

93-33996

BWW

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, \*  
Chapter 18.96.040, of the \*  
Deschutes County Code, Making the \*  
Uses Permitted in the Flood Plain \*  
Consistent With the Uses Allowed \*  
by ORS.215 and OAR 660-06-025 and \*  
Declaring an Emergency. \*

0127-1986

93 SEP 16 AM 9:21  
MARY SUE PENHOLLOW  
COUNTY CLERK

ORDINANCE NO. 93-045

WHEREAS, in order to comply with the requirements of periodic review, the county must amend Title 18.96, the Flood Plain Zone, to make the uses permitted consistent with the uses permitted in exclusive farm use zones by ORS 215.286 and the uses permitted in the forest zones by OAR 660-06-025;

WHEREAS, the Deschutes County Planning Commission, after review conducted in accordance with applicable law, recommended approval of the proposed amendments to the Board of County Commissioners;

WHEREAS, after notice was given and hearing conducted in accordance with applicable law, the Board of County Commissioners have considered the Planning Commission recommendation; now, therefore,

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

Section 1. That Title 18.96, Section 18.96.040 of the Deschutes County Code is amended to read as follows:

**\*18.96.040 Conditional Uses Permitted.**

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

- A. A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood.
- B. Incidental storage of material or equipment that is either not subject to damage by flood or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a

KEYPUNCHED  
MICROFILMED  
SEP 28 1993  
SEP 21 1993

hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.

- C. Single-family dwelling, or a manufactured home subject to Section 18.116.070, on an individual lot. In addition to the other requirements of this Chapter, single family dwellings proposed to be sited in areas of the flood plain zone designated "Agriculture" on the Comprehensive Plan Map may be approved only as uses identified by Sections 18.16.030(A), (B), (D) or (E) and subject to the applicable provisions of Chapter 18.16 governing those uses. In addition to the other requirements of this Chapter, single family dwellings proposed to be sited in areas of the flood plain zone designated "Forest" on the Comprehensive Plan Map may be approved only as uses identified by Sections 18.36.030(Y), 18.040.030(X) or 18.040.030(Y) and subject to the applicable provision of Chapters 18.36 and 18.40 governing those uses. (Ord. 91-005 ss 37, 1991);( Ord. 89-009 ss 3, 1989)
- D. Agricultural [or residential related] accessory buildings.
- E. Hydroelectric facilities subject to Sections 18.116.130 and 18.128.040(V).
- F. 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).
- G. Recreational uses requiring only structures having an insignificant effect on flood waters, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launchings ramps, swimming areas, wildlife or nature preserves and hunting or fishing areas, except in areas designated "Forest" or "Agriculture" on the Comprehensive Plan Map.
- H. Subdividing or partitioning land subject to the provisions of this title and Deschutes County Code Title 17, the Subdivision/Partition Ordinance. (Ord. 88-030 ss 4, 1988)
- I. Expansion or substantial improvement of an existing dwelling agricultural related structure or accessory building.
- 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 mile 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 Area respectively. (Ord. 89-009 ss 4 1989)
- [K. 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)]

K. Those recreational uses described in Section 18.36.030, "F-1 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-1.

L. Those recreational uses described in Section 18.040.030, "F-2 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-2."

Section 2. Provisions or portions thereof that are to be deleted as a result of the enactment of the above-referenced sections are shown in brackets; provisions that are being added are shown underlined and in bold-faced type.

Section 3. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance or any exhibit thereto is adjudged to be invalid by a court of competent jurisdiction that decision shall not affect the validity of the remaining portions of this ordinance or exhibit thereto.

Section 4. This ordinance may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors and to insert appropriate legislative history references.

Section 5. 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 enactment.

DATED this 18th day of August, 1993.

DESCHUTES COUNTY BOARD OF COMMISSIONERS

*Tom Throop*  
TOM THROOP, Chair

*Nancy Pope Schlagen*  
NANCY POPE SCHLANGEN, Commissioner

ATTEST:

*Anita Mutchie*  
Recording Secretary

*Barry H. Slaughter*  
BARRY H. SLAUGHTER, Commissioner