



REVIEWED
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LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code *
Titles 1, 15, and 18 to Incorporate Changes to *
Chapter 1 of the Oregon State Structural Code, *
Changes to the Oregon Fire Code, and Housekeeping *
Amendments Available for Local Adoption to Ensure *
the Overall Safety and Effectiveness of the *
Community Development Program. *

ORDINANCE NO. 2020-012

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-20-000145-TA) to the Deschutes County Code (DCC) Title 1, Chapters 1.15, Utility Connections, to provide regulatory authority to the Building Official regarding utility connections; Title 1, Chapters 1.16, Code Violations and Enforcement, to provide right-of-entry authority to the Building Official and Code Enforcement Officials; and Title 15, Chapter 15.04, Building and Construction Codes and Regulations, to outline County regulatory authority over structures in accordance with ORS 455.020(4), to adopt local amendments concerning the Oregon Fire Code, and to clarify certificate of occupancy issuance requirements; and Title 18, Chapter 18.116, Supplementary Provisions, to reference the fencing requirements of Title 15; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on April 23, 2020, and forwarded to the Deschutes County Board of County Commissioners ("Board"), a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on June 10, 2020, and concluded that the public will benefit from the proposed changes to the Deschutes County Code Titles 1, 15, and 18; now, therefore,

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

Section 1. AMENDMENT. DCC 1.15, Utility Connections, is amended to read as described in Exhibit "A" attached and incorporated by reference herein, with new language underlined.

Section 2. AMENDMENT. DCC 1.16, Code Violations and Enforcement, is amended to read as described in Exhibit "B" attached and incorporated by reference herein, with new language underlined.

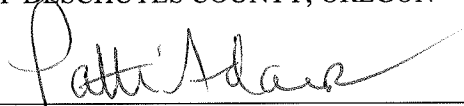
Section 3. AMENDMENT. DCC 15.04, Building and Construction Codes and Regulations, is amended to read as described in Exhibit "C" attached and incorporated by reference herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 4. AMENDMENT. DCC 18.116, Supplementary Provisions, is amended to read as described in Exhibit "D" attached and incorporated by reference herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 5. FINDINGS. The Board adopts as its findings Exhibit "E" attached and incorporated by reference herein.

Dated this 24 of June, 2020

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



PATTI ADAIR, Chair

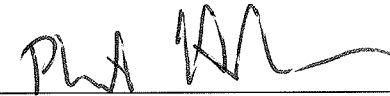


ANTHONY DEBONE, Vice Chair

ATTEST:



Recording Secretary



PHILIP G. HENDERSON

Date of 1st Reading: 10 day of June, 2020.

Date of 2nd Reading: 24 day of June, 2020.

Record of Adoption Vote:

| Commissioner | Yes | No | Abstained | Excused |
|---------------------|-----|----|-----------|---------|
| Philip G. Henderson | ✓ | — | — | — |
| Patti Adair | ✓ | — | — | — |
| Anthony DeBone | ✓ | — | — | — |

Effective date: 22 day of September, 2020.



Deschutes County Board of Commissioners
1300 NW Wall St, Bend, OR 97703
(541) 388-6570 – Fax (541) 385-3202 – <https://www.deschutes.org/>

AGENDA REQUEST & STAFF REPORT

For Board of Commissioners BOCC Wednesday Meeting of June 24, 2020

DATE: June 13, 2020

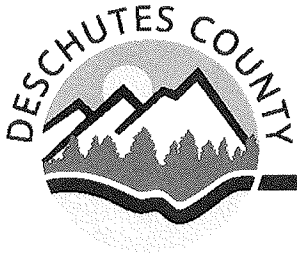
FROM: Kyle Collins, Community Development, 541-383-4427

TITLE OF AGENDA ITEM:

Consideration of Second Reading: Ordinance No. 2020-012, Text Amendments to Titles 1, 15, and 18

The Board conducted a public hearing, deliberated, and conducted first reading on June 10, 2020 regarding several amendments to Deschutes County Code (DCC) Title 1, General Provisions; Title 15, Buildings and Construction; and Title 18, County Zoning. The purpose of the amendments is to incorporate changes to the Oregon Structural Specialty Code (State Building Code) regarding the authority of the local building official and related land use authority from the Deschutes County Planning Division. Additional housekeeping amendments are proposed which address recent changes to the Oregon Fire Code and minor technical corrections to the Deschutes County Code (DCC).

Staff is recommending the Board initiate second reading on June 24, 2020.



STAFF MEMORANDUM

TO: Board of County Commissioners

FROM: Kyle Collins, Associate Planner

DATE: June 24th, 2020

RE: Second Reading of Ordinance No. 2020-012: Deschutes County Code Text Amendments to Titles 1, 15, and 18

OVERVIEW

On June 10th, 2020, the Board closed a public hearing, closed the written record, and completed deliberations on the proposed amendments to alter Titles 1, 15, and 18 of the Deschutes County Code incorporating changes to the Oregon Structural Specialty Code (State Building Code) regarding the authority of the local building official and related land use authority from the Deschutes County Planning Division. Additional housekeeping amendments are proposed which address recent changes to the Oregon Fire Code and minor technical corrections to the Deschutes County Code (DCC).

During deliberations, the Board completed first reading (by title only) of the draft ordinance and staff now presents Ordinance 2020-012 for second reading and consideration of any proposed edits and future adoption.

PROPOSAL

The proposed text amendments to Deschutes County Code (DCC) Title 1, General Provisions, DCC Title 15, Building and Construction, and DCC Title 18, County Zoning, are detailed in the referenced ordinance attached hereto with additional text identified by underline and deleted text by ~~strikethrough~~.

Attachments:

- Draft Ordinance 2020-012
- Staff Findings
- Proposed Text Amendments

FINDINGS

FILE NUMBER: 247-20-000145-TA

APPLICANT: Deschutes County Community Development
117 NW Lafayette Avenue
Bend, Oregon 97703

PROPERTY: N/A
OWNER:

REQUEST: Text Amendments to the Deschutes County Code to incorporate changes to Chapter 1 of the Oregon State Structural Code (State Building Code), changes to the Oregon Fire Code, and housekeeping amendments available for local adoption to ensure the overall safety and effectiveness of the community development program.

STAFF CONTACT: Kyle Collins, Associate Planner

I. BACKGROUND

The purpose of these code amendments is to address critical changes made by the State Building Codes Division (State BCD) to Chapter 1- Scope and Administration (Chapter 1) of the commercial building code (Oregon Structural Specialty Code or OSSC) and the residential building code (Oregon Residential Specialty Code or ORSC).

Secondarily, additional code amendments are proposed to address recent changes to the Oregon Fire Code which require local action to maintain consistency and modern fire protection standards.

Finally, as allowed by the State of Oregon, a number of housekeeping amendments have been proposed to Deschutes County Code Title 1 and Title 15 beyond those items outlined above. These amendments are available for local adoption to ensure the overall safety and effectiveness of the community development program.

The Planning Commission conducted a work session on April 23rd, 2020 for review of these amendments prior to the Deschutes Board of County Commissioners ("Board") public hearing.

II. PROPOSED AMENDMENTS

The proposed amendments are described and detailed in Ordinance 2020-012, attached hereto. Added language is underlined and deleted shown as ~~strikethrough~~. The amendments are necessary to clarify existing standards and procedures, incorporate changes to the Oregon State Structural Code (State Building Code), incorporate changes to the Oregon Fire Code, incorporate amendments

available for local adoption by the State, and correct scrivener's errors. The following section summarizes the proposed amendments:

- **DCC CHAPTER 1.15, UTILITY CONNECTIONS**

- **DCC 1.15.205** – Proposing to allow the local building official the authority to regulate utility connections for structures regulated by Deschutes County Code Title 15 (Deschutes County Building Code).

- **DCC CHAPTER 1.16, CODE VIOLATIONS AND ENFORCEMENT**

- **DCC 1.16.034** – Where it is necessary to make an inspection to enforce the provisions of the Deschutes County Code, or where the code enforcement officials or the building official has reasonable cause to believe that there exists in a structure, upon a premises, or on a property a condition which is contrary to or in violation of the Deschutes County Code which makes the structure, premises, or property unsafe, dangerous, or hazardous, the code enforcement official or the building official is authorized to enter the structure, premises, or property at reasonable times to inspect or to perform the duties imposed by the Deschutes County Code, provided that if such structure, premises, or property be occupied that credential be presented to the occupant and entry requested.

- **DCC CHAPTER 15.04, CODE VIOLATIONS AND ENFORCEMENT**

- **DCC 15.04.015** – Grants the local building official authority to regulate abatement of nuisances and dangerous buildings, demolition, fences, cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building, signs not attached to or supported by a regulated building, transitional housing accommodations, administration and implementation of a National Flood Insurance Program (NFIP), and other structures not regulated by the state building code consistent with the scope of ORS 455.020. Authority to regulate these structures was previous codified in Chapter 1 of the Oregon State Structural Code (State Building Code), but now requires local amendments, as allowed by the state, to maintain previously held duties by the building official.
- **DCC 15.04.025** – Designates that in the areas under the jurisdiction of the County, all fences shall comply with the requirements of the current edition of the International Building Code published by the International Code Council. Previous fencing requirements were codified in the State Building Code, but now require local amendments, as allowed by the state, to maintain previously held duties by the building official.

- **DCC 15.04.080** – Adopts recent changes to the Oregon Fire Code and removes the specific Oregon Fire Code yearly reference in the Deschutes County Code to avoid the need for future text amendments when new editions of the Oregon Fire Code are adopted.
 - **DCC 15.04.130** – Removes a scrivener’s error to more accurately describe the requirements for issuing building permits to residential, commercial or industrial structures.
 - **DCC 15.04.140** – Clarifies the requirements for issuing certificates of occupancy for any new industrial or commercial structures to include the requirements of the State of Oregon Building Code as well as other applicable County requirements.
 - **DCC 15.04.145** – Clarifies the requirements for issuing certificates of occupancy for any new residential structures to include the requirements of the State of Oregon Building Code as well as other applicable County requirements.
- **DCC CHAPTER 18.116, SUPPLEMENTARY PROVISIONS**
 - **DCC 18.116.120(C)** – Removes an internal code reference which is rendered non-functional by code amendments proposed in DCC Title 15. Rather than reference the fencing requirements in the State Building Code, the proposed changes will reference the fencing requirements codified in the local building code (DCC Title 15).

III. BASIC FINDINGS

The Planning Division determined changes were necessary to clarify existing standards and procedures, incorporate changes to the Oregon State Structural Code (State Building Code), incorporate changes to the Oregon Fire Code, incorporate amendments available for local adoption by the State, and correct scrivener’s errors found in various sections of DCC. Staff initiated the proposed changes and notes that notification of the Oregon Department of Land Conservation and Development is not required for amendments to local building codes. As demonstrated in the summary above, the amendments remain consistent with Deschutes County Code, Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

IV. CONCLUSIONARY FINDINGS

A. CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

FINDING: The Board of County Commissioners (Board) will hold a hearing on June 10th, 2020. This criterion is met.

Section 22.12.020, Notice

Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

FINDING: This criterion is met as notice was published in the Bend Bulletin newspaper on May 30, 2020.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: This criterion is met as notice was posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend, as well as on the Planning Division website.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the local Building Official, and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. ***The following shall serve as hearings or review body for legislative changes in this order:***
 - 1. ***The Planning Commission.***
 - 2. ***The Board of County Commissioners.***
- B. ***Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: This criterion is met as the Planning Commission held a work session on April 23rd, 2020. The Board will hold a public hearing on June 10th, 2020. These criteria will be met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-20-000145-TA will be implemented by an ordinance upon approval and adoption by the Board. This criterion will be met.

V. CONCLUSION

Based on the information provided herein, staff recommends the Board to approve the amendments that make minor changes necessary to clarify existing standards and procedures, incorporate changes to the Oregon State Structural Code (State Building Code), incorporate changes to the Oregon Fire Code, incorporate amendments available for local adoption by the State, and correct scrivener's errors found in various sections of DCC.

Chapter 1.15. UTILITY CONNECTIONS

1.15.205. Service Utility.

1.15.205. Service Utility.

- A. A person shall not make connections from a utility, source of energy, fuel or power to any building, structure, or system that is regulated by DCC 15.04 for which a permit is required, until released by the building official.
- B. The building official may authorize the temporary connection of the building, structure, or system to the utility, source of energy, fuel, or power.
- C. The building official may authorize disconnection of utility service to the building, structure, or system that is regulated by DCC 15.04 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Sections A and B above. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or system shall be notified in writing as soon as practical thereafter.

Chapter 1.16. CODE VIOLATIONS AND ENFORCEMENT

- 1.16.010. Violations Deemed Class A or B Classification-Penalties.**
- 1.16.020. Continuing Violations.**
- 1.16.030. Violation Procedures-Statutory Provisions Adopted.**
- 1.16.032. Base Fine Amounts and Violation Classification for Water Supply, On-Site Sewage, Building Code, Subdivision Regulations and Land Use Regulation Violations.**
- 1.16.034. Right of Entry.**
- 1.16.035. Search Warrants-Statutory Provisions Adopted.**
- 1.16.040. Other Remedies Not Precluded —Injunctive Relief/Abatement.**
- 1.16.045. Private Right of Action.**
- 1.16.050. Stop Work or Use Tag Violations.**
- 1.16.060. Continuation of Certain Liabilities.**
- 1.16.070. Code Enforcement Officials-Designation by County Administrator.**
- 1.16.080. Code Enforcement Officials- Appointment Status.**
- 1.16.090. Penalty for False Information on Noise or Animal Control Violation.**

1.16.010. Violations Deemed Class A or B Classification-Penalties.

- A. Violation of a county ordinance shall be punishable, upon conviction, by fine or by the specific remedies specified within the County Code.
- B. Each county ordinance specifying a county offense shall classify the ordinance violation as a Class A or Class B violation.
- C. A sentence to pay a fine for a violation of a county ordinance shall be a sentence to pay an amount not exceeding the Maximum Fines provided in ORS 153.018.
- D. Notwithstanding this section and DCC 1.16.030, for violations of Chapters 13.04, 13.08, 13.36, 15.04 and 15.10 and Titles 17 18 and 19, the Presumptive and Minimum fine amount shall be the Maximum Fine amount described in DCC 1.16.010(C).
- E. For violations of County Code provisions not listed in DCC 1.16.010(D), the Presumptive and Minimum Fine amounts shall be as provided in ORS Chapter 153.
- F. A land use application for a property with an existing code violation will be accepted, but not processed by the County based on DCC 22.20.015.
- G. Notwithstanding DCC 1.16.010(D), the court or the hearings officer may impose a fine lower than the fine provided in those two sections, upon a finding of mitigating factors including, but not limited to, indigence of the defendant, severity of the violation, number of times the defendant has been previously cited for Deschutes County Code violations; length of time the violation has existed; and reason(s) the violation has not been cured.

(Ord. 2015-020, §1, 2015; Ord. 2014-003, §1, 2014; Ord. 2013-015, §1, 2013; Ord. 2008-026, §1, 2008; Ord. 2003-021 §3, 2003; Ord. 2002-016 §9, 2002; 86-076 §1, 1986)

1.16.015. Strict Liability

- A. All of the offenses in the Deschutes County Code are strict liability offenses and do not require the proof of any culpable mental state unless the code provision defining the offense expressly provides that culpability is required.
- B. It is no defense to prosecution under any provision in this code that the actor was not the person who actually created, moved, caused, or maintained the unlawful condition or use.
- C. A person is liable for prosecution under any provision of this code:
 - 1. If the person created, moved, caused, or maintained an unlawful condition or use;

2. If the person aided or abetted another person in creating, moving, causing, or maintaining an unlawful condition or use;
3. If the person is in actual or constructive possession of premises on which an unlawful condition or use or is found; or
4. If the person has any interest, other than a security interest, in premises on which an unlawful condition or use is found.

(Ord. 2008-026, §1, 2008)

1.16.020. Continuing Violations.

- A. When a violation is of a continuing nature, a separately punishable violation occurs on each calendar day the violation continues.
- B. The complaint for a continuing violation will clearly state the following:
 1. The ongoing or uninterrupted nature of the violation;
 2. The date the violation is alleged to have first occurred;
 3. The dates or range of dates of each day of the continuing or uninterrupted violation; and
 4. The amount of the fine for each day's violation.

(Ord. 2008-026, §1, 2008; Ord. 2003-021 §4, 2003; Ord. 2002-016 §9, 2002; 86-076 §2, 1986)

1.16.030. Violation procedures-Statutory provisions adopted.

- A. The violation procedures as set forth in ORS 153.030 to 153.145 and 153.990 shall be the procedures for county ordinance violations, and are adopted hereby by reference.
- B. Peace officers may enforce the provisions of Chapter 6.08, Animal Control, when the peace officer has reasonable grounds to believe that the conduct constitutes a violation of that chapter.

(Ord. 2009-005 §1, 2009; Ord. 2008-026, §1, 2008; Ord. 2003-021 §5, 2003; Ord. 2002-032 §1, 2002; 2002-016 §9, 2002; 86 076 §3, 1986)

1.16.032. Violation Classification for Water Supply, On-Site Sewage, Building Code, Subdivision Regulations and Land Use Regulation Violations.

- A. Violations of Chapters 13.04, 13.08, 13.36, 15.04 and 15.10 and Titles 17 and 18 constitute Class A violations.

(Ord. 2013-015, §1, 2013; Ord. 2002-032 §1, 2002)

1.16.034. Right of Entry.

Where it is necessary to make an inspection to enforce the provisions of the Deschutes County Code, or where the code enforcement officials or the building official has reasonable cause to believe that there exists in a structure, upon a premises, or on a property a condition which is contrary to or in violation of the Deschutes County Code which makes the structure, premises, or property unsafe, dangerous, or hazardous, the code enforcement official or the building official is authorized to enter the structure, premises, or property at reasonable times to inspect or to perform the duties imposed by the Deschutes County Code, provided that if such structure, premises, or property be occupied that credential be presented to the occupant and entry requested. If such structure, premises, or property is unoccupied, the code enforcement official or the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the structure, premises, or property and request entry. If entry is refused, the code enforcement official or the building official shall have recourse to the remedies provided by law to secure entry.

1.16.035. Search warrants-Statutory Provisions Adopted.

- A. The definition of "offense" as set forth in ORS 161.505 is adopted:
 - B. An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is a crime or a violation.
 - C. ORS 133.535 (3), which allows for property that has been used, or is possessed for the purpose of being used, to commit or conceal the commission of an offense to be the subject of search and seizure is adopted hereby by reference.
 - D. The procedure established for obtaining search warrants as set forth in ORS 133.545 through 133.703 is adopted hereby by reference.
- (Ord. 2003-021 §6, 2003; Ord. 96-025 §1, 1996)

1.16.040. Other Remedies Not Precluded–Injunctive Relief/Abatement.

- A. The procedure established by DCC 1.16.010 through DCC 1.16.060 shall be the exclusive procedure for imposing a fine; provided, however, such sections shall not prohibit, in any manner, alternative remedies, including but not limited to injunction, nor shall the County be prohibited from recovering any expense incurred in any injunction action.
 - B. In addition to a fine, any citation for a violation of a county ordinance may include a request for injunctive relief and/or abatement of the violation.
 - C. The county's representative may also request injunctive relief and/or abatement at the time of arraignment or trial.
 - D. Upon entering judgment against a person for violating a county ordinance, the court may, in addition any other penalty imposed by law, enter orders for injunctive relief and/or abatement, requiring the person to cease and desist and to correct the violation(s).
- (Ord. 2013-015, §1, 2013; Ord. 86-076 §4, 1986)

1.16.045. Private Right of Action.

- A. Any person, whether acting as principal, agent or employee, whose interest is or may be affected by any violation of a Deschutes County ordinance may, in addition to the other remedies provided by law, file an violation complaint in the following manner:
 - 1. The private citizen shall prepare and present the violation complaint to the appropriate enforcement officer.
 - 2. If the enforcement officer fails to act upon the violation complaint within 30 days, the citizen may submit the violation complaint to Deschutes County Legal Counsel (legal counsel).
 - 3. Legal counsel shall investigate the alleged violation of a county ordinance and, after consultation with the appropriate department head, shall either
 - a. have the violation complaint served and prosecute, or
 - b. decline to have the violation complaint served or to prosecute.
 - 4. Legal counsel shall notify the private citizen of said action within ten days from the date the violation complaint is presented to legal counsel.
 - 5. The private citizen, following notice by legal counsel of legal counsel's decision not to prosecute, may, within 60 days of such notice, bring an action under the authority granted by DCC 1.16.045, in the citizen's name against the alleged violator in the same manner and form as provided by a civil violation complaint.
 - 6. Should the private citizen prevail against the violator, any fine imposed and special costs shall be awarded to the plaintiff private citizen.
 - B. A decision by legal counsel not to prosecute a zoning ordinance violation shall not be deemed to constitute a land use decision.
- (Ord. 2002-016 §9, 2002; 97-058 §1, 1997)

1.16.050. Stop Work or Use Tag Violations.

After a stop work or use tag is posted, any person continuing work or use commits a separate violation. Violation of a stop work or use notice constitutes a Class A violation.
(Ord. 2002-016 §9, 2002; 86-076 §5, 1986)

1.16.060. Continuation of Certain Liabilities.

- A. The repeal of Ordinances 82-012 and 86-027 by the ordinance codified in DCC 1.16.010 through 1.16.060 shall not extinguish any penalty, forfeiture or judgment imposed or liability incurred under Ordinance 82-012, as amended by Ordinance 86-027.
- B. Ordinances 82-012 and 86-027 shall remain in full force and effect for the purpose of enforcement of any penalty, forfeiture or judgment imposed thereunder or liability incurred thereunder.
(Ord. 86-076 §6, 1986)

1.16.070. Code Enforcement Officials- Designation by County Administrator.

- A. The County Administrator shall designate individuals, in addition to peace officers, who are employees or agents of the county, to enforce violations of county ordinances.
- B. Private individuals who commence actions under subsection C of this section are not agents or employees of the county.
- C. A private person may commence an action for a noise offense under DCC 8.08, or an animal control violation under DCC 6.08 by signing the complaint before a magistrate, clerk or deputy clerk of the court or sheriff's deputy.
- D. The action commenced by a private person shall be entered in the court record.
- E. If an ORS 153.045 uniform violation citation form is not used, then a complaint under DCC 1.16.070(B) shall contain a statement that the complainant shall certify, under the penalties provided in DCC 1.16.090, that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law.
- F. A certificate conforming to DCC 1.16.090 shall be deemed equivalent to a sworn complaint.
- G. When the complaint is certified by a private person, the court shall cause the summons to be delivered to the defendant. The court may require the County Sheriff's Office to serve the summons as provided in ORS 153.535(1).
(Ord. 2011-023 §1, 2011; Ord. 2008-026, §1, 2008, Ord. 2007-028 §1, 2007; Ord.2002-016 §9, 2002; 98-010 §1, 1998; Ord. 87-005 §1, 1987)

1.16.080. Code Enforcement Officials- Appointment Status.

The appointment of a county officer to enforce violations of county ordinances shall be continuous until such appointment is revoked by the County Administrator or where such officers are employees, upon separation from employment.
(Ord. 2011-023 §1, 2011; Ord. 2002-016 §9, 2002; 87-005 §2, 1987)

1.16.090. Penalty for False Information on Noise or Animal Control Violation.

Any person who, in connection with the issuance of a complaint for a noise or animal control violation as defined in DCC 8.08 or DCC 6.08 respectively, knowingly certifies falsely in the matters set forth therein, commits a Class A violation.
(Ord. 2002-016 §9, 2002; 98-010 §2, 1998)

Chapter 15.04. BUILDING AND CONSTRUCTION CODES AND REGULATIONS

15.04.010. Specialty Codes and Building Requirements Adopted-Enforcement.

15.04.015. Additional Local Authority.

15.04.020. Repealed.

15.04.025. Fences.

15.04.030. Repealed.

15.04.035. Repealed.

15.04.037. Repealed.

15.04.040. Repealed.

15.04.050. Repealed.

15.04.055. Repealed.

15.04.060. Repealed.

15.04.070. Building Abatement Code-Adopted.

15.04.080. Fire Code-Adopted.

15.04.085. Wildfire Hazard Zones.

15.04.090. Definitions.

15.04.100. Mobile Homes-Placement Permit-Inspection.

15.04.110. Expedited Construction Start.

15.04.120. Mobile Homes-State Certification Required.

15.04.130. Building Permit Issuance-Zoning Conformance-Planning Department Approval.

15.04.140. Industrial/Commercial Structure-Occupancy Certificate Required.

15.04.145. Residential Structure- Occupancy Certificate Required.

15.04.150. Building or Mobile Home Placement Permit Issuance- Zoning and Subdivision Conformance.

15.04.160. Permit Fees-Adjustments.

15.04.170. Numbers for Addresses- Placement.

15.04.180. Administration-Enforcement.

15.04.190. Conditions Deemed a Public Nuisance.

15.04.200. Violation-Penalty.

15.04.210. Requirement for Water Service From Water Districts.

15.04.220. Supply of Water for Domestic Use in Conformance With State and Federal Regulations.

15.04.010. Specialty Codes and Building Requirements Adopted-Enforcement.

In the areas under the jurisdiction of the County, the County shall administer and enforce pursuant to ORS 455.153, the following specialty codes and building requirements as though the specific specialty codes and building requirements were ordinances of the County:

- A. The specialty codes under ORS 447 (Plumbing; Access by Disabled Persons), 455 (Building Code) and ORS 479.510 to 479.945 (Electrical Safety Law).
- B. Mobile or manufactured dwelling parks requirements adopted under ORS 446.062.
- C. Temporary parks requirements adopted under ORS 446.105.
- D. Manufactured dwelling installation, support and tiedown requirements adopted under ORS 446.230.
- E. Park and camp requirements adopted under ORS 455.680.

(Ord. 2011-022, §2, 2011; Ord. 96-055 §2, 1996)

15.04.015. Additional Local Authority.

In the areas under the jurisdiction of the County, the County may administer and regulate the following in

accordance with ORS 455.020(4):

A. Abatement of nuisances and dangerous buildings.

B. Demolition.

C. Fences.

D. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building.

E. Signs not attached to or supported by a regulated building.

F. Transitional housing accommodations.

G. Administration and implementation of a National Flood Insurance Program (NFIP).

H. Other structures not regulated by the state building code consistent with the scope of ORS 455.020

15.04.020. (Repealed by Ord. 96-055 1996)

15.04.025. Fences.

In the areas under the jurisdiction of the County:

A. All fences shall comply with the requirements of the current edition of the International Building Code published by the International Code Council.

15.04.030. (Repealed by Ord. 96-055 1996)

15.04.035. (Repealed by Ord. 96-055 1996)

15.04.037. (Repealed by Ord. 93-044 1993)

15.04.040. (Repealed by Ord. 96-055 1996)

15.04.050. (Repealed by Ord. 96-055 1996)

15.04.055. (Repealed by Ord. 91-025 1991)

15.04.060. (Repealed by Ord. 96-055 1996)

15.04.070. Building Abatement Code- Adopted.

A. Except as provided in DCC 15.04.070(B), a certain book or publication, a copy of which is on file with the County Clerk, marked and entitled, Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, hereinafter referred to as "building abatement code," is adopted in its entirety as the building abatement code for the areas under the jurisdiction of the County for regulating and controlling the repair, vacation, demolition and abatement of dangerous buildings in the areas under the jurisdiction of the County. The building abatement code adopted and on file in the County Clerk's office is referred to and by this reference made a part of DCC 15.04 as though fully set out in DCC 15.04.

B. The Uniform Code for the Abatement of Dangerous Buildings is adopted as amended below:

1. The words "or premises" are inserted after the word "building" under sections 401, 402, 403, 404, 701, 703, 802 and 901;
2. Chapter 9 is amended as follows:

Section 901. Account of Expense, Filing of Report: Contents. The Director of the Community Development Department shall keep an itemized account of the expense incurred by the County in the repair or demolition of any building done pursuant to the provisions of section 701(C)3 of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the Board a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to subsection (c) of section 401.

Section 902. Report Transmitted to Board-Set for Hearing. Upon receipt of said report, the Board shall fix a time, date and place for hearing said report and any protests or objections thereto. The Board shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid,

addressed to the owner of the property as the owner's name and address appear on the last assessment roll of the County. Such notice shall be given at least ten days prior to the date set for hearing and shall specify the day, hour and place when the Board will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

Section 903. Protests and Objections-

How Made. Any person interested in or affected by the proposed charge may file written protests or objections with the Board at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection.

Section 904. Hearing of Protests. Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report of the director, together with any objections or protests. The Board may make such revision, correction, or modification in the report or the charge as it may deem just; and when the Board is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge, and on all protests or objections, shall be final and conclusive.

Section 905. Personal Obligation and Lien Against Property.

(a) **General.** The Board may thereupon order that said charge may be made a personal obligation of the property owner and/or assess said charge as a lien against the property involved.

(b) **Personal Obligation.** If the Board orders that the charge shall be a personal obligation of the property owner, it shall direct County Legal Counsel to collect the same on behalf of the County by use of all appropriate legal remedies.

(c) **Lien.** If the Board orders that the charge shall be assessed as a lien against the property, it shall direct County Legal Counsel to take all necessary action to perfect the lien under the provisions of ORS 87.

Section 906. Lien.

(a) **Priority.** Any lien filed pursuant to this chapter shall have the priority established in ORS 87 for construction liens. The lien shall continue until the principle and all interest due and payable thereon are paid.

(b) **Interest.** Any such lien filed shall bear interest at the then legal rate.

Section 907. Foreclosure of Lien. The lien filed pursuant to section 905 of this chapter shall be foreclosed as provided in ORS 87.

Section 912. Disbursement of Lien. All money recovered from the sale of the property through lien foreclosure proceedings under ORS 87 shall be paid to the County Treasurer, who shall credit the same to the County general fund.

(Ord. 2011-022, §2, 2011; Ord. 95-005 §1, 1995; Ord. 88-027 §1, 1988; Ord. 83-056 §5, 1983)

15.04.080. Fire Code-Adopted.

The currently adopted ~~The 2009~~ edition of the International Fire Code, as published by the International Code Council and as amended by the Office of State Fire Marshal, ~~a copy of which is on file with the County Clerk,~~ hereinafter referred to as "fire code," is adopted in its entirety as the fire code of the County and incorporated by reference herein.

(Ord. 2011-022, §2, 2011; Ord. 97-024 §1, 1997; Ord. 93-006 §1, 1993; Ord. 90-005 §4, 1990; Ord. 86-068 §1, 1986; Ord. 83-056 §6, 1983)

15.04.085. Wildfire Hazard Zones.

- A. Wildfire Hazard Zones are those depicted on the Deschutes County Wildfire Hazard Areas map on file with the County Clerk.
- B. Adoption of the Wildfire Hazard Areas map implements the provisions of the Wildfire Hazard Mitigation Section of the Oregon Residential Specialty Code enforced pursuant to DCC 15.04.010(A).

(Ord. 2011-022, §2, 2011; Ord. 2001-024 §1, 2001)

15.04.090. Definitions.

Whenever appropriate in applying the provisions of DCC 15.04, the following words and phrases are defined as set forth in DCC 15.04.090.

"Appointing authority" means the Board of County Commissioners.

"Building Department" means the office of the County Building Official or his designee.

"Building official" means the person designated by the Board as the Building Administrator.

"County" means Deschutes County, a political subdivision of the State of Oregon.

"Fire chief" means the applicable chief of any rural fire protection district or the chief of any fire department of a special district.

"Mobile home" has the meaning provided in DCC Title 18.

"Modular or factory-built home" means a factory-built dwelling unit designed to be transported to a site and the construction meets the standards of the Oregon Prefabricated Structures Code, and is a structure for the purposes of DCC 15.04.

(Ord. 2011-022, §2, 2011; Ord. 95-063 §1, 1995; Ord. 83-056 §12, 1983)

15.04.100. Mobile Homes-Placement Permit- Inspection.

No mobile home shall be occupied within the areas under the jurisdiction of the County without first obtaining a placement permit and satisfactory inspection of placement on the site, electrical connections and plumbing connections.

(Ord. 2011-022, §2, 2011; Ord. 95-063 §1, 1995; Ord. 83-056 §7, 1983)

15.04.110. Expedited Construction Start.

- A. Notwithstanding any other provision set forth in DCC 15.04, the Deschutes County Community Development Department is authorized to allow the commencement and undertaking of certain construction work for certain types of single-family residences served by sewer and certain types of garages prior to the issuance of building permits. The Building Safety Director shall have the discretion to limit the kind of construction project to which DCC 15.04.110 applies and the extent to which such construction can proceed before building permits must be issued. Such discretion shall be exercised in a manner calculated to protect public safety and to limit applicability to projects with a very high probability of gaining ultimate approval under applicable land use and building codes.
- B. In all cases, owners or their authorized representatives shall have applied for required building permits. Before commencing construction under DCC 15.04.110, owners and any general contractor employed by the owner shall be required to sign a form of agreement with the County, acting by and through the building official or the Director of the Community Development Department or such other persons as the Board may designate, by which the owner and any general contractor agree at a minimum to assume all risks associated with proceeding before building permits are issued, agree to call for required inspections under the applicable building code and to correct any construction deficiencies noted, agree to take remedial action, including but not limited to removal of construction work, in the event that the plans submitted for approval are ultimately not approved by the Community Development Department, and to indemnify the County for any damage suffered by reason of commencing and undertaking construction under DCC 15.04.110.
- C. Any owner wishing to proceed with construction under DCC 15.04.110 shall apply to the Community Development Department for approval and pay an application fee in an amount determined by the Board.

D. For purposes of enforcement, violation of any provision of the agreement authorized by DCC 15.04.110 by any owner or contractor who is a party to such an agreement shall be treated as if it were a violation of a provision of DCC 15.04. Enforcement under DCC 15.04 shall be in addition to any remedies set forth under the Agreement.
(Ord. 95-063 §1, 1995; Ord. 91-046 §1, 1991)

15.04.120. Mobile Homes-State Certification Required.

No modular or factory-built home shall be located in the area under the jurisdiction of the County until such modular or factory-built home has been certified by the state as meeting all state requirements.
(Ord. 2011-022, §2, 2011; Ord. 95-063 §1, 1995; Ord. 83-056 §8, 1983)

15.04.130. Building Permit Issuance-Zoning Conformance-Planning Department Approval.

No building permit shall be issued for the construction, reconstruction, remodeling, enlargement, alteration, repair or conversion of any residential dwelling unit containing two or more dwelling units, commercial or industrial structure, or public use structure until plans therefor, including plot plan, are submitted to the Planning Department and approved by it as conforming to the zoning ordinances of the County.
(Ord. 95-063 §1, 1995; Ord. 83-056 §10, 1983)

15.04.140. Industrial/Commercial Structure- Occupancy Certificate Required.

No industrial or commercial structure shall be occupied until a certificate of occupancy has been issued. Issuance of a certificate of occupancy is contingent upon the requirements of the State of Oregon Building Code as well as other applicable County requirements.
(Ord. 95-063 §1, 1995; Ord. 93-052 §1, 1993)

15.04.145. Residential Structure- Occupancy Certificate Required.

No residential dwelling shall be occupied until a certificate of occupancy has been issued. Issuance of a certificate of occupancy is contingent upon the requirements of the State of Oregon Building Code as well as other applicable County requirements.

15.04.150. Building or Mobile Home Placement Permit Issuance- Zoning and Subdivision Conformance.

No building permit or mobile home placement permit shall be issued if the parcel of land upon which the building or mobile home is to be erected or located on, or is located on, would be in violation of DCC Title 17, the subdivision title or DCC Title 18, the zoning title. A subdivision shall be deemed to be in violation of the zoning ordinance for the purpose of issuing building permits so long as roads and other improvements remain uncompleted in accordance with the applicable subdivision provisions.
(Ord. 95-063 §1, 1995; Ord. 83-056 §11, 1983)

15.04.160. Permit Fees-Adjustments.

The fees for permits under DCC 15.04 shall be the fees prescribed by the State Building Codes Agency. The County may set any permit fee at any amount approved by the state, or set a fee for a permit for which the state has failed to set a fee by proper resolution. Such fees may be waived by the Board of County Commissioners, the County Administrator, or the Director of the County Community Development Department.
(Ord. 2006-002 §1, 2006; Ord. 96-058 §1, 1996; Ord. 95-063 §1, 1995; Ord. 93-006 §1, 1993; Ord. 83-056 §15, 1983)

15.04.170. Numbers for Addresses- Placement.

Numbers for addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from a distance of 50 feet. Such numbers or addresses shall contrast with their background and shall be the official address number as assigned the property by the County, the City of Bend, the Redmond Fire District, or the City of Sisters.

(Ord. 95-063 §1, 1995; Ord. 83-056 §9, 1983)

15.04.180. Administration-Enforcement.

The building official as defined in DCC 15.04 shall administer and enforce DCC 15.04, except that the provisions of the fire code shall be administered and enforced by the applicable fire chief.

(Ord. 95-063 §1, 1995; Ord. 83-056 §13, 1983)

15.04.190. Conditions Deemed a Public Nuisance.

Any act or condition which is in violation of any of the provisions of DCC 15.04, which is committed, continued or permitted, is declared to be a public nuisance, and the County may, in addition to any other remedies provided by law, institute the proceedings for the enforcement of DCC 15.04.

(Ord. 95-063 §1, 1995; Ord. 83-056 §18, 1983)

15.04.200. Violation-Penalty.

- A. Violation of any provision of DCC 15.04, any specialty code or building code requirement administered by the County pursuant to this chapter, ORS 455.153, or the fire code is a Class A violation.
 - B. The building official may initiate proceedings to assess a civil penalty for any violation of this chapter or codes adopted herein except for violations of the fire code.
 - C. A fire chief is authorized to initiate proceedings under DCC Chapter 1.17 to assess a civil penalty for a violation of the fire code.
 - D. Notwithstanding DCC 1.16.010(C) and (D), in the case of a continuing offense, a civil penalty for a violation under a building inspection program may not exceed \$1,000.00 per day the violation exists.
 - E. The building official, a building inspector, or a fire chief may not serve as a hearings officer in proceedings to assess civil penalties under this chapter 1.17 of this code.
 - F. A fire chief is authorized to issue citations that charge a person with a violation of the fire code.
- (Ord. 2014-004, §1, 2014; Ord. 2011-022, §1, 2011; Ord. 2003-021 §31, 2003; Ord. 96-055 §2, 1996; Ord. 95-063 §1, 1995; Ord. 83-056 §17, 1983)

15.04.210. Requirement for Water Service from Water Districts.

- A. All new buildings requiring water service that are located within the boundaries of a domestic water supply district, water authority, joint water and sanitary authority or county service district (“district”) shall be connected to and served by the district’s facilities unless an alternate domestic water source is approved in writing by the district.
 - 1. All building permit applications for new construction requiring an individual domestic water source located within a district shall include a written statement from the district on a form provided by the Community Development Department stating that the district will provide water service or that the subject building is not required to receive water service from the district.
 - 2. This provision is not applicable to properties with an existing individual domestic water source.
- B. If the applicant is unable to obtain approval of the appropriate district within 15 days of submission to such district, the applicant shall provide written notification to the Community Development Department (“CDD”) and, thereafter, CDD shall notify the district by certified mail that any objections to the issuance of the building permit must be filed with CDD within 15 days of the date of the notice or failure to respond shall be considered to be an approval of the proposed water source.

(Ord. 2002-011 §1, 2002)

15.04.220. Supply of Water for Domestic Use in Conformance With State and Federal Regulations.

- A. All water supplies serving as sources of human consumption must comply with the Federal Safe Drinking Water Act, as amended and regulated, as well as Oregon Revised Statutes.
- B. Irrigation District or System sources do not comply with these regulations, and shall not be permitted as sources of water for human consumption for new construction or structure modifications.
 - 1. Applications for building permits for new construction that include cistern storage for water for human consumption purposes shall require conclusive proof that the source of cistern water is not irrigation water.
 - 2. Construction modifications to existing structures or systems requiring County review and which have cistern storage for water for human consumption shall require conclusive proof that the source of cistern water is not irrigation water.
 - 3. The Deschutes County Building Official shall not issue a building permit for any applicant failing to comply with these provisions.
 - 4. If a structure or structure modification requiring a water source for human consumption is constructed without the required building permit and the water source is irrigation water, the use shall be a violation of this code provision.
- C. Existing users of Irrigation District or System water for human consumption may comply with these state and federal regulations by modifying their systems to obtain water from private wells, a public or private water system, or a water hauling service. If existing users do not modify their systems, upon notice of an existing user's non-compliance with the state and federal regulations regarding water supply for human consumption, the County shall notify the appropriate irrigation district.

(Ord. 2002-011 §1, 2002)

Chapter 18.116. SUPPLEMENTARY PROVISIONS

- 18.116.010. Authorization of Similar Uses.**
- 18.116.020. Clear Vision Areas.**
- 18.116.030. Off-Street Parking and Loading.**
- 18.116.031. Bicycle Parking.**
- 18.116.035. Bicycle Commuter Facilities**
- 18.116.036. Special Parking Provisions for the Sunriver Town Center District**
- 18.116.040. Accessory Uses.**
- 18.116.050. Manufactured Homes.**
- 18.116.070. Placement Standards for Manufactured Homes.**
- 18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.**
- 18.116.090. A Manufactured Home or RV as a Temporary Residence for Medical Condition.**
- 18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.**
- 18.116.100. Building Projections.**
- 18.116.200. Repealed.**
- 18.116.120. Fences.**
- 18.116.130. Hydroelectric Facilities.**
- 18.116.140. Electrical Substations.**
- 18.116.150. Endangered Species.**
- 18.116.160. Rimrock Setbacks Outside of LM Combining Zone.**
- 18.116.170. Solar Height Restrictions.**
- 18.116.180. Building Setbacks for the Protection of Solar Access.**
- 18.116.190. Solar Access Permit.**
- 18.116.200. Repealed.**
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- 18.116.330. Marijuana Production, Processing, and Retailing**
- 18.116.340. Marijuana Production Registered by the Oregon Health Authority (OHA)**
- 18.116.350. Accessory Dwelling Units in RR10 and MUA Zones**

18.116.010. Authorization of Similar Uses.

- A. The purpose of DCC 18.116.010 is to, consistent with provisions of state law, provide for land uses not specifically listed in any zone, but which are similar in character, scale, impact and performance to a permitted or conditional use specified in a particular zone.
- B. Review Criteria. A similar use may be authorized by the Planning Director or Hearings Body provided that the applicant establishes that the proposed use meets the following criteria:
 - 1. The use is not listed specifically in any zone;

2. The use is similar in character, scale, impact and performance to one or more of the permitted or conditional uses listed for the zone in which it is proposed; and
3. The use is consistent with any applicable requirements of state law with respect to what uses may be allowed in the particular zone in question.

Any similar use authorized by the Planning Director or Hearings Body shall conform to the applicable standards and requirements of the zone in which it is located, including any requirements for conditional use review set forth in DCC 18.128.

C. Procedure:

1. A property owner may initiate a request for authorization of a similar use by filing an application with the Planning Division on forms prescribed by the division.
2. The Planning Director or Hearings Body shall consider a request for authorization of a similar use under the requirements of Title 22, the Deschutes County Uniform Development Procedures Ordinance.

(Ord. 91-038 §3, 1991)

18.116.020. Clear Vision Areas.

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.
- B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B)(1) and (2). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the County:
 1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.
 2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

| Right of way Width | Clear vision |
|--------------------|--------------|
| 80 feet or more | 20 feet |
| 60 feet | 30 feet |
| 50 feet and less | 40 feet |

(Ord. 91-020 §1, 1991)

18.116.030. Off-street Parking and Loading.

- A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will

require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

| Sq. Ft. of Floor Area | No. of Berths Required |
|-----------------------|------------------------|
| Less than 5,000 | 0 |
| 5,000-30,000 | 1 |
| 30,000-100,000 | 2 |
| 100,000 and Over | 3 |

2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths subject to the following table:

| Sq. Ft. of Floor Area | No. of Berths Required |
|-----------------------|------------------------|
| Less than 30,000 | 0 |
| 30,000-100,000 | 1 |
| 100,000 and Over | 2 |

3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.
 4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
 5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.

- D. Number of Spaces Required. Off-street parking shall be provided as follows:
1. Residential.

| Use | Requirements |
|--|--|
| One, two and three family dwellings | 2 spaces per dwelling unit |
| Multi-family dwelling containing four or more dwelling units: Studio or efficiency unit | 0.75 space per unit |
| 1 bedroom | 1.00 space per unit |
| 2 bedroom | 1.50 space per unit |
| 3 bedroom | 2.25 space per unit |
| 4 bedroom | 2.50 space per unit |
| Apartment/hotel, rooming or boarding house | 0.50 space guest parking per dwelling unit |

| Use | Requirements |
|------------------------|--|
| Quad or quint dwelling | 4.50 spaces per quad and 5.50 spaces per quint |

2. Commercial Residential.

| Use | Requirements |
|-----------------------------------|--|
| Hotel | 1 space per guest room plus 1 space per 2 employees. |
| Motel | 1 space per guest room or suite plus 1 additional space for the owner-manager |
| Club or lodge | Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc. |
| Fraternity, sorority or dormitory | 1 space for each 6 student beds |

3. Institutions.

| Use | Requirements |
|---|--|
| Welfare or correctional institution | 1 space per 3 beds for patients or inmates |
| Convalescent Hospital, nursing hospital, sanitarium, rest home, home for the aged | 1 space per 2 beds for patients or residents |
| Hospital | 1.50 spaces per bed |

4. Places Of Public Assembly.

| Use | Requirements |
|--|---|
| Church | 1 space per 4 seats or 8 feet of bench length in the main auditorium or 1 space for each 50 sq. ft. of floor area used for assembly |
| Library, reading room, museum, art gallery | 1 space per 400 sq. ft. of floor area plus 1 space per 2 employees |
| Preschool, nursery or kindergarten | 2 spaces per teacher |
| Elementary or junior high schools | 1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater, plus 1 space per employee. |

| | |
|---|--|
| High schools | 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater, plus 1 space per employee |
| College or commercial school for adults | 1 space per 3 seats in classrooms |
| Other auditorium or meeting room | 1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor space. |

5. Commercial Amusements.

| Use | Requirements |
|----------------------------|--|
| Stadium, arena or theater | 1 space per 4 seats or 8 feet of bench length |
| Bowling alley | 6 spaces per lane, plus 1 space per 2 employees |
| Dance hall or skating rink | 1 space per 100 sq. ft. of floor area, plus 1 space per 2 employees. |

6. Commercial.

| Use | Requirements |
|--|--|
| Grocery stores of 1,500 sq. ft. or less of gross floor area, and retail stores, except those selling bulky merchandise | 1 space per 300 sq. ft. of gross floor areas |
| Supermarkets, grocery stores | 1 space per 200 sq. ft. of gross floor area |
| Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building | 1 space per 600 sq. ft. of gross floor area |
| Bank or office, except medical or dental | 1 space per 300 sq. ft. of gross floor area |
| Medical and dental office or clinic | 1 space per 150 sq. ft. of gross floor area |

| | |
|-----------------------------------|---|
| Eating or drinking establishments | 1 space per 100 sq. ft. of gross floor area. |
| Mortuaries | 1 space per 4 seats or 8 ft. of bench length in chapels |

7. Industrial.

| Use | Requirements |
|---|---|
| Manufacturing establishment | 1 space per employee on the largest working shift |
| Storage warehouse, wholesale establishment, rail or trucking freight terminal | 1 space per 2,000 sq. ft. of floor area |

8. Airport Uses.

| Use | Requirements |
|-----------------------------------|---|
| Hangars or tie-downs | 1 space per 4 private aircraft occupying a hangar or tie-down space |
| Office | 1 space per 300 sq. ft. of gross floor area |
| Aircraft maintenance | 1 space per 1,000 sq. ft. of gross floor area |
| Manufacturing, assembly, research | 1 space per 500 sq. ft. of gross floor area |

9. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.

E. General Provisions. Off-Street Parking.

1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
3. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.

4. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.
 5. Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the LaPine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.
 6. On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
 - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
 - b. Diagonal parking (60 degree), each with 11 feet of curb;
 - c. Perpendicular parking (90 degree), each with 10 feet of curb;
 - d. Curb space must be connected to the lot that contains the use;
 - e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.
- F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
 2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.
 3. Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.
 4. Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:
 - a. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
 - b. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
 - c. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.
 5. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently

marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.

7. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.
8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.

G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:

(SEE TABLE 1 AT END OF CHAPTER 18.116)

1. For one row of stalls use "C" + "D" as minimum bay width.
2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.
3. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.
4. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.

(Ord. 2010-018 §1, 2010, Ord. 2004-013 §12, 2004; Ord. 2003-005 §2, 2003; Ord. 2002-015 §2, 2002, Ord. 2001-044 §4, 2001; Ord. 97-078 §6, 1997; Ord. 96-003 §7, 1996; Ord. 93-063 §2, 1993; Ord. 93-043 §19, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-017 §1, 1990)

18.116.031. Bicycle Parking.

New development and any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005 shall comply with the provisions of DCC 18.116.031.

A. Number and Type of Bicycle Parking Spaces Required.

1. General Minimum Standard.
 - a. All uses that require off-street motor vehicle parking shall, except as specifically noted, provide one bicycle parking space for every five required motor vehicle parking spaces.
 - b. Except as specifically set forth herein, all such parking facilities shall include at least two sheltered parking spaces or, where more than 10 bicycle spaces are required, at least 50 percent of the bicycle parking spaces shall be sheltered.
 - c. When the proposed use is located outside of an unincorporated community, a destination resort, and a rural commercial zone, exceptions to the bicycle parking standards may be authorized by the Planning Director or Hearings Body if the applicant demonstrates one or more of the following:
 - i. The proposed use is in a location accessed by roads with no bikeways and bicycle use by customers or employees is unlikely.
 - ii. The proposed use generates less than 50 vehicle trips per day.
 - iii. No existing buildings on the site will accommodate bicycle parking and no new buildings are proposed.
 - iv. The size, weight, or dimensions of the goods sold at the site makes transporting them by bicycle impractical or unlikely.
 - v. The use of the site requires equipment that makes it unlikely that a bicycle would be used to access the site. Representative examples would include, but not be limited to, paintball parks, golf courses, shooting ranges, etc.
2. Special Minimum Standards.

- a. Multi-Family Residences. Every residential use of four or more dwelling units shall provide at least one bicycle parking space for each unit. In those instances in which the residential complex has no garage, required spaces shall be sheltered.
 - b. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
 - c. Schools. Schools, both public and private, shall provide one bicycle parking space for every 25 students, half of which shall be sheltered.
 - d. Colleges. One-half of the bicycle parking spaces at colleges, universities and trade schools shall be sheltered facilities.
3. Trade Off with Motor Vehicle Parking Spaces.
- a. One motor vehicle parking space may be deleted from the required number of spaces in exchange for providing required bicycle parking.
 - i. Any deleted motor vehicle space beyond the one allowed above shall be replaced with at least one bicycle spaces.
 - ii. If such additional parking is to be located in the area of the deleted automobile parking space, it must meet all other bicycle parking standards.
 - b. The Hearings Body or Planning Director may authorize additional bicycle parking in exchange for required motor vehicle parking in areas of demonstrated, anticipated, or desired high bicycle use.
4. Calculating number of bicycle spaces.
- a. Fractional spaces shall be rounded up to the next whole space.
 - b. For facilities with multiple uses (such as a commercial center) bicycle-parking requirements shall be calculated by using the total number of motor vehicle spaces required for the entire development.
- B. Bicycle Parking Design.
1. General Description.
- a. Sheltered Parking. Sheltered parking may be provided within a bicycle storage room, bicycle locker, or racks inside a building; in bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or by other facility as determined by the Hearings Body or Planning Director that protects the bicycle from direct exposure to the elements.
 - b. Unsheltered parking may be provided by bicycle racks.
2. Location.
- a. Required bicycle parking that is located outdoors shall be located on-site within 50 feet of main entrances and not farther from the entrance than the closest motor vehicle parking space.
 - i. Bicycle parking shall be located in areas of greatest use and convenience to bicyclist.
 - ii. Such bicycle parking shall have direct access to both the public right of way and to the main entrance of the principal use.
 - iii. Bicycle parking shall not impede or create a hazard to pedestrians.
 - iv. Parking areas shall be located so as not to conflict with clear vision areas as prescribed in DCC 18.116.020.
 - b. Bicycle parking facilities shall be separated from motor vehicle parking and drive areas by a barrier or sufficient distance to prevent damage to the parked bicycle.
 - c. Where bicycle parking facilities are not directly visible and obvious from the public right(s) of way, entry and directional signs shall be provided to direct bicyclists for the public right of way to the bicycle parking facility. Directions to sheltered facilities inside a structure may be signed, or supplied by the employer, as appropriate.
3. Dimensional Standards.
- a. Each bicycle parking space shall be at least two by six feet with a vertical clearance of seven feet.
 - b. An access aisle of at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
 - c. Each required bicycle parking space shall be accessible without moving another bicycle.

4. Surface. The surface of an outdoor parking facility shall be surfaced in the same manner as the motor vehicle parking area or with a minimum of one-inch thickness of aggregate material. This surface will be maintained in a smooth, durable, and well-drained condition.
5. Security.
 - a. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). All bicycle racks, lockers, or other facilities shall be permanently anchored to the surface of the ground or to a structure.
 - b. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking.
6. Other means that provide the above level of bicycle parking may be approved by the Hearings Body or the Planning Director.

(Ord. 2010-010 §1, 2010; Ord. 93-005 §4, 1993)

18.116.035. Bicycle Commuter Facilities.

- A. Each commercial or public building having a work force of at least 25 people shall have bicycle commuter facilities consisting of shower(s) and changing rooms(s). For facilities with more than one building (such as a college), bicycle commuter facilities may be located in a central location.
- B. This provision shall apply to (1) new development requiring off-street parking and (2) any construction, renovation or alteration of an existing use requiring a site plan review under DCC Title 18 for which planning approval is applied for after the effective date of Ordinance 93-005.

(Ord. 93-005 §5, 1993)

18.116.036. Special parking provisions for the Sunriver Town Center (TC) District.

- A. Required Motor Vehicle Parking. The following motor vehicle parking requirements apply to development in the Town Center (TC) District of the Sunriver UUC in lieu of the requirements of DCC 18.116.030(D):

| Use | Requirements |
|---|----------------------|
| Townhomes and Multi-family Residential buildings with 8 units or less: Studio or Efficiency | 1.00 space per unit |
| 1 bedroom | 1.00 space per unit |
| 2 bedrooms | 1.50 space per unit |
| 3 bedrooms | 2.00 spaces per unit |
| 4 bedrooms | 2.00 spaces per unit |
| Mixed Use Structures and Multi-family Residential buildings with more than 8 units: Studio or Efficiency | 1.00 space per unit |
| 1 bedroom | 1.00 space per unit |
| 2 bedrooms | 1.00 space per unit |
| 3 bedrooms | 1.50 spaces per unit |
| 4 bedrooms | 2.00 spaces per unit |
| Hotel | 1.0 space per unit + |

| Use | Requirements |
|-----------------|---|
| | 1 space per 2 full-time employees |
| Lock Off Areas | .5 parking space, in addition to base parking for unit |
| Live/Work Units | .5 parking space for work area, in addition to base parking for dwelling unit |

- B. Requirements for Other Uses. The number of spaces required for Town Center (TC) District of Sunriver UUC uses not listed above shall be determined by using the charts provided by DCC 18.116.030 (D).
- C. Uses not specifically listed in the tables of subsection (A), above or DCC 18.116.030(D) shall be provided with adequate parking as required by the Planning Director or Hearings Body.
- D. Transportation Demand Management.
1. In the Town Center (TC) District of Sunriver UUC, motor vehicle parking requirements may be reduced based on implementation of a Transportation Demand Management (TDM) plan.
 - a. The TDM is subject to the approval of the Planning Director or Hearings Body in accordance with the following criteria:
 - 1) The proposed TDM plan will reduce the need for motor vehicle parking;
 - 2) The reduction is to a level of parking that is lower than the amount of parking required by DCC 18.116.030; and
 - 3) The applicant has demonstrated to the County that the TDM measures will remain in place.
 2. A TDM plan may include, but is not limited to, the following elements:
 - a. Bicycle Parking: Motor vehicle parking requirements may be reduced in exchange for bicycle parking, as described in 18.16.031.
 - b. Shuttle Service: Motor vehicle parking requirements may be reduced by up to ten percent where frequent shuttle or transit service connects on-site residential/employment uses to transportation hubs (including airports) as well as nearby commercial centers and recreational areas.
 - c. Satellite Parking: Parking may be provided at a distance greater than 500 feet when in conjunction with a coordinated shuttle service.
- E. General Provisions. Off-Street Parking. The following parking requirements apply to development in the Town Center (TC) District of the Sunriver UUC in lieu of the requirements of DCC 18.116.030(E):
1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
 2. Joint Use of Facilities.
 - a. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not conflict at any point of time.
 - b. Further, the total parking required for two or more land uses may be reduced to reflect pedestrian and internal trips between/among multiple uses in the Sunriver commercial core area.
 - c. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
 3. Location of Parking Facilities.
 - a. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.
 - b. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from

- the building in a commercial or industrial zone, except when provided in conjunction with connecting shuttle service, as identified in DCC 18.116.036(D)(2).
- c. Such parking shall be located in a safe and functional manner as determined during site plan approval.
 - d. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
4. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
 5. For Multi-family Residential uses allowed by DCC 18.108.055(A)(6), minimum parking requirements may be satisfied through tandem parking, whereby two vehicles are accommodated end-to-end, provided the tandem parking spaces are used to meet the parking requirements for a single dwelling unit only.
- F. Bicycle Parking.
1. The provisions of DCC 18.116.031(B)(6) may be used to modify the bicycle parking requirements of DCC 18.116.031 and 18.116.035.
 2. Subsection (E)(2), above, regarding the joint use of parking facilities shall be applied to determine bicycle parking requirements for the Town Center District of the Sunriver UUC.
- (Ord. 2008-015 §3, 2008)

18.116.040. Accessory Uses.

An accessory use shall comply with all requirements for a principal use, except as DCC Title 18 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 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.
 - c. A building permit for an accessory structure or structures not exceeding a combined total of 2,000 square feet in size, with no windows, with only one floor, an operable garage door, no plumbing or stack vents through the roof or walls and not requiring plumbing or mechanical permits.
- B. 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 square feet.
- C. 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:
 1. 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.
 2. Parking or storage shall be at least three feet from an interior side lot line.
- D. 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:
 1. Storage period shall not exceed one year.
 2. No utilities other than electric may be connected.
 3. The mobile home shall not be inhabited.
 4. The subject lot is not located in a CH, Conventional Housing Combining Zone.

(Ord. 96-057 §1, 1996; Ord. 95-077 §1, 1995; Ord. 95-075 §1, 1995; Ord. 91-038 §1, 1991)

18.116.050. Manufactured Homes.

Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into the following types:

- A. A Class A manufactured home shall:
 - 1. Have more than 1,000 square feet of occupied space in a double section or larger multi-section unit;
 - 2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
 - 3. Have wheels, axles and hitch mechanisms removed;
 - 4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications;
 - 5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
 - 6. Have roofing materials of a type customarily used on site constructed residences, including wood shakes or shingles, asphalt or fiberglass shingles, corrugated mat finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and
 - 7. Have siding materials of a type customarily used on site-constructed residences such as clapboard, horizontal vinyl or aluminum lap-siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.
- B. A Class B manufactured home shall:
 - 1. Have at least 750 square feet of occupied space in a single, double, expand or multi-section unit;
 - 2. Be placed on a foundation, as specified by the manufacturer. Skirting shall be required;
 - 3. Have wheels, axles and hitch mechanisms removed;
 - 4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications;
 - 5. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976;
 - 6. Have roofing materials of a type customarily used on site constructed residences, including wood shakes or shingles, asphalt or fiberglass shingles, corrugated matte finish colored metal and tile materials, but not including high gloss corrugated aluminum or fiberglass panels. The roof pitch shall be a minimum of two over 12; and
 - 7. Have siding materials of a type customarily used on site constructed residences such as clapboard, horizontal vinyl or aluminum lap siding, cedar or other wood siding, brick or stone, and not including high gloss finished material, corrugated metal or fiberglass, or metal or plastic panels.
- C. A Class C manufactured home shall:
 - 1. Have at least 576 square feet of occupied space, excluding tipouts and hitches;
 - 2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required;
 - 3. Bear an insignia of compliance with the Manufactured Housing and Construction and Safety Standards Code as of June 15, 1976, or bear the Oregon Department of Commerce "Insignia of Compliance"; and
 - 4. Have utilities connected subject to the requirements of the Building Codes Agency and manufacturer's specifications.
- D. A Class D manufactured home shall:
 - 1. Have more than 320 square feet of occupied space;
 - 2. Be placed on a foundation or support system, as specified by the manufacturer. Skirting shall be required; and
 - 3. Have utilities connected subject to requirements of the Building Codes Agency and manufacturer's specifications.

(Ord. 2004-013 §12, 2004; Ord. 2001-013 §1, 2001; Ord. 2000-033 §7, 2000; Ord. 93-043 §§19B-E, 1993; Ord. 91-038 §4, 1991; Ord. 91-017 §§1-3 and 4, 1991; Ord. 91-005 §§38-40 and 41, 1991; Ord. 89-004 §§3 and 5, 1989; Ord. 81-042 §1-3 and 4, 1981)

18.116.070. Placement Standards for Manufactured Homes.

- A. As defined in DCC 18.116.050, Class A and B manufactured homes shall be permitted as follows, subject to the requirements of the underlying zone:
1. In the following zones, except where there is a Conventional Housing Overlay Zone (CH): Any EFU zone, MUA-10, F-1, F-2, RR-10, any area zoned as an unincorporated community (as that term is defined herein), RSR-M, RSR-5, and FP as the primary dwelling, and R-I and SM as a caretaker's residence.
 2. In manufactured home parks and subdivisions.
 3. As permitted in DCC 18.116.080 and 18.116.090.
 4. Class A and B manufactured homes are not permitted in any historic district or on any historic site.
- B. Class C manufactured homes shall be permitted as follows:
1. Except as otherwise allowed in DCC 18.116.070, on parcels 10 acres in size or larger.
 2. As a secondary accessory farm dwelling.
 3. In manufactured home parks and manufactured home subdivisions.
 4. As permitted in DCC 18.116.080 and 18.116.090.
 5. As a replacement to an existing non-conforming manufactured home destroyed by fire or other natural act, or as an upgrade to an existing manufactured home.
 6. In the following subdivisions: Rockview II, Tetherow Crossing, Chaparral Estates, Crystal Acres, Hidden Valley Mobile Estates, Johnson Acres, Seven Peaks, Sun Mountain Ranches, Deschutes River Homesites Rimrock Addition, Happy Acres, Rancho El Sereno, Whispering Pines, Bend Cascade View Estates, Raintree, Holmes Acres, La Pine Meadows North, Pine Crest Ranchettes, Dora's Acres, Pierce Tracts, Roan Park, South Forty, Tomes, Crooked River Ranch, Dale Acres, Replat/Hillman, Lake Park Estates, Mary K. Falls Estates.
 7. Class C manufactured homes are not permitted in any historic district or on any historic site.
- C. An exception may be granted by the Planning Director or Hearings Body to allow a Class C manufactured home to be placed in a subdivision which is not listed in DCC 18.116.070(B)(6), where all of the following conditions exist:
1. The manufactured home is specifically designed or has been substantially modified for wheelchair or disabled access (disabled accessible manufactured home).
 2. There are Class C manufactured homes in the subdivision located within one-quarter mile of the lot upon which the manufactured home will be placed.
 3. The disabled accessible manufactured home and lot upon which the manufactured home is to be placed were purchased by the applicant prior to February 22, 1989.
- D. Class D manufactured homes shall be permitted as follows:
1. In manufactured home parks and subdivisions.
 2. As permitted in DCC 18.116.080 and 18.116.090.
 3. Class D manufactured homes are not permitted in any historic district or on any historic site.

(Ord. 2000-033 §8, 2000; Ord. 96-003 §8, 1996; Ord. 91-020 §1, 1991; Ord. 91-005 §§42 and 43, 1991; Ord. 89-016 §1, 1989; Ord. 89-014 §1, 1989; Ord. 89-004 §§3 and 5, 1989; Ord. 81-042 §5, 1981)

18.116.080. Manufactured Home or RV as a Temporary Residence on an Individual Lot.

A manufactured home of any class or a recreational vehicle may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- A. The manufactured home or recreational vehicle shall be placed upon a lot for which a building permit for a housing unit has been obtained.

- B. The manufactured home or recreational vehicle shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
 - C. Electric, water and sewer utility connections shall be made to the manufactured home or recreational vehicle.
 - D. The manufactured home shall be removed from the lot not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the date of final building inspection of the housing unit, whichever occurs first. The habitation of the recreational vehicle must cease, and its connection to all utilities other than electric must be discontinued not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever occurs first.
 - E. All evidence that the manufactured home has been on the lot shall be removed within the 30 days following the removal of the manufactured home.
- (Ord. 93-043 §19F, 1993; Ord. 91-005 §44, 1991; Ord. 89-004 §4, 1989)

18.116.090. A Manufactured Home or Recreational Vehicle as a Temporary Residence for Medical Condition.

- A. A temporary use permit for one manufactured home of any class or one recreational vehicle on a lot or parcel in addition to an existing dwelling may be granted when a medical condition exists. In the Exclusive Farm Use and Forest zones only, an existing building may be used as a temporary dwelling. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017.
 - B. The person with a medical condition must be either one of the property owners or a relative of one of the property owners.
 - C. For the purposes of this section, a relative is defined as a grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt or first cousin.
 - D. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.
 - E. The temporary use permit shall be reviewed annually for compliance with the terms of DCC 18.116.090.
 - F. The manufactured home shall be removed or the recreational vehicle shall be vacated, and disconnected from any electric, water or sewer facility connection for which a permit has been issued not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist. In the Exclusive Farm Use and Forest zones the existing building will be converted to a permitted non-residential use within 90 days following the date the medical condition requiring the temporary use permit ceases to exist.
 - G. If a recreational vehicle is used as a medical hardship dwelling, it shall have a bathroom, and shall meet the minimum setbacks for the zone in which it is located.
 - H. The applicant shall obtain all necessary permits from the County Building and Environmental Health Divisions prior to initiating the use.
- (Ord. 2017-001 § 1, 2017; Ord. 2012-007 § 5, 2012; Ord. 2008-022 § 2, 2008; Ord. 91-005 §45, 1991; Ord. 89-004 §5, 1989)

18.116.095. Recreational Vehicle as a Temporary Residence on an Individual Lot.

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling and used as a temporary dwelling unit:
 1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or

2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
 - B. All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.
 - C. A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on-site.
 - D. A recreational vehicle used as a temporary dwelling unit shall meet the same setbacks required of a permanent dwelling on the subject lot.
 - E. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
- (Ord. 2007-019 §4, 2007; Ord. 98-062 §1, 1998; Ord. 95-075 §1, 1995; Ord. 91-038 §3, 1991)

18.116.100. Building Projections.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet into a required yard, provided that the projection is not closer than three feet to a property line.

(Ord. 91-038 §4, 1991)

18.116.120. Fences.

- A. Fences which form a solid barrier or are sight obstructive shall not exceed three and one-half feet in height when located in a required front yard or in a clear vision area.
 - B. Fences in Wildlife Area Combining Zones shall be designed in conformance with the requirements of DCC 18.88.
 - C. All fences shall comply with the requirements of DCC Title 15the State of Oregon Building Code.
- (Ord. 92-042 §3, 1992; Ord. 91-038 §1, 1991)

18.116.130. Hydroelectric Facilities.

- A. No new hydroelectric facilities shall be constructed, and no existing hydroelectric facilities shall be enlarged or expanded in size of area or generating capacity, on the following rivers and streams within Deschutes County:
 1. Deschutes River, from its headwaters to River Mile 227, above, but not including Wickiup Dam, and from Wickiup Dam to River Mile 171 below Lava Island Falls;
 2. Crooked River;
 3. Fall River;
 4. Little Deschutes River;
 5. Spring River;
 6. Paulina Creek;
 7. Whychus Creek; and
 8. Tumalo Creek.
 - B. Hydroelectric facilities are allowed as a conditional use on the Deschutes River at Wickiup Dam, and from River Mile 171 below Lava Island Falls downstream to the northern Deschutes County line. Such conditional use shall be governed by the conditions set forth in DCC 18.128.260.
- (Ord. 86-018 §17, 1986)

18.116.140. Electrical Substations.

Electrical substations, whether as an outright or conditional use, shall submit a site plan complying with the provisions of DCC Title 18 to the Planning Department.

(Ord. 91-020 §1, 1991)

18.116.150. Endangered Species.

Developments which occur in areas which may disturb species (plant or animal) listed by the U.S. Environmental Protection Agency or the Department of Fish and Wildlife as endangered shall prepare an acceptable protection plan for use during and after construction (e.g., a nest protection plan for developments in the vicinity of Bald Eagle nesting sites).

(Ord. 91-020 §1, 1991)

18.116.160. Rimrock Setbacks Outside of LM Combining Zone.

All structures, including decks, within 50 feet from the edge of a rimrock, as defined in DCC 18.04.030, shall be subject to site review if visible from the river or stream. Prior to approval of any structure within 50 feet of a rimrock, the Planning Director or Hearings Body shall make the following findings:

- A. All structures, including decks, shall be set back a minimum of 20 feet from the edge of the rimrock.
- B. The height of the structure shall not exceed the setback from the edge of the rimrock.
- C. Existing trees and shrubs which reduce the visibility of the proposed structure shall be retained.
- D. Where multiple structures are proposed on a parcel of land the structures shall be grouped or clustered so as to maintain a general appearance of open landscape for the effected area. This shall require a maintenance of at least 65 percent open space along all rimrocks.

(Ord. 92-034 §3, 1992; Ord. 91-020 §1, 1991; Ord. 88-004 §1, 1988; Ord. 86-053 §21, 1986; Ord. 85-016 §2, 1985; Ord. 82-013 §2, 1982; Ord. 81-015 §1, 1981)

18.116.170. Solar Height Restrictions.

No building, structure or nonexempt vegetation may exceed the solar height restriction established on a burdened property by the solar access of a benefited property.

(Ord. 83-037 §25, 1983)

18.116.180. Building Setbacks for the Protection of Solar Access.

- A. Purpose. The purpose of DCC 18.116.180 is to provide as much solar access as practical during the winter solar heating hours to existing or potential buildings by requiring all new structures, excepting lots less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 "lot width," and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine, to be constructed as far south on their lots as is necessary and feasible.
- B. Standards. Every new structure or addition to an existing structure, excepting lots less than 10,000 square feet in size or under 80-foot average width, as defined by DCC 17.08.030 "lot width," and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine, shall meet the following standards for a solar setback from the north lot line, except as provided in DCC 18.116.180(B)(3):
 - 1. South Wall Protection Standard. The south wall protection standard is based on an eight-foot solar fence on the subject property's north lot line which allows solar radiation on a neighboring building's south wall above two feet from the ground, assuming a 20-foot setback from the common property line to the neighboring building. Solar setbacks for the south wall protection standards can be calculated with the diagram in Appendix A-1 or estimated with the table in Appendix A-2. Final determination of solar setback distance is made by entering the following variables into the Deschutes County Shadow Length computer program:

- a. Pole height;
 - b. The eight-foot fence height;
 - c. The scale of the plot plan submitted in feet per inch; and
 - d. Degrees of slope of the land from east to west and from north to south.
 - e. If a setback meeting this requirement is not feasible due to physical constraints of the lot, including, but not limited to, rock outcroppings, septic systems, existing legal restrictions or lot dimensions, as determined by the Planning Director or Hearings Body, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standard set forth in DCC 18.116.180(B)(2).
2. South Roof Protection Standard. The south roof protection standard is based on a 14 foot solar fence on the subject property's north lot line which allows for solar radiation on a neighboring building above eight feet from ground level and assuming a 20 foot setback from the common boundary line to the neighboring building. Solar setbacks for this standard can be calculated using the diagram in Appendix B-1 or estimated using the table in Appendix B-2. Final determination of the setback will be made using the Shadow Length computer program by specifying a 14-foot solar fence and additional site specific information as listed in DCC 18.116.180(B)(1).
3. Exceptions. The south roof protection standard shall not apply only if the applicant establishes:
 - a. That the structure cannot be located on the lot without violating the requirements contained in Appendix B; and
 - b. That the structure is built with its highest point as far to the south as feasible; and
 - 1) That the structure is a single family residence with a highest point less than or equal to 16 feet high; or, if not a single family residence;
 - 2) That it is a permitted or conditional use for the lot.
4. Exemptions.
 - a. The governing body may exempt from the provision of DCC 18.116.180 any area where it is determined that solar uses are not feasible because the area is already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zones in which taller buildings are planned.
 - b. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director or Hearings Body.
 - c. The Planning Director or Hearings Body shall exempt a structure from the provisions of DCC 18.116.180 if the structure is in conformance with a solar height restriction as provided in DCC Title 17, the Subdivision/Partition Ordinance, as amended.
5. Variances.
 - a. The Planning Director or Hearings Body may authorize a variance from the requirements of DCC 18.116.180.
 - b. A variance may be granted subject to prescribed conditions, provided that the Planning Director or Hearings Body shall make all of the following findings:
 - i. The variance does not preclude the reasonable use of solar energy or insolation by future buildings on the property to be shaded;
 - ii. The variance does not diminish any solar access which benefits a habitable structure on adjacent lot or parcel;
 - c. Shaded property.
 - i. Notwithstanding DCC 18.116.180(B)(5)(b)(i) and (ii), if property is to be shaded that is other than the property for which the variance is sought, in order for the County to approve the variance, the applicant must provide written consent to the shading from the owner or owners of all property to be shaded.
 - ii. The written consent shall be recorded in the Deschutes County Official Records.

iii. The written consent shall be on a form provided by the County and shall contain the following information:

- a). The notarized signatures of all owners and registered leaseholders who hold an interest in the property being shaded;
- b). A statement that the solar access provided in DCC 18.116.180 is waived for that particular structure and the County is held harmless for any damages resulting from the waiver.
- c). A statement that the waiver applies only to the specific building or buildings to which the waiver is granted;
- d). A description and drawing of the shading which would occur; and
- e). A statement binding all successors in interest.

(Ord. 2018-006 §13, 2018; Ord. 2012-007 §5, 2012; Ord. 2006-035 §2, 2006; Ord. 2004-013 §12, 2004; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 83-037 §3, 1983)

18.116.190. Solar Access Permit.

A. Purpose. The purpose of DCC 18.116.190 is to provide solar access to productive solar collectors by establishing limitations, on a case by case basis, for the growth of vegetation on certain lots in the vicinity of a productive solar collector.

B. Application for Solar Access Permit.

1. Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.
2. The application for a solar access permit shall be on forms prescribed by the County and shall contain, at a minimum:
 - a. A legal description of the applicant's lot, including a statement that the applicant is the owner of the lot, and a description of the nature of the applicant's interest in the lot;
 - b. Documentation to show that the solar collector is or will be a productive solar collector within one year of application;
 - c. Descriptive drawings of the solar collector showing its dimensions and precise location;
 - d. A sun chart and a statement of the solar heating hours for which solar access is sought;
 - e. A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighboring lot;
 - f. A statement that trimming the vegetation on the applicant's lot will not permit an alternative location that would lessen the burden on a neighboring lot;
 - g. A list of the lots that are within 150 feet to the south, southeast, or southwest of the solar collector, including streets, alleys and other unbuildable areas; a legal description for each such lot; the owner of record and his address; the exempt vegetation located on the lot; and any existing nonexempt vegetation likely to encroach on the protected area;
 - h. A statement that none of the lots impacted is located on a north-facing slope with a grade that exceeds, on average, 15 percent; and
 - i. A plot plan showing the location of and delineating all exempt and nonexempt vegetation as shown on the sunchart photograph as well as any nonexempt vegetation not shown on the sunchart which may encroach on the protected area in the future. The plot plan shall also include:
 - 1) The exact site of the solar collector, its height and its orientation.
 - 2) Scale.
 - 3) An indication of true north.
 - 4) A survey of the lot.
3. The solar access permit application shall be approved if:
 - a. The solar collector is or will be a productive solar collector;
 - b. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under DCC 18.116.190(B)(3)(b) if the applicant could trim his own

- vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot. A solar access permit shall also be denied under DCC 18.116.190(B)(3)(b) if there is an alternate location that would impose a lesser burden on a neighboring lot or lots;
- c. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21;
 - d. The solar access provided by the permit does not burden any lot with a north facing slope with a grade that exceeds, on average, 15 percent; or which is more than 150 feet from the solar collector; and
 - e. The application is accurate and complete.
- C. Solar Access Permit Issuance and Recordation.
1. Upon the approval of an application, the County shall issue and acknowledge a solar access permit creating the solar access requested in the application.
 2. Upon receiving such a permit, the County Clerk shall:
 - a. Record the solar access permit in the chain of title of the applicant's lot and of each neighboring lot identified in the application; and
 - b. Keep a copy of the approved application on file in County records.
 3. The form of the solar access permit shall be as prescribed by the County and shall contain, at a minimum:
 - a. A legal description of the applicant's lot and each neighboring lot to be burdened by the solar access created by the solar access permit; and
 - b. A complete description of the solar access restrictions applicable to each neighboring lot, including the solar heating hours during which solar access is provided, and a sun chart showing the plotted skyline, including vegetation and structures, and a scaled drawing showing the size and location of the protected area and its orientation with respect to true south; and
 - c. A reference to where the approved application may be obtained.
- D. Obligation Created by Solar Access Permit. The owner of any lot burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot that shades the protected area created by the solar access permit, provided that there is no vegetation on the lot benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot if the vegetation existed at the time of permit application as shown on the plot plan; and for all other vegetation, by the owner of the burdened lot. Before any trimming is required, the collector owner must certify that the collector is still productive.
- E. Termination of Solar Access Permit.
1. The Planning Director or Hearings Body shall terminate the solar access permit with respect to all or part of the neighboring lots burdened by the solar access permit if a petition for termination is submitted by the applicant or the applicant's successor in interest or the collector is not productive for 12 consecutive months.
 2. The County Clerk shall record the termination of the solar access permit in the chain of title of each lot affected by the termination.

(Ord. 93-043 §19G, 1993; Ord. 91-020 §1, 1991; Ord. 83-037 §3, 1983)

18.116.200. (Repealed by Ord. 98-062, 1998)

18.116.210. Residential Homes and Residential Facilities.

- A. Residential homes and residential facilities shall be permitted in the same manner that single-family dwellings are permitted under DCC Title 18. For the purposes of DCC Title 18, the term "dwelling" or "single-family dwellings" shall be synonymous with the terms "residential home" or "residential facility."

- B. In any application for a residential home or residential facility, the applicant shall not be required to supply any information concerning the existence of or the nature or severity of any handicap (as that term is defined under the Fair Housing Act) of prospective residents.

(Ord. 91-038 §3, 1991)

18.116.215. Family Childcare Provider.

- A. A family childcare provider's home shall be considered a residential use of property, permitted in all areas zoned for residential and commercial purposes, including areas zoned for single-family dwellings.
- B. The family childcare provider's home is subject to the same restrictions imposed on any residential dwelling in the same residential or commercial zone.

(Ord. 97-003 §3, 1997)

18.116.220. Conservation Easements on Property Adjacent to Rivers and Streams-Prohibitions.

- A. As a condition of approval of all land use actions involving property adjacent to the Deschutes River, Crooked River, Fall River, Little Deschutes River, Spring River, Paulina Creek, Whychus Creek and Tumalo Creek, the property owner shall convey to the County a conservation easement, as defined in DCC 18.04.030, "Conservation Easement," affecting all property on the subject lot which is within 10 feet of the ordinary high water mark of the river or stream.
- B. The form of the conservation easement shall be as prescribed by the County and may contain such conditions as the County deems necessary to carry out the purposes described in DCC 18.04.030, "Conservation Easement."
- C. Any public access required as part of a conservation easement shall be subject to the following conditions:
 - 1. Public access shall be limited to foot traffic for recreational purposes and the putting in or taking out of boats.
 - 2. Unless otherwise permitted by the affected property owner, public access does not allow public passage through other private property to gain access to the property subject to the conservation easement.
 - 3. Unless otherwise permitted by state law, County ordinance or the property owner, no person on the subject property as a result of a public access requirement of a conservation easement shall deposit solid waste, damage or remove any property, (including wildlife and vegetation) maintain or ignite fires or fireworks, discharge firearms or camp.

(Ord. 91-020 §1, 1991; Ord. 89-004 §3, 1989; Ord. 86-054 §2, 1986)

18.116.230. Standards for Class I and II Road Projects.

Class I and II road or street projects shall be reviewed against the applicable Comprehensive Plan Transportation Plan element, shall be consistent with applicable road standards and shall meet the following criteria:

- A. Compatibility with existing land use and social patterns, including noise generation, safety hazards (e.g. children in a residential area), and zoning.
- B. Environmental impacts, including hazards imposed to and by wildlife (e.g. migration or water use patterns).
- C. Retention of scenic quality, including tree preservation.
- D. Means to improve the safety and function of the facility, including surrounding zoning, access control and terrain modifications.
- E. In the case of roadways where modification results in a change of traffic types or density, impacts on route safety, route land use patterns, and route nonmotorized/pedestrian traffic.
- F. Consideration of the potential developmental impact created by the facility.
- G. Cost effectiveness.

(Ord. 93-043 §19H, 1993)

18.116.240. Protection of Historic Sites.

Historic sites listed and described on the County's Goal 5 inventory, contained in the Resource Element of the comprehensive plan, shall be protected or not protected in accordance with programs set forth in the ESEE determinations for each individual site, adopted as part of the Resource Element of the comprehensive plan and any comprehensive plan policies specifically applicable to the site, and as specified in DCC Chapter 2.28, Historic Preservation and Historic Landmarks Commission. The uses allowed and dimensional standards prescribed by the underlying zoning designations for designated historic sites are not otherwise affected by the historic designation.

(Ord. 2014-009 §4, 2014; Ord. 94-030 §1, 1994)

18.116.250. Wireless Telecommunications Facilities.

- A. Tier 1 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize natural wood colors or muted tones from amongst colors approved by Ordinance 97-017, that utilize a radio equipment cabinet or shelter that is less than 200 square feet in area and less than 10 feet in height, and that meet the following standards are allowed outright in any zone other than the Exclusive Farm Use, the Surface Mining Zone, and the Forest Zones and shall not be subject to any other provision of the zone:
1. Facilities established by co-locating an additional set of antennas on an existing wireless telecommunications tower or monopole that do not exceed the County approved height of the tower or monopole. Notwithstanding any provision of DCC 18.116.250(A), facilities established under DCC 18.116.250(A)(1) are permitted outright in any zoning district.
 2. Facilities that make use of existing vertical, lawfully established structures, including but not limited to power or telephone utility poles or towers, parking lot or street lighting standards or flagpoles. A pole location in a public right of way shall not be fenced. Antennas established on an existing vertical structure shall be installed so that they do not exceed the height of the existing vertical structure by more than 15 feet. New structures in this category are limited to equipment shelters that do not require a building permit. Walk-in equipment shelters shall be set back out of any road right of way at least 20 feet back from the pole location. Any necessary road right of way permits shall be obtained from the Deschutes County Road Department. Equipment cabinets shall be subject only to the road right of way setback requirements.
 3. Facilities that are established by attaching or placing an antenna or set of antennas on an existing, lawfully established building not designated as an historic structure, where the antenna array does not exceed the height of the building by more than 15 feet. All equipment shall be stored inside a building.
 4. Facilities that include installation of a new wood monopole that does not exceed the height limit of the underlying zone, and does not exceed 45 feet in height. All equipment shall be stored in a building that has a floor area that does not exceed 200 square feet in area and does not exceed 10 feet in height. The monopole, and any building, shall be set back from adjacent property lines according to the setbacks of the underlying zone. Any microwave dishes installed on the monopole shall not exceed a diameter of four feet. No more than two dishes shall be installed on a monopole or tower. The perimeter of a lease area for a facility established under DCC 18.116.250(A)(4) shall be landscaped with shrubs eight feet in height and planted a maximum of 24 inches on center.
- B. Tier 2 Facilities. Wireless telecommunications facilities that do not require aviation lighting, that utilize a wood monopole for supporting antennas and/or microwave dishes and that meet the criteria in DCC 18.116.250 are allowed outright, subject to site plan review under DCC 18.116.250(B) (and not DCC 18.124.060) in the following zones: La Pine Commercial District (LPCD), La Pine Industrial District (LPID), Rural Industrial (RI), Rural Service Center (RSC), Rural Service Center-Wickiup Junction (RSC-WJ), Terrebonne Commercial District (TeC), and Tumalo Commercial District (TuC). Lattice towers or metal monopoles are not permitted with a Tier 2 facility.

1. An application for site plan review for a Tier 2 wireless telecommunications facility shall meet the following criteria:
 - a. **Maximum Monopole Height.** In the LPCD, LPID, RSC, RSC-WJ, TeC, and TuC zones, the maximum height of a monopole, including antennas and microwave dishes for a wireless telecommunications facility shall be 60 feet from finished grade. In the RI Zone, the maximum height of a monopole, including antennas and microwave dishes, for a wireless telecommunications facility shall be 75 feet from finished grade.
 - b. **Setbacks.** All equipment shelters shall be set back from property lines according to the required setbacks of the underlying zone. A monopole shall be set back from any adjacent dwelling a distance equal to the height of the monopole, including antennas and microwave dishes, from finished grade, or according to the setbacks of the underlying zone, whichever is greater.
 - c. **Shelters.** Any equipment shelter shall be finished with natural aggregate materials or from colors approved with Ordinance 97-017.
 - d. **Landscaping.** The perimeter of a lease area shall be landscaped with plant materials appropriate for its location. The lessee shall continuously maintain all installed landscaping and any existing landscaping used to screen a facility.
 - e. **Cabinets.** Any equipment cabinets shall be finished with colors from amongst those colors approved with Ordinance 97-063. Such colors shall be non-reflective and neutral.
 - f. **Fences.** A sight obscuring fence, as defined by DCC Title 18, shall be installed around the perimeter of the lease area. The sight obscuring fence shall surround the monopole and the equipment shelter.
 - C. **Tier 3 Facilities.** Wireless telecommunications facilities (or their equivalent uses described in the EFU, Forest, and SM Zones) not qualifying as either a Tier 1 or 2 facility may be approved in all zones, subject to the applicable criteria set forth in DCC 18.128.330 and 18.128.340.
 1. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 shall be submitted to the County in writing and accompanied by a site plan and proposed schematics of the facility. If the County can issue a written determination without exercising discretion or by making a land use decision as defined under ORS 197.015(10), the County shall respond to the request in writing.
 2. A request for a written determination from the County as to whether a proposed facility falls within Tiers 1 or 2 of DCC 18.116.250 that involves exercising discretion or making a land use decision shall be submitted and acted upon as a request for a declaratory ruling under DCC 22.40.
- (Ord. 2010-011 §1, Ord. 2000-19 §1, 2000; Ord. 97-063 §1, 1997; Ord. 97-017 §7, 1997)

18.116.260. Rock Crushing Outside the SM Zone.

- A. The following standards apply to all on-site rock crushing activity outside the SM zone:
 1. The subject property has received site plan, tentative plat or final plat approval for the construction or maintenance activity for which on-site rock crushing occurs;
 2. Rock crushing equipment has a valid Oregon Department of Environmental Quality air contaminant discharge permit;
 3. The volume of material excavated on-site does not exceed the amount necessary to complete on-site construction and maintenance;
 4. Rock crushing equipment and all activity directly associated with crushing such as truck traffic is located at least 500 feet from the nearest noise-sensitive or dust-sensitive use or structure, unless an exception to this standard is allowed pursuant to DCC 18.116.260(F);
 5. No off-site material is brought on site for crushing;
 6. Rock crushing equipment is removed from the site within 30 days of completing the crushing activity; and

7. Excavated and crushed material not used for on-site construction or landscaping is removed from the site prior to occupancy, where a site plan is approved, or within 60 days of completing all road, utility or other improvements where a tentative or final plat is approved.
- B. On-site rock crushing for on-site construction and maintenance is permitted outright in any zone, except Flood Plain (FP), or in any combining zone, except Wildlife Area (WA), Landscape Management (LM), or Sensitive Bird and Mammal Habitat (SBMH), if the requirements of DCC 18.116.260(A) and the following standards are met:
 1. Rock crushing activity, including set up and crushing, occurs for no more than 60 consecutive days on a site within any one-year period;
 2. Rock crushing occurs Monday through Friday, between 7:00 a.m. and 5:00 p.m., and not on legal holidays; and
 3. Water is available on-site to provide dust control.
 - C. Except for the activity allowed outright as set forth under DCC 18.116.260(B), a temporary use permit for rock crushing for on-site construction and maintenance may be permitted in any zone or combining zone subject to approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.260(D).
 - D. Use limitations. On-site rock crushing provided for in DCC 18.116.260(C) may be approved upon satisfaction of the requirements in DCC 18.116.260(A) and the following:
 1. The site under consideration is suitable for rock crushing and rock crushing is compatible with the existing uses within 500 feet of the rock crushing equipment, based upon the proposed duration of use of the equipment and the natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values;
 2. An engineer registered in Oregon verifies in writing that the operation of the rock crushing equipment will meet applicable DEQ noise standards; and
 3. Sufficient water is available on-site to provide approved methods of dust control.
 - E. Application requirements. An application for a temporary use permit for on-site rock crushing shall contain the following:
 1. A detailed explanation of the proposed construction and rock crushing activities, including the duration and operating characteristics of rock crushing;
 2. A map drawn to scale showing the location of property boundaries, setbacks to the rock crushing activity and any topographic features in the immediate vicinity of the proposed rock crusher;
 3. A written explanation describing how each of the requirements in DCC 18.116.260(D) will be met; and
 4. Any additional information which will assist in the evaluation of the proposed rock crushing.
 - F. Setback exceptions. An exception to the setback requirement in DCC 18.116.260(A) shall be allowed pursuant to a notarized written agreement for a lesser setback made between the owner of the noise sensitive or dust-sensitive use or structure located within 500 feet of the proposed rock crushing activity and the owner or operator of the rock crusher.

(Ord. 2019-010 §1, 2019; Ord. 2018-005 §13 repealed; Ord. 97-006 §2, 1997)

18.116.270. Conducting Filming Activities in All Zones.

Any use of land or activity involving on-site filming and accessory and supporting activities as those terms are defined in DCC 18.116.270 shall be governed by the provisions of DCC 18.116.270 and shall govern in any conflict with other provisions of DCC Title 18 or DCC Title 22.

- A. On-site filming and activities accessory to on-site filming are permitted outright in any zone or combining zone of the County if:
 1. The activity would involve no more than 45 days on any site within any one-year period; or
 2. The activity does not involve erection of sets that remain in place for filming longer than any 45-day period and does not involve fill and removal activities regulated by DCC Title 18, involve activities

- within a sensitive habitat area governed by DCC 18.90 or involve activities, improvements or structures covered by DCC 18.96; and
3. All evidence of filming activity and sets is removed from the site and the site is restored to its previous condition within 15 days after the filming is complete.
- B. Except for the activities allowed outright as set forth under DCC 18.116.270(A), on-site filming and activities accessory to and/or supporting on-site filming may be conducted in any zone or combining zone subject to the approval of the Planning Director or Hearings Body under the provisions of DCC 18.116.270(C). For the purposes of DCC 18.116.270(B) only, "support activities" shall include office administrative functions such as payroll and scheduling; the use of campers, truck trailers and similar temporary facilities; and temporary facilities used for housing of security personnel.
- C. Use Limitations. Any use of land or activity involving on-site filming and activities accessory to and/or supporting on-site filming provided for under DCC 18.116.270(B) may be approved upon satisfaction of the following criteria:
1. General Limitations.
 - a. The site under consideration is suitable for the proposed filming or accessory activity based upon the following factors:
 - 1) The design, operating characteristics and duration of the use;
 - 2) Adequacy of transportation access to the site; and
 - 3) The natural and physical features of the site, including but not limited to, general topography, natural hazards and natural resource values.
 - b. The proposed use will be compatible with the existing uses on surrounding properties based upon the factors listed in DCC 18.116.270(C)(1)(a)(i), (ii) and (iii).
 2. Special Limitations. In addition to the general limitations set forth under DCC 18.116.270(C)(1)(a) and (b), the following additional special limitations shall be applied, where applicable:
 - a. Filming and accessory or supporting activities proposed for a site designated as exclusive farm use by the zoning ordinance shall be subject to applicable provisions of ORS 215.296.
 - b. Filming and accessory or supporting activities involving structures or improvements regulated under DCC 18.96 (flood plain zone) shall be subject to the applicable provisions of DCC 18.96 unless the Federal Emergency Management Agency authorizes a waiver of the provisions of DCC 18.96.
 - c. Filming and accessory or supporting activities necessitating fill or removal activities shall comply with the applicable provisions of DCC 18.128.270, except that no conservation agreement shall be required where the fill is associated with a temporary structure or improvement and such fill would be removed along with the temporary structure or improvement under a fill and removal permit required by the County.
 - d. Filming and accessory or supporting activities shall not be allowed in any sensitive habitat area designated under DCC 18.90 during the nesting period identified in the ESEE for each site.
 3. At the completion of filming, any structure or improvement for which land use approval would otherwise be required shall obtain the required approvals or the structure or improvement shall be removed. The County may require the applicant to post a bond in an amount sufficient to cover the cost of removal for any such structure or improvement.
 4. The standards of DCC 18.116.270(B) may be met by the imposition of conditions calculated to ensure that this standard will be met.
- D. Procedures for review. All applications subject to DCC 18.116.270 shall be processed in accordance with DCC Title 22 with the exception that the Board of County Commissioners shall be the initial hearings body.
- E. Definitions.
1. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" means:
 - a. Filming and site preparation, construction of sets, staging, make-up and support services customarily provided for on site filming.

- b. Production of advertisements, documentaries, feature films, television series and other film productions that rely on the qualities of the zone in which the filming is to be located in more than an incidental way.
 - 2. For the purposes of DCC 18.116.270 "on-site filming and activities accessory to on-site filming" do not include:
 - a. Facilities for marketing, editing and other such activities that are allowed only as a home occupation; or
 - b. Construction of new structures that require a building permit.
- (Ord. 2019-010 §1, 2019; Ord. 2018-005 §13 repealed; Ord. 97-007 §1, 1997)

18.116.280. Home Occupations.

- A. Home Occupations Permitted Outright In All Zones.
 - 1. Home occupations that operate from within a dwelling, have characteristics that are indistinguishable from the residential use of a dwelling, and meet the criteria in paragraph (A)(2) shall be considered uses accessory to the residential use of a dwelling.
 - 2. Home occupations under this subsection that meet the following criteria are uses permitted outright under Title 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance, in all zones:
 - a. Is conducted within a dwelling only by residents of the dwelling;
 - b. Does not serve clients or customers on-site;
 - c. Does not occupy more than 25 percent of the floor area of the dwelling;
 - d. Does not produce odor, dust, glare, flashing lights, noise smoke or vibrations in excess of that created by normal residential use.
 - e. Does not include the on-site advertisement, display or sale of stock in trade.
- B. Types. In addition to the home occupations allowed in Section A above, three Types of home occupations maybe allowed with limitations on location and intensity of allowed uses. Type 1 allows low intensity uses and Types 2 and 3 allow progressively greater intensity of uses.
- C. Type 1. Where permitted outright, a Type 1 home occupation does not require a land use permit but shall be subject to the following criteria. A Type 1 home occupation:
 - 1. Does not require a minimum parcel size.
 - 2. Is conducted within a dwelling or a residential accessory structure only by residents of the dwelling
 - 3. Does not occupy more than 25 percent of the combined floor area of the dwelling including attached garage and one accessory structure.
 - 4. Creates no more than five (5) trips to the site per day for customers or clients, including parcel delivery services;
 - 5. May include employees or contractors that work off - site;
 - 6. Does not produce prolonged odor, dust, glare, flashing lights or noise smoke, and vibrations in excess of that created by normal residential use
 - 7. Does not involve the on-site advertisement display or sale of stock in trade, other than vehicle or trailer signage.
 - 8. Does not include building or ground mounted signs.
 - 9. Does not include outsidess storage of equipment or materials used in the operation of the home occupation.
 - 10. Has adequate access and on-site parking for not more than one (1) customer, or delivery vehicle at any given time.
 - 11. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled equipment (trailer) which shall not exceed 3,000 pounds gross vehicle weight.
 - 12. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the

requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.

13. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
 14. Does not involve any external changes to the dwelling in which the home occupation will be established that would give the dwelling an outward appearance of a business.
 15. Allows for servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling, attached garage or accessory structure.
- D. Type 2. A Type 2 home occupation may be allowed as a conditional use with an approved conditional use permit subject to the approval criteria below. A Type 2 home occupation is not subject to the approval criteria for a conditional use permit in DCC Chapter 18.128.015 or a site plan review under DCC Chapter 18.124. Type 2 home occupations are subject to the standards of the zone in which the home occupation will be established. A Type 2 home occupation:
1. Is conducted from a property that is at least one-half (1/2) acre in size.
 2. Is conducted within a dwelling and/or an accessory structure by residents of the dwelling and no more than two (2) employees who report to the property for work.
 3. May include employees or contractors that work off site.
 4. Does not occupy more than 25 percent, up to a maximum of 1,500 square feet, of the combined floor area of the dwelling, including attached garage and one (1) accessory structure.
 5. May include on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
 6. Creates no more than ten (10) business-related vehicle trips to the site per day by employees, customers or clients, and parcel delivery services.
 7. Has adequate access and on-site parking for not more than four (4) customer and employee, or delivery vehicles at any given time.
 8. Is limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for operation.
 9. Does not involve any external changes to the dwelling or the accessory structure in which the home occupation will be established that would give any building an outward appearance of a business.
 10. Does not produce prolonged odor, dust, glare, flashing lights, noise, smoke, or vibrations in excess of that created by normal residential use.
 11. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
 12. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08 that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support shall not exceed 6 feet in height and is located on the property from which the home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
 13. May be subject to an annual inspection, as a condition of an approval, to ensure compliance with the requirements of this section and the conditions of an approved conditional use permit.
 14. Allows on-site one (1) business-related vehicle or truck not exceeding 15,000 pounds gross vehicle weight and one (1) other non-motorized wheeled trailer which shall not exceed 10,000 pounds gross vehicle weight.
 15. Does not include outside storage of equipment or materials used in operation of the home occupation.
 16. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
 17. All employee, customer and delivery vehicle parking spaces shall be on-site and shall be located outside of the required zone setbacks.
 18. Any structure on the property where the home occupation is conducted shall be of a type normally associated with the zone where it is located.

19. Does not include structural alterations affecting the residential appearance of a building to accommodate the home occupation except when otherwise required by law, and, then, only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
 20. Allows servicing, inspecting, loading, and or dispatching of vehicles and equipment incidental to the home occupation and stored within the dwelling, attached garage or accessory structure.
 21. Does not include the following activities:
 - a. Repair, towing, or storage of motorized vehicles and equipment, including but not limited to automobiles, trucks, trailers, recreational vehicles, and boats.
 - b. Detailing, painting, and upholstery of motorized vehicles.
 - c. Businesses that store and use vehicles with a gross vehicle weight rating of greater than or equal to 15,000 pounds or equipment with an operating weight greater than or equal to 10,000 pounds.
 - d. Appliance repair.
 - e. Welding or machine shop.
- E. Type 3. Type 3 home occupations may be allowed as conditional uses with an approved conditional use permit. Such uses are subject to the standards of the zone in which the home occupation will be established, in DCC Section 18.128.015, and the following limitations.
- A Type 3 home occupation:
1. Is conducted from a property that is at least one-half (1/2) acre in size.
 2. Is conducted in such a way that it is compatible with the residential character, or in resource zones, resource-oriented character of its location.
 3. Is conducted within a dwelling and/or an accessory structure by residents of the dwelling and no more than two (2) employees who report to the property for work. May have a maximum of five (5) employees at the home occupation located on property in an EFU, MUA10, or RR10 zone and that is at least 10 acres in size.
 4. May include employees or contractors that work off site.
 5. Does not occupy more than 35 percent of the combined floor area of the dwelling, including an attached garage and one (1) accessory structure.
 6. May include on-site sales of products associated with the home occupation that are incidental and subordinate to the home occupation.
 7. Creates no more than twenty (20) business-related vehicle trips to the site per day by employees, customers or clients, including parcel delivery services.
 8. Has adequate access and on-site parking for not more than five (5) customer, employee, or delivery vehicles at any given time.
 9. Is limited to the hours and days of operation proposed by an applicant and approved with a conditional use permit.
 10. Does not involve any external changes to the dwelling or accessory structure in which the home occupation will be established that would give the dwelling an outward appearance of a business.
 11. Does not produce prolonged odor, dust, glare, flashing lights, noise smoke, or vibrations in excess of that created by normal residential use.
 12. Complies with all requirements of the Deschutes County Building Safety Division and the Environmental Health Division and any other applicable state or federal laws. Compliance with the requirements of the Deschutes County Building Safety Division shall include meeting all building occupancy classification requirements of the state-adopted building code.
 13. May have one (1) sign, ground-mounted or wall-mounted, as defined in DCC Chapter 15.08 that is no more than three (3) square feet in area, non-illuminated. The ground-mounted sign and support structure shall not exceed 6 feet in height and is located on the property from which home occupation will operate. Such signs do not require a sign permit under DCC Chapter 15.08, Signs.
 14. May include outside storage of equipment and materials on parcels approved for a home occupation, not to be included in the 35 percent of combined floor area.

15. Allows for servicing, inspecting, loading, and or dispatching vehicles and equipment incidental to the home occupation and stored within the buffered and screened outside area.
16. Requires review of the home occupation approval every 12 months by the planning division to ensure compliance with the requirements of this section and the conditions required for approval of the use.
17. Conducts all home occupation activities within one or more structures on the property that are of a type normally associated with the zone where it is located.
18. Locates all employee, customer and delivery vehicle parking spaces on-site and outside of the required zone setbacks.
19. Parks all vehicles used by the operator to conduct the home occupation that have a gross vehicle weight of 15,000 or more pounds in a garage, an accessory structure, or within a screened area according to the requirements of DCC 18.116.280(E)(21)(a) through (e).
20. No structural alteration affecting the residential appearance of a building shall be allowed to accommodate the home occupation except when otherwise required by law, and then only after the plans for such alterations have been reviewed and approved by the Deschutes County Planning Division.
21. Includes no outside storage unless the subject property is 10 or more acres in size and the storage is setback a minimum of 20 feet from all property lines, and is maintained to screen materials and equipment from residences on adjacent properties. The form of screening may include, but is not limited to:
 - a. A sight-obscuring fence, as defined in DCC 18.04.030.
 - b. Intervening tree cover.
 - c. Topography.
 - d. Existing buildings on site.
 - e. Introduced landscape materials, including, but not limited to, trees and/or shrubs on an earthen berm.

F. Prohibited Uses: The following marijuana uses shall be prohibited as any home occupation:

1. Marijuana production;
2. Marijuana processing;
3. Marijuana retailing; and
4. Marijuana wholesaling.

(Ord. 2016-015 §10, 2016; Ord 2007-021 §1, 2007; Ord 2004-002 §24, 2004)

18.116.290 Amateur Radio Facilities

- A. Amateur radio facilities shall meet the following criteria:
1. Antenna support structures, including guy wires and anchors shall be located outside of the required front, rear and side yard setbacks;
 2. Metal structures shall have a galvanized finish, or flat or matte silver, or flat or matte gray in color;
 3. Amateur radio facilities shall not include attached signage, symbols, or decorations, lighted or otherwise, other than required unlighted signage for safety or regulatory purposes;
 4. The property owner shall obtain a valid building permit if required from the Deschutes County Community Development Department, Building Safety Division;
 5. Compliance with Federal Regulations
 - a. The property owner shall demonstrate compliance with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and Oregon Department of Aviation (ODA) restrictions.
 - b. Compliance may be demonstrated by submitting copies of the FCC's, FAA's, and ODA's written determination to the Deschutes County Community Development Department, Building Safety Division at time of application for a building permit; and
 6. FCC License

- a. The property owner shall provide documentation of a current, valid FCC Amateur Radio License for the operation of amateur (“Ham”) radio services in the name of property owner.
- b. Compliance may be demonstrated by submitting a copy of the property owner’s Amateur Radio License to the Deschutes County Community Development Department, Building Safety Division at time of application for a building permit.

(Ord. 2008-007 §2, 2008)

18.116.300. Wind Energy Systems that Generate Less than 100 kW

- A. DCC 18.116.300 applies only to non-commercial wind energy systems generating less than 100 kW of electricity.
- B. For purposes of this section, all tower height measurements are to be taken from the ground to the top of the turbine blade.
- C. Outright Permitted in All Zones, subject to the applicable provisions in this section:
 1. A wind energy system that is accessory to the primary use of the property and is no higher than thirty-six (36) feet in height.
 2. A wind energy system that is accessory to the primary use of the property generating 0 to 15 kW of electricity, greater than thirty-six (36) feet in height.
- D. Site Plan Review: A wind energy system that generates greater than 15 to 100 kW of electricity shall be permitted in all zoning classifications where accessory structures are permitted, subject to DCC Chapter, 18.124, Site Plan Review.
- E. Setback:
 1. 0 to 100 kW wind energy systems for which the tower is 36 feet in height or less must, for all parts of the wind energy system, meet the setback requirements for accessory structures based on the underlying zoning.
 2. 0 to 100 kW wind energy systems for which the tower is greater than 36 feet in height shall not allow any part of the wind energy system structure to extend closer than one times the height of the tower from the installation site to the nearest property boundaries.
- F. All wind energy systems subject to DCC 18.116.300(A) are also subject to the following:
 1. Noise:
 - a. Wind energy systems shall not exceed 60 decibels, as measured at the nearest property boundaries.
 - b. The noise level may be exceeded during short-term events such as utility outages and/or severe storms.
 2. Lighting: A wind tower or wind energy system shall not be artificially lighted unless such lighting is required by the FAA.
 3. Signs: All signs, both temporary and permanent are prohibited, except as follows:
 - a. Manufacturer’s or installer’s identification on the wind generator; or,
 - b. Appropriate warning signs and placards.
 4. Approved Wind Energy generator: Wind turbines must have been approved by Oregon Department of Energy or any other wind energy certification programs recognized by the American Wind Energy Association.
 5. State Code Compliance:
 - a. All wind energy systems shall comply with the currently adopted edition of the Oregon Structural Specialty Code, or if accessory to a single family dwelling, the Oregon Residential Specialty Code.
 - b. Compliance with the National Electrical Code: Electrical permit applications shall be accompanied by a one-line diagram showing the system components and size and type of equipment in sufficient detail to demonstrate compliance with the current edition of the National Electrical Code.
 6. Compliance with FAA Regulations: Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

7. Utility Notification:
 - a. Wind energy systems shall not be installed until evidence has been given to the Planning Division that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - b. A wind energy system that supplies sufficient energy such that all uses on the property upon which the wind energy system is located are self-sufficient and completely independent of any other public or private energy utility shall be exempt from this requirement.
8. The color of the wind energy system shall be either an unobtrusive stock color from the manufacturer or painted in a non-reflective, unobtrusive color that blends in with the surrounding environment.
9. Prior to issuance of a building permit, the property owner shall record against the property a "Condition of Approval Agreement" that certifies the wind energy system will either be removed from the property or laid down on the ground, horizontally, at the property owner's sole expense, when use has been discontinued from operating for more than one (1) year.

(Ord. 2011-009 §1, 2011)

18.116.310 Traffic Impact Studies

- A. For purposes of DCC 18.116.310, the transportation system includes public and private roads, intersections, sidewalks, bike facilities, trails, and transit systems.
- B. The applicant shall meet with County staff in a pre-application conference to discuss study requirements, then generate the traffic study and submit it concurrently with the land use application.
- C. Guidelines for Traffic Impact Studies
 1. All traffic impact studies shall be stamped and signed by the registered professional engineer who is licensed in the State of Oregon and is otherwise qualified to prepare traffic studies.
 2. The County Engineer shall determine when the report has satisfied all the requirements of the development's impact analysis. Incomplete reports shall be returned for completion.
 3. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development.
 - a. No Report is required if there are fewer than 50 trips per day generated during a weekday.
 - b. Site Traffic Report (STR): If the development or change in use will cause the site to generate 50-200 daily trip ends, and less than 20 peak hour trips, a Site Traffic Report may be required at the discretion of the County Engineer.
 - c. Traffic Impact Analysis (TIA): If the development or change in use will generate more than 200 trip ends and 20 or more peak hour trips, then a Traffic Impact Analysis (TIA) shall be required.
 4. The peak hour shall be the highest continuous hour of traffic measured between 4:00 and 6:00 PM, unless site trip generation characteristics warrant consideration of alternative periods as determined by the County Engineer. (An example would be a use with a high 7:00 and 9:00 AM peak and a low PM peak such as a school.)
- D. Traffic Study Area
 1. After consulting with other affected jurisdictions, the County Engineer shall determine the impact analysis area.
 2. The impact analysis study area shall include, at a minimum:
 - a. All site access points to the public roadway system via either a driveway or private roadway;
 - b. Nearest intersecting collector or arterial roads to the development that would experience an increase of 25 additional peak hour trips;
 - c. Any other collector or arterial intersection requested by staff.
- E. Study Time Frames

The analysis shall include the following time frames:

 1. Existing conditions (including approved, but not yet built developments as identified by the County Engineer);

2. Completion year of each significant phase of the development;
 3. Five year forecast after build out for each phase of development or the final phase of development.
 4. Generators of large volumes of traffic (>5,000 daily and >500 peak hour trips), zone changes, and any destination resort development will also require an analysis of traffic conditions in a twenty-year horizon.
- F. Minimum Study Requirements for a Site Traffic Report (STR)
The minimum study requirements for a Site Traffic Report are:
1. A vicinity map showing the location of the project in relation to the transportation system of the area;
 2. Trip generation forecast using data from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless more appropriate data is available and approved by the County Engineer;
 3. Trip distribution and assignment;
 4. Safety analysis of the site accesses, including sight distance and operation characteristics;
 5. Description of the proposed development and surrounding land uses;
- G. Minimum Study Requirements for a Traffic Impact Analysis (TIA)
The minimum study requirements for a Traffic Impact Report are:
1. A vicinity map showing the location of the project in relation to the transportation system of the area;
 2. All of the elements of a STR;
 3. Traffic signal progression analysis and interconnection if a new signal is proposed;
 4. A response in the final report to any supplemental study issues identified by other affected jurisdictions;
 5. Appropriate traffic calming techniques if the project distributes trips to a residential local road and is projected to increase the volumes on that road to a volume greater than 1,000 ADT;
 6. Trip generation forecasts using data from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless the County Engineer approves an alternate data source;
 7. Trip distribution assumptions are based on historical data, existing and future travel characteristics, and capacity constraints;
 8. A complete description and drawing of the proposed development.
 9. Existing traffic volumes;
 10. Existing and future levels of service, average vehicle delay and volume /capacity ratios (V/C) for all intersections within the study area for conditions with and without the proposed project;
 11. Forecast traffic volumes with and without the development;
 12. Safety analysis of the site accesses, include sight distance and operation characteristics;
 13. Analysis of right and left turn lane warrants (Oregon Department of Transportation (ODOT) standards);
 14. Analysis of parking needs of the proposed development;
 15. When needed, warrant analysis for traffic control devices;
 16. Findings and conclusions including a recommendation of suggested potential mitigation for off-site impacts and an evaluation of the effectiveness of those solutions.
- H. Operation And Safety Standards.
The minimum operational and safety standards for use on Deschutes County's system are:
1. The minimum level of service for intersections and roads, during the P.M. Peak Hour, shall be LOS "D" as determined by the most current published version of the Transportation Research Board's Highway Capacity Manual.
 2. For state highway intersections, the performance standard shall be determined by the Oregon Highway Plan or ODOT-approved alternative standard or target.
 3. The minimum sight distance for driveways and intersections is defined in AASHTO's

“GEOMETRIC DESIGN OF HIGHWAYS AND STREETS” and the AASHTO “Design Guidelines for Very-Low Volume Local Roads (< 400 ADT)”.

I. Mitigation

1. The applicant shall be responsible to mitigate any safety or capacity problems that are caused by their proposed development.
2. At the County Engineer’s discretion, if there are pre-existing safety deficiencies and/or capacity failures at relevant intersections or road frontages within the impact analysis area, then no additional development shall be allowed until a solution that accounts for the proposed project’s additional impacts is funded or built.

(Ord. 2014-017 §1, 2014)

Section 18.116.320. Medical Marijuana Dispensary

Medical marijuana dispensaries shall meet the following requirements:

- A. The location is subject to the Oregon Medical Marijuana Act under ORS Chapter 475.
- B. The hours of operation shall not exceed 10:00am to 7:00pm.
- C. The dispensary is registered with the Oregon Health Authority under the state of Oregon’s medical marijuana facility registration system under ORS 475.300-475.346, and meeting the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
- D. The dispensary must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.
- E. The addition or conversion of the dispensary to recreational use marijuana sales and distribution is a change of the use and subject to County land use review and approval for alteration of the medical marijuana dispensary use.

(Ord. 2015-004 §10, 2015)

18.116.330. Marijuana Production, Processing, and Retailing

- A. Applicability. Section 18.116.330 applies to:
 1. Marijuana Production in the EFU, and RI zones.
 2. Marijuana Processing in the EFU, TeC, TeCR, TuC, TuI, RI, and SUBP zones
 3. Marijuana Retailing in the RSC, TeC, TeCR, TuC, TuI, RC, RI, SUC, SUTC, and SUBP zones.
 4. Marijuana Wholesaling in the RSC, TeC, TeCR, TuC, RC, SUC, and SUBP zones.
- B. Marijuana production and marijuana processing. Marijuana production and marijuana processing shall be subject to the following standards and criteria:
 1. Minimum Lot Area.
 - a. In the EFU zone, the subject legal lot of record shall have a minimum lot area of five (5) acres.
 2. Indoor Production and Processing.
 - a. In the EFU zone, marijuana production and processing shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
 - b. In all zones, marijuana production and processing are prohibited in any outdoor area.
 3. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
 - a. Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
 - b. Parcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
 - i. The marijuana production operation was lawfully established prior to January 1, 2015; and
 - ii. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.

- c. Parcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
 - d. Parcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
 - e. Parcels equal to or greater than 60 acres in lot area: 40,000 square feet.
4. Limitation on License/Grow Site per Parcel. No more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA) registered medical marijuana grow site shall be allowed per legal parcel or lot.
 5. Setbacks. The following setbacks shall apply to all marijuana production and processing areas and buildings:
 - a. Minimum Yard Setback/Distance from Lot Lines: 150 feet.
 - b. Setback from an off-site dwelling: 400 feet.
 - c. Setback from Federal public lands: 300 feet.
For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application to Deschutes County.
 - d. Exception: Any reduction to these setback requirements may be granted by the Planning Director or Hearings Body provided the applicant demonstrates the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.
 6. Separation Distances. Minimum separation distances shall apply as follows:
 - a. The applicant property line shall be located a minimum of 1,320 feet from:
 - i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
 - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures;
 - iv. A youth activity center;
 - v. State, local, and municipal parks, including land owned by a parks district;
 - vi. Redmond Urban Reserve Area;
 - vii. The boundary of any local jurisdiction that has opted out of Oregon's recreational marijuana program; and
 - viii. Any other lot or parcel approved by Deschutes County for marijuana production.
 - b. For purposes of DCC 18.116.330(B)(6), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.330(B)(6)(a) to the closest point of the applicant's property line of land occupied by the marijuana producer or marijuana processor.
 - c. A change in use of another property to those identified in DCC 18.116.330(B)(6) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(6) if the use is:
 - i. Pending a local land use decision;
 - ii. Licensed or registered by the State of Oregon; or
 - iii. Lawfully established.
 7. Access. Marijuana production sites shall comply with the following standards.
 - a. Have frontage on and legal direct access from a constructed public, county, or state road; or
 - b. Have access from a private road or easement serving only the subject property.
 - c. If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement. The written consent shall:
 - i. Be on a form provided by the County and shall contain the following information;

- ii. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;
 - iii. Include a description of the proposed marijuana production or marijuana processing operation; and
 - iv. Include a legal description of the private road or easement.
8. Lighting. Lighting shall be regulated as follows:
- a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from sunset to sunrise.
 - b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
 - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
9. Odor. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property. As used in DCC 18.116.330(B)(9), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. Odor produced by marijuana production and processing shall comply with the following:
- a. Odor control plan. To ensure that the standard stated in DCC 18.116.330(B)(9) is continuously met, the applicant shall submit an odor control plan prepared and stamped by a mechanical engineer licensed in the State of Oregon that includes the following:
 - i. The mechanical engineer's qualifications and experience with system design and operational audits of effective odor control and mitigation systems;
 - ii. A detailed analysis of the methodology, including verified operational effectiveness, that will be relied upon to effectively control odor on the subject property;
 - iii. A detailed description of any odor control systems that will be utilized, including operational schedules and maintenance intervals;
 - iv. Contingence measures if any aspect of the odor control plan fails or is not followed, or if it is otherwise shown that the standard stated in DCC 18.116.330(B)(9) is not met;
 - v. Testing protocols and intervals; and
 - vi. Identification of the responsible parties tasked with implementing each aspect of the odor control plan.
 - b. Modifications. Significant modifications to the odor control plan, including but not limited to replacement of one system for another or a change in odor control methodology shall be approved in the same manner as a modification to a land use action pursuant to DCC 22.36.040.
 - c. The system shall at all times be maintained in working order and shall be in use.
10. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
- a. Standard. To prevent unreasonable interference of neighbors' use and enjoyment of their property, sustained noise including ambient noise levels shall not be detectable beyond the applicant's property line above 45 dB(A) in total between 10:00 pm and 7:00 am the following day.
 - i. For purposes of DCC 18.116.330(B)(10), "sustained noise" shall mean noise lasting more than five continuous minutes or five total minutes in a one hour period from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions associated with marijuana production and processing.
 - b. Noise control plan. To ensure that the standard stated in DCC 18.116.330(B)(10) is continuously met, the applicant shall submit a noise control plan prepared and stamped by a mechanical engineer licenses in the State of Oregon that includes the following:
 - i. The mechanical engineer's qualifications and experience with system design and

- operational audit of effective noise control and mitigation systems;
 - ii. A detailed analysis of the methodology that will be relied upon to effectively control noise on the subject property;
 - iii. A detailed description of any noise control systems that will be utilized, including operational schedules and maintenance intervals;
 - iv. Contingence measures if any aspect of the noise control plan fails or is not followed, or if it is otherwise shown that the standard stated in DCC 18.116.330(B)(10) is not met;
 - v. Testing protocols and intervals; and
 - vi. Identification of the responsible parties tasked with implementing each aspect of the noise control plan.
 - c. Modifications. Significant modifications to the noise control plan, including but not limited to replacement of one system for another or a change in noise control methodology shall be approved in the same manner as a modification to a land use action pursuant to DCC 22.36.040.
11. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
- a. All marijuana uses, buildings, structures, fences, and storage and parking areas, whether a building permit is required or not, in the Landscape Management Combining Zone, shall comply with and require DCC 18.84, Landscape Management Combining Zone approval.
 - b. Fencing and screening shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
 - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
 - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. 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.
12. Water. Applicant shall state the anticipated amount of water to be used, as stated on the water right, certificate, permit, or other water use authorization, on an annual basis. Water use from any source for marijuana production shall comply with all applicable state statutes and regulations. The applicant shall provide:
- a. An Oregon Water Resources Department (ORWD) Certificate(s), permit, or other water use authorization proving necessary water supply of proper classification will be available for intended use during required seasons, regardless of source; or
 - b. A source water provider Will Serve statement referencing valid Water Right to be utilized, if any, as well as a Will Haul statement, including the name and contact information of the water hauler; or
 - c. In the alternative to (a) and (b) above, proof from Oregon Water Resources Department that the water supply to be used does not require a Water Right for the specific application use classification, volume, and season of use (i.e., roof-collected water).
 - d. If the applicant is proposing a year-round production facility, the water right, certificate, permit, or other water use authorization must address all permitted sources of water for when surface water is unavailable.
 - e. In the event that the water source for the facility changes from the use of an ORWD certificate, permit, or other water use authorization to the use of a water hauler, or from the use of a water hauler to another source, a modification to a land use action pursuant to DCC 22.36.040 is required.
13. Fire protection for processing of cannabinoid extracts. Processing of cannabinoid extracts shall

- only be permitted on properties located within the boundaries of or under contract with a fire protection district.
14. Utility Verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and a statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state that it has reviewed the new service or additional load request and determined if existing capacity can serve the load or if a system upgrade is required. Any new service request or additional load request requiring an upgrade shall be performed per the serving utility's stated policy.
 15. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
 16. Secure Waste Disposal.
 - a. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
 - b. Wastewater generated during marijuana production and/or processing shall be disposed of in compliance with applicable, federal, state, and local laws and regulations.
 17. Nonconformance. All medical marijuana grow sites lawfully established prior to June 8, 2016 by the Oregon Health Authority shall comply with Ordinance 2016-015 and the provisions of DCC 18.116.330(B)(9) by September 8, 2016 and with the provisions of DCC 18.116.330(B)(10-12, 16, 17) by December 8, 2016.
 18. Prohibited Uses.
 - a. In the EFU zone, the following uses are prohibited:
 - i. A new dwelling used in conjunction with a marijuana crop;
 - ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
 - iii. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction a marijuana crop; and
Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.
 - b. In the EFU and Rural Industrial zones, the following uses are prohibited on the same property as marijuana production:
 - i. Guest Lodge.
 - ii. Guest Ranch.
 - iii. Dude Ranch.
 - iv. Destination Resort.
 - v. Public Parks.
 - vi. Private Parks.
 - vii. Events, Mass Gatherings and Outdoor Mass Gatherings.
 - viii. Bed and Breakfast.
 - ix. Room and Board Arrangements.
 19. Compliance.
 - a. Odor. On-going compliance with the odor control plan is mandatory and shall be ensured with a permit condition of approval. The odor control plan does not supersede required compliance with the standard set forth in DCC 18.116.330(B)(9). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with odor impacts are authorized.
 - b. Noise. On-going compliance with the noise control plan is mandatory and shall be ensured with a permit condition of approval. The noise control plan does not supersede required compliance with the standard set forth in DCC 18.116.330(B)(10). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with noise impacts are authorized.

- C. Marijuana Retailing. Marijuana retailing, including recreational and medical marijuana sales, shall be subject to the following standards and criteria:
1. Hours. Hours of operation shall be no earlier than 9:00 a.m. and no later than 7:00 p.m. on the same day.
 2. Odor. The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana plant odor off premise by a person of normal sensitivity.
 3. Window Service. The use shall not have a walk-up or drive-thru window service.
 4. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
 5. Minors. No person under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer, except as allowed by state law.
 6. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot or parcel or within the same building with any marijuana social club or marijuana smoking club.
 7. Separation Distances. Minimum separation distances shall apply as follows:
 - a. The use shall be located a minimum of 1,000 feet from:
 - i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
 - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed family child care which occurs at or in residential structures;
 - iv. A youth activity center;
 - v. National monuments and state parks; and
 - vi. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
 - b. For purposes of DCC 18.116.330(C)(7), distance shall be measured from the lot line of the affected property to the closest point of the building space occupied by the marijuana retailer. For purposes of DCC 18.116.330(C)(7)(a)(vi), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
 - c. A change in use to another property to a use identified in DCC 18.116.330(C)(7), after a marijuana retailer has been licensed by or registered with the State of Oregon shall not result in the marijuana retailer being in violation of DCC 18.116.330(C)(7).
- D. Inspections and Annual Reporting
1. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:
 - a. Documentation demonstrating compliance with the:
 - i. Land use decision and permits.
 - ii. Fire, health, safety, waste water, and building codes and laws.
 - iii. State of Oregon licensing requirements.
 - b. An optional statement of annual water use.
 - c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.

- d. As a condition of approval, the applicant must consent in writing to allow Deschutes County to, randomly and without prior notice, inspect the premises and ascertain the extent and effectiveness of the odor control system(s), compliance with Deschutes County Code, and applicable conditions of approval. Inspections may be conducted by the County up to three (3) times per calendar year, including one inspection prior to the initiation of use.
 - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
 - f. Documentation that System Development Charges have been paid.
 - g. This information shall be public record subject to ORS 192.502(17).
 - h. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.330(D)(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorized permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
- (Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

18.116.340. Marijuana Production Registered by the Oregon Health Authority (OHA)

- A. Applicability. Section 18.116.340 applies to:
 - 1. All marijuana production registered by OHA prior to June 1, 2016; and
 - 2. All marijuana production registered by OHA on or after June 1 2016 until the effective date of Ordinances 2016-015, 2016-16, 2016-17, and 2016-18, at which time Ordinances 2016-015 through Ordinance 2016-018 shall apply.
- B. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by September 15, 2016:
 - 1. Lighting. Lighting shall be regulated as follows:
 - a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from sunset to sunrise.
 - b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
 - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
- C. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by December 15, 2016:
 - 1. Odor. As used in DCC 18.116.340(C), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
 - b. An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
 - c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.
 - d. The odor control system shall:
 - i. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or
 - ii. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by i. above.
 - e. The system shall be maintained in working order and shall be in use.

2. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
 - a. Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m. the following day.
 - b. Sustained noise from marijuana production is not subject to the Right to Farm protections in DCC 9.12 and ORS 30.395. Intermittent noise for accepted farming practices is however permitted.
 3. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
 - a. Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
 - b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
 - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
 - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. 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.
 4. Water. The applicant shall provide:
 - a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
 - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 - c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.
 5. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
 6. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
 7. Inspections and Annual Reporting. All marijuana production registered by OHA prior to June 1, 2016 shall comply with DCC 18.116.340(D)(8) when site locations are identified or otherwise disclosed by the State of Oregon.
- D. All new marijuana production registered by OHA on or after June 1, 2016 shall comply with DCC 18.116.330(A, B and D).
(Ord. 2018-012 §3, 2018; Ord. 2016-019 §1, 2016)

18.116.350. Accessory Dwelling Units in RR10 and MUA Zones

A. As used in this section:

1. "Accessory dwelling unit" means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling.
2. "Area zoned for rural residential use" means land that is not located inside an urban growth boundary as defined in ORS 195.060 and that is subject to an acknowledged exception to a

- statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.
3. "Historic home" means a single-family dwelling constructed between 1850 and 1945.
 4. "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.
 5. "Place a manufactured home" means the placement of a manufactured home that did not previously exist on the subject lot of record; it may include the placement of a manufactured home that was previously used as a dwelling on another lot and moved to the subject lot of record.
 6. "Single-family dwelling" means a residential structure designed as a residence for one family and sharing no common wall with another residence of any type.
- B. An owner of a lot or parcel within an area zoned for rural residential use (RR10 and MUA zones) may construct a new single-family dwelling or place a manufactured home on the lot or parcel, provided:
1. The lot or parcel is not located in an area designated as an urban reserve as defined in ORS 195.137;
 2. The lot or parcel is at least two acres in size;
 3. A historic home is sited on the lot or parcel;
 4. The owner converts the historic home to an accessory dwelling unit upon completion of the new single-family dwelling or placement of a manufactured home; and
 5. The accessory dwelling unit may be required to comply with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment.
- C. The construction of an accessory dwelling under subsection (B) of this section is a land use action subject to DCC 22.20.
- D. An owner that constructs a new single-family dwelling or places a manufactured home under subsection (B) of this section may not:
1. Subdivide, partition or otherwise divide the lot or parcel so that the new single-family dwelling or manufactured home is situated on a different lot or parcel from the accessory dwelling unit.
 2. Alter, renovate or remodel the accessory dwelling unit so that the square footage of the accessory dwelling unit is more than 120 percent of the historic home's square footage at the time construction of the new single-family dwelling commenced.
 3. Rebuild the accessory dwelling unit if the structure is deemed a dangerous building due to fire or other natural disaster, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location."
 4. Construct an additional accessory dwelling unit on the same lot or parcel.
- E. A new single-family dwelling constructed or a manufactured home placed under this section may be required to be served by the same water supply source as the accessory dwelling unit.
- F. Owner occupancy of either the accessory dwelling unit or the new single-family dwelling is not required. However, the new single-family dwelling and the accessory dwelling unit may not be used simultaneously for short-term rentals of thirty (30) consecutive days or less.

(Ord. 2019-009 §3, 2019)

TABLE 1

**DCC Section 18.116.030
OFF-STREET PARKING LOT DESIGN**

| A | B | C | D | E | F |
|----------|----------|----------|----------|----------|----------|
| 0° | 9'-0" | 9.0 | 12.0 | 22.0 | 30.0 |
| | 9'-6" | 9.5 | 12.0 | 22.0 | 31.0 |
| | 10'-0" | 10.0 | 12.0 | 22.0 | 32.0 |
| 45° | 9'-0" | 19.8 | 13.0 | 12.7 | 52.5 |
| | 9'-6" | 20.1 | 13.0 | 13.4 | 53.3 |
| | 10'-0" | 20.5 | 13.0 | 14.1 | 54.0 |
| 60° | 9'-6" | 21.2 | 18.0 | 11.0 | 60.4 |
| | 10'-0" | 21.5 | 18.0 | 11.9 | 61.0 |
| 70° | 9'-0" | 21.0 | 19.0 | 9.6 | 61.0 |
| | 9'-6" | 21.2 | 18.5 | 10.1 | 60.9 |
| | 10'-0" | 21.2 | 18.0 | 10.6 | 60.4 |
| 90° | 9'-0" | 20.0 | 24.0 | 9.0 | 64.0 |
| | 9'-6" | 20.0 | 24.0 | 9.5 | 64.0 |
| | 10'-0" | 20.0 | 24.0 | 10.0 | 64.0 |

- A. Parking Angle
- B. Stall Width
- C. 20' Stall
- D. Aisle Width-One Way*
- E. Curb Length Per Car
- F. Bay Width

* 24' Minimum for Two-Way Traffic