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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, As Amended, Revising Provisions Concerning Flood Plain Zone, and Declaring an Emergency. \*

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MARY SUE FENHOLLOW  
COUNTY CLERK

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ORDINANCE NO. 89-009

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

Section 1. Paragraph (136A), "Wetland," of Section 1.030, "Definitions," of Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is renumbered to Paragraph (136B).

Section 2. Section 1.030, "Definitions," of Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to include the following new definitions:

"(16A) Boat Dock or Pier, Community. A personal use boating structure built over or floating upon the water of a lake, river or stream which serves more than one property owner for the mooring of boats or as a landing place for marine transport, and having a surface area of 320 square feet or less.

"(16B) Boat Dock or Pier, Individual. A personal use boating structure built over or floating upon the water of a lake, river or stream which serves one property owner for mooring boats or as a landing place for marine transport, and having a surface area of 160 square feet or less.

"(16C) Boat House. A covered or enclosed structure designed to provide moorage and/or storage for recreational or commercial marine transport and built over or floating upon a lake, river or stream.

"(16D) Boat Slip. An area of bank or shore where soil or other material is excavated to a level at or below the level of the waters of an adjacent lake, river or stream, to allow the mooring or landing of marine transport within the excavated area.

"(36A) Fill. The deposit by artificial means of material at a location within the waters of any lake, river or stream, or in wetlands or riparian areas.

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"(68C) Marina. A structure or structures built over or floating upon the waters of a lake, river, stream or man-made waterway that provides moorage, launching, storage, supplies and services for recreational and/or commercial marine transport.

"(80A) Ordinary High Water (OHM). The highest line on the bank or shore of a lake, river or stream to which the water ordinarily rises annually in season.

"(80B) Ordinary low water (OLM). The lowest line on the bank or shore of a lake, river or stream to which the water ordinarily recedes annually in season.

"(136A) Walkway. A structure built over or floating upon the waters of a lake, river or stream that provides access to a boat dock or pier."

Section 3. Section 4.210(4), "Conditional Uses Permitted," is amended to read as follows:

"C. Single-family dwellings on an individual lot, and mobile homes and manufactured housing on an individual lot in compliance with Sections 5.095, 5.105, 5.115, 5.125, 5.135, 5.145, 5.150 and 5.155 of this Ordinance."

Section 4. Section 4.210(4), "Conditional Uses Permitted," is amended by the addition of the following:

"J. A boat dock or pier, either individual or community, on private property which lies in the following areas:

- a. On the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area;
- b. On the Deschutes River between river miles 217.5 and 216.5. This Area is identified in the Scenic Waterway Management Plan as the Pringle Falls River Community Area; and
- c. On the Deschutes River between river miles 207 and 192. This area is identified in the Scenic Waterway Management Plan as River Community Areas and Recreational River Area respectively."

Section 5. Section 4.210, "Flood Plain Zone," is amended by the addition of a new Section 5, to read as follows:

"5. Prohibited Uses.

A. Marinas, boat slips and boat houses on private property."

Section 6. Section 5, "Limitations on Conditional Uses"; Section 6; Section 7, "Criteria to Evaluate Conditional Uses"; Section 8, "Yard and Setback Requirements"; Section 9, "Stream Setback"; Section 10, "Dimensional Standards"; Section 11, "Warning and Disclaimer of Liability" and Section 12 of Section 4.210 are hereby renumbered as Sections 6, 7, 8, 9, 10, 11, 12 and 13 respectively.

Section 7. Section 8, "Criteria to Evaluate Conditional Uses," Subsection F, "Specific Standards," is amended by the addition of the following:

"d. Docks, Piers and Walkways.

i. No individual boat dock or pier shall be allowed on any lot with less than two hundred (200) feet of river frontage.

ii. No community boat dock or pier shall be allowed on any lot with less than one hundred (100) feet of river frontage.

iii. No individual boat dock or pier shall be more than 20 feet in length or more than 8 feet in width. The total surface area shall not exceed 160 square feet.

iv. No community boat dock or pier shall be more than 20 feet in length. The total surface area shall not exceed 320 square feet.

v. A boat dock or pier shall not extend into or over the water more than 20 feet as measured from the ordinary high water mark (OHM), or 5% of the distance between the ordinary low water mark (OLM) on each river or stream bank measured at right angles to the shoreline, whichever is less, unless it can be shown that a greater extension:

1. is necessary to allow access to the OHM;
2. will not increase flood hazard; and
3. will not cause the deterioration or destruction of marine life or wildlife habitat.

When the lines of ordinary high or low water cannot be determined by survey or inspection, then such lines shall be determined by a registered professional engineer using the annual mean high or low water for the preceding year, using data from the State of Oregon Watermaster.

vi. Individual boat docks and piers shall have a minimum 5 foot setback from adjoining property boundaries projected over the water surface.

vii. Dock, pier and walkway structures shall not be covered or enclosed.

viii. All materials used in dock, pier or walkway construction must be in compliance with all DEQ and EPA regulations.

ix. Docks, piers and walkways shall use either pilings or styrofoam floats if such floats are fully enclosed and sealed.

x. Docks, piers and walkways shall not impede water movement or cause deposition on waterway beds.

xi. Docks, piers and walkways containing concrete or wood preservatives shall be fully cured or dried prior to placement in the water.

xii. No walkway shall be more than 4 feet in width. The length of the walkway shall be no more than the minimum required to allow access to a dock.

xiii. Walkways shall include at least one hand-rail if the structure is elevated 30 inches or more from ground level.

xiii. All docks, piers and walkways shall meet the test of non-interference with navigation.

"e. Parking Facilities. No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM)."

Section 8. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 29<sup>th</sup> day of March, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Lois Bristow Prante  
LOIS BRISTOW PRANTE, Chair

Tom Throop  
TOM THROOP, Commissioner

Dick Mauldin  
DICK MAUDLIN, Commissioner

ATTEST:

Andrew L. Glenn  
Recording Secretary