



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| REVIEWED  LEGAL COUNSEL |
| REVIEWED  CODE REVIEW COMMITTEE |

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Zoning Ordinance, *
Of the Deschutes County Code, and Prescribing an *
Effective Date of March 13, 2002. *

ORDINANCE NO. 2001-048

WHEREAS, the Board of County Commissioners has determined that to comply with Periodic Review and OAR 660-22, amendments to the Deschutes County Zoning Ordinance are required; and

WHEREAS, after notice and hearing as required by law, the Board of County Commissioners has considered the recommendation of the Planning Commission, now, therefore,

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

Section 1. AMENDMENT. Section 18.04.030, Definitions, of the Deschutes County Code is amended to include the definitions described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined.

Section 2. ADDING. Title 18 of the Deschutes County Code is amended by the addition of a new chapter, Chapter 18.110, Resort Community Zone, as described in Exhibit "B," attached hereto and by this reference incorporated herein.

Section 3. AMENDMENT. Pursuant to Section 18.12.030 of the County Code, the zoning map is amended as shown in Exhibits "C," "D," and "E," attached hereto and incorporated herein by this reference.


Section 4. AMENDMENT. Section 18.12.010, Establishment of zones, of the Deschutes County Code, is amended to read as shown in Exhibit "F," attached hereto and incorporated herein by this reference, with new language underlined.

Section 5. FINDINGS. Findings to support this ordinance are set forth in the staff report, attached as Exhibit "H" to Ordinance No. 2001-047 and by this reference incorporated herein.

Section 6. EFFECTIVE DATE. This Ordinance takes effect on March 13, 2002.

DATED this 10th day of December, 2001.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



Tom DeWolf, Chair

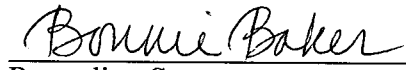


Dennis R. Luke, Commissioner



Michael M. Daly, Commissioner

ATTEST:



Bonnie Baker
Recording Secretary

EXHIBIT "A"

18.04.030. Definitions.

"Resort utility facilities" means buildings, structures and uses, not including living quarters, that provide or are used in connection with activities of a service or infrastructure nature for the operation and maintenance of a resort community. Such facilities include, but are not limited to: sewage treatment plant, water treatment, transmission lines, wells and pumping equipment, substation or pump station, irrigation systems, equipment storage, repair yard or building, facilities mandated by the Oregon Department of Environmental Quality, cable television facility, and administrative offices.

"Resort recreation facilities" means any combination of the following recreational amenities and their accessory uses: health and fitness facility, golf course (including development such as executive, Par 3 and pitch and putt golf course), golf course accessory uses, tennis court, park, playground, picnic and barbecue area, in-line skating area, recreational path, miniature golf facility, nature center, equestrian facility, swimming pool, basketball and volleyball court, running track, ball fields, ice skating rink, or similar use intended for sport or play, and community center.

(Ord 2001-048 § 1, 2001; Ord. 97-078 § 5; 1997)

EXHIBIT "B"

Chapter 18.110. RESORT COMMUNITY ZONE

18.110.010. Purpose.

18.110.020. Resort District.

18.110.030. Widgi Creek Residential District.

18.110.40. Black Butte Ranch Surface Mining /Limited Use Combining District.

18.110.045. Black Butte Ranch Utility /Limited Use Combining District.

18.110.050. Development Standards.

18.110.010. Purpose.

The purpose of the Resort Community Zone is to provide standards and review procedures for development in the communities of Black Butte Ranch and The Inn of the Seventh Mountain/Widgi Creek. The provisions of this chapter shall apply to any Resort Community that is planned pursuant to OAR 660 Division 22. (Ord. 2001-048 § 2, 2001)

18.110.020. Resort District.

A. Uses permitted outright. The following uses and their accessory uses are permitted subject to the applicable provisions of section 18.110.050 of this chapter:

1. Single-family dwelling.
2. Residential home.
3. Residential facility.
4. Timeshare units existing as of January 1, 1984 at Black Butte Ranch.
5. Timeshare units at the Inn of the Seventh Mountain.
6. The following resort recreational facilities: Recreational path, picnic and barbecue area, park, playground, and sport courts for basketball, volleyball, and similar small-scale recreation activities.
7. Livestock and horse grazing on common area in Black Butte Ranch.
8. Police or security facility.

B. Uses permitted subject to site plan review.

The following uses and their accessory uses are permitted subject to applicable provisions of this chapter and chapters 18.116, Supplementary Provisions, and 18.124, Site Plan Review, of this title:

1. Resort facility, as that term is defined in this title.
2. Resort recreation facilities, as that term is defined in this title, except those uses listed in DCC 18.110.020(A)(6).
3. Resort utility facilities, as that term is defined in this title.
4. Property sales and rental office.
5. Hotel or motel.
6. Daycare facility.
7. Fire station.
8. Post office.
9. Multiple-family dwellings.
10. Employee housing.

C. Conditional uses permitted. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and chapters 18.116, Supplementary Provisions, 18.124, Site Plan Review, and 18.128, Conditional Use, of this title:

1. Church.
2. Wireless telecommunications facility.

(Ord. 2001-048 § 2, 2001)

18.110.030. Widgi Creek Residential District.

The following uses and their accessory uses are permitted subject to the applicable provisions of section 18.110.050 of this chapter:

- A. Single-family dwelling.
- B. Residential home.
- C. Residential facility.
- D. Timeshare units.

(Ord. 2001-048 § 2, 2001)

EXHIBIT "B"

18.110.040. Black Butte Ranch Surface Mining / Limited Use Combining District.

A. Outright Permitted Uses. The following uses are allowed outright:

1. Mining, processing and storage of aggregate within the the 8.6-acre area which has a valid Oregon Department of Geology and Mineral Industries (DOGAMI) exemption.
2. Outdoor equipment storage.
3. Effluent/sludge storage and disposal.
4. Composting activities.
5. Forest uses including woody debris disposal.

B Site Plan. The following use is permitted subject to DCC 18.52:

1. Mining, processing and storage of aggregate once mining mining affects more than five acres outside the 8.6-acre area with a valid DOGAMI exemption.

C. Uses Permitted Subject to Site Plan Review. The following uses are permitted in an area reclaimed after mining, subject to DCC 18.124:

1. Solid waste transfer station.
2. Equipment repair shop or other maintenance facilities.

(Ord. 2001-048 § 2, 2001)

18.110.045. Black Butte Ranch-Utility / Limited Use Combining District.

A. Uses Permitted Outright. The following uses are permitted outright:

1. Outdoor or enclosed storage, large equipment or general.
2. Effluent/sludge storage and disposal.
3. Composting activities.
4. Forest uses including woody debris disposal.
5. Recreational vehicle or other outdoor equipment storage for resort property owners or visitors.

B. Uses Permitted Subject to Site Plan. The following uses are permitted west of McCallister Road, subject to DCC 18.124:

1. Telephone communications facility or other utility uses, also subject to DCC 18.128 if applicable.
2. Equipment repair shop or other maintenance facilities.
3. Housekeeping facility.
4. Employee housing, subject to a minimum 250' setback from the surface mining limited use combining district and DCC 18.56.
5. Administration offices.

(Ord. 2001-048 § 2, 2001)

18.110.050. Development standards.

A. Setbacks.

1. Single-Family Dwelling. The following setbacks shall be maintained for single-family dwellings and accessory uses on residential parcels:

- a. Front Yard. The front yard shall be a minimum of 20 feet at Black Butte Ranch and The Inn of the Seventh Mountain, and 30 feet at Widgi Creek.
- b. Side Yard. The side yard shall be a minimum of 10 feet, except on the street side of a corner lot the side yard shall be a minimum of 20 feet.
- c. Rear Yard. The rear yard shall be a minimum of 20 feet.
- d. In Black Butte Ranch a lesser setback shall be approved based on written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of a lesser setback based on documented ARC approval does not constitute a land use decision by the County.

2. All Other Uses. The following setbacks shall be maintained for buildings and structures used for purposes other than a single-family dwelling and residential

EXHIBIT "B"

accessory uses, unless a greater setback is required pursuant to site plan review or other applicable provisions of this title:

- a. Front Yard. The front yard shall be a minimum of 10 feet.
 - b. Side Yard. Zero (0) feet except that, when a side lot line is adjoining a lot used for single-family residential purposes, the side yard shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - c. Rear Yard. Zero (0) feet except that, when a rear lot line is adjoining a lot used for residential purposes, the rear yard shall be a minimum of 10 feet and shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
 - d. Perimeter Setback. All uses in the Black Butte Ranch Surface Mining or Utility Limited Use Combining Districts shall maintain a minimum setback of 50' from a perimeter boundary adjacent to land zoned for forest uses.
 - e. Forest Zone Setback. New uses adjacent to land zoned Forest shall have a minimum setback of 20 feet from the Forest zone boundary.
- B. Other Setbacks. The following setbacks shall be maintained for buildings and structures, based on the applicable provision(s) of this title or code:
1. Solar Setback. The setback from the north lot line shall meet the solar access setback requirements in DCC 18.116.180 for south roof protection.
 2. Waterway Setback. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams and lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
 3. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
4. Rimrock Setbacks. Setbacks from rimrocks shall be maintained as provided in DCC 18.84 or DCC 18.116.160, whichever is applicable.
 5. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.
 6. Floodplain. The applicable provisions in DCC 18.96 shall be met.
- C. Building Height.
1. Resort Facility and Resort Utility Building. No resort facility or resort utility building or structure shall be erected or enlarged to exceed forty (40) feet, or thirty (30) feet when the provisions in DCC 18.84.080 are applicable, unless a variance for a greater height is approved. For the purposes of this paragraph an application for a height variance may be granted provided the Planning Director or Hearings Body makes only the following findings:
 - a. The proposed height does not exceed the height limitation of the appropriate fire agency's (either Black Butte Ranch Rural Protection Fire District or City of Bend Fire Department) fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the agency; and
 - b. The proposed additional height will not adversely impact scenic views from adjoining residences or adjoining residential building sites.
 - c. Approval of a height variance in a state scenic waterway shall be conditioned upon receipt of approval from the Oregon Parks and Recreation Department.
 2. All Other Buildings. No building or structure used for purposes other than a resort facility or resort utility, including a single-family dwelling, shall be erected or enlarged to exceed thirty (30) feet in height, except as provided by DCC 18.120.040.

EXHIBIT "B"

3. Scenic Waterway. The applicable provisions in DCC 18.84 shall be met.

D. Lot Coverage.

1. Single-family dwelling. The maximum lot coverage by a single-family dwelling and accessory structures shall be forty (40) percent of the total lot. In Black Butte Ranch a greater lot coverage shall be approved based on documentation of written approval from the Black Butte Ranch Architectural Review Committee (ARC) or its successor. The granting of greater lot coverage based on documented ARC approval does not constitute a land use decision by the County

2. All Other Buildings. The maximum lot coverage by buildings and structures used for purposes other than a single-family dwelling shall be determined by the spatial requirements for yard setbacks, landscaping, parking and utilities.

single-family dwelling served by a community or public sewerage system shall have a minimum area of 6,000 square feet and a minimum average width of 60 feet, except that a corner lot shall have a minimum average width of 70 feet. A new lot for a single-family dwelling served by an on-site septic system shall have a minimum area of 22,000 square feet and a minimum average width of 100 feet. Any new residential lot shall have a minimum width at the street of 50 feet, except for a lot on a cul-de-sac, in which case the minimum width shall be 30 feet.

2. All Other Uses. Every lot created for purposes other than residential use shall have dimensions for lot area, width and depth necessary for yard setbacks, landscaping, parking and utilities for the proposed use.

(Ord. 2001-048 § 2, 2001)

E. Off-Street Parking and Loading.

1. Single-Family Dwelling. Off-street parking shall be provided for a minimum of two motor vehicles per dwelling.

2. All Other Uses. Off-street parking and loading shall be provided subject to the requirements of DCC 18.116.

F. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.

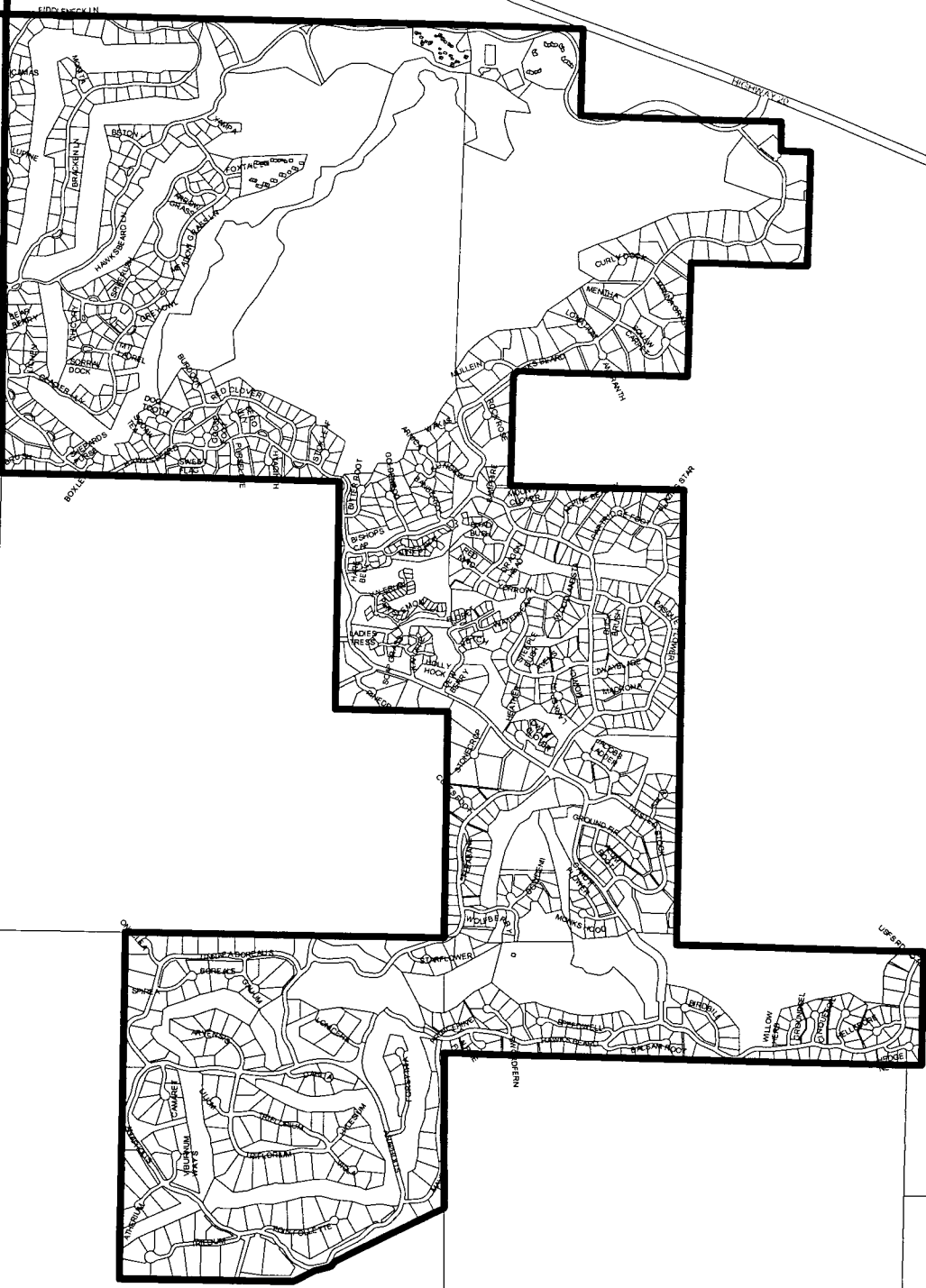
G. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or lake, or in a wetland shall be subject to section DCC 18.128.040(W), unless the activity meets the exception provisions in DCC 18.120.050.

H. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.

I. Lot Requirements.

1. Single-Family Dwelling. A new lot for a

EXHIBIT "C"



BLACK BUTTE RANCH RESORT COMMUNITY ZONING MAP

Exhibit "C" to Ordinance 2001-048

- ▬ PARCELS
- ▬ BLACK BUTTE RANCH RESORT COMMUNITY BOUNDARY
- BLACK BUTTE RANCH RESORT COMMUNITY ZONING
- ▬ RESORT COMMUNITY DISTRICT
- ▬ BLACK BUTTE RANCH UTILITY - LIMITED USE COMBINING DISTRICT
- ▬ BLACK BUTTE RANCH SURFACE MINING - LIMITED USE COMBINING DISTRICT



BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

Dennis R. Luke, Commissioner

Michael M. Daly, Commissioner

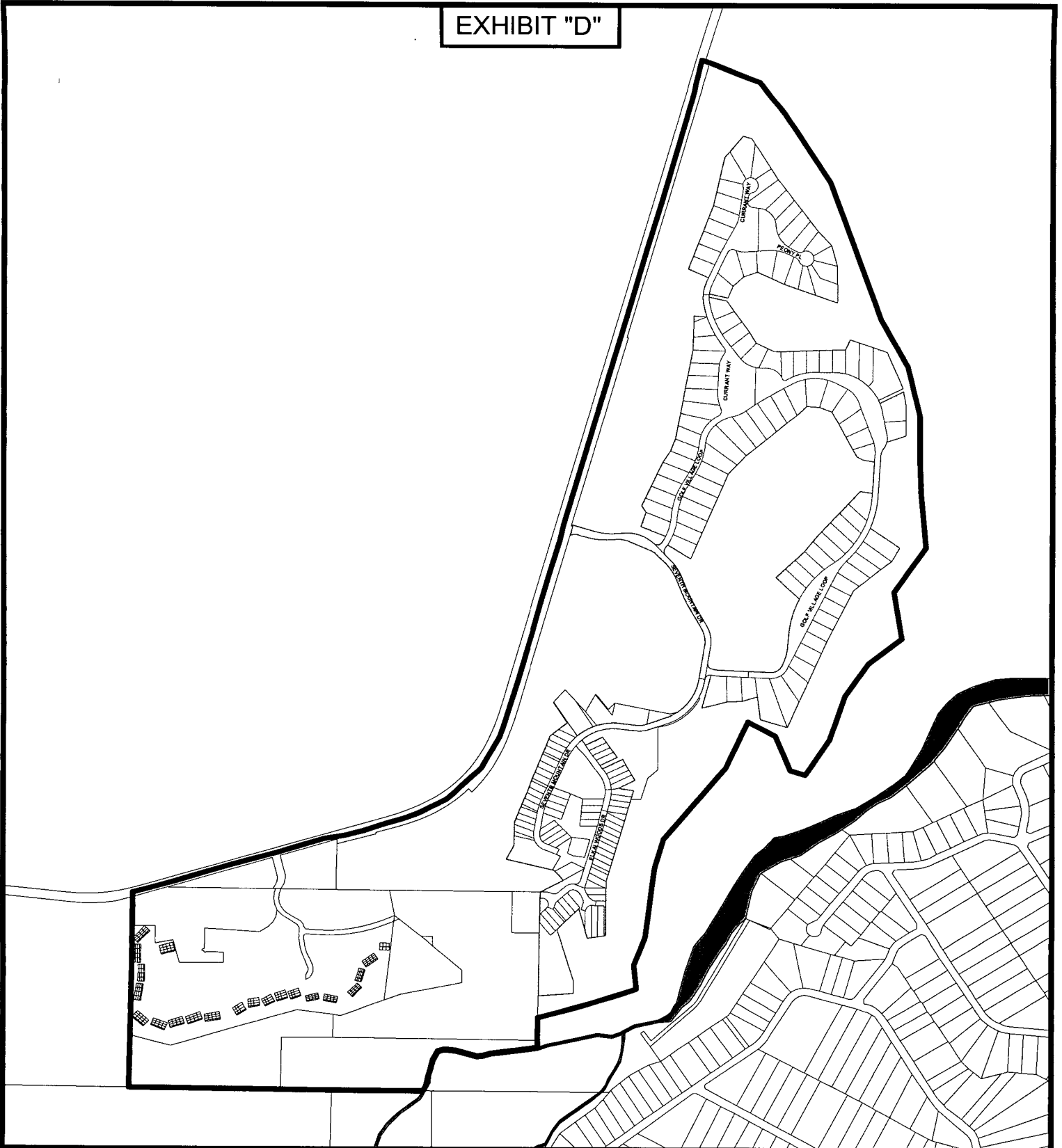
ATTEST: Recording Secretary

Dated this ____ day of December, 2001

Effective Date: March ____, 2002

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EXHIBIT "D"



INN OF THE 7TH MOUNTAIN / WIDGI CREEK
RESORT COMMUNITY

ZONING MAP

Exhibit "D" to Ordinance 2001-048

- ∨ PARCELS
- ▬ DESCHUTES RIVER
- ▬ INN OF THE 7TH MTN / WIDGI CREEK RESORT COMMUNITY BOUNDARY
- ▬ INN OF THE 7TH MTN / WIDGI CREEK RESORT COMMUNITY ZONING
- ▬ RESORT COMMUNITY DISTRICT
- ▬ WIDGI CREEK RESIDENTIAL DISTRICT



DISCLAIMER:
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GIS Center. It is not intended to be used as a legal document. Deschutes
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the project manager.



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BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

Dennis R. Luke, Commissioner

Michael M. Daly, Commissioner

ATTEST: Recording Secretary

Dated this ___ day of December 2001.

Effective Date: March ___, 2002.

EXHIBIT "F"

18.12.010. Establishment of zones.

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and zone districts are hereby established:

A. Primary zones.

| Primary Zones | Abbreviations |
|---|---------------|
| Airport Development | AD |
| Exclusive Farm Use Zones | EFU |
| Flood Plain | FP |
| Forest Use | F1 |
| Forest Use | F2 |
| Multiple Use Agriculture | MUA10 |
| Open Space and Conservation | OS&C |
| Rural Industrial | RI |
| Rural Residential | RR10 |
| Rural Service Center | RSC |
| Rural Service Residential-M | RSRM |
| Rural Service Residential-5 | RSR5 |
| Surface Mining | SM |
| Terrebonne Rural Community | TE |
| Tumalo Rural Community | TU |
| La Pine Urban Unincorporated Community | LP |
| Sunriver Urban Unincorporated Community | SU |

B. Combining zones.

| Combining Zones | Abbreviations |
|---------------------------------|---------------|
| Airport Height | AH |
| Conventional Housing | CH |
| Destination Resort | DR |
| Landscape Management | LM |
| Limited Use | LU |
| Sensitive Bird & Mammal Habitat | SBM |
| Surface Mining Impact Area | SMIA |
| Wildlife Area | WA |

C. Exclusive Farm Use Zones.

| Exclusive Farm Use Subzones | Abbreviations |
|-----------------------------|---------------|
| Alfalfa | EFUAL |
| Horse Ridge East | EFUHR |
| La Pine | EFULA |
| Lower Bridge | EFULB |
| Sisters/Cloverdale | EFUSC |
| Terrebonne | EFUTE |
| Tumalo/Redmond/Bend | EFUTRB |

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

| La Pine Planning Area | Abbreviations |
|-------------------------------------|---------------|
| Commercial District | LPC |
| Community Facility District | LPCF |
| Community Facility Limited District | LPCFL |
| Flood Plain District | LFPF |
| Industrial District | LPI |
| Business Park District | LPBP |
| Residential District | LPR |
| Sewer Treatment District | LPST |

| Neighborhood Planning Area | Abbreviations |
|---|---------------|
| Neighborhood Community Facility | LPNCF |
| Neighborhood Community Facility Limited | LPNCFL |
| Neighborhood Commercial | LPNC |
| Neighborhood Park/Open Space | LPNPO |
| Neighborhood Residential Center | LPNRC |
| Neighborhood Residential General | LPNRG |

| Wickiup Planning Area | Abbreviations |
|--------------------------------|---------------|
| Wickiup Commercial/Residential | LPWJ |

2. Sunriver Urban Unincorporated Community.

| Sunriver UUC Districts | Abbreviations |
|--------------------------------------|---------------|
| Airport District | SUA |
| Business Park District | SUBP |
| Commercial District | SUC |
| Community General District | SUCG |
| Community Limited District | SUCL |
| Community Neighborhood District | SUCN |
| Community Recreation District | SUCR |
| Flood Plain Combining District | SUFP |
| Forest District | SUF |
| Multiple Family Residential District | SURM |
| Resort District | SUR |

EXHIBIT "F"

| | |
|------------------------------------|------|
| Resort Equestrian District | SURE |
| Resort Golf Course District | SURG |
| Resort Marina District | SURA |
| Resort Nature Center District | SURN |
| Single Family Residential District | SURS |
| Utility District | SUU |

3. Terrebonne Rural Community.

| Terrebonne RC Districts | Abbreviations |
|-------------------------------------|---------------|
| Commercial District | TERC |
| Commercial-Rural District | TECR |
| Residential District | TER |
| Residential-5 acre minimum District | TER5 |

4. Tumalo Rural Community.

| Tumalo RC Districts | Abbreviations |
|-------------------------------------|---------------|
| Commercial District | TUC |
| Residential District | TUR |
| Residential-5 acre minimum District | TUR5 |
| Research & Development District | TURE |

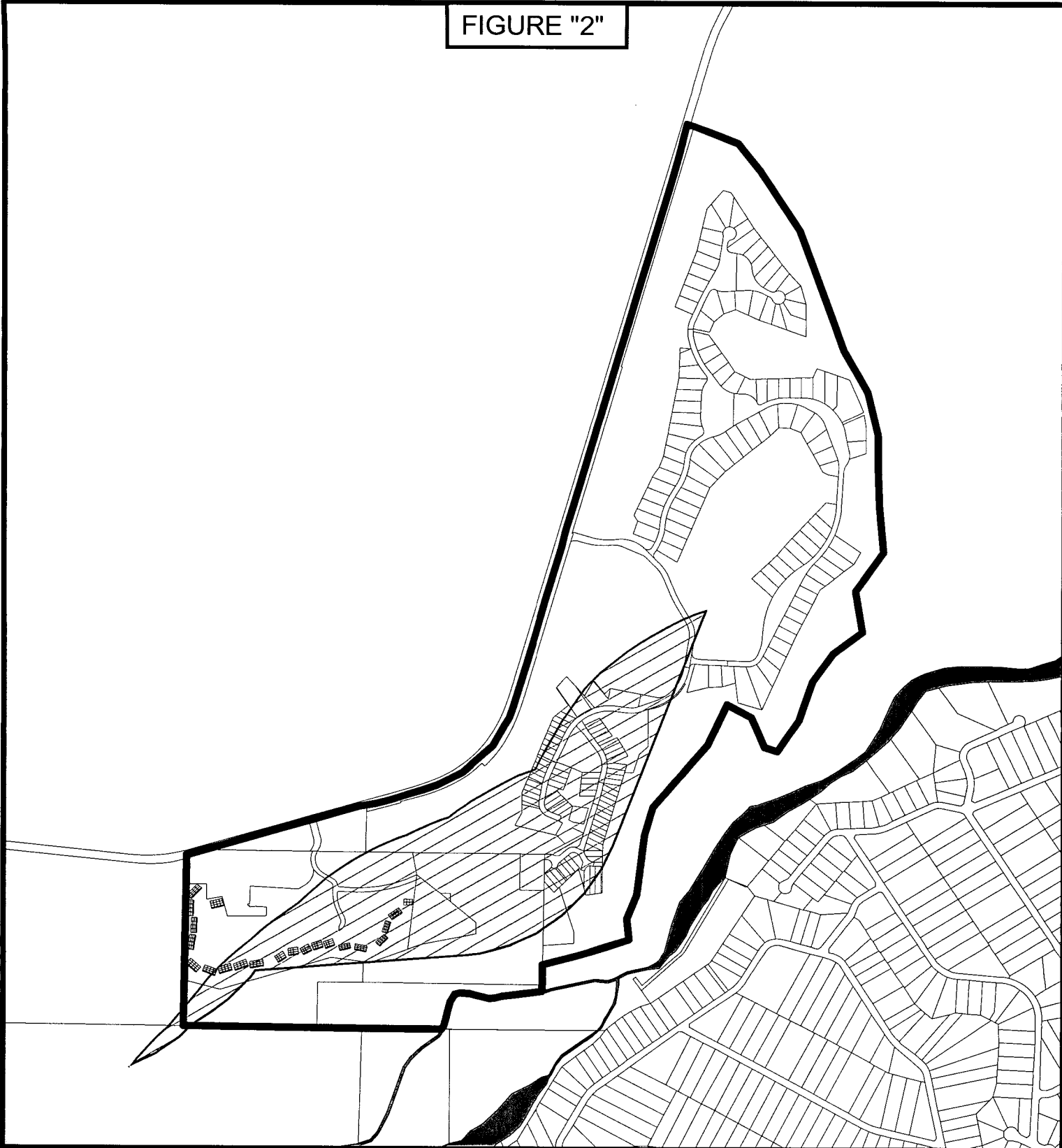
5. Resort Community.

| A. Black Butte Ranch | Abbreviations |
|-------------------------------------|---------------|
| Resort District | BBRR |
| Surface Mining District/Limited Use | BBRSM |
| Utility District/Limited Use | BBRU |

| B. Inn of the 7 th Mountain/ Widgi Creek | Abbreviations |
|---|---------------|
| Resort District | SMWCR |
| Widgi Creek Residential District | WCR |







(Ord. 2001-048 § 5, 2001, Ord. 2001-044 § 2, 2001; Ord. 98-063 § 2, 1998; Ord. 96-003 § 4, 1996; Ord. 92-025 § 5, 1992)

FIGURE "2"



**INN OF THE 7TH MOUNTAIN / WIDGI CREEK
RESORT COMMUNITY**

**LANDSCAPE MANAGEMENT
COMBINING ZONE MAP**

-  PARCELS
-  DESCHUTES RIVER
-  INN OF THE 7TH MTN / WIDGI CREEK RESORT COMMUNITY BOUNDARY
- LANDSCAPE MANAGEMENT ZONING
 -  LANDSCAPE MANAGEMENT - ROAD
 -  LANDSCAPE MANAGEMENT - RIVER
 -  LANDSCAPE MANAGEMENT - ROAD & RIVER



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