


REVIEWED <i>le</i> LEGAL COUNSEL
REVIEWED <i>10/31</i> CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS CJ 2003-1351
NANCY BLANKENSHIP, COUNTY CLERK
COMMISSIONERS' JOURNAL 10/31/2003 08:42:56 AM

2003-1351

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 of the	*	
Deschutes County Code, the Deschutes County	*	ORDINANCE NO. 2003-034
Zoning Ordinance, To Amend the Landscape	*	
Management (LM) Combining Zone and Site Plan	*	
Review Chapters, and Declaring an Emergency.	*	

WHEREAS, the submittal requirements for Landscape Management ("LM") applications needs to verify the existing vegetative cover between a proposed structure and the designated LM road, river or stream, as recommended by the County Planning Commission; and

WHEREAS, in Deschutes County Community Development Department ("CDD") case number LM-03-56, the Hearings Officer found that Deschutes County Code ("DCC") Chapters 18.84, Landscape Management (LM) Combining Zone and 18.124, Site Plan Review, require the application of site plan criteria to an application for LM approval; and

WHEREAS, as a result of that case, the Deschutes County Board of Commissioners ("Board") directed CDD staff to draft language amending DCC 18.124 to eliminate the need for the site plan review for LM applications, finding the site plan criteria to be unnecessary; and

WHEREAS, the Deschutes County Planning Commission held a duly noticed public hearing on September 25, 2003 and recommended to the Board the proposed changes to DCC 18.84 and 18.124 as described in Exhibits "A" and "B," and

WHEREAS, the Board held a duly notice public hearing on October 29, 2003; now, therefore,

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

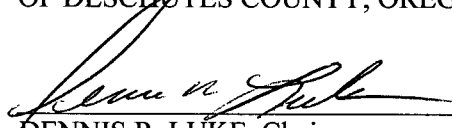
Section 1. AMENDMENT. DCC Chapter 18.84, Landscape Management Combining Zone, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC Chapter 18.124, Site Plan Review, is hereby amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with language to be deleted in ~~strikethrough~~.

Section 3. 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 29 day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, Chair

- absent -

TOM DEWOLF, Commissioner


MICHAEL M. DALY, Commissioner

Date of 1st Reading: 29 day of October, 2003.

Date of 2nd Reading: 29 day of October, 2003.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom DeWolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 29 day of October, 2003.

ATTEST:



Recording Secretary

EXHIBIT "A"

**Chapter 18.84. LANDSCAPE
MANAGEMENT
COMBINING ZONE -
LM**

- 18.84.010. Purpose.**
- 18.84.020. Application of provisions.**
- 18.84.030. Uses permitted outright.**
- 18.84.040. Uses permitted conditionally.**
- 18.84.050. Use limitations.**
- 18.84.060. Dimensional standards.**
- 18.84.070. Application.**
- 18.84.080. Design review standards.**
- 18.84.085. Imposition of conditions.**
- 18.84.090. Setbacks.**
- 18.84.095. Scenic waterways.**
- 18.84.100. Repealed.**

18.84.010. Purpose.

The purposes of the Land Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers or streams.

(Ord. 92-034 § 2, 1992)

18.84.020. Application of provisions.

The provisions of DCC 18.84 shall apply to all areas within one-fourth mile of roads identified as landscape management corridors in the Comprehensive Plan and the County Zoning Map. The provisions of DCC 18.84 shall also apply to all areas within the boundaries of a State scenic waterway or Federal wild and scenic river corridor and all areas within 660 feet of rivers and streams otherwise identified as landscape management corridors in the comprehensive plan and the County Zoning Map. The distance specified above shall be measured horizontally from the centerline of designated landscape management roadways or from the nearest ordinary high water mark of a designated landscape management river or stream. The limitations in DCC 18.84.020 shall not unduly restrict accepted agricultural practices.

(Ord. 92-034 § 2, 1992)

18.84.030. Uses permitted outright.

Uses permitted in the underlying zone with which the LM Zone is combined shall be permitted in the LM Zone, subject to the provisions in DCC 18.84.

(Ord. 92-034 § 2, 1992)

18.84.040. Uses permitted conditionally.

Uses permitted conditionally in the underlying zone with which the LM Zone is combined shall be permitted as conditional uses in the LM Zone, subject to the provisions in DCC 18.84.

(Ord. 92-034 § 2, 1992)

18.84.050. Use limitations.

A. Any new structure or substantial alteration of a structure requiring a building permit, or an agricultural structure, within an LM Zone shall obtain site plan approval in accordance with DCC 18.84 and ~~DCC 18.124, Site Plan Review~~, prior to construction. As used in DCC 18.84 substantial alteration consists of an alteration which exceeds 25 percent in the size or 25 percent of the assessed value of the structure.

B. Structures which are not visible from the designated roadway, river or stream and which are assured of remaining not visible because of vegetation, topography or existing development are exempt from the provisions of DCC 18.84.080 (Design Review Standards) and DCC 18.84.090 (Setbacks). An applicant for site plan review in the LM Zone shall conform with the provisions of DCC 18.84, or may submit evidence that the proposed structure will not be visible from the designated road, river or stream. Structures not visible from the designated road, river or stream must meet setback standards of the underlying zone.

(Ord. 2003-034 § 1, 2003; Ord. 92-034 § 2, 1992; Ord. 91-020 § 1, 1991)

18.84.060. Dimensional standards.

In an LM Zone, the minimum lot size shall be as established in the underlying zone with which the LM Zone is combined.

(Ord. 92-034 § 2, 1992; Ord. 91-020 § 1, 1991)

EXHIBIT "A"

18.84.070. Application.

An application for site plan approval for development in the LM Zone shall be submitted to the Planning Division. The site plan application shall include the following:

- A. A plot plan, drawn to scale, showing:
 - 1. Location and dimensions of existing and proposed structures.
 - 2. Setbacks from lot lines (and river and rimrock, if present).
 - 3. Existing and proposed access.
 - 4. Existing and proposed exterior lighting.
- B. A drawing of the proposed structure elevations showing:
 - 1. Exterior appearance.
 - 2. Height, dimensions.
 - 3. Siding and roofing material and color.
 - 4. Location and size of windows, including skylights.
- C. A landscape plan drawn to scale, showing:
 - 1. Location, size and species of existing trees six inches in diameter or greater, or existing shrub vegetation higher than four feet, between the proposed development and the designated landscape management road, river or stream. Where a significant amount of vegetation exists, a landscape plan may be accepted which generalizes and explains how the existing trees and shrubs provide screening.
 - 2. Proposed location and species of introduced vegetation which will screen the proposed development from the designated landscape management road, river or stream.

D. A minimum of two colored photographs taken from documented locations, orientated between the protected resource (river, stream or road) and the proposed development, showing the extent of existing vegetation or other screening.

(Ord. 2003-034 § 1, 2003; Ord. 93-043 § 12, 1993; Ord. 92-034 § 2, 1992)

18.84.080. Design review standards.

The following standards will be used to evaluate the proposed site plan:

- A. Except as necessary for construction of access roads, building pads, septic drainfields, public utility easements, parking areas, etc., the existing tree and shrub cover screening the development from the designated road, river, or stream shall be retained. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act, or agricultural use of the land.
- B. It is recommended that new structures and additions to existing structures be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
- C. No large areas, including roofs, shall be finished with white, bright or reflective materials. Roofing, including metal roofing, shall be nonreflective and of a color which blends with the surrounding vegetation and landscape. This subsection shall not apply to attached additions to structures lawfully in existence on April 8, 1992, unless substantial improvement to the roof of the existing structure occurs.
- D. Subject to applicable rimrock setback requirements or rimrock setback exception standards in DCC 18.84.090(E), all structures shall be sited to take advantage of existing vegetation, trees and topographic features in order to reduce visual impact as seen from the designated road, river or stream. When more than one nonagricultural structure is to exist and no vegetation, trees or topographic features exist which can reduce visual impact of the subject structure, such structure shall be clustered in a manner which reduces their visual impact as seen from the designated road, river, or stream.
- E. Structures shall not exceed 30 feet in height measured from the natural grade on the side(s) facing the road, river or stream.

EXHIBIT "A"

Within the LM Zone along a state scenic waterway or federal wild and scenic river, the height of a structure shall include chimneys, antennas, flagpoles or other projections from the roof of the structure. DCC 18.84.080 shall not apply to agricultural structures located at least 50 feet from a rimrock.

- F. New residential or commercial driveway access to designated landscape management roads shall be consolidated wherever possible.
- G. New exterior lighting, including security lighting, shall be sited and shielded so that it is directed downward and is not directly visible from the designated road, river or stream.
- H. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points or views of mountains, forests and other open and scenic areas as seen from the designated landscape management road, river or stream. Use of native species shall be encouraged.
- I. No signs or other forms of outdoor advertising that are visible from a designated landscape management river or stream shall be permitted. Property protection signs (No Trespassing, No Hunting, etc.) are permitted.
- J. A conservation easement as defined in DCC 18.04.030 "Conservation Easement" and specified in DCC 18.116.220 shall be required as a condition of approval for all landscape management site plans involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Squaw Creek and Tumalo Creek. Conservation easements required as a condition of landscape management site plans shall not require public access.

(Ord. 97-068 § 1, 1997; Ord. 93-043 §§ 12A and 12B 1993; Ord. 92-034 § 2, 1992; Ord. 91-020 § 1, 1991)

18.84.085. Imposition of conditions.

The standards of DCC 18.84 may be met by the imposition of conditions drawn to ensure that the standards will be met.

(Ord. 92-034 § 2, 1992)

18.84.090. Setbacks.

A. Except as provided in DCC 18.84.090, minimum setbacks shall be those established in the underlying zone with which the LM Zone is combined.

B. Road Setbacks. All new structures or additions to existing structures on lots fronting a designated landscape management road shall be set back at least 100 feet from the edge of the designated road unless the Planning Director or Hearings Body finds that:

1. A location closer to the designated road would more effectively screen the building from the road; or protect a distant vista; or
2. The depth of the lot makes a 100-foot setback not feasible; or
3. Buildings on both lots abutting the subject lot have front yard setbacks of less than 100 feet and the adjacent buildings are within 100 feet of the lot line of the subject property, and the depth of the front yard is not less than the average depth of the front yards of the abutting lots.

If the above findings are made, the Planning Director or Hearings Body may approve a less restrictive front yard setback which will be appropriate to carry out the purpose of the zone.

C. River and Stream Setbacks. All new structures or additions to existing structures shall be set back 100 feet from the ordinary high water mark of designated streams and rivers or obtain a setback exception in accordance with DCC 18.120.030. For the purpose of DCC 18.84.090, decks are

EXHIBIT "A"

considered part of a structure and must conform with the setback requirement.

The placement of on-site sewage disposal systems shall be subject to joint review by the Planning Director or Hearings Body and the Deschutes County Environmental Health Division. The placement of such systems shall minimize the impact on the vegetation along the river and shall allow a dwelling to be constructed on the site as far from the stream or lake as possible. Sand filter systems may be required as replacement systems when this will allow a dwelling to be located further from the stream or to meet the 100-foot setback requirement.

- D. Rimrock Setback. New structures (including decks or additions to existing structures) shall be set back 50 feet from the rimrock in an LM Zone. An exception to this setback may be granted to as close as 20 feet of the rimrock pursuant to the provisions of DCC 18.84.090(E).
- E. Rimrock Setback Exceptions. An exception to the 50-foot rimrock setback may be granted by the Planning Director or Hearings Body, subject to the following standards and criteria:
 - 1. An exception shall be granted when the Planning Director or Hearings Body finds that:
 - a. A lesser setback will make the structure less visible or completely screened from the river or stream; or
 - b. The subject lot or parcel was a lot of record prior to the adoption of this ordinance; or
 - c. Dwellings (including decks) on both lots or parcels abutting the subject lot within 50 feet of the rimrock and the adjacent buildings are within 100 feet of the lot line of the subject property; or
 - d. Adherence to the 50-foot setback would prevent the structure from being sited on the lot.
 - 2. A dwelling qualifying for a rimrock setback exception under the criteria set forth above shall be located as follows:

- a. The structure shall be designed and sited to minimize the visual impact when viewed from the ordinary high water mark on the far side of the river. This shall be determined by viewing the property from the ordinary high water mark immediately across from the center of the river frontage on which the structure is proposed with like evaluations being made 300 feet upstream and downstream on either side of that point over the entire length of river frontage on which the structure is proposed.
- b. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
- c. The height of the structure shall not exceed the setback from the edge of the rimrock.
- d. No structure (including decks) shall be located closer than 20 feet from the edge of the rimrock unless the Planning Director or Hearings Body finds that the lesser setback will make the structure less visible or the structure is completely screened from the river or stream.
- e. Where multiple nonagricultural structures are proposed on a lot or parcel, the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the affected area. This shall require a maintenance of at least 65 percent open space along rimrocks within subject lots or parcels.

(Ord. 2000-033 § 3, 2000; Ord. 92-034 § 2, 1992)

18.84.095. Scenic waterways.

Approval of all structures in a State Scenic Waterway shall be conditional upon receipt of approval of the Oregon Department of Parks and Recreation.

(Ord. 2000-033 § 4, 2000)

18.84.100. (Repealed by Ord. 98-066, 1998)

EXHIBIT "B"

Chapter 18.124. SITE PLAN REVIEW

18.124.010. Purpose.

18.124.020. Elements of site plan.

18.124.030. Approval required.

18.124.040. Contents and procedure.

18.124.050. Decision on site plan.

18.124.060. Approval criteria.

18.124.070. Required minimum standards.

18.124.080. Other conditions.

18.124.090. Right of way improvement standards.

18.124.010. Purpose.

DCC 18.124.010 provides for administrative review of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

(Ord. 91-020 § 1, 1991)

18.124.020. Elements of site plan.

The elements of a site plan are: The layout and design of all existing and proposed improvements, including, but not limited to, buildings, structures, parking, circulation areas, outdoor storage areas, bicycle parking, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures and street furniture.

(Ord. 93-043 § 22D, 1993; Ord. 93-005 § 6, 1993)

18.124.030. Approval required.

A. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.

B. The provisions of DCC 18.124.030 shall apply to the following:

1. All conditional use permits where a site plan is a condition of approval;
2. Multiple-family dwellings with more than three units;
3. All commercial uses that require parking facilities;
4. All industrial uses;
5. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, landfills, schools, utility facilities, churches, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and
6. As specified for ~~Landscape Management Combining Zones (LM)~~, Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).

C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.

D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.

E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.

(Ord. 2003-034 § 2, 2003; Ord. 94-008 § 14, 1994; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 86-032 § 1, 1986)

18.124.040. Contents and procedure.

A. Any site plan shall be filed on a form provided by the Planning Department and shall be accompanied by such drawings, sketches and descriptions necessary to describe the proposed development. A plan

EXHIBIT "B"

shall not be deemed complete unless all information requested is provided.

- B. Prior to filing a site plan, the applicant shall confer with the Planning Director or his representative concerning the requirements for formal application.
- C. After the pre-application conference, the applicant shall submit a site development plan, an inventory of existing plant materials including all trees six inches in diameter or greater and other significant species, a landscape plan and architectural drawings including floor plans and elevations.
- D. The site plan shall indicate the following:
 - 1. Access to site from adjacent rights of way, streets and arterial.
 - 2. Parking and circulation areas.
 - 3. Location, dimensions (height and bulk) and design of buildings and signs.
 - 4. Orientation of windows and doors.
 - 5. Entrances and exits.
 - 6. Private and shared outdoor recreation spaces.
 - 7. Pedestrian circulation.
 - 8. Public play areas.
 - 9. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.
 - 10. Areas to be landscaped.
 - 11. Exterior lighting.
 - 12. Special provisions for handicapped persons.
 - 13. Existing topography of the site at intervals appropriate to the site, but in no case having a contour interval greater than 10 feet.
 - 14. Signs.
 - 15. Public improvements.
 - 16. Drainfield locations.
 - 17. Bicycle parking facilities, with location of racks, signage, lighting, and showing the design of the shelter for long term parking facilities.
 - 18. Any required bicycle commuter facilities.

19. Other site elements and information which will assist in the evaluation of site development.

- E. The landscape plan shall indicate:
 - 1. The size, species and approximate locations of existing natural plant materials proposed to be retained and new plant materials proposed to be placed on site.
 - 2. Proposed site contouring.
 - 3. An explanation of how drainage and soil erosion is to be dealt with during and after construction.

~~F. Residential and agricultural buildings located within the Landscape Management Zone shall be required to furnish only the following information:~~

- ~~1. Locations and dimensions of buildings and property lines.~~
- ~~2. Location, size and species of existing vegetation six inches in diameter or greater.~~
- ~~3. Building elevations of the proposed structure.~~
- ~~4. A drawing of the proposed exterior appearance and a description of materials to be used.~~

(Ord. 2003-034 § 2, 2003; Ord. 93-005 § 7, 1993; Ord. 91-020 § 1, 1991)

18.124.050. Decision on site plan.

- A. The Planning Director or Hearings Body may deny the site plan or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in DCC Title 18.
- B. The Planning Director or Hearings Body as a condition of approval may require that the applicant file with the County a performance bond or other security approved by the governing body to assure full and faithful performance of any required improvements. The bond shall be for the dollar amount plus

EXHIBIT "B"

10 percent of the estimated cost of the improvements.

- C. Planning Director or Hearings Body review shall be subject to DCC Title 22, the Uniform Development Procedures Ordinance.
(Ord. 91-020 § 1, 1991; Ord. 86-032 § 1, 1986)

18.124.060. Approval criteria.

Approval of a site plan shall be based on the following criteria:

- A. The proposed development shall relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and Braille signs.
- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
- F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading

and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.

- H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
- J. All exterior lighting shall be shielded so that direct light does not project off-site.
(Ord. 93-043 §§ 21, 22 and 22A, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991)

18.124.070 Required minimum standards.

- A. Private or shared outdoor recreation areas in residential developments.
 - 1. Private Areas. Each ground-level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
 - 2. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:
 - a. Units with one or two bedrooms: 200 square feet per unit.
 - b. Units with three or more bedrooms: 300 square feet per unit.
 - 3. Storage. In residential developments, convenient areas shall be provided for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.
- B. Required Landscaped Areas.

EXHIBIT "B"

1. The following landscape requirements are established for multi-family, commercial and industrial developments, subject to site plan approval:
 - a. A minimum of 15 percent of the lot area shall be landscaped.
 - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.
 2. In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:
 - a. A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.
 - c. A landscaped strip separating a parking or loading area from a street shall contain:
 - i. Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
 - ii. Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.
 - iii. Vegetative ground cover.
 3. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 4. The landscaping in a parking area shall have a width of not less than five feet.
 5. Provision shall be made for watering planting areas where such care is required.
 6. Required landscaping shall be continuously maintained and kept alive and attractive.
 7. Maximum height of tree species shall be considered when planting under overhead utility lines.
- C. Nonmotorized Access.
1. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.
 2. Pedestrian Access and Circulation:
 - a. Internal pedestrian circulation shall be provided in new commercial, office and multi-family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.
 - b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.
 - c. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.
 - d. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways,

EXHIBIT "B"

parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.

- e. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.

D. Commercial Development Standards:

1. New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.
2. To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the interior, rear or non-street side of the complex may be located and oriented toward private interior streets within the development if consistent with all other standards of paragraph (1) above and this paragraph. Interior streets used to satisfy this standard may have on-street parking and shall have sidewalks along the street in front of the building. Such sidewalks shall connect to existing or future sidewalks on public streets accessing the site. The master plan for the shopping complex shall demonstrate that at least one half of the exterior perimeter of the

site that abuts each public street, will be developed with buildings meeting the standards of paragraphs (D)(1) or (D)(3) of this subsection.

3. An increase in the front yard setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it desirable to site the new building beyond the minimum street setback:
 - a. Existing development on the site;
 - b. Lot configuration;
 - c. Topography of the lot;
 - d. Significant trees or other vegetative features that could be retained by allowing a greater setback;
 - e. Location of driveway access. Such an increase in the front yard shall be the minimum necessary to accommodate the reason for the increase.
 - f. Architectural features, driveways, landscaping areas equal to or greater than the depth of the structure, and outdoor commercial areas, when at least one half of the structure meets the minimum street setback.
4. Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the Sunriver UUC Business Park (BP) District. Off-street parking proposed with a shopping complex, as defined by this title, and intended to serve buildings located in the interior or rear of the complex may have parking in front of the building provided the overall master plan for the site satisfies paragraph (2) of this subsection.

(Ord. 2002-033 § 1, 2002; Ord. 2001-044 § 5, 2001; Ord. 97-078 § 7, 1997; Ord. 93-063 § 3, 1993; Ord. 93-043 § 22B, 1993; Ord. 93-005 § 8, 1993)

EXHIBIT "B"

18.124.080. Other conditions.

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 18 as a condition for site plan approval.

- A. An increase in the required yards.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, type, location, orientation and number of lights.
- E. Limitations on the number and location of curb cuts.
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- G. Improvement, including but not limited to paving, curbing, installation of traffic signals and constructing sidewalks or the street system that serves the proposed use where the existing street system will be burdened by the proposed use.
- H. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- I. Landscaping of the site.
- J. Any other limitations or conditions that are considered necessary to achieve the purposes of DCC Title 18.

(Ord. 95-075 § 1, 1995; Ord. 93-043 § 22C, 1993)

18.124.090. Right of way improvement standards.

Any dedications or improvements to the road right of way required under DCC 18.124 shall meet the standards for road right of way improvements set forth in DCC Title 17 and any standards for right-of-way improvements set forth in DCC Title 18 for the particular zone in question.

(Ord. 97-003 § 4, 1997)