

**VOL: CJ2001 PAGE: 441**  
**RECORDED DOCUMENT**

STATE OF OREGON  
COUNTY OF DESCHUTES



\*CJ2001-441 \* Vol-Page

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**DO NOT REMOVE THIS CERTIFICATE**

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: May. 24, 2001; 12:04 p.m.

DOCUMENT TYPE: Ordinance (CJ)

NUMBER OF PAGES: 1

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW  
DESCHUTES COUNTY CLERK

KEYPUNCHED  
JUN 1 2001

CJ 2001-441

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes County Zoning Ordinance of the Deschutes County Code, to Amend the Regulations for Building Height Exceptions. \*

01 MAY 24 PM 12:04  
MARY SUE ENJULLON  
COUNTY CLERK

REVIEWED  
LC  
LEGAL COUNSEL

ORDINANCE NO. 2001-004

WHEREAS, the citizens and the Deschutes County Planning Commission of Deschutes County have brought concerns over the building height exceptions process in Deschutes County to the attention of the Board of County Commissioners and the Planning Division; and

WHEREAS, the Deschutes County Board of County Commissioners and Deschutes County Planning Commission held a joint meeting on July 10, 2000 to discuss the Deschutes County Zoning Ordinance, Building Height Exceptions, Section 18.120.040; and

WHEREAS, the Deschutes County Planning Commission, after conducting a Public Hearing, forwarded recommendations regarding this matter to the Board of County Commissioners to consider; and

WHEREAS, after notice was given and a public hearing was conducted on May 2, 2001, before the Board of County Commissioners in accordance with applicable law, the Board of County Commissioners has considered the proposed amendments; and

WHEREAS, The Board of County Commissioners has determined that there is a need to protect the scenic views in Deschutes County by limiting the types of structures that are allowed an outright exception to the existing 30-foot building height limit; and

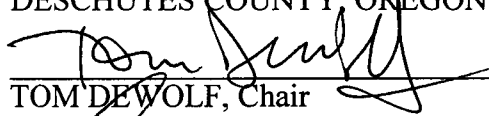
WHEREAS, because consideration of changes to the allowable height for agricultural barns/structures is a more complicated matter, the Board is deferring the decision on these structures pending a subsequent public hearing process; now, therefore,

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

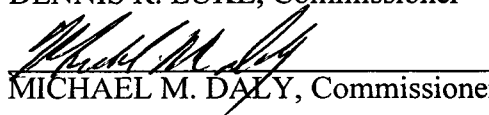
Section 1. AMENDMENT. Section 18.120.040, Building Height Exceptions, of the Deschutes County Zoning Ordinance, is amended to read as shown in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and deleted language shown in ~~strikethrough~~.

DATED this 23<sup>rd</sup> day of May, 2001.

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

  
TOM DEWOLF, Chair

  
DENNIS R. LUKE, Commissioner

  
MICHAEL M. DALY, Commissioner

ATTEST:

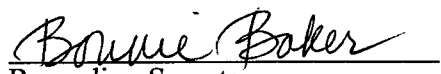
  
Recording Secretary

EXHIBIT "A"

**18.120.040. Building height exceptions.**

A. The following structures or structural parts are not subject to the building height limitations of Title 18: public schools, chimneys not more than three feet six inches (3'6'') 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 the DCC 18.124.060, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles not exceeding forty (40) feet, and agricultural structures as defined in this ordinance. This exception does not apply to an Airport Development Zone, Airport Height Combining 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 Title 18 if approved as part of a Site Plan Review, as defined in the 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.

~~B.C.~~ An exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by 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;
4. The proposed additional height will not adversely impact scenic views from existing nearby residences; and
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.

(Ord 2001-004 § 3, 2001; Ord. 96-035 § 1, 1996; 93-043 § 20C, 1993; Ord. 92-055 § 10, 1992; Ord. 92-036 1, 1992)