

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 24th day of August, 2005.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TOM DEWOLF, Chair

excused
MICHAEL M. DALY, Commissioner


DENNIS R. LUKE, Commissioner

Date of 1st Reading: 24th day of August, 2005.

Date of 2nd Reading: 24th day of August, 2005.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tom DeWolf	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Michael M. Daly	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Dennis R. Luke	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Effective date: 24th day of August, 2005.

ATTEST:

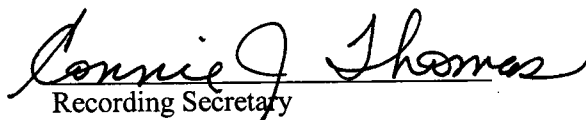

Recording Secretary

EXHIBIT "A"

18.04.030. Definitions.

"Resort facility" means a building or series of buildings, portions of which are under common ownership which provide interrelated visitor and vacation services and are intended to serve the community and the travel needs of people traveling through the area. Typical uses include, but are not limited to: overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, resort recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses.

(Ord. 2005-041 § 1, 2005-041; Ord. 2004-024 § 1, 2004; Ord. 2004-001 § 1, 2004; Ord. 2003-028 § 1, 2003; Ord. 2001-048 § 1, 2001; Ord. 2001-044 § 2, 2001; Ord. 2001-037 § 1, 2001; Ord. 2001-033 § 2, 2001; Ord. 97-078 § 5, 1997; Ord. 97-017 § 1, 1997; Ord. 97-003 § 1, 1997; Ord. 96-082 § 1, 1996; Ord. 96-003 § 2, 1996; Ord. 95-077 § 2, 1995; Ord. 95-075 § 1, 1975; Ord. 95-007 § 1, 1995; Ord. 95-001 § 1, 1995; Ord. 94-053 § 1, 1994; Ord. 94-041 §§ 2 and 3, 1994; Ord. 94-038 § 3, 1994; Ord. 94-008 §§ 1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§ 1, 2, and 3, 1994; Ord. 93-043 §§ 1, 1A and 1B, 1993; Ord. 93-038 § 1, 1993; Ord. 93-005 §§ 1 and 2, 1993; Ord. 93-002 §§ 1, 2 and 3, 1993; Ord. 92-066 § 1, 1992; Ord. 92-065 §§ 1 and 2, 1992; Ord. 92-034 § 1, 1992; Ord. 92-025 § 1, 1992; Ord. 92-004 §§ 1 and 2, 1992; Ord. 91-038 §§ 3 and 4, 1991; Ord. 91-020 § 1, 1991; Ord. 91-005 § 1, 1991; Ord. 91-002 § 11, 1991; Ord. 90-014 § 2, 1990; Ord. 89-009 § 2, 1989; Ord. 89-004 § 1, 1989; Ord. 88-050 § 3, 1988; Ord. 88-030 § 3, 1988; Ord. 88-009 § 1, 1988; Ord. 87-015 § 1, 1987; Ord. 86-056 § 2, 1986; Ord. 86-054 § 1, 1986; Ord. 86-032 § 1, 1986; Ord. 86-018 § 1, 1986; Ord. 85-002 § 2, 1985; Ord. 84-023 § 1, 1984; Ord. 83-037 § 2, 1983; Ord. 83-033 § 1, 1983; Ord. 82-013 § 1, 1982)

EXHIBIT "B"

18.110.060. 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 accessory uses, unless a greater setback is required pursuant to site plan review or other applicable provisions of DCC Title 18:

- a. Front Yard. The front yard shall be a minimum of 10 feet.
- b. Side Yard. Zero 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 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 feet 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 DCC Title 18:

- 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.

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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 40 feet, or 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 DCC 18.110.060(C)(1) 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 30 feet in height, except as provided by DCC 18.120.040.
 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 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.
- 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 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 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

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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.

J. Land Divisions.

1. General. Notwithstanding any provision to the contrary contained herein or in other parts of the County Code, roads within the Resort Community Zone may be private roads and new lots or parcels may be created that have access from, and frontage on, private roads only. These roads must meet the private road standards of DCC Title 17, and are not subject to public road standards of DCC Title 17. An agreement acceptable to the County Road Department and County Legal Counsel shall be required for the maintenance of new private roads.

2. Zero Lot Line Subdivision. Notwithstanding any provision to the contrary contained herein, zero lot line subdivisions for single-family residences shall be allowed in the Resort Community Zone in accordance with the provisions of DCC Chapter 17.20. Zero lot line subdivisions are not subject to the setback provisions of 18.110.060(A), solar setback standards of 18.110.060(B)(1), lot coverage provisions of 18.110.060(D) or lot requirements of 18.110.060(I)(1).

(Ord 2005-041 § 2, 2005; Ord. 2001-048 § 2, 2001)