:

1. Neighborhood Meeting. Prior to scheduling a pre-application conference with Planning Division staff, the applicant shall provide notice of and hold a meeting with interested owners of property nearby to a potential facility location. Notice shall be in writing and shall be mailed no less than 10 days prior to the date set for the meeting to owners of record of property within:
 - a. One thousand three hundred twenty feet for a tower or monopole no greater than 100 feet in height, and
 - b. Two thousand feet for a tower or monopole at least 100 feet and no higher than 150 feet in height. Such notice shall not take the place of notice required by DCC Title 22.
2. Pre-Application Conference. Applicant shall attend a scheduled pre-application conference prior to submission of a land use application. An application for a wireless telecommunications facility permit will not be deemed complete until the applicant has had a pre-application conference with Planning Division staff.
3. Submittal Requirements. An application for a conditional use permit for a wireless telecommunications facility shall include:
 - a. A copy of the blank lease form.
 - b. A copy of the applicant's Federal Communications Commission license.
 - c. A map that shows the applicant's search ring for the proposed site and the properties within the search ring, including locations of existing telecommunications towers or monopoles.
 - d. A copy of the written notice of the required neighborhood meeting and a certificate of mailing showing that

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- the notice was mailed to the list of property owners falling within the notice area designated under DCC 18.128.340(A)(1).
- e. A written summary of the neighborhood meeting detailing the substance of the meeting, the time, date and location of the meeting and a list of meeting attendees.
 - f. A site plan showing the location of the proposed facility and its components. The site plan shall also identify the location of existing and proposed landscaping, any equipment shelters, utility connections, and any fencing proposed to enclose the facility.
 - g. A copy of the design specifications, including proposed colors, and/or elevation of an antenna array proposed with the facility.
 - h. An elevation drawing of the facility and a photographic simulation of the facility showing how it would fit into the landscape.
 - i. A copy of a letter of determination from the Federal Aviation Administration or the Oregon Department of Transportation - Aeronautics Division as to whether or not aviation lighting would be required for the proposed facility.
- B. Approval Criteria: An application for a wireless telecommunication facility will be approved upon findings that:
1. The facility will not be located on irrigated land, as defined by DCC 18.04.030.
 2. The applicant has considered other sites in its search area that would have less visual impact as viewed from nearby residences than the site proposed and has determined that any less intrusive sites are either unavailable or do not provide the communications coverage necessary. To meet this criterion, the applicant must demonstrate that it has made a good faith effort to co-locate its antennas on existing monopoles in the area to be served. The applicant can demonstrate this by submitting a statement from a qualified engineer that indicates whether the necessary service can or cannot be provided by co-location within the area to be served.
 3. The facility is sited using trees, vegetation, and topography to the maximum extent practicable to screen the facility from view of nearby residences.
 4. A tower or monopole located in an LM Zone is no taller than 30 feet. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
 5. In all cases, the applicant shall site the facility in a manner to minimize its impact on scenic views and shall site the facility using trees, vegetation, and topography in order to screen it to the maximum extent practicable from view from protected roadways. Towers or monopoles shall not be sited in locations where there is no vegetative, structural or topographic screening available.
 6. Any tower or monopole is finished with natural wood colors or colors selected from amongst colors approved by Ordinance 97-017.
 7. Any required aviation lighting is shielded to the maximum extent allowed by FAA and/or ODOT-Aeronautics regulations.
 8. The form of lease for the site does not prevent the possibility of co-location of additional wireless telecommunication facilities at the site.
 9. Any tower or monopole shall be designed in a manner that it can carry the antennas of at least one additional wireless carrier. This criterion may be satisfied by submitting the statement of a licensed structural engineer licensed in Oregon that the monopole or tower has been designed with sufficient strength to carry such an additional antenna array and by elevation drawings of the proposed tower or monopole that identifies an area designed to provide the required spacing

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between antenna arrays of different carriers.

10. Any approval of a wireless telecommunication facility shall include a condition that if the facility is left unused or is abandoned by all wireless providers located on the facility for more than one year the facility shall be removed by the landowner.

(Ord. 2000-019 § 2, 2000; Ord. 97-063 § 2, 1997; Ord. 97-017 § 8, 1997)

18.128.350. Guest lodge.

- A. The exterior of the building shall maintain a residential appearance.
- B. One off-street parking space shall be provided for each guest room in addition to parking to serve the residents.
- C. The lodge shall be operated in a way that will protect neighbors from unreasonable disturbance from noise, dust, traffic or trespass.
- D. Occupancies for individuals shall be limited to not more than 30 consecutive days.
- E. Meals shall be served to registered overnight lodge guests only and shall not be provided to the public at large.

(Ord. 97-029 § 3, 1997)

18.128.360. Guest ranch.

A guest ranch established under DCC 18.128.360 shall meet the following conditions:

- A. Except as provided in DCC 18.128.360(C), the lodge, bunkhouses or cottages cumulatively shall:
 1. Include not less than four nor more than 10 overnight guest rooms exclusive of kitchen areas, rest rooms, storage and other shared indoor facilities, and;
 2. Not exceed a total of 12,000 square feet in floor area.
- B. The guest ranch shall be located on a lawfully created parcel that is:
 1. At least 160 acres in size;
 2. The majority of the lot or parcel is not within 10 air miles of an urban growth

boundary containing a population greater than 5000;

3. The parcel containing the dwelling of the person conducting the livestock operation; and
 4. Not classified as high value farmland as defined in DCC 18.04.030.
- C. For every additional 160 acres to the initial 160 acres required under DCC 18.128.360(B), up to five additional overnight guest rooms and 3,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 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 or swimming. Intensively developed recreational facilities such as a golf course or campground as defined in DCC Title 18, 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. The cost of meals provided to the guests shall be included as part of the fee to visit to stay at the guest ranch. The sale of individual meals to persons who are not guests of 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.

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- 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. 2001-043 § 1, 2001; Ord. 98-056 § 2, 1998)

Note: DCC 18.128.360 is repealed December 31, 2005.

18.128.370. Time-share unit.

A time-share unit established under this subsection shall meet the following conditions:

- A. Any time-share unit project shall have its primary access on an arterial or collector street.
- B. New time-share units may be developed in vacant areas in the applicable zoning districts provided that such developments comply with DCC 18.128.370(A), and the following:
 - 1. That such development has a minimum site size of 10 acres, except within the UUC-Sunriver Zone.
 - 2. That such development is appropriately buffered by the use of yards, landscaping, etc., from adjoining properties as determined during site plan review considering the need for privacy and the effects of noise.
- C. The Planning Director or Hearings Body may require bonds to assure installation and maintenance of landscaping, parking and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners' association, that will assure maintenance of such facilities.

- D. No structure shall be utilized as a time-share unit unless all the units in the structure or particular phase of the development are used as time-share units for this purpose.

(Ord. 2000-033 § 9, 2000)

18.128.380. Procedure for taking action on conditional use application.

The procedure for taking action on a conditional use application shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application on forms provided by the Planning Department.
- B. Review of the application shall be conducted according to the terms of DCC Title 22, the Uniform Development Procedures Ordinance.

(Ord. 86-032 § 1, 1986)

18.128.390. Time limit on a permit for a conditional use.

Duration of permits issued under DCC 18.128 shall be as set forth in DCC 22.36.

(Ord. 95-018 § 4, 1995; Ord. 91-020 § 1, 1991)

18.128.400. Occupancy permit.

The Planning Director or Hearings Body may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of DCC Title 18. The Planning Director or Hearings Body shall consider such a requirement for any use authorized by a conditional use permit for which the ordinance requires on-site or off-site improvements or where such conditions have been established by the Planning Director or Hearings Body upon approval of such use. The requirement of an occupancy permit shall be for the intent of insuring permit compliance and said permit shall not be issued except as set forth by the Planning Director or Hearings Body. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated to the Planning Director or the building inspector by the Hearings Body at the time of approval of a specific conditional use permit.

(Ord. 91-020 § 1, 1991)

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18.128.410. Time-share unit. (Repealed by Ord. 2000-033, 2000)

18.128.420. Building permit for an approved conditional use.

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Director or Hearings Body. Any substantial change in the approved plan shall be submitted to the Planning Director or the Hearings Officer as a new application for a conditional use.

(Ord. 91-038 § 3, 1991; Ord. 91-020 § 1, 1991; Ord. 89-004 § 3, 1989)

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18.132.025. Minor variances.

A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.

- A. In the case of a setback or size variance, the applicant shall show that the approval will result in:
1. More efficient use of the site;
 2. Preservation of natural features where appropriate;
 3. Adequate provision of light and privacy to adjoining properties; and
 4. Preservation of topographic, vegetative and drainage features which would be adversely affected by application of the standards otherwise required by DCC Title 18.

- B. ~~A lot line adjustment varying no more than 10 percent from standard dimensions as specified in DCC Title 18 may be approved without a variance for lots that are already noneonforming.~~ A parcel that is smaller than the minimum lot size at the time of application may not be reduced by more than 10 percent from its current size without a variance.

(Ord. 2004-013 § 15, 2004; Ord. 91-038 § 3, 1991)

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Text Amendment - TA-03-10
 Changes to Deschutes County Code
 Title 18, Zoning Ordinance

<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
18.12.010(D)(6)	<i>Widgi Creek Resort District abbreviation should be changed to be more clear and consistent with the other districts in the zone. Change abbreviation from SMWCR to WCR-RD (or WCRD). Staff believes the SM portion may be confused with Surface Mine.</i>	<p>6. Resort Community.</p> <p>A. Black Butte Ranch Abbreviations Resort District BBRR Surface Mining District/Limited Use BBRSM Utility District/Limited Use BBRU</p> <p>B. Inn of the 7th Mountain/ Widgi Creek Abbreviations Resort District SMWCRWCRD Widgi Creek Residential District WCR</p>
18.16.050(F)(1)	<i>A lot of record dwelling will be approved on nonhigh value... Should read, "high value" to be consistent with the header.</i>	<p>18.16.050. Standards for dwellings in the EFU zones. Dwellings listed in DCC 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling:</p> <p>... F. Lot of record dwelling on high-value farmland.</p> <p>1. A lot of record dwelling will be approved on high value farmland when all of the following requirements are met:</p>
18.36.070	<i>Add New Firebreak language to Fire Siting Standards. OAR 660-06-035 (3). This language clarifies that the owner is only responsible for establishing and maintaining firebreaks on land owned or controlled by the owner.</i>	<p>18.36.070. Fire siting standards for dwellings and structures.</p> <p>... B. Firebreaks. <u>The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner.</u></p> <p>1. Primary Firebreak. Prior to use, owners of dwellings and</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
		<p>structures shall construct a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.</p> <p>2. Secondary Firebreak. Owners of the dwellings and structures shall construct a <u>A secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.</u></p> <p>3. Fuel Break. Owners of the dwellings and structures shall maintain a <u>A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.</u></p>
18.40.070	<p><i>Add New Firebreak language to Fire Siting Standards. OAR 660-06-035 (3). This language clarifies that the owner is only responsible for establishing and maintaining firebreaks on land owned or controlled by the owner.</i></p>	<p>18.40.070. Fire siting standards for dwellings and structures.</p> <p>... B. Firebreaks. <u>The owners of dwellings and structures shall construct and maintain the following firebreaks on land surrounding the structures that is owned or controlled by the owner:</u></p> <ol style="list-style-type: none"> 1. <u>Primary Firebreak. Prior to use, owners of dwellings and</u>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
		<p>structures shall construct a primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials.</p> <p>2. Secondary Firebreak. Owners of the dwellings and structures shall construct a <u>A</u> secondary firebreak of not less than 20 feet shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed.</p> <p>3. Fuel Break. Owners of the dwellings and structures shall maintain a <u>A</u> fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed. The fuel break shall be completed prior to the beginning of the coming fire season.</p>
18.56.140 Exemptions	<p><i>Exemptions should be from "this section", not 18.56.130. In addition, clarify wording in this section to include exemptions of all noise and dust sensitive uses or structures, which by definition includes dwellings, which has been that are constructed prior to the adoption of the referenced ordinance. The entire SMIA zone applies to all noise</i></p>	<p>The following shall be exempt from the provisions of DCC 18.56:</p> <p>A. Uses in the SMIA Zone which are not within one-half mile of any identified resource in the SM Zone after all reclamation has occurred.</p> <p>B. Continuation and maintenance of a conforming or nonconforming use established prior to the effective date of Ordinance No. 90-014.</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
	<p><i>and dust sensitive uses. Furthermore, it has been policy that the SMIA include all noise and dust sensitive uses. This area of the SMIA zone is the only direct reference to dwelling thus an error in reference. This section should also include additions to those noise or dust sensitive uses or structures previously reviewed for compliance with this chapter and that are completely screened.</i></p>	<p>C. The employment of land for farm or forest use. D. Additions to noise-sensitive or dust-sensitive uses or structures existing on the effective date of Ordinance No. 90-014, or established or constructed in accordance with DCC Chapter 18.56, which are completely screened from the surface mining site by the existing dwelling use or structure.</p>
<p>Table 2 of 18.61</p>	<p><i>Clarify and correct text of Table 2 regarding the "% of building at front lot line" statement. Clarify to mean this % refers to a percentage of the structure that must be sited at the minimum setback. Currently the text indicates a zero setback is allowed, which is incorrect.</i></p>	<p>TABLE 2. La Pine Neighborhood Planning Area Zoning Standards ... % Building at front lot line of the structure that shall be sited at the minimum yard setback.</p>
<p>18.61.040(C)(15)</p>	<p><i>Change the reference stated in 18.61.040.C(15) from "allowed under DCC 18.61.040 (14)" to "allowed under DCC 18.61.C(14)."</i></p>	<p>15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(C)(14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).</p>
<p>18.61.040D</p>	<p><i>The reference to 18.61.040(B)(3)(m) should be to (C)(14). Additionally, 18.61.040(D) should be followed by 18.61.040(D)(1-3) NOT 18.61.040(D)(a-c).</i></p>	<p>18.61.040 Wickiup Junction Planning Area. The Wickiup Junction Planning Area is composed of one Commercial/Residential zoning district with its own set of allowed uses and regulations, as further set forth in DCC 18.61.040. ... D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040-(B)(C)(3) (14)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
		<p>of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:</p> <p>a1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;</p> <p>b2. The use will primarily employ a work force from the community and surrounding rural area; and</p> <p>e3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space but could locate the use in a building not exceeding 12,000 square feet of floor space.</p>
18.61.050(C)(6)	<p><i>The above citation states that density requirements are listed in Tables 1 & 2A - there is no table 2A. Correct the reference to Table 2A to Table 2.</i></p>	<p>C. Residential General District.... 6. Residential Density. The residential density requirements in Tables 1 and 2 A shall apply to the Residential General District.</p>
18.61.050(H)(4)(c)	<p><i>This citation references approval of Quadrant Plans per 18.61.050(K) is incorrect. There is no (K) and should indicate reference 18.61.050(J).</i></p>	<p>c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(K)(J).</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
18.61.050(I)(1) & (2)	18.61.050(I)(1) and (2) have their letter sequence out of order.	<p>I. Open Space District...</p> <ol style="list-style-type: none"> 1. Perimeter Open Space Uses Permitted Outright. <ol style="list-style-type: none"> ea. Open space. fb. Multi-use path. 2. Corridor Open Space Uses Permitted Outright. <ol style="list-style-type: none"> a. Open space. b. Multi-use path. gc. Picnic area. hd. Benches along multi-use path. ie. Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.
18.67.040(D)(1)	Incorrect reference. Should indicate "The front yard setback shall be 15 feet except as otherwise allowed by DCC 18.124.070(D)(3)."	<p>I. Yard Standards.</p> <ol style="list-style-type: none"> 1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(E)(D)(3)(b). The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
18.76.080(B)(2)	The AS District in the Master Plan only speaks in general terms of the need to continue to make land available for aviation-related support businesses and hangars. Remove the word "industrial" to broaden the scope of aviation-related businesses allowed through the conditional use process, as was the intent. This was simply an error adding an incorrect word, which changed the meaning and intent of this section.	<p>18.76.080. Aviation Support District (ASD).</p> <p>... B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit: ... 2. Airport or aviation-related industrial businesses that benefit from an on-airport location.</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
18.88.020	<i>Subsection 18.88.020 refers back to itself by stating, "The provisions of 18.88.020 apply..." The subsection should refer to the entire chapter and not to itself.</i>	18.88.020. Application of provisions. The provisions of DCC 18.88-020 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. Unincorporated communities are exempt from the provisions of DCC 18.88.
18.100.020 & 18.100.030	<i>Any uses permitted by DCC 18.100.020 should be reference to 18.100.010 and not to itself. Additionally, DCC 18.100.030 also contains incorrect references.</i>	<p>18.100.020. Conditional uses. The following uses may be allowed subject to DCC 18.128:</p> <p>A. Any use permitted by DCC 18.100.0210, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.</p> <p>B. Any use permitted by DCC 18.100.0210, which involves open storage.</p> <p>I. Any use permitted by DCC 18.100.0210, which is expected to exceed the following standards:</p> <p>18.100.030. Use limitations. In an R-I Zone, the following limitations and standards shall apply to all permitted and conditional uses:</p> <p>E. All parking demands created by any use permitted by DCC 18.100.0210 or 0320 shall be accommodated on the applicant's premises entirely off-street.</p> <p>F. No use permitted by DCC 18.100.0210 or 0320 shall require the backing of traffic onto a public or private street or road right of way.</p> <p>G. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.100.0210 or 0320 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.</p> <p>H. All uses permitted by DCC 18.100.0210 or 0320 shall be</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
18.108.030(A)(1)	<i>Remove limitation on one private garage for each dwelling unit. It is unnecessary and redundant. The header includes language that indicates uses accessory to those permitted are also permitted outright and a garage is recognized as an accessory use to a single-family dwelling.</i>	screened from adjoining residential uses by a sight-obscuring fence. A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright: 1. Single-family dwelling, including one private garage for each dwelling unit. 2. Recreational path.
18.116.030(F)(1) and (5)	<i>Clarify that sight-obscuring fences only required when there are adverse visual impacts on adjacent residential uses. Staff believes this is unnecessary and the landscaping standards help buffer parking and is more attractive. Requiring fencing adjacent to residential uses is more practical when there is no landscaping or buffering proposed or possible.</i>	F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows: 1. Except for parking to serve residential uses, A an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence <u>when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.</u> ... 5. Except for parking to serve residential uses, parking and leading areas adjacent to residential uses shall be designed to minimize disturbance of residents.
18.116.050(A)(5)	<i>Original adoption of this section (Ord. 91-005) excluded this date of "June 15, 1976." It was the intent of Ordinance 91-005 that this date be included as it is related to the Federal Mobile Home Construction and Safety Standards, when the more stringent manufactured home construction standards took effect.</i>	A. A Class A manufactured home shall: ... 5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code <u>as of June 15, 1976;</u>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
18.116.180(B)(1)(d)	<i>The first sentence and the rest of the subsection do not appear to address the same requirements. Staff recommends adding separate subsection.</i>	<p>B. Standards. Every new structure or addition to an existing structure shall meet the following standards for a solar setback from the north lot line, except as provided in DCC 18.116.180(B)(3):</p> <p>...</p> <p>d. Degrees of slope of the land from east to west and from north to south.</p> <p>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).</p>
18.120.010(A)(2)	<i>Clarify second sentence to state that an addition shall not project into the required setback area at any point. The Planning Division has interpreted that the addition or new structure can be sited anywhere along that existing, nonconforming setback, not limiting any additions to the area of the existing footprint.</i>	<p>A. Expansion or Replacement of a Nonconforming Structure.</p> <p>...</p> <p>2. Replacement or Expansion without Additional Encroachment in Setback Area. A nonconforming structure may be replaced with a new structure of the same size on the same footprint as the preexisting nonconforming structure or may be expanded with an addition that does not project into the required setback area at any point along the footprint of the structure, subject to all other applicable provisions of DCC Title 18.</p>
18.120.030(B)	<i>Propose consistency between these two areas of the code by adding reference to DCC 18.116.100 link two related standards together. Staff has always referred to these sections individually, but wanted to</i>	<p>B. Architectural features such as cornices, eaves, sunshades, gutters, chimneys and flues may project into a required yard in accordance with DCC 18.116.100. Also, steps, terraces, platforms, porches having no roof covering and fences not</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
	<p><i>link the two together to avoid confusion or oversight of one of the sections. For reference, DCC 18.116.100 reads as follows:</i></p> <p>18.116.100. Building projections. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet into a required yard, provided that the projection is not closer than three feet to a property line.</p>	<p>interfering with the vision clearance requirements may project into a required yard. Signs conforming to the requirements of DCC Title 18 and all other applicable ordinances shall be permitted in required yards.</p>
18.120.030(E)(3)	<p><i>By this reading, if an applicant qualifies for a hardship in more than one of the listed situations, adherence to the 100 foot setback CAN NOT create a hardship. Perhaps it should read something to the effect of, "For the purposes of DCC 18.120.030, a hardship exists in one or more of the following situations:"</i></p>	<p>18.120.030. Exceptions to yard requirements. The following exceptions to yard requirements are authorized for a lot in any zone:</p> <p>... E. Dwellings on parcels created prior to November 1, 1979, may be granted an exception to the 100-foot setback from the ordinary high water mark along a stream or lake subject to DCC Title 22, the Uniform Development Procedures Ordinance, and the following conditions:</p> <p>... 3. For the purposes of DCC 18.120.030, a hardship exists only in one or <u>more</u> of the following situations:</p>
18.128.080(B)(1)	<p><i>Delete criterion; may be illegal under the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).</i></p>	<p>B. The applicant shall address the following issues in the application:</p> <p>1. Location of the site relative to the service area.</p> <p>21. Probable growth and needs thereof.</p> <p>32. 32. Site location relative to land uses in the vicinity.</p> <p>43. Conformity with Deschutes County Road Department standards for proposed access to and from principal streets and the probable effect of the proposal on the traffic volume of adjoining and nearby streets.</p>

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<u>DCC Title 18 Section</u>	<u>Explanation of Proposed Modification</u>	<u>Current & Proposed Text</u>
18.128.320(D)	Reference to "ORS 918.650" should read "OAR 918.650"	<p>18.128.320. Campgrounds. A conditional use permit for a campground may be issued only when the following criteria are met:</p> <p>...</p> <p>D. A campground shall conform to state standards specified in <u>ORS 918.650 OAR Chapter 918, Division 650</u> and the following:</p>
18.132.025(B)	<p><i>As written, this indicates an existing nonconforming lot in the RR-10 zone can adjust up to an acre. However, it has long been the interpretation that this mean nonconforming sized lot or parcel can be adjusted up to 10% of the existing size of the lot or parcel. Adding also that a lot or parcel that meets the current minimum lot size shall not be reduced below that minimum lot size.</i></p>	<p>18.132.025. Minor variances. A variance seeking to depart from on-site requirements of DCC Title 18, such as setbacks and area requirements, by no greater than 10 percent of the required distance or area may be granted by the Planning Director or Hearings Body in conformance with DCC 18.132.025.</p> <p>...</p> <p>B. A lot line adjustment varying no more than 10 percent from standard dimensions as specified in DCC Title 18 may be approved without a variance for lots that are already nonconforming. A parcel that is smaller than the minimum lot size at the time of application may not be reduced by more than 10 percent from its current size without a variance.</p>