

MARY SUE PENHOLLOW
COUNTY CLERK

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LEGAL COUNSEL

97-03904

0188-1421

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18 *
Regarding Filming Activities and *
Declaring an Emergency. *

97 FEB -6 AM 11:10

MARY SUE PENHOLLOW
COUNTY CLERK

ORDINANCE NO. 97-007

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

Section 1. Adoption. Title 18 is hereby amended to add a new
Section 18.116.250, as set forth in Exhibit A attached hereto and by
this reference incorporated herein.

Section 2. Severability. The provisions of this ordinance are
severable. If any section, sentence, clause or phrase of this
ordinance is adjudged to be invalid by a court of competent
jurisdiction, that decision shall not affect the validity of the
remaining portions of this ordinance.

Section 3. Codification. County Legal Counsel shall have the
authority to format the provisions contained herein in a manner that
will integrate them into the County Code consistent with the Deschutes
County Form and Style Manual for Board Documents. Such codification
shall include the authority to make such changes, to make changes in
numbering systems and to make such numbering changes consistent with
interrelated code sections. In addition, as part of codification of
these ordinances, County Legal Counsel may insert appropriate
legislative history reference. Any legislative history references
included herein are not adopted as part of the substance of this
ordinance, but are included for administrative convenience and as a
reference. They may be changed to correct errors and to conform to
proper style without action of the Board of County Commissioners.

Section 4. Emergency. This ordinance being necessary for the
immediate preservation of the peace, health and safety, an emergency is
declared to exist, and this ordinance takes effect on its passage.

DATED this 5th day of February, 1997.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Nancy Pope Schlengen

NANCY POPE SCHLANGEN, Chair

Robert L. Nipper

ROBERT L. NIPPER, Commissioner

ATTEST:

Ornita M. Mutchler

Recording Secretary

Linda L. Swearingen

LINDA L. SWEARINGEN, Commissioner

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Exhibit A
to Ordinance 97-007

**18.116.250. 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 this section shall be governed by the provisions of this section and shall govern in any conflict with other provisions of this title or 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 this title, involve activities within a sensitive habitat area governed by Chapter 18.90 or involve activities, improvements or structures covered by Chapter 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 Section 18.116.250(A) above, 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 18.116.250(C). For the purposes of this subsection 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 subsection 18.116.250(B) above 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:

i. The design, operating characteristics and duration of the use;

ii. Adequacy of transportation access to the site; and

iii. 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 subsections (i), (ii) and (iii) of subsection (C)(1)(a).

2. Special Limitations. In addition to the general limitations set forth under subsections (C)(1)(a) and (C)(1)(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 Chapter 18.96 (flood plain zone) shall be subject to the applicable provisions of that chapter unless the Federal Emergency Management Agency authorizes a waiver of the provisions of that chapter.

c. Filming and accessory or supporting activities necessitating fill or removal activities shall comply with the applicable provisions of 18.128.040(W), 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 Chapter 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 this subsection 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 this section shall be processed in accordance with Chapter 22 of the County Code with the exception that the Board of County Commissioners shall be the initial hearings body.

E. Definitions.

1. For the purposes of this section "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 this section "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. 97-007 § 1, 1997)