

REVIEWED  
*SAB*  
LEGAL COUNSEL

95-44119

0148-1629

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Chapter 18.116 \*  
and 18.140 of the Deschutes County \*  
Code, to Require Establishment of \*  
Primary Use Prior to Issuance of \*  
Permits for Accessory Structures and \*  
Declaring an Emergency. \*

95 DEC 21 PM 1:59  
MARY SUE PENHOLLON  
COUNTY CLERK

ORDINANCE NO. 95-077

WHEREAS, Deschutes County has a documented problem with garages, barns and shops being illegally converted into dwellings without permits; and

WHEREAS, restricting the issuance of building permits for accessory structures until a primary use has been established or applied for should reduce the number of illegal conversions of accessory structures to dwellings; and

WHEREAS, the Board finds it is in the public interest for health and safety to assure that buildings used as dwellings obtain all the required building and environmental health permits; and

WHEREAS, public hearings have been held on the proposed amendments consistent with state and county law; and

WHEREAS, the Code Enforcement Task Force and the Deschutes County Planning Commission recommended adoption of the amendments as proposed; now therefore,

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

Section 1. ADOPTION OF AMENDMENTS TO SECTION 18.116.040 OF THE DESCHUTES COUNTY CODE. Section 18.116.040 of the Deschutes County Code, as amended, is further amended to add the following:

An accessory use shall comply with all requirements for a principal use, except as this ordinance 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.

B[A]. 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 sq. ft.

C[B]. 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:

- a. 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.
- b. Parking or storage shall be at least three feet from an interior side lot line.

D[C]. 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:

- a. Storage period shall not exceed one year.
- b. No utilities other than electric may be connected.
- c. The mobile home shall not be inhabited.
- d. The subject lot is not located in a CH, Conventional Housing Combining, zone.

(Ord. 91-038 § 1, 1991)

**Section 2.** ADOPTION OF AMENDMENT TO SECTION 18.04.030 OF THE DESCHUTES COUNTY CODE. Section 18.04.030 of the Deschutes County Code as amended, is further amended to add the following definitions:

**Carport:** A structure used to shelter a vehicle, having no enclosed uses above and entirely open on two or more sides.

**Ramada:** A stationary structure having a roof extending over a manufactured structure which may also extend over a patio or parking space of motor vehicles and is used principally for protection from snow, sun or rain. A ramada is open on two or more sides and has no enclosed uses.

**Section 3. ADDITIONS AND DELETIONS.** Additions are set forth in bold faced type and deletions are bracketed [ ].

**Section 4. SEVERABILITY.** The provisions of this ordinance are severable. If any sentence, clause or phrase of this ordinance is found to be invalid by a court of competent jurisdiction that decisions shall not affect the validity of the remaining portions of this ordinance.

**Section 5. CORRECTIONS.** This ordinance may be corrected by order of the Board of County Commissioner to cure editorial and clerical errors and to insert appropriate legislative history references.

**Section 5. EMERGENCY.** 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 20 day of December, 1995.

**BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON**

*Excused*  
BARRY H. SLAUGHTER, Chair

*Nancy Poep Schlanger*  
NANCY POPE SCHLANGEN, Commissioner

*Robert L. Nipper*  
ROBERT L. NIPPER, Commissioner

ATTEST:

*Oruta Mutchie*  
Recording Secretary