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REVIEWED
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LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

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TERRY SUE PENHOLLOW
COUNTY CLERK

An Ordinance Amending Title 18 of *
the Deschutes County Code, the *
Deschutes County Zoning Ordinance, *
Amending Building Height Limita- *
tions for the EFU, Exclusive Farm *
Use, MUA-10, Multiple Use Agricul- *
ture, F-1 and F-2, Forest Use, *
RR-10, Rural Residential, OS&C, *
Open Space and Conservation, RSC, *
Rural Service Center, RSR-M and *
RSR-5, Rural Service Residential, *
and FP, Flood Plain Zones, and *
adding Churches as a Conditional *
Use in the MUA-10 Zone, and *
Establishing a Provision to *
Construct or Enlarge Structures *
up to 36 feet in these Zones, and *
Declaring an Emergency. *

ORDINANCE NO. 92-055

WHEREAS, Ken Paul proposed a Text Amendment to Section 18.60.060 of Title 18, to amend the building height limitations in the RR-10 Zone.

WHEREAS, the County Planning Commission, after notice given and hearing conducted in accordance with applicable law, has recommended approval of Text Amendments to Title 18; establishing a uniform height limitation of (thirty) 30 feet in most zones under Title 18, and establishing an exception for structures up to (thirty-six) 36 feet with a land use permit.

WHEREAS, Churches were originally allowed as Uses Permitted Outright under PL-15, and were inadvertently left out of the Conversion to Title 18.

WHEREAS, the Deschutes County Planning Commission, after notice given and hearing conducted in accordance with applicable law, recommended that Churches become a Conditional Use in the MUA-10 Zone; now, therefore,

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

Section 1. Section 18.16.060 of Title 18 is amended as follows:

Section 18.16.060 Dimensional Standards.

A. The minimum lot size for farm parcels created by partition subject to Title 17 of the Deschutes County

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Code shall be:

EFU-20 zone	20 acres
EFU-40 zone	40 acres
EFU-80 zone	80 acres
EFU-320 zone	320 acres

- B. New farm parcels created by partition shall be appropriate for the continuation of existing agricultural enterprise in the area.
- C. The minimum lot area for nonfarm uses permitted by Section 18.16.030(E) through (BB) shall be that determined by the Planning Director or Hearings Body to carry out the intent and purposes of ORS Chapter 215, this title and the Comprehensive Plan. In no case shall lot areas be less than one acre. (Ord. 91-020 ss 1,1991).
- D. Each lot shall have a minimum street frontage of (fifty) 50 feet.
- E. The minimum average lot depth and width for new parcels shall be:

EFU-20 zone	300 feet
EFU-40 zone	600 feet
EFU-80 zone	1000 feet
EFU-320 zone	2000 feet

 (Ord. 91-038 ss 1 and 2, 1991)
- F. **Building Height.** No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except allowed as under Section 18.120.040.

Section 2. Section 18.32.030 Conditional Uses Permitted.

Section 18.32.030 of Title 18 is amended as follows:

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

- A. Public use.
- B. Semi-public use.
- C. Commercial activities in conjunction with farm use.
- D. Dude Ranch.
- E. Kennel or animal hospital.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm

dwelling, subject to the requirements set forth in Section 18.116.070. (Ord. 91-005 ss 19, 1991).

- H. Exploration for minerals. (Ord. 91-002 ss 7, 1991; Ord. 90-014 ss 27, 1990).
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks, rodeo or livestock arenas and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division. (Ord. 91-038 ss 1, 1991; Ord. 91-020 ss 1, 1991).
- K. Golf courses.
- L. Home occupations. (Ord. 91-020 ss 1, 1991).
- M. A facility for primary processing for forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(Nonfarm related single-wide...repealed by Ord. 91-005 ss 20, 1991; Ord. 80-206 ss 3, 1980).
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. Landfills when a written tentative approval by Department of Environmental Quality (DEQ) of the site if submitted with the conditional use application.
- R. Time-share unit or the creation thereof. (Ord. 83-033

- S. Hydroelectric facility, subject to Sections 18.116.130 and 18.128.040(V). (Ord. 86-018 ss 7, 1986).
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways. (Ord. 90-014 ss 35, 1990).
- U. Bed and breakfast inn. (Ord. 91-038 ss 1, 1991).
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W). (Ord. 91-038 ss 1, 1991).
- W. Churches, subject to Chapter 18.124 and Section 18.128.040(D) of this Code.

Section 3. Section 18.32.040 of Title 18 is amended as follows:

Section 18.32.040 Dimensional Standards.

In an MUA Zone, the following dimensional standards shall apply:

- A. The minimum lot size shall be ten acres, except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres and planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density. (Ord. 91-020 ss 1, 1991).
- B. The minimum average lot width shall be one hundred (100) feet and the minimum street frontage fifty (50) feet.
- C. The minimum average lot depth shall be one hundred fifty (150) feet.
- D. **Building Height.** No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under Section 18.120.040.

Section 4. Section 18.36.090 of Title 18 is amended as follows:

Section 18.36.090 Dimensional Standards.

In an F-1 Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres.

- B. Land divisions creating parcels less than eighty (80) acres in size may only be approved for uses listed in Seciton 18.36.030(D) through (O), provided that those uses have been approved pursuant to Section 18.36.040.
- C. Notwithstanding subsections (A) and (B) above, the Planning Director or Hearings Body may waive the 80-acre minimum lot size to allow a partition of property provided:
- a. The subject property contains a dwelling which existed prior to January 25, 1990; and
 - b. the dwelling was constructed under a valid building permit or was constructed prior to the County's involvement in the permit process and otherwise constitutes a vested use; and
 - c. the new parcel containing the dwelling is no larger than five (5) acres; and
 - d. the remaining forest parcel, not containing the dwelling, meets the minimum lot size; or
 - e. the remaining forest parcel, not containing the dwelling, is consolidated with another parcel(s) creating a legal parcel which meets the minimum lot size. Consolidation shall occur concurrent with final approval of the partition. (Ord. 92-025 ss 2, Exhibit B, 1992; Ord. 83-037 ss 10, 1983).
- D. **Building Height.** No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under Section 18.120.040.

Section 5. Section 18.40.090 of Title 18 is amended as follows:

Section 18.40.090 Dimensional Standards.

In an F-2 Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres; or
- B. Land divisions creating parcels less than eighty (80) acres in size may only be approved for uses listed in Section 18.40.030(D) through (P), provided that those uses have been approved pursuant to Section 18.40.040 of this title.
- C. Notwithstanding subsections (A) and (B) above, the Planning Director of Hearings Body may waive the 80-acre minimum lot size to allow a partition of property provided:

- a. The subject property contains a dwelling which existed prior to January 25, 1990; and
- b. the dwelling was constructed under a valid building permit, or was constructed prior to the County's involvement in the permit process and otherwise constitutes a vested use; and
- c. the new parcel containing the dwelling is no larger than five acres; and
- d. the remaining parcel, not containing the dwelling, is consolidated with another parcel(s), creating a legal parcel that meets the minimum lot size. Consolidation shall occur concurrent with final approval of the partition. (Ord. 92-025 ss 3, Exhibit C, 1992; (Ord. 91-020 ss 1, 1991).

D. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under Section 18.120.040.

Section 6. Section 18.60.060 of Title 18 is amended as follows:

Section 18.60.060 Dimensional Standards.

In an RR-10 Zone, 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 in excess of thirty percent of the total lot area.
- B. Building Height. No [non-agricultural] building or structure shall be erected or enlarged to exceed [two stories or more than] thirty (30) feet in height, except as allowed under Section 18.120.040.
- C. Minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile or an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density.

Section 7. Section 18.64.060 of Title 18 is amended as follows:

Section 18.64.060 Dimensional Standards.

The following dimensional standards shall apply in an RSC Zone:

- A. Lot Coverage. The main building and accessory buildings

located on any building site or lot shall not cover more than thirty percent of the total lot area.

- B. **Building Height.** No building or structure shall be erected or enlarged to exceed [two stories or more than twenty-five feet in height, except split-level buildings, which may be increased to] thirty (30) feet in height, except as allowed under Section 18.120.040.

Section 8. Section 18.68.060 of Title 18 is amended as follows:

Section 18.68.060 Dimensional Standards.

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

- A. **Lot Coverage.** The main and accessory buildings located on any building site or lot shall not cover in excess of thirty percent of the total lot area.
- B. **Building Height.** No building or structure shall be erected or enlarged to exceed [two stories or more than twenty-five feet in height, except split-level buildings, which may be increased in height to] thirty (30) feet in height, except as allowed under Section 18.120.040.

Section 9. Section 18.96.110 of Title 18 is amended as follows:

Section 18.96.110 Dimensional Standards.

In an FP Zone, 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 in excess of thirty (30) percent of the total lot area.
- B. **Building Height.** No [non-agricultural] building or structure shall be erected or enlarged to exceed [two stories or more than] thirty (30) feet in height, except as allowed under Section 18.120.040.
- C. **Minimum lot size** shall be 10 acres for all areas which have received an exception to the Statewide Planning Goals for resource uses. Areas which have not received an exception to the Statewide Planning Goals shall have a minimum lot size of 80 acres.


Section 10. Section 18.120.040 of Title 18 of the Deschutes County Code is amended as follows:

Section 18.120.040 Building Height Exceptions.

- A. The following structures or structural parts are not subject to the building height limitations of this title: public schools, chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and other similar projections, and agricultural structures as defined in this Ordinance. This exception does not apply to an Airport Development Zone or Airport Height Combining Zone.
- B. An exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by Subsection A of this Section located in the EFU, MUA-10, F-1, F-2, RR-10, OS&C, RSC, RSR-M, RSR-5 and FP zones may be approved upon findings that:
 - 1. The structure is not located in a Landscape Management Zone;
 - 2. The structure is not located within 100 feet of any rimrock, as defined in Section 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;
 - 4. The proposed additional height will not adversely impact scenic views from existing nearby residences.

DATED this 17th day of August, 1992.

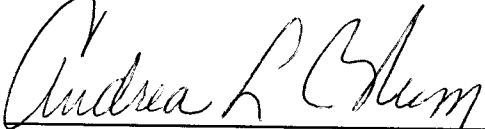
BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON


TOM THROOP, Commissioner


NANCY POPE SCHLANGEN, Commissioner


DICK MAUDLIN, Chairman

ATTEST:


Recording Secretary