

TITLE 19 BEND URBAN GROWTH BOUNDARY ZONING ORDINANCE

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CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS

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19.04.010 Title

DCC Title 19 shall be known as the "Zoning Ordinance" of the Bend Urban Area and of the land withdrawn from the City of Bend by the County by City Resolution 2459.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2017-009](#) §7 on 7/21/2017

19.04.020 Compliance With Title Provisions

Except as provided in DCC 19.76, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the Bend Urban Area be commenced to be changed, nor shall any condition of or upon real property be caused or maintained after the effective date of DCC Title 19, except in conformity with DCC Title 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2016-023](#) §2 on 9/28/2016

19.040.025 (Repealed)

HISTORY

Adopted by Ord. [98-040](#) §1 on 8/26/1998

Repealed by Ord. [2016-023](#) §2 on 9/28/2016

19.04.030 Applicability

DCC Title 19 applies to the Bend Urban Area and to the land withdrawn from the City of Bend by the County by City Resolution 2459. DCC Title 19A applies to lands inside the UA District.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2017-009](#) §7 on 7/21/2017

19.04.040 Definitions

As used in DCC Title 19, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this

title and accompanying zoning maps and all amendments hereafter made thereto. As used in this title, unless the context requires otherwise, the following words and phrases shall be defined as set forth in DCC 19.04.040.

~~"Abut or Abutting" means contiguous, touching, adjoining, or connected at one or more points." "Abutting" means having a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.~~

"Access corridor" means a separate travel way for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools, parks, and convenience shopping.

"Access or access way" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to, through or past a property or use as required by DCC Title 19.

~~"Accessory structure" means a structure that is incidental and subordinate to another lawfully established structure or lawfully established use on the same lot or parcel.~~

~~"Accessory use" means a use that is incidental and subordinate to another lawfully established use on the same lot or parcel. Accessory uses include drilling for, and utilization of, low-temperature geothermal fluid in conjunction with the main use of the property.~~

~~"Accessory structure or use" means a structure or use incidental, appropriate and subordinate to the main structure or use on the same lot.~~

"Adjacent" means near, close; for example, an Industrial Zone across the street or highway from a Residential Zone shall be considered as "adjacent."

~~"Adjoining." See "Abutting."~~

"Aircraft" means any vehicle designed or used for flight through the air and capable of carrying goods or people.

"Airport" means any area of land or water which is used or intended to be used for the landing and taking off of aircraft, and including appurtenant areas, buildings or facilities.

"Alley" means a public way not more than 20 feet wide affording only secondary means of access to abutting property.

"Altered." See "Structural Alteration."

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

"Apartment" means a dwelling unit in a multiple ~~family unit building~~ dwelling.

"Applicant." A person applying for a permit, rezoning or nonlegislative comprehensive plan change.

"Application for land use permit." A written application requesting a change in zoning, conditional and nonconforming uses, variances, subdivisions and matters relating to the comprehensive plan and amendments to the plan. Also included are partitions, building permits, and subsurface sewage permits.

"Area of special flood hazard" means the land in the floodplain within Bend subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Assessor" means the County Assessor of Deschutes County.

"Attached", with respect to dwelling units, means a dwelling unit attached to another dwelling unit by a shared wall, ceiling, or floor. Such a shared wall, ceiling, or floor must enclose interior space of at least one other dwelling unit and may include the walls of attached garages.

"Attached", with respect to all structures, means a structure on an individual lot or parcel that is structurally connected to another structure of any type.

"Automobile, boat or trailer sales lot" means an open lot or parcel used for display, sales or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

"Automobile repair, major" means the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repairs; or overall painting or paint shop.

"Automobile repair, minor" means upholstering of, replacement of parts for and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under Automobile repair, major" or any other similar operation thereto.

"Automobile service station or filling station" means an establishment where bulk sales, fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, and where repair service is secondary.

"Automobile towing" means an establishment where emergency-towing equipment is kept along with incidental, temporary and minor storage of vehicles and emergency repairs.

"Automobile wrecking" means the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Two or more dismantled, obsolete or inoperable motor vehicles or parts thereof exposed to the public on one lot or parcel shall constitute a wrecking yard.

"Babysitter" means a person who provides day care services for children in the home of the babysitter for not more than five children for eight or more hours in a 24-hour period as a home occupation.

"Bank-full stage" means the elevation at which water overflows the natural banks of a stream, river or lake and begins to inundate the upland. In the absence of physical evidence, the two-year reoccurrence interval flood elevation may be used to approximate bank-full stage.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-Year Flood." Designation on maps always includes the letters A or V.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides, a man-made space wholly or partly underground and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

"Bath, full bath" means a bathroom that contains a toilet, sink, and one or more of the following: a shower, bathtub, and/or steam shower.

"Bath, half bath" means a bathroom that contains a toilet and a sink, but not one or more of the following: a shower, bathtub, and/or steam shower.

"Bed and breakfast inn" means a single ~~family-unit~~ dwelling ~~unit~~ where lodging and meals are provided, for compensation, in which no more than two guest rooms are provided for no more than six travelers or transient guests. A guest shall not rent for a time period longer than 15 consecutive nights.

"Bed or banks of stream or river" means the physical container of the waters of a stream or river lying below bank-full stage, and the land 10 feet on either side of the container.

"Bend urban area" means the adopted Bend Urban Growth Boundary that is shown on the Deschutes County Comprehensive Plan Map as Urban Area Reserve.

"Bicycle" as used in Title 18 has the meaning given in ORS 801.

"Bicycle facility" means any public or private improvements to accommodate and encourage bicycling, including bikeways and bike parking racks, spaces, and structures.

"Bikeway" means any road, path, or way open to bicycle travel regardless of whether such facilities are designated for the preferential use of bicycles or are to be shared with other transportation modes.

"Board." See "County Commission."

"Boarding or lodging house" means a dwelling unit or part thereof, other than a hotel or motel or multiple ~~family-unit~~ dwelling, where lodging with or without meals is provided, for compensation, for three or more persons.

"Boat dock or pier, community" means a personal use boating structure built over or floating upon the water of a lake, river or stream which serves more than one property owner for the mooring of boats or as a landing place for marine transport, and having a surface area of 320 square feet or less.

"Boat dock or pier, individual" means a personal use boating structure built over or floating upon the water of a lake, river or stream which serves one property owner for the mooring of boats or as a landing place for marine transport, and having a surface area of 160 square feet or less.

"Boat house" means a covered or enclosed structure designed to provide moorage and/or storage for recreational or commercial marine transport and built over or floating upon a lake, river, or stream.

"Boat slip" means an area of bank or shore where soil or other material is excavated to a level at or below the level of the waters of an adjacent lake, river, or stream, to allow the mooring or landing of marine transport within the excavated area.

"Boat yard" means a place where boats are constructed, dismantled, stored, serviced, or repaired including maintenance work thereon.

~~"Building" means any structure used or intended for supporting or sheltering any use or occupancy, means any structure built and maintained for support, shelter or enclosure of persons, animals, chattels or property of any kind meeting the requirements of State Structural Specialty Code and Fire and Life Safety Code.~~

~~"Building Footprint" means the horizontal building area as seen in plan view (as in floor plan, view from above), measured from the outside of all exterior walls and supporting columns.~~

~~"Building, height" means the vertical distance from the average contact ground level of the building to the highest point of the building.~~

"Building line" means a line parallel to the lot line and passing through the most forward point of plane of a building.

"Building lot" means a lot or parcel occupied or intended to be occupied by a principal-primary building or a group of such buildings and accessory buildings, together with such open spaces as are required by DCC Title 19, and having the required frontage on a street and setbacks.

"Building, main" means a building within which is conducted the principal-primary use permitted on the lot or parcel as provided in DCC Title 19.

"Building official" means the Building Official of Deschutes County, Oregon.

"Bulk distribution plant" means a facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

"Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.

"Cannabinoid concentrate" means a substance obtained by separating cannabinoids from marijuana by a mechanical extraction process; a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or dried marijuana leaves or flowers have been incorporated.

"Cannabinoid extract" means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane or propane; a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure; or any other process identified by the Oregon Liquor Control Commission, in consultation with the Oregon Health Authority, by rule.

"Cannabinoid product" means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contains cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include usable marijuana by itself, a cannabinoid concentrate by itself, a cannabinoid extract by itself, or industrial hemp as defined in Oregon Revised Statutes 571.300.

"Car wash" means a lot or parcel on which motor vehicles are washed or waxed either by the patron or others, using machinery specially designed for the purpose.

"Child care facility" as used in DCC Title 19 is defined in ORS 329A.

"Church" (Repealed 2020-001 §17, 2020)

"City" means the City of Bend, Oregon, including the following: City Commission, City Engineer, City Manager, and City Recorder-Treasurer.

"Clinic" means a place for group medical services not involving overnight housing of patients.

"Club" means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

"Color guide" means the paint examples maintained by the County which show acceptable colors for use on buildings, structures and signs including examples of prohibited and restricted colors.

"Community building" means a building used for and operated by a nonprofit organization whose membership is open to any resident of the zone, neighborhood or community in which the club is located; provided that the primary objectives of the organization are the improvement of the zone, neighborhood or community and its social welfare and recreation.

"Community sewage system" means an onsite system that serves more than one lot or parcel, more than one condominium unit, or more than one unit of a planned unit development. means a sewage disposal system which serves or is designed to serve more than 10 single residences or other users for the purpose of disposing of household liquid wastes, but is neither a municipal nor a public utility sewage disposal system, and must be approved by the appropriate government agency and must have legal financial provisions for long-term operation and maintenance.

"Community storage area" means a facility established in accordance with City and/or County standards, designed to provide for the temporary or permanent storage of boats, campers, trailers and similar recreational vehicles or equipment, and serving two or more unrelated persons.

"Community water system" a public water system that has 15 or more service connections used by year-round residents, or that regularly serves 25 or more year round residents. means a domestic water supply source or distribution system which serves or is designed to serve more than three single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water system nor a public utility water system, and must have legal financial provisions for long-term operation and maintenance.

"Comprehensive plan" means the duly adopted Bend Area General Plan.

"Comprehensive Sign Plan" means a sign plan for one or more properties in a commercial center or business complex showing all locations of proposed signage for business tenants, retail stores, services, offices, and other establishments that perform services on the premises.

"Condominium" ~~shall have the meaning set forth in ORS 100. means a type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated, in part, by state law (ORS 91.657).~~

"Conduit" means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar man-made structure which is or may be used to convey water.

"Conservation easement" means a nonpossessory interest in real property conveyed by the property owner to the County, imposing limitations or affirmative obligations concerning the use of the property. The purposes of a conservation easement include, but are not limited to, retaining or protecting natural, scenic or open space values, public access, protecting natural resources, maintaining or enhancing air and water quality, and preserving the historical, archaeological, or cultural aspects of the property.

"Contested case" means proceedings in which the legal rights, duties or privileges of specific parties under the County zoning ordinance, subdivision ordinance or other similar ordinances regulating land use are required to be determined only after public input and/or a hearing at which specific parties are entitled to appear and be heard.

"Contiguous land" means lots or parcels of land under the same ownership which abut each other.

"County" means Deschutes County, Oregon.

"County Commission" means the Deschutes County Board of Commissioners.

"Court" means an open, unoccupied space, other than a ~~yardsetback area~~, on the same lot or parcel with a building or group of buildings.

"Curb level" means the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the County Engineer shall establish such level or its equivalent.

"Dam" means any man-made structure which is or may be used to impound water.

"Day care center or facility" see "child care facility".

"Density" means the number of residential dwelling units per acre of land or the amount of land area expressed in square feet of land assignable to each dwelling unit in a residential development, including, but not limited to, one house on one lot or parcel, shall be computed as follows: the gross area of land within the development; less the total aggregate area dedicated for streets, private parks and recreation facilities dedicated or created as an integral part of the development; divided by the total number of dwelling units in the proposed development; equals the density. Density shall run with the land in a specific development and cannot be sold, loaned or otherwise divorced or separated from the specific development under consideration.

"Deschutes River corridor" means all property within 100 feet of the ordinary high water mark of the Deschutes River. The ordinary high water mark shall be as defined in DCC 19.04.040.

"Destination resort" means a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify

as a “large destination resort” under Goal 8, a proposed development must meet the following standards:

- A. The resort is located on a site of 160 or more acres;
- B. At least 50 percent of the site is dedicated to permanent open space, excluding yards setback areas, streets, and parking areas;
- C. A least \$7 million (in 1993 dollars) shall be spent on improvements for on-site developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities, and;
- D. Visitor-oriented accommodations are provided, including meeting rooms, restaurants with seating for 100 persons and 150 separate rentable units for overnight lodgings. Accommodations available for residential use shall not exceed two and one-half such units for each unit of overnight lodging. However, the overnight lodging units may be phased in as follows:
 1. A total of 150 units of visitor-oriented overnight lodging shall be provided as follows:
 - a. At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots, parcels, or units, and;
 - b. At least 50 of the remaining 100 required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurance within five years of the initial lot or parcel sales.
 - c. The remaining required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurances within 10 years of the initial lot or parcel sales.
 2. The number of units approved for residential sale within the resort shall be not more than two and one-half units for each unit of permanent overnight lodging constructed or financially assured, and;
 3. If the developer of a resort guarantees the overnight lodging units required under subparagraphs (C) and (D) of this paragraph through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within four years of the date of execution of the surety bond or other equivalent financial assurance.
- E. Commercial uses allowed are limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted.

“Detached”, with respect to structures, means a structure on an individual lot or parcel that is freestanding and structurally separated from other structures.

"Development" means any change to a site, lot, or parcel, including buildings, placement or replacement of any structures, parking and loading areas, landscaping, paved or graveled areas, grading or fill, mining, and areas devoted to exterior display, advertisement, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or

landscapes. Development includes partitions and subdivisions means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

"Development, Flood-plain", for the purpose of flood standards, means any man-made change to an improved or unimproved site, lot, or parcel, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Districts," when used herein, shall refer to zones, unless obviously to the contrary.

"Diversion" means any man-made structure which is or may be used to deflect or divert water from a river or stream into a conduit.

"Driveway" means an area of land intended for vehicular ingress and egress to a site, extending into the site, lot, or parcel from a road, street, or right of way.

"Dude ranch" means a ranch operated wholly or in part as a resort offering horse-back riding and related activities as outdoor recreation opportunities and offering only temporary rental accommodations for vacation use by nonresidents.

"Dwelling unit" means a building or portion thereof providing living facilities for one or more persons living together, including provisions for sleeping, cooking, and sanitation. Cooking facilities shall be limited to one kitchen and sanitation facilities shall include at least one full bath. All areas shall have an enclosed and unobstructed way of travel within the dwelling unit to all other areas within the dwelling unit. With the exclusion of bedrooms, all areas within the dwelling unit shall be shared in common.

- A. "Duplex" means two attached dwelling units on an individual lot or parcel.
- B. "Dwelling, manufactured" shall have the meaning set forth in ORS 446.003. As used in DCC Title 19, "manufactured home" shall be synonymous with "manufactured dwelling" as defined herein.
- C. "Dwelling, multi-unit" means a building that consists of three or more attached dwelling units on an individual lot or parcel.
- D. "Dwelling, multi-family" means a "multi-unit dwelling" as defined herein.
- E. "Dwelling, single-unit" means a detached dwelling unit on an individual lot or parcel.
- F. "Dwelling, single-family" means a "single-unit dwelling" as defined herein.
- G. "Dwelling, seasonal" means a dwelling unit, including a manufactured dwelling, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one housekeeping unit for recreational or seasonal purposes only.
- H. "Dwelling Unit, Zero Lot Line" means dwelling units which are constructed with a zero side setback.
- I. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot or parcel.

J. "Two-family dwelling" means a "duplex" as defined herein.

~~"Dwelling" means a building or portion thereof designed or used as the residence or sleeping place of one or more persons.~~

~~A. Dwelling, single family. A building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including Class A manufactured homes as described in DCC 19.88.280; excluding such temporary structures such as tents, teepees, travel trailers and other similar uses.~~

~~B. Dwelling, two family or duplex. A building designed or used for residence purposes by not more than two families and containing two dwelling units.~~

~~C. Dwelling, multiple family. A building or portion thereof designed or used as a residence by three or more families and containing three or more dwelling units.~~

~~"Dwelling unit" means one room, or a suite of two or more rooms, designed for and used by one family or housekeeping unit for living and sleeping purposes and having not more than one kitchen or kitchenette.~~

"Easement" means a grant of the right to use a lot or parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

"Eave" means a projecting overhang four feet or less at the lower border of a roof and extending from a wall or support.

"Exempt vegetation" means a tree or other plant that is shown by the sun chart accompanying a solar access permit application to cast existing shade on a protected area.

"Existing" means existing at the time of application.

"Exterior modification" means a change in the exterior structure of a building that significantly alters the appearance of any side of a building, including a change of color.

~~"Family" means an individual, or two or more persons related by blood, marriage, adoption or guardianship, living together in a dwelling unit in which board or lodging may also be provided for not more than two additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, adoption or guardianship living together in a dwelling unit.~~

"Family child care provider" means a child care provider who regularly provides child care in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status.

"Farm use" means the current employment of land, including that portion of such lands under buildings supporting accepted farming practices, for the purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honey bees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use or animal husbandry, or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human and animal use, and disposal by marketing or otherwise. It does not include the use of the land subject to the provisions of

ORS 321, or to the construction and use of dwellings customarily provided in conjunction with the farm use. "Current employment" of land for farm use includes:

- A. Land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P. L. 85-540, 70 Stat. 188);
- B. Land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; and
- C. Land planted in orchards or other perennials prior to maturity.

As used in this DCC 19.04.040, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.

Any structure, pen, or corral wherein cattle, horses, sheep, goats, swine, or other similar animals are maintained in close quarters for the purpose of fattening such livestock for final shipment to market or for breeding is a farm use.

"Fence, sight obscuring" ~~means a continuous fence, wall, evergreen planting, or combination thereof constructed and/or planted to effectively screen a particular use from view. means a fence or planting arranged in such a way to obstruct vision throughout the year.~~

~~"Fill", as used in the context of lakes, rivers, streams, floodplains, wetlands, or riparian areas, means:~~

- ~~A. The deposit by artificial means of material within any lake, river, stream, floodplain, wetland, or riparian area.~~
- ~~B. Fill includes any excavation or grading within any lake, river, stream, floodplain, wetland, or riparian area.~~
- ~~C. Fill does not include shall not include practices that constitute accepted farming practices as defined in ORS chapter 215.~~

~~"Fill" means the deposit by artificial means of material at a location within the waters of any lake, river or stream, or in wetlands or riparian areas.~~

"Fish passage device" means any man-made structure which is or may be used to enable fish to pass over a dam to move upstream.

"Fish protection device" means any man-made structure, such as a fish screen, which is or may be used to prevent fish from entering into or passing through conduits, penstocks and other water conducting structures or devices connected to a hydroelectric facility.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters, and/or
- B. The unusual and rapid accumulation of runoff surface waters from any source.

"Flood hazard area" means the relatively flat area or lowland ~~adjoining~~ abutting the channel of a river, stream, other watercourse, lake, or reservoir which has been or may be covered by a base flood.

~~"Flood insurance-Insurance rate-Rate mapMap" (FIRM) is the official map on which the United States Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The FIRM is adopted by reference in Ordinance No. 2007-019.~~ means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

~~"Flood insurance-Insurance studyStudy" is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood condition of partial or complete inundation of normally dry land areas. The Study is adopted by reference in Ordinance No. 2007-019.~~ means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

~~"Floor area" means the area measured in square feet of horizontal space intended to be a floored surface contained within a building or portion thereof, measured inside of the external walls, including slab-on-grade and exclusive of vent shafts, courts, and basements. When calculating floor area, stairs are counted once unless the area under the stairs is part of the dwelling unit's floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.~~ means the area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts, including the garage.

~~"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private street.~~

"Frontage, river" means that portion of a lot or parcel abutting a river, stream, or lake.

"Frontage, street" means the length of a lot line that directly abuts or borders a right of way.

"Garage, private" means an accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

"Garage, public" means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

"Grade" means the elevation of the ground surface. Grade is further defined as:

- A. "Grade, average", for the purposes of calculating structural height, means the average of two points which shall be the highest finished grade abutting the structure and the lowest finished grade abutting the structure.
- B. "Grade, existing" means the existing elevation of the ground surface prior to grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.

C. “Grade, finished” means the final elevation of the ground surface following all grading, compaction, placement of fill, and/or the excavation or removal of earth from the lot or parcel.

D. For the purposes of roads, streets, rights of way, or slopes, “grade” shall mean the degree of inclination.

~~“Grade or ground level” means the average elevation of the finished ground elevation at the centers of all walls of a building; the sidewalk elevation nearest the center of the wall shall constitute the ground level.~~

“Ground mounted sign,” in the Bend Urban Area, a “Ground mounted sign” means a freestanding sign that has a solid base which is directly and continuously connected to the sign face for at least 50 percent of the sign face width or is borne by supports less than or equal to 24” in height as measured from grade to the sign face.

~~“Guest-house” means living quarters within a detached accessory building located on the same lot or parcel as a dwelling unit for use by temporary guests of the occupants of the main premises, or for members of the same family as that occupying the main structure, not rented or otherwise used as a separate dwelling unit. A guesthouse shall contain no kitchen. means an accessory building used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen or kitchenette facilities.~~

“Hearings Body” means Planning Commission, Hearings Officer, County Planning Commission, County Legal Counsel and County Board of Commissioners.

“Hearing, initial” is a quasi-judicial hearing authorized and conducted by the Hearings Officer or Planning Commission to determine if a change or permit shall be granted or denied.

“Hearings Officer” means a planning and zoning Hearings Officer appointed or designated by the County Commission pursuant to ORS 227.165 or, in the absence of such appointed Hearings Officer, the Planning Commission or City Council.

~~“Height of building” as it pertains to structures, means the vertical distance from average grade to the highest point of the structure means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the center height between the highest and lowest points on other types of roofs.~~

“Highest shade producing point” means the highest shade producing point of the structure two hours before and after the solar zenith on December 21.

“Home occupation” means a use conducted entirely within a dwelling unit, which use is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and with the conditions of DCC 19.88.140.

“Hospital” means any institution, place, building or agency which maintains and operates organized facilities for 20 or more persons for the diagnosis, care and treatment of human illness, including convalescence and care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

"Hotel" means a building or portion thereof with more than five sleeping rooms designed or used for occupancy of individuals who are lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.

"Human resource facility" means a facility under the control of and financed by a unit of government or religious, philanthropic, charitable or nonprofit organization and devoted to the housing, training or care of children, the aged, indigent, disabled or underprivileged, including places of detention or correction.

"Hydroelectric facility" means all aspects of any project or development necessary for or related to the generation of hydroelectric energy, including, but not limited to, conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas and surrounding and adjacent lands which are necessary for or related to the facility.

"Impoundment" means any man-made structure which is or may be used to impound water.

"Incidental and subordinate" means minor, secondary, and dependent in relation to another use, activity, or structure.

"Junk yard" means a place where waste, discarded or salvaged materials are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative condition or salvaged materials incidental to manufacturing operations.

"Kennel" means any premises where four or more dogs, cats, or other small animals, or any combination thereof at least four months of age, are kept commercially or permitted to remain for board, propagation, training, or sale, except veterinary clinics and animal hospitals.

"Kitchen" means any enclosable area designed or used for preparation or cooking of food that includes any of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood and/or exhaust vent, or similar equipment; or a stove, range, oven, microwave, or any food heating appliance.

"Land use action." Any action involving an application for a land use permit.

"Landscaping" includes primarily trees, grass, bushes, shrubs, flowers, and garden areas and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework areas, and artificial turf or carpeting, but excludes artificial plants, bushes, shrubs or flowers.

"Livestock" means animals of any kind kept or raised for sale, resale, agriculture field production or pleasure.

"Livestock feeding yard" means an enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for commercial slaughter.

"Livestock sales yard" means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

"Loading space" means an off-street space within a building or on the same lot or parcel with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has direct access to a street or alley.

"Lot" ~~shall have the meaning set forth in ORS 92.010~~means a parcel of land used or capable of being used under the regulations of DCC Title 19, lawfully created as such in accordance with the subdivision and partition laws or ordinances in effect at the same time of its creation.

"Lot area" means the total horizontal area contained within the lot lines. Said area shall be computed as gross area for lots or parcels larger than 2.5 acres and net area for lots or parcels 2.5 acres and smaller.

A. "Lot area, gross" means the total horizontal net area within lot lines including all streets, roads, and easement of access to other property that would accrue to that lot or parcel if the road, street, or easement were vacated. The gross area of lots or parcels that have never been previously described of record as other than fractions of a section shall be calculated as if the section contained 640 acres, in cases where a lot or parcel is sought to be partitioned.

B. "Lot area, net" shall be used for lots or parcels smaller than 2.5 acres and means the total horizontal area contained within the lot lines that is free from roads, streets, rights of way, or easements of access to other property.

C. As used in DCC Title 19, "lot size" shall be synonymous with "lot area".

~~means the total horizontal area contained within the lot lines; said area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 and smaller. The total horizontal net area within lot lines of a lot is that square footage of a lot that is free from roads, streets, rights of way or easements of access to other property. The Planning Director shall include in gross lot areas all streets, roads and easements of access to other property that would accrue to that lot if the road, street or easement were vacated, and shall treat the gross areas of lots that have never been previously described of record as other than fractions of a section as if the section contained 640 acres, in cases where a lot is sought to be partitioned.~~

~~"Lot, corner" means a lot abutting upon two or more streets at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot line.~~

~~"Lot coverage" means all areas of a lot or parcel covered by structures with surfaces greater than 18 inches above the finished grade~~means that percentage of the total lot area covered by structures as herein defined.

~~"Lot depth" means the horizontal distance between the front and the rear lot lines. In the case of a corner lot, the depth shall be the length of the longest front lot line.~~

~~"Lot, interior" means a lot or parcel of land other than a corner lot.~~

"Lot Line" means any line bounding a lot or parcel.

A. "Lot Line, Front" means a lot line separating a lot or parcel from a street, road, or right of way. A lot or parcel may have more than one front lot line. In the case of a lot or parcel that does not

have street frontage, a front lot line shall be any lot line through which driveway access to the property is provided.

B. "Lot Line, Northern" for the purposes of DCC 19.88.210, the northern lot line shall be the northerly edge of the lot or parcel on which an applicant's structure is located, unless directly north of the lot or parcel is an unbuildable area, in which case northern lot line means the northerly edge of the buildable area.

C. "Lot Line, Rear" means the lot line not abutting a street, road, or right of way, which is the longest horizontal distance, measured perpendicularly, from any front lot line. In the case of an irregular or triangular-shaped lot or parcel, the rear lot line is a line 10 feet in length within the lot or parcel, parallel to and at the maximum distance from a front lot line. An irregular lot or parcel with four or more sides is one in which a side lot line and the rear lot line form an interior angle of at least 135 degrees.

~~A.D.~~ "Lot Line, Side" means any lot line other than a front or rear lot line bounding a lot or parcel. "Lot line" means any line bounding a lot as herein defined.

~~"Lot line, front" means the property line abutting a street. Corner lots and thorough lots may have two or more front lot lines.~~

~~"Lot line, rear" means a lot line not abutting a street which is opposite and most distant from the front lot line. In the case of an irregular or triangular-shaped lot, a lot line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.~~

~~"Lot line, side" means any lot line not a front lot line or a rear lot line.~~

"Lot of record" means:

- A. A lot or parcel at least 5,000 square feet in area and at least 50 feet wide, which conformed to all zoning and subdivision or partition requirements, if any, in effect on the date the lot or parcel was created, and which was created by any of the following means:
 1. By partitioning land as defined in ORS 92.010(8);
 2. By a subdivision plat, as defined in ORS 92.010(9), filed with the Deschutes County Surveyor and recorded with the Deschutes County Clerk;
 3. By deed or contract, dated and signed by the parties to the transaction, containing a separate legal description of the lot or parcel, and recorded in Deschutes County if recording of the instrument was required on the date of the conveyance. If such instrument contains more than one legal description, only one lot of record shall be recognized unless the legal descriptions describe lots in accordance with a recorded subdivision or town plat;
 4. By a town plat filed with the Deschutes County Clerk and recorded in the Deschutes County Record of Plats; or
 5. By the subdividing or partitioning of adjacent or surrounding land, leaving a remainder lot or parcel.

B. The following shall not be deemed to be a lot of record:

1. A lot or parcel created solely by a tax lot segregation because of an Assessor's roll change or for the convenience of the Assessor~~;~~
2. A lot or parcel created by an intervening section or township line or right of way~~;~~
3. A lot or parcel created by an unrecorded subdivision, unless the lot or parcel was conveyed in accordance with DCC 19.04.040(A)(3)~~);~~ or
4. A parcel created by the foreclosure of a security interest.

~~"Lot, through" means an interior lot having a frontage on two streets and/or highways.~~

~~"Lot width" means the diameter of the largest circle that can be wholly contained within the boundaries of a lot or parcel means the horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the mean horizontal distance between the longest front lot line and the opposite lot line not abutting the street.~~

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of DCC 19.72.070.

"Maintain" means to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, condition or area to such an extent that it remains attractive, safe and presentable, and carries out the purpose for which it was installed, constructed or required.

~~"Manufactured home" means a detached single-family dwelling unit with all of the following characteristics:~~

- ~~A.—Designed for long term occupancy and containing sleeping accommodations, flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.~~
- ~~B.—Designed to be transported after fabrication on its own wheels or modular home on flatbed or other trailers on detachable wheels.~~
- ~~C.—Arriving at the site where it is to be occupied as a dwelling, complete, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.~~
- ~~D.—Does not conform to the Oregon State Structural Code as defined in ORS 456.750(9), or standards for prefabricated structures as defined in ORS 456.750(6).~~

~~"Manufactured home dwelling park" shall have the meaning set forth in ORS 446.003. means any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space~~

~~for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such a person.~~

"Manufactured ~~home-dwelling~~ subdivision" means a subdivision designed and intended for residential use where residence is in manufactured ~~homesdwellings~~.

"Marijuana production" means the manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the Oregon Liquor Control Commission, or registered with the Oregon Health Authority and a "person designated to produce marijuana by a registry identification cardholder."

"Marijuana retailing" means the sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission for recreational marijuana sales or registered with the Oregon Health Authority for medical marijuana sales.

"Marijuana wholesaling" means the purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

"Marina" means a structure or structures built over or floating upon the waters of a lake, river, stream or man-made waterway that provides moorage, launching, storage, supplies, and services for recreational and/or commercial marine transport.

~~"Mobile home" shall have the meaning set forth in ORS 446.003.~~

~~"Mobile home park" shall have the meaning set forth in ORS 446.003.~~

"Motel" means a building or group of buildings used for transient or residential purposes and containing guest rooms ~~or-dwelling-units~~ with automobile storage space provided in connection therewith; which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

"Municipal water supply system" means a domestic water supply source and distribution system owned and operated by a City or County, or owned and operated by a special district or other public corporation which has independent tax-levying powers to support the system and which supplies water to a total of 1,000 or more households.

~~"Natural hazard" means geographic areas in which natural conditions exist which pose or may pose a threat to the health, safety, or welfare of people, property, or the environment, including areas subject to drought, earthquake, flood, landslide, volcanic event, wildfire, windstorm, or severe winter storm.~~

"Nonconforming use" means a use of land ~~or of a~~ building, or structure, which use lawfully existed at the time of the adoption of DCC Title 19, or of any amendment thereto, but which use does not conform with the use regulations imposed by DCC Title 19 or such amendment thereto.

~~"Northern lot line" means for the purposes of DCC 19.88.210, the northern lot line shall be the northerly edge of the lot on which an applicant's structure is located, unless directly north of the lot is an unbuildable area, in which case northern lot line means the northerly edge of the buildable area.~~

"Nursing home" means any home, institution or other structure maintained or operated for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.

"Open space" means any lot, parcel, or area of land or water set aside, designed, or reserved for the public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining-abutting or neighboring such open space.

"ORS" means Oregon Revised Statutes.

"Ordinary ~~high-High water~~Water" (OHW) means the highest line on the bank or shore of a lake, river, or stream to which the water ordinarily rises annually in season.

"Ordinary ~~low-Low water~~Water" (OLW) means the lowest line on the bank or shore of a lake, river, or stream to which the water ordinarily recedes annually in season.

"Outdoor promotional event" means an on-site outdoor sales or promotional event conducted in the parking lot or other outdoor area relating to a retail store or shopping mall. Such events are allowed only in the CH, CL, and CG zones and are subject to conditions under those zones.

"Overnight lodgings" with respect to destination resorts, means permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation system operated by the destination resort or by a real estate property manager, as defined in ORS 696.010. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodging for the purpose of this definition.

"Owner" means the owner of record of real property as shown on the tax rolls of Deschutes County, or a person purchasing a piece of property under contract. For the purposes of DCC Title 19 in terms of violations and binding agreements between the County and the owner, the word "owner" shall also mean a leaseholder, tenant or other person in possession or control of the premises or property at the time of the agreement or violation of agreement or the provisions of DCC Title 19.

"Parcel" shall have the meaning set forth in ORS 92.010.

"Parking area, public" means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

"Parking POD" means 50 or fewer parking spaces located together in a group.

"Parking space" means a durable and dustless, permanently surfaced and marked area, excluding paved area necessary for access, for the parking of a motor vehicle.

"Partition" shall have the meaning set forth in ORS 92.010.

"Partitioning land" shall have the meaning set forth in ORS 92.010.

"Partition plat" shall have the meaning set forth in ORS 92.010.

"Party." Any person who has standing.

"Pedestrian facility" means any public or private improvement that accommodates and encourages pedestrian traffic including sidewalks, on-site walkways, crosswalks, access corridors and may include other improvements such as lighting, benches, and fences which make it safe or convenient to walk.

"Penstock" means any conduit or other structure which is or may be used to convey water to the driving mechanism of the generator.

"Permit." Authority for or approval of a proposed use of land for which approval is a matter of discretion and is required by a land use ordinance. The term includes, but is not limited to, permission given for those changes set forth in Application for Land Use Permit and a special exception, special design zone, and other similar permits.

"Permittee" means the person who is proposing to use or who is using the land pursuant to any permit required herein.

"Person." means any individual, partnership, corporation, association, governmental subdivision or agency, or public or private organization of any kind.~~An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.~~

"Person designated to produce marijuana by a registry identification cardholder" means person designated to produce marijuana by a registry identification cardholder under Oregon Revised Statutes 475.304 who produces marijuana for a registry identification cardholder at an address other than the address where the registry identification cardholder resides or at an address where more than 12 mature marijuana plants are produced.

"Planning Commission" means the Planning Commission of the Bend Urban Area.

"Planning Director" means the Director of the Deschutes County Planning Department and his/her delegate.

"Planned unit development" means the development of an area of land as a single entity for a number of units or a number of uses, according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling unit, density, lot coverage, or required open space to the standard regulations otherwise required by DCC Title 19.

"Plat" shall have the meaning set forth in ORS 92.010.

"Pole sign" means a freestanding sign connected to the ground by one or more supports, where any portion of the lower edge of the sign face is separated from the ground by air, a distance greater than 24" in height as measured from grade.

"Potential structure" means for purpose of solar access protection, a potential structure is any structure or building that could be built as a permitted use in a particular location under existing development standards under the existing Deschutes County Comprehensive Plan.

"Preschool" as used in Title 19 is defined in ORS 329A as "preschool recorded program".

"Primary building entrance" means the main entrance closest to the public street by which pedestrians can access a building, structure or activity.

"Primary frontage" means that portion of a lot or parcel of property which abuts a dedicated public street, highway, or an approved private street and is where the public or customer entrance fronts upon.

"~~Principal-Primary~~ building" means the largest building or buildings within a commercial center or business complex. Typically, these are the anchor tenants.

~~"Primary Principal use" means a lawfully established use on a lot or parcel that is not incidental and subordinate to another use on the lot or parcel. A lot or parcel may contain multiple primary uses. means the primary or predominant use to which the property is or may be devoted and to which all other uses on the premises are accessory.~~

"Productive solar collector" means a solar collector that provides no less than a) 10 percent of a building's annual total energy requirements, or b) 50 percent of a building's annual water heating requirements.

~~"Property line" shall have the meaning set forth in ORS 92.010.~~

~~"Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.~~

"Protect" means save or shield from loss, destruction, or injury or for future intended use.

"Protected area" means the specific area which is provided solar access for specific hours and dates under DCC Title 19.

"Provide" means prepare, plan for, and supply what is needed.

"Public buildings" means buildings that are owned and operated by federal, state or local governments or special districts and which are occupied by such a governmental or quasi governmental body to provide nonproprietary governmental services. Such buildings include, but are not limited to, fire stations, city halls, courthouses, administration buildings, human service facilities and correctional facilities.

"Public Works Director" means the Director of Deschutes County's Public Works Department, or the Roadmaster or his/her delegate.

"Public utility water system" means a domestic water supply source and distribution system supplying water for household uses, owned and operated by a person subject to regulation by the Public Utility Commissioner of the State of Oregon, and supplying water to a total of 500 or more households.

~~"Public water system" shall have the meaning set forth in OAR 333-061-0020 means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.~~

"Quasi-judicial" means a zoning action entailing application of a general rule or policy to specific individuals or situations.

"Recreational facility, private" means a recreation facility under private ownership and operated by a for-profit or nonprofit organization, open to bona fide members, and providing one or more of the following types of recreation activity; tennis, handball, golf, squash, volleyball, racquetball, badminton, and swimming, or other similar types of uses.

"Recreational vehicle park" shall have the meaning set forth in OAR 918-650-0005.

"Religious Institution or Assembly" means, so long as having public charity status as a religious assembly or institution established with the Internal Revenue Service, either (consistent with ORS 215.441(1) a church, synagogue, temple, mosque, chapel, meeting house, or other nonresidential place of worship, or (consistent with 42 USCA § 2000cc-5(7)(B)) the use, building, or conversion of real property for the purpose of religious exercise.

"Replat" shall have the meaning set forth in ORS 92.010.

~~"Residential" means any dwelling unit or group of units built or used for human occupancy.~~

"Residential care" means services ~~provided to individuals, including such as~~ supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board.

"Residential facility" means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities), or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

~~"Residential care facility" means a facility that provides residential care for six or more physically disabled or socially dependent individuals and which is licensed by the State Department of Senior Services.~~

"Right of way" means the area between the boundary lines of a street, road, or other easement.

"Riparian area" means a terrestrial zone where annual and intermittent water, a high water table and wet soils influence vegetation and microclimate.

"Roadside stand" means a temporary structure, vehicle or area designed or used for the display or sale of merchandise on the premises upon which such a stand is located.

"Roadway" means that portion of a street or road right of way developed for vehicular traffic.

"Scenic area" means land and other natural features that are valued for their aesthetic values and appearance.

"Setback" means the minimum allowable horizontal distance between two or more specified features, except as otherwise provided in DCC Title 19.

- A. “Setback, front” means a setback measured from a front lot line, to the nearest point of any structure, except as otherwise provided in DCC Title 19. In the case of a lot or parcel that does not have street frontage, front setbacks shall be the minimum distance as identified in the underlying zone for local rights of way.
- B. “Setback, Ordinary High Water Mark” means a setback measured from an Ordinary High Water Mark line, to the nearest point of any structure, except as otherwise provided in DCC Title 19.
- C. “Setback, rear” means a setback measured from the rear lot line to the nearest point of any structure, except as otherwise provided in DCC Title 19.
- D. “Setback, rimrock” means a setback measured from a rimrock to the nearest point of any structure, except as otherwise provided in DCC Title 19.
- A.E. “Setback, side” means a setback measured from a side lot line, to the nearest point of any structure, except as otherwise provided in DCC Title 19.~~means the minimum allowable horizontal distance from a given point or line of reference, such as property line, to the nearest vertical wall or other element of a building or structure as defined herein.~~

“Setback area” means any area located within a designated setback as identified herein.

"Shade" means a shadow, except a shadow caused by a narrow object, including but not limited to a utility pole, an antenna, a wire or a flagpole.

"Shopping center" means a retail store or combination of stores usually including a grocery store which provides goods for sale to the general public and with a combined leasable area in excess of 30,000 square feet.

"Site plan" means a plan prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a specific lot or parcel of land.

"Solar access" means protection from shade for a specific area during specific hours and dates, but not including protection from shade cast by exempt vegetation.

"Solar access permit" means the instrument issued by the County which limits the size of nonexempt vegetation on certain lots or parcels in the vicinity of a recorded solar collector.

"Solar collector" means any object that uses solar radiation for a useful purpose, including but not limited to windows, walls, roofs and collectors.

"Solar heating hours" means the hours and dates during which solar access is provided.

"Solar height restriction" means the allowable height of buildings, structures and nonexempt vegetation on a property burdened by the solar access of another property.

"Street" means a public thoroughfare or right of way other than an alley, dedicated, deeded or condemned for such use and private thoroughfare or access easements which are used for vehicle travel including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

"Standing, legal." See "standing" as defined in DCC 22.24.080.

"Start of construction" means the first act of permanent construction of a structure, other than a manufactured dwelling, on a site, lot, or parcel, such as the pouring of slabs or footings or any work beyond site preparation, such as clearing, grading, and filling. It does not include the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms, or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or as part of the primary use structure. For a structure other than a manufactured dwelling without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure, or any part thereof, on its piling or foundations. For manufactured dwellings not within a manufactured dwelling park or manufactured dwelling subdivision, start of construction means the affixing of the manufactured dwelling to its permanent site. For manufactured dwellings within manufactured dwelling parks or manufactured dwelling subdivisions, start of construction is the date on which construction of facilities for servicing the site on which the manufactured dwelling is to be affixed (including, at a minimum, the construction of streets, either final site grading or pouring of concrete pads, and installation of utilities) is begun.

~~means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the preparation, such as clearing, grading and filling. Does not include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured permanent foundation or assembly of the structure or any part thereof on its piling or foundations, or for a manufactured home not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the structure to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities).~~

"Structural alteration" means any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components.

"Structure" means anything constructed, built, or installed, which requires a location on the ground or is attached to another structure having a location on the ground.

~~means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which required location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, driveways, walks and fences.~~

"Subdivide lands" shall have the meaning set forth in ORS 92.010.

"Subdivision" shall have the meaning set forth in ORS 92.010.

"Subdivision plat" shall have the meaning set forth in ORS 92.010.

"Substantially shaded" means less than 80 percent of the available solar insolation is available during winter solar heating hours to either the south roof and/or wall of an existing or potential structure.

"Sunchart" means a photograph or photographs taken in accordance with the guidelines of the Planning Director, which plots the position of the sun during each hour of the day and each month of the year relative to a protected area. The sunchart shall contain, at a minimum:

- A. Solar altitude in 10-degree increments;
- B. Solar azimuth measured from true south in 15-degree increments;
- C. If the solar collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; and
- D. A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures and deciduous and evergreen vegetation.

"Surface mining" includes all or any part of the process of mining minerals by the removal of overburden and extracting of natural mineral deposits thereby exposed by any method by which more than 50 cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of 12 consecutive calendar months, including open-pit mining refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access road), the quantity or area specifications set forth herein or when such activities affect more than one acre of land for each eight acres of land prospected or explored; or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction, or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, on-site road construction or other on-site construction or underground mines; and excluding rock, gravel, sand, silt or similar substances removed from the beds or banks of any waters of this state pursuant to permit issued under ORS 541.605 to 541.660. (Reclamation of Mining Lands, ORS 517.750 to Number 12.)

"Time share unit" means:

- A. A dwelling unit, lot, or parcel divided into periods of time under any arrangement, plan, scheme or device; whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement or otherwise; where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot, or parcel for a period of time less than a full year during any given year, but not necessarily for consecutive years, which extends for a period of more than three years; or
- B. A dwelling or unit, lot, or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in DCC 19.04.040(A); whether immediate or future, into 11 or more undivided interests or 11 or more other interests, or any other similar arrangement of interests in the dwelling unit, lot, or parcel.

~~"Trailer park or recreation vehicle park" means a parcel of land upon which two or more trailers occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.~~

"Tract" shall have the meaning set forth in ORS 215.010.

"Trailer" means any portable unit designed and built to be towed on its own chassis, comprised of frame and wheels and which does not fall within the definitions of vacation trailer, manufactured dwelling, or prefabricated structure. Includes boat trailers, bunk trailers, portable schoolrooms, and industrial, commercial, or public offices and accessory uses.

"Transit facility" means public or private improvements at selected points along transit routes for passenger pickup, drop off and waiting. Improvements may include pullouts, shelters, waiting areas, benches, information and directional signs or structures and lighting.

"Transit route" means an existing or planned route for public intra-city or intraurban transit service in the local or regional transportation plan. Does not include temporary routes or routes which are planned to be replaced.

"Transmission facility" means the conductors, lines, poles, towers, structures, corridors and construction staging and assembly areas necessary for or associated with the transmission of electricity from a hydroelectric facility for distribution.

"Travel trailer" means a "camping vehicle" as defined by ORS, which is either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink and toilet.

"Tumalo Creek canyon rimrock" means any ledge, outcropping or overlying stratum of rock, which forms a face in excess of 45 degrees and which creates or is within the canyon of Tumalo Creek. For purposes of DCC 19.22.050(H), the edge of the rimrock is the uppermost rock ledge or outcrop of rimrock that is within the Tumalo Creek canyon.

"Unbuildable area" means an area of a site, lot, or parcel on which a structure could not be built as a permitted or conditional use under the provisions of DCC Title 19~~means an area in which a structure could not be built as a permitted use under existing development standards for the area under the existing Deschutes County Comprehensive Plan.~~

"Urban Growth Boundary (UGB)" means the urban growth boundary as adopted by the City and County and acknowledged by the State, as set forth in the Bend Comprehensive Plan and as shown on the Bend Comprehensive Plan map.

"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

"Utility easement" means an easement noted on a subdivision plat, partition plat, or other lawfully recorded easement for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, sewage, power, heat, or telecommunications.

"Utility facility" means any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines and similar minor facilities allowed in any zone.

"Visual obstruction" means any fence, hedge, tree, shrub, device, wall, or structure exceeding 2.5 feet in height above the elevation of the top of the curb or ground as determined by the Planning Director and so located at a street intersection as to dangerously limit the visibility of persons in motor vehicles on said street or alleys. This does not include trees kept trimmed of branches to a minimum height of eight feet.

"Walkway" means a structure built over or floating upon the waters of a lake, river or stream that provides access to a boat dock or pier.

"Wet Bar" means an area, other than a kitchen or bath, that contains a sink with a maximum width of 26 inches, measured diagonally. The maximum diameter of the trap arm and drain for the wet bar sink must not exceed one and one-half inches. The area is not a wet bar if any one or more of the following is also present: a sink larger than 26 inches measured diagonally; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood and/or exhaust vent; or a stove, range, or oven.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and other similar areas.

"Winter solar heating hours" means the time period extending two hours before and after the solar zenith on December 21.

~~"Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in DCC Title 19. In determining the required yard for properties abutting the Deschutes River, the edge of the river shall be determined by the ordinary high water mark which shall be the mark on the Deschutes River that will be found by examining the banks and ascertaining where the presence and action of water are so common and usual, and so long contained in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, and as it may naturally change.~~

~~"Yard, front" means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19. Distances referred to throughout DCC Title 19 shall constitute building setback requirements.~~

~~"Yard, rear" means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19.~~

~~"Yard, side" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in DCC Title 19.~~

"Zero lot line subdivision or partition" means a type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot or parcel.

"Zone" means a portion of the territory of the Bend Urban Area of Deschutes County within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of DCC Title 19.

- A. Where certain uses are required to be a specified distance from "any R Zone" as provided in DCC Title 19, the term "any R Zone" shall include any RS, RM or RH Zone.
- B. The term "any C Zone" shall include any CN, CC, CL, CG, CH or CB Zone.
- C. The term "any I Zone" shall include any IP, IL or IG Zone.

HISTORY

Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980
Amended by Ord. [82-011](#) on 8/9/1982
Amended by Ord. [83-041](#) §2 on 6/1/1983
Amended by Ord. [86-032](#) §1 on 4/2/1986
Amended by Ord. [86-033](#) §1 on 4/2/1986
Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986
Amended by Ord. [86-055](#) §1 on 6/30/1986
Amended by Ord. [86-058](#) §1 on 6/30/1986
Amended by Ord. [88-042](#) §3 on 12/19/1988
Amended by Ord. [90-038](#) §1 on 10/3/1990
Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990
Amended by Ord. [91-001](#) §1 on 1/28/1991
Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991
Amended by Ord. [92-043](#) §1 on 5/20/1992
Amended by Ord. [93-018](#) §1 on 5/19/1993
Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994
Amended by Ord. [95-045](#) §15 on 6/28/1995
Amended by Ord. [96-071](#) §1D on 12/30/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997
Amended by Ord. [97-038](#) §1 on 8/27/1997
Amended by Ord. [99-001](#) §§2-4 on 1/13/1999
Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009
Amended by Ord. [2014-016](#) §1 on 12/29/2014
Amended by Ord. [2016-016](#) §1 on 6/1/2016
Amended by Ord. [2017-009](#) §7 on 7/21/2017
Amended by Ord. [2020-001](#) §17 on 4/21/2020
Amended by Ord. [2020-010](#) §8 on 7/3/2020
Amended by Ord. [2021-009](#) §2 on 6/18/2021
Amended by Ord. [2024-008](#) §17 on 10/9/2024

CHAPTER 19.08 ESTABLISHMENT OF ZONES AND ZONING MAPS

[19.08.010 Classification Of Zones](#)

[19.08.020 Application Of Regulations To Zones Generally](#)

[19.08.030 Zoning Map](#)

[19.08.040 Interpretation Of Zoning Boundaries](#)

[19.08.010 Classification Of Zones](#)

For the purpose of this title, the Bend Urban Area is divided into zones designated as follows:

Zone	Map Symbols and Abbr. Designations
Urban Area Reserve	UAR-10
Surface Mining	SM
Residential Suburban Low Density	SR-2 1/2
Residential Urban Standard Density	RS
Industrial Light	IL
Flood Plain	FP

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [80-217](#) §1 Exhibit A on 12/18/1980

Amended by Ord. [96-042](#) §1 on 7/24/1996

Amended by Ord. [2016-023](#) §3 on 9/28/2016

[19.08.020 Application Of Regulations To Zones Generally](#)

Except as hereinafter otherwise provided:

- A. No building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose or in any manner that is not included among the uses hereinafter listed as permitted in the zone in which such building, land or premises is located.
- B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.
- C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner except in conformity with the ~~yard~~, setbacks, building location, site area, and coverage requirements hereinafter prescribed for the zone in which such building or open space is located.
- D. No ~~yard-setback area~~ or other open space provided about any building or on any building lot or parcel shall be considered as providing a ~~yard-setback area~~ or other open space for any other building or any other building lot or parcel for the purpose of complying with the provisions of DCC Title 19.
- E. Compliance with the Religious Land Use and Institutionalized Persons Act supersedes all other aspects of DCC Title 19.

HISTORY

Adopted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2020-001](#) §18 on 4/21/2020

[19.08.030 Zoning Map](#)

- A. The location and boundaries of the zones designated in DCC 19.08.010 are hereby established as shown on the map entitled "Zoning Map of the Bend Urban Area," hereinafter referred to as the "Zoning Map," dated with the effective date of DCC Title 19 and signed by the County Commissioners.
- B. The signed copy of said Zoning Map is maintained on file in the office of the County Clerk and hereby made a part of DCC Title 19. Any revisions or replacements of said map, when duly entered, signed and filed with the County Recorder as authorized by DCC 19.08.030(C), are a part of this title.
- C. When the zoning of any area is changed by the County Commission in the manner prescribed by DCC Title 19, the Planning Director shall cause the official zoning map to be revised so that it accurately portrays said change, and shall endorse on the map adjacent to said revision, the number of the ordinance by which the change of zone was affected. Failure to so revise the said map shall not effect the validity of any zone change. The County Commission may, from time to time, direct the Planning Director to replace the official zoning map, or portion thereof, with a map which includes all lawful changes of zone and city boundaries to date. Such map, or portion thereof, filed as a replacement, shall bear the number of the ordinance authorizing same and shall bear the dated, authenticating signatures of the County Commission. Any map, or portion thereof, thereby replaced, shall be retained in a separate file by the County Clerk.

HISTORY

Adopted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.08.040 Interpretation Of Zoning Boundaries](#)

In making a determination where uncertainty exists as to boundaries of any of the aforesaid zones as shown on said Zoning Map, the following rules shall apply:

- A. Where zone boundaries approximately follow streets, alleys or highways. Where zoning boundaries are indicated as approximately following the centerline or right-of-way line of streets, alleys or highways, such lines shall be construed to be such zoning boundaries.
- B. Vacation of public ways. Whenever any street, alley or other public way is vacated in the manner authorized by law, the zone district ~~adjoining~~ ~~abutting~~ each side of such street, alley or public way shall be automatically extended to the center of the former right of way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended zones.
- C. Where boundaries approximately follow lot lines. Where zone boundaries are indicated as approximately following lot lines, such lines shall be construed to be said boundaries. If a zone

boundary divides a lot or parcel into two or more zones, the boundary shall be determined by using the scale of the map and measuring the distance from the property line or distances specified on the map.

HISTORY

Adopted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2009-002](#) §1,2 on 2/11/2009

CHAPTER 19.12 URBAN AREA RESERVE ZONE UAR-10

[19.12.010 Purpose](#)

[19.12.020 Permitted Uses](#)

[19.12.030 Conditional Uses](#)

[19.12.040 Height Regulations](#)

[19.12.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

[19.12.060 Off-Street Parking](#)

[19.12.070 Other Required Conditions](#)

19.12.010 Purpose

To serve as a holding category and to provide opportunity for tax differentials as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.12.020 Permitted Uses

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. Single-~~family-unit~~ dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.
- G. Accessory Dwelling Units, subject to DCC 19.92.150.
- H. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- I. Residential home.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §4 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §2 on 1/28/1991

Amended by Ord. [2008-014](#) §3 on 3/31/2008

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2019-009](#) §4 on 9/3/2019

Recorded by Ord. [2019-009](#) §4 on 9/3/2019

Amended by Ord. [2023-014](#) §5 on 12/1/2023

Amended by Ord. [2024-008](#) §18 on 10/9/2024

19.12.030 Conditional Uses

The following conditional uses may be permitted subject to a conditional use permit and the provisions of DCC 19.76 and 19.100.

- A. Dude or guest ranch.
- B. Commercial riding stable subject to DCC 19.88.020.
- C. Livestock sales yard.
- D. Commercial livestock feeding yard.
- E. Mining, quarrying or other extraction, processing or refining of ore of other natural resource material subject to DCC 19.88.100.
- F. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery within 200 feet of a lot or parcel in a residential zone and subject to DCC 19.88.030.
- G. Religious institution or assembly.
- H. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit.
- I. Public, parochial and private schools, but not including business, dancing, trade, technical or similar schools.
- J. Parks and recreation facilities, fire stations, libraries, museums, but not including storage or repair yards, warehouses, or similar uses.
- K. Recreation facility, public or private, but not including such intensive commercial recreation uses as a race track or amusement park.
- L. Utility substations or pumping stations with no equipment storage and sewage treatment facilities subject to DCC 19.88.120.

- M. Kennel or animal hospital subject to DCC 19.88.020.
- N. Planned unit development subject to DCC 19.104.
- O. Destination resort, where mapped in the Bend Area General Plan destination resort map, subject to DCC 19.106.
- P. A plant nursery subject to DCC 19.88.180.
- Q. Time share unit or the creation thereof, subject to DCC 19.88.230.
- R. Hydroelectric facility subject to DCC 19.88.190.
- S. Farm stands other than those permitted pursuant to DCC 19.12.020, subject to DCC 19.76 and DCC 19.100.090.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979
Amended by Ord. [80-217](#) §1 on 12/18/1980
Amended by Ord. [81-006](#) §1 on 2/4/1981
Amended by Ord. [83-045](#) §2 on 6/15/1983
Amended by Ord. [86-017](#) §3 on 6/30/1986
Amended by Ord. [88-042](#) §5 on 12/19/1988
Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990
Amended by Ord. [91-001](#) §3 on 1/28/1991
Amended by Ord. [99-001](#) §3 on 1/13/1999
Amended by Ord. [2008-014](#) §3 on 3/31/2008
Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009
Amended by Ord. [2020-001](#) §19 on 4/21/2020

[19.12.040 Height Regulations](#)

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979
Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990
Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.12.050 Lot Requirements Dimensional Standards And Setbacks](#)

The following requirements shall be observed:

- A. Lot Area. Each lot or parcel shall have a minimum area of 10 acres.
- B. Lot Width. Each lot or parcel shall have a minimum average width of 300 feet with a minimum street frontage of 150 feet.
- C. Front YardSetback. The front yard-setback shall be a minimum of 50 feet from the existing street right-of-way line or the ultimate street right of way as adopted on the Comprehensive Plan or

Official Map, except that any lot of record less than one acre in size lawfully created prior to (effect date of this title) shall have a minimum front ~~yard-setback~~ of 30 feet.

- D. Side ~~YardSetback~~. There shall be a minimum side ~~yard-setback~~ of 10 feet.
- E. Rear ~~YardSetback~~. There shall be a minimum rear ~~yard-setback~~ of 50 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §5 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.12.060 Off-Street Parking](#)

Off-street parking shall be provided as required in DCC 19.80.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.12.070 Other Required Conditions](#)

See DCC 19.88 applying to special uses where applicable.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[CHAPTER 19.16 SURFACE MINING ZONE; SM](#)

[19.16.010 Purpose](#)

[19.16.020 Uses Permitted Outright](#)

[19.16.030 Conditional Uses Permitted](#)

[19.16.040 Dimensional Standards](#)

[19.16.050 Use Setbacks](#)

[19.16.060 Site Plan Review](#)

[19.16.070 Site Plan Requirements](#)

[19.16.080 Special Requirements Relating To Residential Areas](#)

[19.16.090 Procedure Upon Filing Of Site Plan](#)

[19.16.100 Approval Of Site Plan](#)

[19.16.110 Bond](#)

[19.16.120 Failure To Comply](#)

[19.16.130 Exceptions](#)

[19.16.140 SM Nonconforming Uses](#)

[19.16.150 Nuisances](#)

19.16.010 Purpose

The purpose of the Surface Mining Zone is to allow the extraction of surface mining materials needed by the community while protecting the health and safety of ~~adjoining-abutting~~ residents and uses.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.020 Uses Permitted Outright

In the SM Zone, the following uses and their accessory uses are permitted outright subject to the provisions of DCC 19.16:

- A. Extraction of all materials, sand, gravel, rock, cinders, pumice, topsoil, fill material (including select fill) and any other mineral or aggregate material.
- B. Crushing, processing, washing and sizing located at least one-half mile from a residential area.
- C. Caretaker's residence.
- D. Buildings, structures, apparatus, equipment and appurtenances necessary for these uses to be carried on.
- E. Sale of products produced from the site.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.030 Conditional Uses Permitted

In an SM Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions subject to DCC 19.76 and 19.100:

- A. Ore smelter using materials from the site subject to stringent pollution controls.
- B. Crushing, processing, washing and sizing when located within one-half mile of a residential dwelling unit.
- C. Other related activities using materials found primarily on the site, such as concrete batching plants and mineral refining plants, when within one-half mile of a residential dwelling unit.
- D. Landfills when a written tentative approval by DEQ is submitted with the conditional use application.
- E. Utility facility.
- F. Hydroelectric facility, in accordance with DCC 19.88 and 19.100.

- G. Low intensity recreational uses in SM zones within the Inner Urban Growth Boundary, (IUGB), such as BMX bicycle tracks, ball fields, and parks and open space, subject to the criteria set forth in DCC 19.100.030 and the following:
1. The surface mining shall have been completed on the area to be utilized for recreational purposes and the site reclaimed prior to or in conjunction with the proposed recreational use. These preconditions shall not apply where no resource exists on the area to be used.
 2. A showing that with respect to the proposed recreational use, the adjacent mining operation, as currently operated and as may foreseeably be operated in the future, will be able to operate without violating DEQ noise and dust standards applicable to noise or dust-sensitive uses.
 3. The applicant and/or proprietor of the recreational use shall sign and record in the Deschutes County Book of Records a statement declaring that the applicant and the applicant's successors will not now or in the future complain about permitted surface mining activities on the adjacent surface mining site.
 4. The proposed recreational use shall be setback 250 feet from existing surface mining operations and those that may foreseeably be located on the site in the future.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-017](#) §4 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-028](#) §1 on 7/17/1991

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.16.040 Dimensional Standards](#)

In an SM Zone, the following dimensional standard shall apply: The minimum lot or parcel size shall be as determined by the Planning Director to be necessary for the protection of the public health, safety, and welfare.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.16.050 Use Setbacks](#)

- A. Uses within an SM Zone shall maintain a 100 foot setback from the property line when adjacent to a residential dwelling unit.
- B. Three hundred foot setback shall be maintained from the property lines adjoining abutting roads that are in Landscape Management Areas as defined in the Comprehensive Plan, as well as from any stream or lake.
- C. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §6 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.060 Site Plan Review

(Not to apply to nonconforming uses as defined in DCC 19.16.140.) In an SM Zone, a use permitted outright or a conditional use shall be subject to the provisions of DCC 19.16.060. Before development of any new site or expansion of any existing site beyond the area covered by an existing state or county permit may begin after the effective date of DCC Title 19, a site plan shall be approved by the Planning Director. Construction and development of the site shall be in full conformance with the approved site plan.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.070 Site Plan Requirements

A site plan shall provide for the following:

- A. A reclamation plan, meeting guidelines and in a format established by the County and satisfying such additional standards as are set forth herein.
- B. A maintenance program. All buildings, structures and equipment used for the production and processing of minerals and other materials affected by DCC Title 19 shall be maintained in such a manner as to assure that such buildings, structures and equipment will not become dilapidated or hazardous. The reclamation plan shall also address disposition of buildings, structures and equipment used in production and processing of minerals and other materials, offices, storage garage and watchman's house or any remains thereof.
- C. Air, water and noise requirements. Air and water quality and noise level shall be in accordance with the requirements of state and federal laws and regulations and County ordinances.
- D. A complete description of all planned uses.
- E. The Planning Director may require the following at the time of site plan approval:
 1. An increase or decrease in required setbacks.
 2. Screening of the proposed use, or parts thereof, by fencing or landscaping.
 3. Limitations on lighting.
 4. An adequate plan for phased mining and reclamation of the site.
 5. Restrictions on the hours, days and noise levels of operation.

6. Applicants may be required to provide dust-free site access roads near residential areas.
7. When SM operations meet the criteria for conflict levels III or IV as specified below, the Planning Director may, in addition, place more stringent criteria upon the operations in accordance with DCC 19.16.080.
8. Adequate water supplies to enable landscaping reclamation and dust control conditions are to be met.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.080 Special Requirements Relating To Residential Areas

- A. Unless the applicant can show that the natural topography of the site offers sufficient screening of the site from public view, the exposed side of the operation shall be screened with landscaped berms, hedges, walls, fences or similar devices to effectively screen the site from the public.
- B. If necessary, during the site plan review, the Planning Director may determine that meeting screening requirements is not economically feasible or physically possible.
- C. When an unusually high level of conflict exists off-site, stock piling and/or processing may be required.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.090 Procedure Upon Filing Of Site Plan

- A. Each application and site plan shall be reviewed by the Planning Director for conformance with DCC Title 19 and the Comprehensive Plan. The Director shall transmit the application to affected agencies for their review.
- B. Following receipt of the application, the Planning Director shall notify, in writing, the applicant and persons and agencies entitled to written notice as defined in County Ordinance No. 82-011. The Planning Director may hold a meeting with affected persons and the applicant to discuss the proposed plan before making his decision or only request written comments to be submitted. The entire process leading to a decision shall not exceed 45 days.
- C.
 1. If, after the Planning Director renders his decision, the applicant or affected persons feels it necessary, the applicant or affected person may appeal the decision to the Hearings Officer. If such a decision is referred to the Hearings Officer, he may at his discretion, either hold a public hearing and call for public testimony, or he may determine the case without open public testimony and hearing by weighing the evidence as presented by

the Planning Director and the applicant and then making a decision. In either case, the procedure before the Hearings Officer shall follow the applicable portions of the Procedural Ordinance, No. 82-011. The Hearings Officer's decision may be appealed to the board by the applicant, affected person or Planning Director.

2. Hearings Officer review, which shall occur when the site is submitted with a proposed zone change, shall follow in accordance with County Procedural Ordinance No. 82-011.
3. The Planning Director's and/or Hearings Officer's decision shall be based on the impact of the proposed use on nearby uses of land, the impact of traffic on affected streets and roads and the economic, social and environmental impact on the community.
4. The Planning Director and/or Hearings Officer shall approve a site plan only if in conformance with all applicable regulations, DCC Title 19 and the Comprehensive Plan.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [82-011](#) §3 on 8/9/1982

Amended by Ord. [86-033](#) §1 on 4/2/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.16.100 Approval Of Site Plan

(Not to apply to nonconforming uses as defined in DCC 19.16.140.)

- A. A site plan final approval shall expire 12 months from the date of approval unless the project has commenced in accordance with the approved site and reclamation plans. Upon petition by the original applicant showing good cause, an extension for an additional 12 months may be granted by the Planning Director. The operating approval shall be valid for a period of time specified by the reclamation plan, except as otherwise limited therein.
- B. The Planning Director or his designate shall review each site plan approval annually. A reasonable fee for this inspection shall be paid to the County by the permittee. Unless a violation of the site plan or obvious health or safety hazard is found, the permit shall be renewed. The Planning Director's decision may be appealed as in DCC 19.16.090(C).

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.110 Bond

A bond or security deposit shall be required of all applicants sufficient to cover costs plus 10% of necessary road improvements, berming, reclamation, landscaping and other pertinent conditions.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.120 Failure To Comply

- A. If the Planning Director determines that the permittee is not in compliance with the site plan, he may institute enforcement proceedings to require such compliance. Enforcement may include citing the permittee to District Court, injunctive proceedings or enforcement of the bond provisions.
- B. If a permittee fails to faithfully perform the reclamation required by his reclamation plan, or if the bond or security deposit required by DCC 19.16.110 is not sufficient to compensate the County for all reasonable necessary expenses incurred by it in performing the reclamation plan, the amount due shall be a lien upon all property, whether real or personal, owned by the permittee.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.130 Exceptions

DCC Title 19 shall not apply to the following:

- A. Excavation or grading operations conducted in the process of farming or cemetery operations.
- B. Mineral and aggregate activities when assumed by the Oregon Division of State Lands pursuant to ORS 196.800 through 196.870.
- C. Nothing herein shall be construed to supersede the provisions of the Forest Practices Act (ORS 527.610 through 527.770, 527.990(1) and 527.992) and regulations thereunder which preempt County law.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.140 SM Nonconforming Uses

This title shall not apply to uses having a valid state permit upon the date of adoption of this title. Expansion of existing uses beyond the area covered by state or county permit shall be consistent with this title.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.16.150 Nuisances

Any use which creates a nuisance shall be reviewed by the Planning Director at the time of a citizen complaint or complaint by planning Department staff. Such review shall carry penalties as outlined in DCC 19.120.020.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [80-217](#) §1 Exhibit A on 12/18/1980

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

CHAPTER 19.20 SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2

[19.20.010 Purpose](#)

[19.20.020 Permitted Uses](#)

[19.20.030 Conditional Uses](#)

[19.20.040 Height Regulations](#)

[19.20.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

[19.20.055 Land Divisions](#)

[19.20.060 Off-Street Parking](#)

[19.20.070 Other Required Conditions](#)

19.20.010 Purpose

To encourage, accommodate, maintain and protect large lot suburban type residential development in areas with DEQ permitted community or municipal sewer systems or individual sewage disposal systems where soil will accommodate individual disposal systems and sewer service is not available and in areas which, because of location and physical characteristics, are well suited for such development.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §2 on 5/19/1993

19.20.020 Permitted Uses

The following uses are permitted:

- A. Single-~~family-unit~~ dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Home occupations subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Accessory Dwelling Units, subject to DCC 19.92.150.
- F. Child care facility and/or preschool
- G. Residential Accessory Dwelling Units, subject to DCC 19.92.160.

H. Residential home.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §6 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §4 on 1/28/1991

Amended by Ord. [93-018](#) §3 on 5/19/1993

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2019-009](#) §5 on 9/3/2019

Recorded by Ord. [2019-009](#) §5 on 9/3/2019

Amended by Ord. [2020-001](#) §20 on 4/21/2020

Amended by Ord. [2020-010](#) §9 on 7/3/2020

Amended by Ord. [2023-014](#) §6 on 12/1/2023

Amended by Ord. [2024-008](#) §19 on 10/9/2024

[19.20.030 Conditional Uses](#)

The following conditional uses may be permitted subject to a conditional use permit as provided in DCC 19.76 and 19.100:

- A. Religious institution or assembly subject to DCC 19.88.040.
- B. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot or parcel in a residential district and subject to DCC 19.88.030.
- C. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit, and subject to DCC 19.88.050.
- D. Public, parochial and private schools, including kindergartens; but not including business, dancing, trade, technical or similar schools subject to DCC 19.88.160.
- E. Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses, or similar uses.
- F. Recreation facilities, public or private; but not including such intensive commercial recreation uses as a racetrack or amusement park.
- G. Utility substations or pumping stations with no equipment storage and sewage treatment facilities subject to DCC 19.88.120.
- H. Keeping of livestock subject to DCC 19.88.070.
- I. Kennel or commercial riding stable subject to DCC 19.88.020.
- J. Planned unit development subject to the provisions of DCC 19.104.
- K. Plant nurseries subject to DCC 19.88.180.
- L. Hydroelectric facility subject to DCC 19.88 and 19.100.

M. Time share unit subject to DCC 19.88.230.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [81-006](#) §2 on 2/4/1981

Amended by Ord. [83-045](#) §3 on 6/15/1983

Amended by Ord. [86-017](#) §5 on 6/30/1986

Amended by Ord. [88-042](#) §7 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §5 on 1/28/1991

Amended by Ord. [2020-001](#) §20 on 4/21/2020

Amended by Ord. [2020-010](#) §9 on 7/3/2020

[19.20.040 Height Regulations](#)

No building or structure shall hereafter be erected, enlarged or structurally altered to exceed 30 feet in height.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.20.050 Lot Requirements Dimensional Standards And Setbacks](#)

The following lot or parcel requirements shall be observed:

- A. Lot Area. Each lot or parcel shall have a minimum area of 2.5 acres, except as provided in DCC 19.20.055(A)(1)(b).
- B. Lot Width. Each lot or parcel shall be a minimum width of 200 feet.
- C. Front ~~Yard~~Setback. The front ~~yard~~-setback shall be a minimum of 40 feet.
- D. Side ~~Yard~~Setback. There shall be a minimum side ~~yard~~-setback on each side of a building of not less than 10 feet.
- E. Rear ~~Yard~~Setback. There shall be a rear ~~yard~~-setback ~~having a depth~~ of not less than 20 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

(Ord. 96-017 §1, 1996)

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §7 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [93-018](#) §4 on 5/19/1993

[19.20.055 Land Divisions](#)

- A. For subdivisions, residential planned unit developments, or land partitions resulting in more than two lots or parcels, the following standards shall apply in addition to the requirements of DCC Title 17:
1. Lot size.
 - a. The minimum lot or parcel size for single-~~family unit dwelling~~ residential uses shall be 2.5 acres.
 - b. For residential planned unit developments, lot or parcel sizes shall be consistent with a minimum housing density of 0.1 units per acre and a maximum density of 0.4 units per acre.
 2. Lot Layout. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject property or adjacent properties.
 3. Street Improvements. On-site street right of way sufficient to meet design standards required by the Transportation Plan shall be dedicated.
 4. Sewage Disposal.
 - a. Inside the acknowledged Bend Urban Growth Boundary connection of the lots or parcels to sewer shall be a condition of tentative plat approval. Unless required sewer improvements are bonded pursuant to DCC Title 17, sewer must be brought to the property line of each lot or parcel before the final plat can be approved. In instances where the sewer improvements are bonded, no building permits shall be issued until all sewer improvements have been made.
 - b. Outside the acknowledged Bend Urban Growth Boundary on-site individual sewage disposal systems may be used where soil will accommodate such systems.
- B. For partitions resulting in two lots or parcels, the following standards and criteria shall apply in addition to and notwithstanding any requirements of DCC Title 17:
1. Partition Configuration.
 - a. A two-lot partition shall consist of a segregated lot or parcel and a larger parent lot or parcel.
 - b. The segregated lot or parcel shall be no larger than 2.5 acres, unless additional area is required to accommodate an existing or proposed use, in which case the area shall be as small as possible to accommodate the use.
 1. In determining that the lot or parcel is as small as possible, consideration shall be limited to the area necessary for subsurface sewage disposal and reserve area, residential and accessory development, required setbacks, and any land necessary to accommodate allowable expansion of the use.

2. Lot Layout. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject or adjacent properties.
3. Street improvements.
 - a. Dedication of on-site street right of way sufficient to meet design standards required by the Transportation Plan shall be required.
 - b. Except as otherwise allowed in DCC 19.20.055(B)(3)(b)(1), (2) and (3), streets fronting on the lots or parcels shall be improved to urban standards, as set forth in DCC Title 17.
 1. Where both the parent and segregated lot or parcel are occupied by existing development, no additional street improvements are required.
 2. Where one of the two lots or parcels is developed, the street need not be brought up to urban standards at the time of partition. The undeveloped lot or parcel shall be subject to a development agreement in a form satisfactory to County Counsel requiring that the street fronting both lots or parcels resulting from the partition be improved to urban standards. This agreement shall be entered into with the county and recorded at the same time as the recording of the final plat. Such improvements must be made prior to the issuance of a building permit on the undeveloped lot or parcel.
 3. Where both lots or parcels are undeveloped at the time of partition, one lot or parcel shall be subject to the development agreement described in DCC 19.20.055(B)(3)(b)(2).
 - c. A recorded nonremonstrance agreement in a form satisfactory to County Counsel, for future road or drainage improvements within the right of way abutting the lots or parcels shall be required.
4. Sewage Disposal.
 - a. Pursuant to DEQ rules, new development and existing nonresidential development shall be served by sewer when sewer is available.
 - b. Sewer is considered available if a sewer line is within 300 feet of a lot line of the parent lot or parcel unless there are topographic or man-made features which make connection physically impractical or the sewer provider determines that the sewer connection can be deferred.
 - c. Where an existing residence is served by a septic system and drain field, a sewer agreement in a form prepared by the City of Bend shall be executed with the city requiring hookup to the sewer system when sewer becomes available.
 - d. For undeveloped lots or parcels where sewer is not available, a sewer agreement shall be executed on a form prepared by the City of Bend setting

forth the terms and conditions under which sewer services will be provided when sewer becomes available.

5. The property owner shall execute a consent to annexation to the City of Bend for the land area covered by the partition on a form prepared by the city, which form shall be recorded in the Deschutes County deed records no later than the time the plat is recorded.
6. A restrictive covenant shall be recorded for each lot or parcel in conjunction with the final plat that prohibits further division of those lots or parcels until the lot or parcel can be served by DEQ-permitted community or municipal sewer system and urban standard roads.

HISTORY

Adopted by Ord. [93-018](#) §5 on 5/19/1993

Amended by Ord. [93-040](#) §1 on 7/14/1993

Amended by Ord. [98-005](#) §1 on 1/14/1998

[19.20.060 Off-Street Parking](#)

Off-street parking shall be provided as required in DCC 19.80.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.20.070 Other Required Conditions](#)

See DCC 19.88, applying to Special Uses, and DCC 19.76.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[CHAPTER 19.22 WESTSIDE TRANSECT ZONE; WTZ](#)

[19.22.010 Purpose](#)

[19.22.020 Permitted Uses](#)

[19.22.030 Conditional Uses](#)

[19.22.040 Height Regulations](#)

[19.22.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

[19.22.060 Land Divisions](#)

[19.22.070 Street Improvements](#)

[19.22.080 Off-Street Parking](#)

[19.22.090 Fence Standards](#)

[19.22.010 Purpose](#)

To accommodate and provide standards for land located between urban and rural, forested, park or federal areas that provides a transitional residential development pattern with densities ranging from

one unit per 2.5 to 10 acres to guide development of communities which are designed and managed to protect wildlife habitat and establish and maintain wildfire mitigation and prevention strategies.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

19.22.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-~~family-unit~~ dwelling.
- B. Home occupation subject to DCC 19.88.140.
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- D. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- E. Residential home.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2023-014](#) §7 on 12/1/2023

Amended by Ord. [2024-008](#) §20 on 10/9/2024

19.22.030 Conditional Uses

The following uses and their accessory uses may be permitted subject to site plan review and a conditional use permit as provided in DCC 19.76, 19.88, and 19.100:

- A. Public, parochial and private schools, including nursery schools, kindergartens and day nurseries; but not including business, dancing, trade, technical or similar schools subject to DCC 19.88.160.
- B. Parks and recreation facilities, community buildings and fire stations; but not including storage or repair yards, warehouses, or similar uses.
- C. Utility facility, including wireless telecommunications facilities, subject to DCC 19.88.120.
- D. Religious institutions or assemblies.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2020-001](#) §21 on 4/21/2020

19.22.040 Height Regulations

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except for schools which shall not exceed 45 feet in height.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

19.22.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks

The following requirements shall be observed:

- A. Lot Area. Each lot or parcel shall have a minimum of 2.5 acres.
- B. Lot Width. Each lot or parcel shall be a minimum width of 125 feet.
- C. Front ~~Yard~~Setback. The front ~~yard~~-setback shall be a minimum of 40 feet.
- D. Side ~~Yard~~Setback. There shall be a minimum side ~~yard~~-setback of 30 feet.
- E. Rear ~~Yard~~Setback. There shall be a minimum rear ~~yard~~-setback of 30 feet.
- F. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.
- G. Park Setback. The setback from Shevlin Park shall be a minimum of 100 feet.
- H. Slope Setback - Tumalo Creek Canyon. There shall be a minimum setback of 30 feet from the edge of the Tumalo Creek canyon rimrock.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2021-009](#) §1 on 6/18/2021

19.22.060 Land Divisions

All residential subdivisions shall be master planned under DCC 17.16.050 and shall comply with the following.

- A. Master Development Plan Requirements. In addition to the overall master development plan requirements of DCC 17.16.050, such master development plans in the Westside Transect Zone shall also demonstrate:
 - 1. The lot or parcel configuration, street layout, parking lots, trails and any open space, common areas, and public parks are designed to be compatible with existing or projected uses on adjacent properties and provide sufficient public access to and through the subject property;
 - 2. The development contributes to the preservation of natural and physical features of the site; and
 - 3. Compliance with provisions of the Oregon State Scenic Waterway Act and the Deschutes County Landscape Management Combining Zone, as applicable.
- B. Residential lots or parcels shall be limited to 100 residential lots or parcels for the North Transect and 87 residential lots or parcels for the South Transect, as depicted on Figure 1.
- C. The subdivision shall be designed in accordance with a Wildlife Habitat Management Plan and a Wildfire Mitigation Plan for the subdivided property as described below and submitted with the master development plan application.

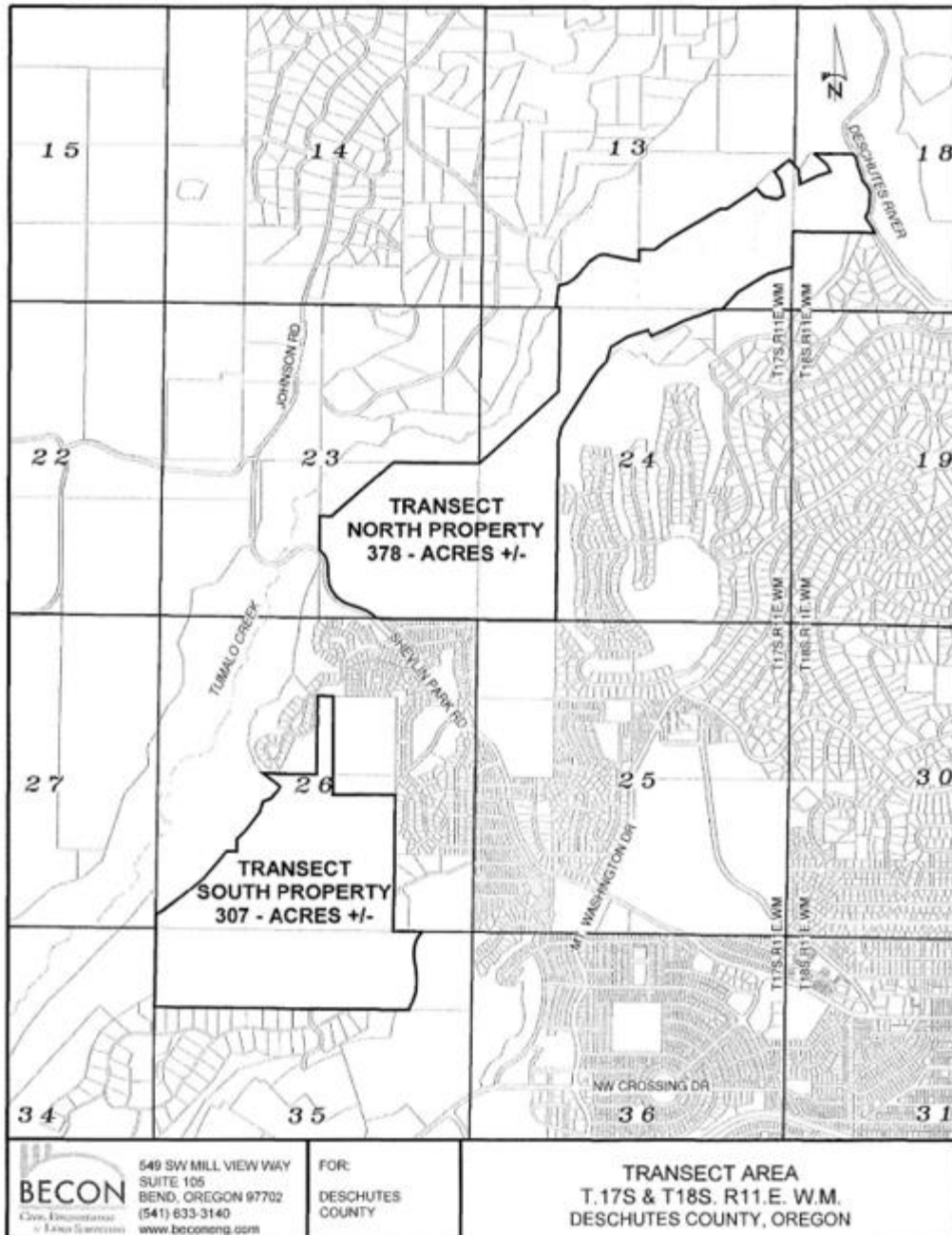
1. A Wildlife Habitat Management Plan prepared by a professional biologist which identifies important wildlife habitat and migration corridors and contains provisions for deed restrictions or restrictive covenants which include but are not limited to the following components:
 - a. Dedicated open space and/or resource management corridors with specific enforceable measures to aid in wildlife migration and protect habitat within these areas.
 - b. Specific vegetation management standards for areas within the open space and/or resource management corridors to protect wildlife habitat funded through homeowner assessment and performed, monitored and enforced by the homeowners association.
 - c. Specific setbacks from wildlife corridors.
 - d. Provisions which demonstrate coordination with the Wildfire Mitigation Plan described below to establish joint management objectives and designated areas for wildlife habitat measures which are outside of the defensible space and wildfire mitigation areas.
 - e. Requirements for annual review of the plan by a professional biologist and a reporting of those findings and any recommended alterations to the plan to the homeowner association.

2. A Wildfire Mitigation Plan prepared by a professional forester that identifies and includes enforceable measures to prevent the ignition and spread of wildfire, and contains provisions for deed restrictions and/or restrictive covenants, enforced by a homeowners association, which include but are not limited to the following components:
 - a. Requirement to develop and maintain all residential lots or parcels in compliance with the most current National Fire Protection Association (NFPA) Zone 1, 2 and 3 standards, containing concentric rings extending outward from the structure implementing the defense in depth approach, with Zone 1: 30 feet adjacent to structures, Zone 2: 30 to 100 feet from structures, and Zone 3: 100 to 200 feet from structures.
 - b. Enhanced construction design and materials to prevent home ignition from external fire sources.
 - c. Requirements and specific provisions for ongoing vegetation management funded through homeowner assessment and performed, monitored, and enforced by the homeowners association, as adopted by Deschutes County or as recommended in forest management plan, whichever standard is the most stringent.
 - d. Provisions which demonstrate coordination with the Wildlife Habitat Management Plan described above to establish joint management objectives

and designated areas for wildlife habitat measures which are outside of the defensible space and wildfire mitigation areas.

- e. Requirements for annual review of the plan by a professional forester and annual reporting of those findings and any recommended alterations to the plan to the homeowner association.
- D. A Stewardship Community Plan which includes provisions designed to educate residents of the unique resource values of the area and the community goals to utilize best management practices in the community development and operation to protect wildlife habitat and to establish and implement firewise community strategies.
- E. Mandate deed restrictions and/or restrictive covenants that implement lot or parcel-specific and applicable general provisions of the Wildlife Habitat Management and Wildfire Mitigation Plans. The deed restrictions and/or restrictive covenants must run with the land and must be enforceable by the homeowner association.
- F. Mandate that the recorded duties and obligations of the homeowners association compel the homeowners association to provide for enforcement of the deed and/or covenant restrictions, maintenance of any common property, open space or resource management corridors and private streets, and provide for the assessment and collection of fees to fund the deed and/or covenant restrictions.
- G. If phasing is proposed, a phasing plan for the tentative subdivision plats shall be provided. Each tentative subdivision application shall include a plat map meeting the subdivision requirements of DCC Title 17, the Subdivision / Partition Ordinance, except as may be specifically modified herein.

CHAPTER 19.22 - FIGURE 1



HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

Amended by Ord. [2020-007](#) §18 on 10/27/2020

[19.22.070 Street Improvements](#)

Subject to applicable provisions of DCC Title 17, streets within the Westside Transect Zone may be private. For proposed private roads, on-street parking is prohibited and the owner shall submit proof of a

homeowner's association, deed restriction or the equivalent to assure continued ownership, maintenance and repair of the private streets.

- A. Notwithstanding the allowance for private roads, the county may determine that public road(s) are required to meet public access and/or regional transportation needs and goals, including but not limited to a collector road to provide north-south connectivity through the Westside Transect Zone. The owner and homeowners association shall be jointly liable and responsible for all costs associated with initial construction of any such public road (including the one-year guarantee).

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

[19.22.080 Off-Street Parking](#)

Off-street parking shall be provided as required in DCC 19.80.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

[19.22.090 Fence Standards](#)

The following fencing provisions shall apply for any fences constructed as a part of residential development:

- A. New fences shall be designed to permit wildlife passage. The following standards and guidelines shall apply unless an alternative fence design which provided equivalent wildlife passage is approved by the County after consultation with the Oregon Department of Fish and Wildlife:
 - 1. The distance between the ground and the bottom strand or board of the fence shall be at least 15 inches.
 - 2. The height of the fence shall not exceed 48 inches above ground level.
 - 3. Smooth wire and wooden fences that allow passage of wildlife are preferred. Woven wire fences are discouraged.
- B. Fences encompassing less than 10,000 square feet which surround or are adjacent to residences or structures are exempt from the above fencing standards.

HISTORY

Adopted by Ord. [2019-001](#) §8 on 4/16/2019

[CHAPTER 19.24 \(REPEALED\)](#)

HISTORY

Amended by Ord. [92-009](#) §1 on 2/12/1992

Amended by Ord. [96-084](#) §1 on 12/4/1996

Repealed by Ord. [2016-023](#) on 9/28/2016

[CHAPTER 19.28 URBAN STANDARD RESIDENTIAL ZONE; RS](#)

[19.28.010 Purpose](#)

[19.28.020 Permitted Uses](#)

[19.28.030 Conditional Uses](#)

[19.28.040 Height Regulations](#)

[19.28.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

[19.28.055 Land Divisions](#)

[19.28.060 Off-Street Parking](#)

[19.28.070 Other Required Conditions](#)

19.28.010 Purpose

The RS Zone is intended to provide for the most common urban residential densities in places where community sewer services are or will be available and to encourage, accommodate, maintain and protect a suitable environment for family living.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.28.020 Permitted Uses

The following uses are permitted:

- A. Single-~~family unit~~ dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Rooming and boarding of not more than two persons.
- D. Home occupation subject to the provisions of DCC 19.88.140.
- E. Other accessory uses and buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- F. Child care facility and/or preschool.
- G. Residential home.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2020-010](#) §10 on 7/3/2020

Amended by Ord. [2024-008](#) §21 on 10/9/2024

19.28.030 Conditional Uses

The following uses may be permitted subject to a conditional use permit and the provisions of DCC 19.76 and 19.100:

- A. Manufactured home subdivision subject to standards of DCC 19.88.280.

- B. Religious institutions or assemblies subject to DCC 19.88.040.
- C. Cemeteries and mausoleums, crematories, columbariums and mortuaries within cemeteries provided that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery, within 200 feet of a lot or parcel in a residential district and subject to DCC 19.88.030.
- D. Public, parochial and private schools, including kindergartens; excluding business, dancing, trade, technical or similar schools subject to DCC 19.88.160.
- E. Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses, or similar uses.
- F. Recreation facilities, including country clubs, golf courses, swimming clubs, tennis clubs; but not including such intensive commercial recreation uses as a racetrack or amusement park.
- G. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
- H. Planned unit developments subject to provisions of DCC 19.104.
- I. Temporary subdivision tract offices.
- J. Rear lot or parcel development subject to site plan approval as provided in DCC 19.76 and DCC 19.88.130.
- K. Community buildings, lodge and fraternal organizations, except those carried on as a business for profit and subject to DCC 19.88.050.
- L. Duplex in areas designated RS provided that each lot or parcel occupied by a duplex shall have a minimum area of 12,000 square feet.
- M. Two single-~~family-unit~~ dwellings on one lot or parcel in areas designated RS provided that each lot or parcel occupied by two single-~~family-unit~~ dwellings shall have a minimum area of 12,000 square feet and also provided that all ~~yard-setback~~ and coverage requirements set forth in DCC 19.28.050 are observed. In addition, no dwelling unit shall be located within 10 feet of any other dwelling unit on the same lot or parcel. There shall be provided for the rear dwelling unit unoccupied and unobstructed access not less than 15 feet wide to the street fronting the lot or parcel.
- N. Keeping of livestock subject to DCC 19.88.070.
- O. Moving in a single-~~family-unit~~ dwelling built prior to January 1, 1961.
- P. Manufactured ~~home-dwelling~~ park subject to DCC 19.88.280.
- Q. Condominiums.
- R. Plant nurseries subject to DCC 19.88.180.
- S. Time share unit or the creation thereof, subject to DCC 19.88.230.

- T. Hydroelectric facility in accordance with DCC 19.100 and DCC 19.88.190.
- U. Dwelling groups, subject to the provisions of DCC 19.88.250.
- V. Radio and television transmission facilities.
- W. Bed and breakfast inn, subject to the standards set forth in DCC 19.88.260.
- X. Residential care facility.
- Y. Zero Lot Line Subdivision or Partition. Regulations for a side ~~yard~~-setback may be waived for an approved zero lot line subdivision or partition.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [81-006](#) §4 on 2/4/1981

Amended by Ord. [83-045](#) §5 on 6/15/1983

Amended by Ord. [86-017](#) §7 on 6/30/1986

Amended by Ord. [88-042](#) §8 on 12/19/1988

Amended by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2020-001](#) §22 on 4/21/2020

Amended by Ord. [2020-010](#) §10 on 7/3/2020

[19.28.040 Height Regulations](#)

No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.28.050 Lot Requirements Dimensional Standards And Setbacks](#)

The following lot or parcel requirements shall be observed, provided that the Hearings Body or Planning Director may allow smaller lots, parcels, or different housing types in a new subdivision approved pursuant to this title and consistent with the Comprehensive Plan designations for preservation of forested areas or significant rock outcroppings when these lots or parcels are internal to the subdivision or after hearing if they are located on the edge of the new plat.

- A. Lot Area. Every lot or parcel shall have a minimum area of 6,000 square feet, except as provided in DCC 19.28.055(A)(1)(b).
- B. Lot Width. Every lot or parcel shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
- C. Frontage. Every lot or parcel shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac, this may be reduced to 30 feet.
- D. Front ~~Yard~~Setback. The front ~~yard~~-setback shall be either a minimum of 20 feet, except an existing 40 or 50 foot corner lot may have one front ~~yard~~-setback of 10 feet provided that the

garage or carport is at least 20 feet from the property line, or a minimum of 10 feet from the property line when the following conditions exist:

1. The lot or parcel is within a platted subdivision and the garage is setback a minimum of 20 feet from the front property line, and
 2. The lot or parcel fronts on a local public or private street.
- E. Side YardSetback. A side yard-setback shall be a minimum of five feet and the sum of the two side yards-setbacks shall be a minimum of 15 feet.
- F. Rear YardSetback. The rear yard-setback shall be a minimum of five feet.
- G. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.
- H. Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §9 on 6/1/1983

Amended by Ord. [93-018](#) §9 on 5/19/1993

Amended by Ord. [97-082](#) §1 on 12/10/1997

19.28.055 Land Divisions

- A. For subdivisions, residential planned unit developments, or land partitions resulting in more than two lots or parcels, the following standards shall apply in addition to the requirements of DCC Title 17:
1. Lot size.
 - a. The minimum lot or parcel size for single family-unit dwelling residential uses shall be 6,000 square feet and the maximum single family-unit dwelling residential lot or parcel size shall be 20,000 square feet.
 - b. For residential planned unit developments, lot or parcel sizes shall be consistent with a minimum housing density of 2.3 units per acre and a maximum density of 7.3 units per acre.
 2. Lot Layout. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject property or adjacent properties.
 3. Street Improvements. On-site street right of way sufficient to meet design standards required by the Transportation Plan shall be dedicated.
 4. Sewer. All new lots or parcels shall be connected to a Department of Environmental Quality-permitted community or municipal sewer system.

- a. Connection of the lots or parcels to sewer shall be a condition of tentative plat approval. Unless required sewer improvements are bonded pursuant to DCC Title 17, sewer must be brought to the property line of each lot or parcel before the final plat can be approved. In instances where the sewer improvements are bonded, no building permits shall be issued until all sewer improvements have been made.
- B. For partitions resulting in two lots or parcels, the following standards and criteria shall apply in addition to and notwithstanding any requirements of DCC Title 17:
1. Partition Configuration.
 - a. A two-lot partition shall consist of a segregated lot or parcel and a larger parent lot or parcel.
 - b. The segregated lot or parcel shall be no larger than 20,000 square feet, unless additional area is required to accommodate an existing or proposed use, in which case the area shall be as small as possible to accommodate the use.
 1. In determining that the lot or parcel is as small as possible, consideration shall be limited to the area necessary for subsurface sewage disposal and reserve area, residential and accessory development, required setbacks, and any land necessary to accommodate allowable expansion of the use.
 - c. A parent lot or parcel greater than 20,000 square feet and less than five acres in size requires a redevelopment plan. The redevelopment plan shall demonstrate that consistent with the requirements of DCC Title 17, it is feasible for the lot or parcel to accommodate future subdivision at the average density proposed in the Comprehensive Plan (4.8 units per acre).
 1. The redevelopment plan shall consist of a map showing proposed lots, parcels, or building envelopes, and roads to serve those lots, parcels, or building envelopes, and of restrictive covenants incorporating the redevelopment map and restricting further development of the parent lot or parcel except in conformance with the redevelopment map.
 2. The restrictive covenant shall be recorded in the Deschutes County deed records in conjunction with the recording of the partition plat.
 2. Layout of lots or parcels. The location of lot lines shall not significantly reduce feasible options for the future locations of streets, or utility services, or preclude development options on the subject or adjacent properties.
 3. Street improvements.
 - a. Dedication of on-site street right of way sufficient to meet design standards required by the Transportation Plan shall be required.

- b. Except as otherwise allowed in DCC 19.28.055(B)(3)(b)(1), (2) and (3), streets fronting on the lots or parcels shall be improved to urban standards, as set forth in DCC Title 17.
 1. Where both the parent and segregated lot or parcel are occupied by existing development, no additional street improvements are required.
 2. Where one of the two lots or parcels is developed, the street need not be brought up to urban standards at the time of partition. The undeveloped lot or parcel shall be subject to a development agreement in a form satisfactory to County Counsel requiring that the street fronting both lots or parcels resulting from the partition be improved to urban standards. This agreement shall be entered into with the County and recorded at the same time as the recording of the final plat. Such improvements must be made prior to the issuance of a building permit on the undeveloped lot or parcel.
 3. Where both lots or parcels are undeveloped at the time of partition, one lot or parcel shall be subject to the development agreement described in DCC 19.28.055(B)(3)(b)(2).
 - c. A recorded nonremonstrance agreement in a form satisfactory to County Counsel, for future road or drainage improvements within the right of way abutting the lots or parcels shall be required.
4. Sewer.
 - a. New development shall be served by sewer when sewer is available.
 - b. Sewer is considered available if a sewer line is within 300 feet of a lot line of the parent lot or parcel unless there are topographic or man-made features which make connection physically impractical or the sewer provider determines that the sewer connection can be deferred.
 - c. Where an existing residence is served by a septic system and drain field, a sewer agreement in a form prepared by the City of Bend shall be executed with the City requiring hookup to the sewer system when sewer becomes available.
 - d. For undeveloped lots or parcels where sewer is not available, a sewer agreement shall be executed on a form prepared by the City of Bend setting forth the terms and conditions under which sewer services will be provided when sewer becomes available.
 5. The property owner shall execute a consent to annexation to the City of Bend for the land area covered by the partition on a form prepared by the City, which form shall be recorded in the Deschutes County deed records no later than the time the plat is recorded.

6. A restrictive covenant shall be recorded for each lot or parcel in conjunction with the final plat that prohibits further division of those lots or parcels until the lot or parcel can be served by DEQ-permitted community or municipal sewer system and urban standard roads.

HISTORY

Adopted by Ord. [93-018](#) §10 on 5/19/1993

[19.28.060 Off-Street Parking](#)

Off-street parking shall be provided as required in DCC 19.80.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.28.070 Other Required Conditions](#)

See DCC 19.88 applying to Special Uses, and DCC 19.76.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[CHAPTER 19.32 \(REPEALED\)](#)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

[CHAPTER 19.36 \(REPEALED\)](#)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

[CHAPTER 19.40 \(REPEALED\)](#)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

[CHAPTER 19.44 \(REPEALED\)](#)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

[CHAPTER 19.48 \(REPEALED\)](#)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

[CHAPTER 19.52 \(REPEALED\)](#)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

CHAPTER 19.56 (REPEALED)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

CHAPTER 19.60 (REPEALED)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

CHAPTER 19.64 LIGHT INDUSTRIAL ZONE; IL

19.64.010 Purpose

19.64.020 Permitted Uses

19.64.030 Conditional Uses

19.64.040 Height Regulations

19.64.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks

19.64.060 Off-Street Parking And Loading

19.64.070 Other Required Conditions

19.64.010 Purpose

This zone is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the city.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.64.020 Permitted Uses

The following uses are permitted in the IL Zone subject to the provisions of DCC 19.76.

- A. Any permitted use in the IP Zone.
- B. Cold storage plants, including storage and office.
- C. Fuel oil distributors.
- D. Printing, publishing and book binding.
- E. Public utility buildings and yards.
- F. Veterinary clinic and hospitals operated entirely within an enclosed building.
- G. Light fabrication and repair shops, such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, sign, stone monuments, upholstery and welding.
- H. Assembly, manufacture or preparation of articles and merchandise from the following previously prepared types of materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, leather, precious or semiprecious metal or stones, shell, textiles, tobacco, wax, wire, wood (excluding

sawmills, lumber mills, planing mills, molding plants, particle board, wafer board, plywood and pulp process) yarns and paint not employing a boiling process.

- I. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfume, pharmaceuticals, perfumed toilet soap, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering and fermented foods, such as sauerkraut, vinegar and yeast.
- J. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, laundries, carpet and rug cleaning plants, cleaning and dyeing plants, tire retreading, recapping and rebuilding.
- K. Contractor's equipment, storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition.
- L. Manufacture of concrete products and ceramic products using only previously pulverized clay.
- M. Manufacture of musical instruments, novelties, rubber or metal stamps, toys, optical goods or precision instruments or equipment.
- N. Manufacture of artificial limbs, dentures, hearing aids, surgical instruments and dressings and other devices employed by the medical and dental professions.
- O. Mini storage units.
- P. Planned unit developments subject to the provisions of DCC 19.104.
- Q. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.
- R. Wholesale distribution of all standard types of prepared or packaged merchandise such as automobile supplies, drug and electrical supplies, furniture, food products, hardware, leather goods, plumbing supplies, textiles and fabrics and general merchandise.
- S. Public buildings.
- T. Child care facility and/or preschool.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §§27, 28 and 29 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [92-043](#) §2 on 5/20/1992

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2020-010](#) §11 on 7/3/2020

[19.64.030 Conditional Uses](#)

The following Conditional Uses may be permitted subject to a Conditional Use Permit and the provisions of DCC 19.76 and 19.100:

- A. Building over 35 feet in height.
- B. Livestock feed and sales yard.
- C. Ambulance service.
- D. Service commercial uses such as banks, offices, restaurants, cafes, refreshment stands, bars and taverns.
- E. All types of automobile, motorcycle and truck sales, service, repair and rental. Automobile and truck service stations subject to DCC 19.88.
- F. Boat building and repair.
- G. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
- H. Trailer sales, storage, and rental.
- I. Commercial parking lot.
- J. Kindergarten.
- K. Hydroelectric facility in accordance with DCC 19.100 and DCC 19.88.190.
- L. Manufactured home sales and service.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-017](#) §13 on 6/30/1986

Amended by Ord. [88-042](#) on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [92-008](#) §1 on 2/5/1992

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2020-010](#) §11 on 7/3/2020

[19.64.040 Height Regulations](#)

No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 35 feet without a conditional use permit.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.64.050 ~~Lot Requirements~~ Dimensional Standards And Setbacks](#)

The following lot or parcel requirements shall be observed:

- A. Lot Area. No requirements.
- B. Lot Width. Each lot or parcel shall have a minimum width of 100 feet~~No requirements.~~

~~C.~~ ~~Lot Depth.~~ Each lot shall have a minimum depth of 100 feet.

~~D.C.~~ Front ~~YardSetback~~. Ten feet, except when abutting a lot or parcel in an R Zone, and then the front ~~yard-setback~~ shall be the front ~~yard-setback~~ required in the abutting R Zone.

~~E.D.~~ Side ~~YardSetback~~. None, except when abutting a lot or parcel in an R Zone, and then the side ~~yard-setback~~ shall be a minimum of 20 feet. The required side ~~yard-setback~~ shall be increased by one-half foot for each foot the building height exceeds 20 feet.

~~F.E.~~ Rear ~~YardSetback~~. None, except when abutting a lot or parcel in an R Zone, and then the rear ~~yard-setback~~ shall be a minimum of 20 feet. The required rear ~~yard-setback~~ shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

~~G.F.~~ Lot Coverage. No requirements.

~~H.G.~~ Solar Setback. The solar setback shall be as prescribed in DCC 19.88.210.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §18 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.64.060 Off-Street Parking And Loading](#)

Off-street parking and loading space shall be provided as required in DCC 19.80.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.64.070 Other Required Conditions](#)

- A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot or parcel in an R Zone shall be conducted wholly within an enclosed building unless screened from the R Zone by a sight-obscuring fence or wall.
- B. Openings to structures on sides abutting to or across the street from an R Zone shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions that would have an adverse effect on property in the R Zone.
- C. Motor vehicle, boat or trailer rental, sales or storage lots shall be drained and surfaced with pavement, except in those portions of the lot maintained as landscaped areas.
- D. In any IL zone directly across the street from an R zone, the parking and loading area and outdoor display or storage areas shall be set back at least 10 feet from the right of way, and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining-abutting residential property. Such landscaping shall be maintained.

- E. Access points from a public road to properties in an IL zone shall be so located as to minimize traffic congestion and to avoid directing traffic onto access streets of a primarily residential character.
- F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.
- G. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
- H. All uses in the IL zone shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other zone.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §30 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

CHAPTER 19.68 (REPEALED)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

CHAPTER 19.70 (REPEALED)

HISTORY

Repealed by Ord. [2016-023](#) on 9/28/2016

CHAPTER 19.72 FLOOD PLAIN COMBINING ZONE; FP

[19.72.010 Purpose](#)

[19.72.020 Application Of FP Zone](#)

[19.72.030 Warning And Disclaimer Of Liability](#)

[19.72.040 Alteration Of Watercourses](#)

[19.72.050 Permit For Use Or Development In An FP Zone](#)

[19.72.060 Structural Elevation Data Required](#)

[19.72.070 Regulation Of Structures In An FP Zone](#)

[19.72.080 Construction Materials And Methods](#)

[19.72.090 Land Development Standards In A Flood Hazard Area](#)

[19.72.100 Manufactured Home Development Standards](#)

[19.72.110 Utilities Standards In A Flood Hazard Area](#)

[19.72.120 Floodways](#)

[19.72.130 Technical Variances](#)

[19.72.140 Historic Variance](#)

[19.72.150 Other Variances](#)

[19.72.160 Application For Variances](#)

[19.72.170 Granting Of Variances](#)

[19.72.010 Purpose](#)

It is the purpose of this zone to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazards so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.72.020 Application Of FP Zone](#)

- A. The FP Combining Zone shall apply to the area identified on the Flood Insurance Rate Map (FIRM) as special flood hazard areas inundated by 100-year flood and floodway areas. The FIA Flood Insurance Study for Bend and the FIRM map are hereby adopted and by this reference included herein. The A and AE zones shown on the FIRM map are hereby zoned FP.
- B. When base flood elevation data has not been provided on the FIRM, the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer DCC 19.72.020.
- C. Information to be obtained and maintained:
 - 1. Where base flood elevation data is provided through the Flood Insurance Study or as required in DCC 19.72.020(B), record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.

2. For all new or substantially improved flood proofed structures, record the actual elevation (in relation to mean sea level) of the structure's lowest floor. Obtain and maintain the flood proofing certifications required in DCC 19.72.070(B).

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.030 Warning And Disclaimer Of Liability

The degree of flood protection required by DCC 19.72.030 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the areas will be free from flooding or flood damages. This title shall not create liability on the part of the County, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this title or any administrative decision made hereunder.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.040 Alteration Of Watercourses

- A. Prior to any alteration or relocation of a watercourse, notice of the proposed alteration shall be given to affected, adjacent communities and the State Department of Water Resources and evidence of such notification submitted to the Federal Insurance Administration.
- B. The applicant shall maintain the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.050 Permit For Use Or Development In An FP Zone

No development shall occur in an FP Zone unless a permit has been received for the work. Except for improvement of an existing structure which is less than substantial, as determined by the County, no permit shall be issued unless the work will be reasonably safe from flooding, and otherwise complies with this title. All necessary state, federal and local permits will be obtained as a condition of approval on any permit in an FP Zone. The following information shall be submitted with the permit application:

- A. The location of the property with reference to channel locations and flood profile elevations.
- B. The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and, for areas immediately adjacent

to a stream, two-foot for ground slopes between five and 10 percent and five-foot for greater slopes.

- C. The location of existing and proposed diking or revetments, if any.
- D. Review of building permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.060 Structural Elevation Data Required

- A. A building permit application for substantial improvement to an existing structure or for a new structure within an FP Zone shall contain the following data referenced to mean sea level.
 - 1. The level of the lowest habitable floor and of any basement floor whether or not intended to be habitable.
 - 2. The level to which the structure is to be flood proofed, if applicable.
- B. A statement which notes whether the structure contains a basement.
- C. The information required by DCC 19.72.060 shall be maintained in the files of the Building Department with the subject building permit.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.070 Regulation Of Structures In An FP Zone

- A. Residential Construction.
 - 1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
 - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

- b. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - c. The bottom of all openings shall be no higher than one foot above grade.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - 1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of DCC 19.72.070 based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the county's building official.
 - 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in DCC 19.72.070(A)(1).
 - 5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates for buildings that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
- C. Manufactured Homes. All manufactured homes to be placed or substantially improved within the FP zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of DCC 19.72.070(A)(2).

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.080 Construction Materials And Methods

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- C. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.090 Land Development Standards In A Flood Hazard Area

- A. In addition to the terms of DCC 19.72.070 and 19.72.080, a subdivision or other land development, including all utility facilities, within an FP zone shall be designed and constructed to minimize flood damage, including special provisions for adequate drainage to reduce exposure to flood hazards.
- B. A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the flood-carrying capacity of the watercourse.
- C. A proposed land development of greater than either 50 lots or five acres shall include data showing the base flood elevation.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.100 Manufactured Home Development Standards

- A. All manufactured homes to be placed or substantially improved within the FP zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of DCC 19.72.070(A)(2).
- B. The placement of a manufactured home in the floodway is prohibited.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1 on 2/11/2009

19.72.110 Utilities Standards In A Flood Hazard Area

- A. A public utility or facility associated with a land development within an FP zone shall be designed, located and constructed to minimize or eliminate flood damage and to avoid raising the water elevation in a regulatory floodway.
- B. Any new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system.

- C. Any new or replacement sewerage system shall be designed, located and constructed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.72.120 Floodways](#)

Located within areas of special flood hazard established in DCC 19.72.020(A) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- A. Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If DCC 19.72.120(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of DCC 19.72.070.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.72.130 Technical Variances](#)

A technical variance from the requirements of DCC 19.72 may be granted by the Planning Director or Hearings Body for new construction and for improvements to existing structures which could not otherwise be authorized, provided the construction or improvements are to be erected or installed on a lot or parcel of land one-half acre or less in size, contiguous to or substantially surrounded by lots or parcels with existing structures constructed below the minimum floor elevation established for flood protection purposes. A lot or parcel of land in excess of the one-half acre in single ownership on the effective date of this title is not excluded from the granting of a technical variance, but the burden of proof required for issuing the variance increases as the size of the property under single ownership increases, and the variance shall be granted only if required to equalize circumstances, considering previously developed land adjacent to the lot or parcel for which a variance is sought.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.72.140 Historic Variance](#)

A variance for historic preservation may be granted for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.150 Other Variances

All other variance applications shall be considered according to the terms of DCC 19.108 and the following factors:

- A. The danger that materials may be swept onto others' property.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided to the community by the proposed facility.
- E. The necessity to the use of a waterfront location, where applicable.
- F. The availability of alternate locations not subject to flooding or erosion damage.
- G. The relationship of the use to the area floodplain management program.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected height, velocity, duration, rate of rise and sediment transport of floodwaters and the effect of wave action, if applicable, expected at the site.
- J. The cost of providing governmental and utility services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.72.160 Application For Variances

Applicants for a variance shall include with their application the following information:

- A. The location of the property with reference to channel location and flood profile elevation.
- B. The existing topography and proposed grading plan for the property. Contour intervals shall not be more than one-foot for ground slopes up to five percent and for areas immediately adjacent to a stream, two-foot for ground slopes between five and 10 percent and five-foot for greater slopes.

C. The location of existing and proposed diking or revetments, if any.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.72.170 Granting Of Variances](#)

The Hearings Body or Planning Director may grant a variance upon a finding that the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §32 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[CHAPTER 19.76 SITE PLAN REVIEW](#)

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[19.76.090 Deschutes River Corridor Design Review](#)

[19.76.010 Purpose](#)

The purpose of site plan review is to ensure compliance with the objectives of DCC Title 19 and the Comprehensive Plan where development may cause a conflict between uses in the same or **adjoining abutting** zones by creating unsightly, unhealthful, or unsafe conditions and thereby adversely affecting the public health, safety and general welfare. The purpose shall also be to avoid creating undue burdens on public facilities and services. In considering a site plan, the Planning Director or Hearings Body shall take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.76.020 Site Plan Requirements](#)

In all zones, except for a single-family unit dwelling, duplex, or triplex unit, or an accessory dwelling unit, on one lot or parcel, all new uses, buildings, outdoor storage, or sales areas and parking lots, or alterations thereof shall be subject to the provisions of DCC 19.76.020. Site plan approval shall not be required where a proposed alteration of an existing building does not exceed 25 percent of the size of the original structure unless the Planning Director finds the original structure or proposed alteration does not meet the requirements of DCC Title 19 or other ordinances of the County.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2023-014](#) §8 on 12/1/2023

19.76.030 Noncompliance

- A. Noncompliance with a final approved site plan or development agreement shall be treated as a zoning ordinance violation.
- B. The applicant shall demonstrate continued compliance with the approved landscape plan established under DCC 19.76.030.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.76.040 Procedure

- A. Prior to filing a site plan application, the applicant shall be encouraged to confer with the Planning Department concerning the requirements of formal application.
- B. The site plan application shall be filed on a form provided by the Planning Department and shall be accompanied by drawings containing information as specified by the Planning Department. A minimum of eight copies of the site plan shall be submitted along with such additional information as is deemed necessary for the Planning Director or Hearings Body to adequately review the application.
- C. The Planning Director or Hearings Body shall approve, with or without conditions, or disapprove the site plan. In approving the plan, the Planning Director or Hearings Body shall find that all provisions of DCC Title 19 are complied with and that all buildings and facilities, access points, parking and loading facilities, lighting and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be minimal adverse effect on surrounding property. The decision of the Planning Director or Hearings Body shall be final unless appealed in accordance with the County's land use procedures.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.76.050 Other Conditions

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 19 as a condition for site plan approval.

- A. An increase in the required ~~yards~~setbacks.
- B. Additional off-street parking.
- C. Screening of the proposed use by a fence or landscaping or combination thereof.
- D. Limitations on the size, location and number of lights.
- E. Limitations on the number and location of curb cuts.
- F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.
- G. Dedication of land or an easement for the creation or extension of Access Corridors for pedestrian and bicycle travel.
- H. Improvement, including, but not limited to, paving, curbing, installation of traffic signals, constructing sidewalks, striping bike lanes, or other improvements to the street system which serves the proposed use where the existing street system will be burdened by the proposed use.
- I. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.
- J. Landscaping of the site.
- K. Transit Facility or an easement for bus pullout if on a mass transit route.
- L. Location or orientation of buildings and entrances closer to street to serve pedestrians, bicyclists and/or mass transit use.
- M. Any other limitations or conditions which it considers necessary to achieve the purposes of DCC Title 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §4 on 5/19/1993

19.76.060 Agreement And Security

The developer and owner shall, as a condition of approval, execute a development agreement for any improvements required on a form approved by the County Counsel and may be required to file with the County a performance bond or other security as approved by the County Counsel to assure full performance of the required improvements. The bond shall be for the cost of the improvements plus 10 percent.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.76.070 Site Plan Criteria

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

- A. Safety and Privacy. Residential site plans shall be designed to provide a safe living environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
- B. Special Needs of Disabled. When deemed appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs and disabled parking stalls.
- C. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
- D. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, designs of parking areas and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.
- E. Buffering and Screening. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires and the like), loading and parking and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts to the site and neighboring properties.
- F. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
- G. Public Facilities. The proposed use shall not be an undue burden on public facilities, such as the street, sewer or water system.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.76.075 Design Review Standards

- A. Purpose. The purpose of DCC 19.76.075 is to provide design standards for commercial development within the CH, Highway Commercial zone. These standards ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility and innovation in site planning and development, including architecture, landscaping, transit, parking design, signs and enhancement of the special characteristics that make Bend a unique place to live.
In addition to the standards of DCC 19.76.070, the following standards apply to all developments within the CH, Highway Commercial zone.

- B. Except as exempted by DCC 19.76.075(B), the provisions of DCC 19.76.075 shall apply to the following activities:
1. All new building construction.
 2. Any exterior modifications to existing buildings, including change of color.
 3. All new parking lots.
 4. All outdoor storage and display areas.
 5. All new signage.
 6. All building expansions greater than 10,000 square feet.
- C. Exemptions. DCC 19.76.075 does not apply to the following activities:
1. Maintenance of the exterior of an existing structure such as re-painting, re-roofing or re-siding where similar materials and colors are used or materials and colors are used that comply with DCC 19.76.075.
 2. Interior remodeling.
 3. Reconstruction of buildings which have been destroyed or substantially damaged by fire or natural causes. The building(s) shall be reconstructed on the same location as it existed prior to damage or destruction. Reconstruction shall commence within one year of the damage or destruction.
 4. Building expansions not exceeding 25 percent of the gross square footage of the original building and where the expansion does not exceed 10,000 square feet in area.
 5. Parking lot expansions not exceeding 25 percent of the gross square footage of the original lot and where the total amount of parking provided will not exceed 150 percent of the parking allowed by the Zoning Ordinance.
 6. Buildings that are listed in the Inventory of Historic Sites within the Bend Area General Plan, Exhibit "A," or buildings designated on the Historic National Landmarks Register.
- D. Standards for Approval. The Planning Director or Hearings Officer shall use the standards in DCC 19.76.075 and the criteria for site plan review to ensure compliance with the purpose of Design Review.
1. The standards of approval for buildings 30,000 gross square feet or less, and sites less than six acres in size are as follows:
 - a. Natural Features. Buildings shall be sited to protect areas of special interest as defined in the Bend Area General Plan. Other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

- b. Building Location and Orientation. New buildings shall have at least one ~~principal~~ primary building entrance oriented toward the primary frontage property line and comply with the transit requirements of OAR 660-12-045(4).
- c. Pedestrian Walkways:
 - 1. Walkways from the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. This walkway is necessary for persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
 - 2. Walkways from Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed to provide access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building.
- d. Mechanical Equipment and Service Areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.
- e. Building Design:
 - 1. Exterior Building Design. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.

2. Architectural Features. Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.
In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in DCC 19.76.080.
3. Building Materials. The predominant building materials should be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
4. Roof Design. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are required. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.
5. Customer Entrances. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are required.
6. Community Amenities. Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are required and may be calculated as part of the landscaping requirement.
7. Building and Sign Colors:
 - A. Exterior colors shall be of low reflectance, subtle, neutral or earth tone.
 - B. The Deschutes County color guide provides samples of approved and prohibited colors.
 - C. The use of trademark colors shall require approval.

- D. The use of high intensity colors such as black, neon, metallic or florescent for the facade and/or roof of the building are prohibited except as approved for building trim.
 - 8. Exterior Lighting and Flag Poles. Exterior lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property or streets. Light poles and/or fixtures and flag poles shall not exceed 25 feet in height.
 - 9. Signage. A comprehensive signage plan shall be required pursuant to DCC 15.08, Signs, except that pole signs are prohibited. Ground mounted signs shall not exceed 10 feet in height and eight feet in width. Wider signs may be allowed provided the total area of the sign does not exceed 80 square feet. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises. White, ivory and yellow backgrounds of internally illuminated signs shall not exceed 20 percent of the total sign area, including reader boards.
2. The standards of approval for buildings greater than 30,000 gross square feet and/or sites six acres or larger are as follows:
- a. Natural Features. Buildings shall be sited to protect areas of special interest as defined in the Bend Area General Plan. Other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
 - b. Building Location and Orientation. New buildings shall have at least one ~~principal~~ primary building entrance oriented toward the primary frontage property line and comply with the transit requirements of OAR 660-12-045(4).
 - c. Pedestrian Walkways:
 - 1. Walkways from the Sidewalk to Building Entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. This walkway is necessary for persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
 - 2. Walkways from Parking Areas to Building Entrances. Internal pedestrian walkways shall be developed to provide access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from

moving vehicles as much as possible. These walkways shall have a minimum width of five feet with no car overhang or other obstruction. The walkways shall be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building.

d. Mechanical Equipment and Service Areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks, and service yards.

e. Building Design:

1. Exterior Building Design. Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.

2. Architectural Features. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure.

A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in DCC 19.76.080.

3. Building Materials. The predominant building materials shall be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

4. Roof Design. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are required. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Mansard style roofs are prohibited.
 5. Customer Entrance. Each building shall have at least one clearly defined, highly visible customer entrance using a combination of the following architectural features: canopies, porticos, arcades, arches, wing walls, and permanent above grade integral planters.
 6. Community Amenities. Each building shall contribute to the establishment or enhancement of the community and public spaces by providing at least two community amenities such as a patio/seating area, water feature, art work or sculpture, clock tower, pedestrian plaza with park benches or other features acceptable to the review authority. These shall abut the primary entrance to the building.
 7. Building and Sign Colors. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent colors for the facade and/or roof of the building are prohibited except as approved for building trim. The color guide provides samples of approved and prohibited colors. The use of trademark colors will require approval.
 8. Exterior Lighting and Flag Poles. Exterior lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property or streets. Light poles, light fixtures and flag poles shall not exceed 25 feet in height.
 9. Signage. A comprehensive signage plan shall be required pursuant to DCC 15.08, except that pole signs are prohibited. Ground mounted signs shall not exceed 15 feet in height and eight feet in width. Wider signs may be allowed provided that the total sign area does not exceed 120 square feet. All sign bases shall be constructed of materials compatible with the architecture of building(s) located on the premises. White, ivory and yellow backgrounds of internally illuminated signs shall not exceed 20 percent of the total sign area including reader boards.
- E. Exceptions. The Planning Director or Hearings Body is authorized to grant exceptions from the setbacks, height, landscaping, parking, and lot coverage standards if it can be determined that:
1. The exception is the minimum needed to achieve the purpose and objectives of DCC 19.76.075;

2. The exception does not adversely impact an adjacent building or property or create any unsafe pedestrian or vehicular situation; and
 3. The exception is necessary to create a more aesthetic or pleasing vista along the streets within the CH, Highway Commercial zone.
- F. Compliance with Plans. Construction, site development and landscaping shall comply with the approved plans, drawings, sketches and other documents approved by the Planning Director or Hearings Body.

HISTORY

Adopted by Ord. [97-038](#) §3 on 8/27/1997

[19.76.080 Required Minimum Standards](#)

- A. Minimum Landscaping Standards. All developments subject to site plan approval shall meet the following minimum standards for landscaping:
1. A minimum of 15 percent of the area of a project shall be landscaped for ~~multifamily~~multi-unit dwelling, commercial, and industrial developments, subject to site plan approval and the following requirements:
 - a. Landscape Plan. The applicant shall submit a complete landscape plan showing all live plant materials and non-plant materials to be installed on the site in order to meet the landscape requirement. The landscape plan shall also include written documentation of how the site will be prepared for plant material installation with an emphasis on soil quality and available depth.
 - b. Irrigation. All plant materials, except existing native plants not damaged during construction, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper water duration and ease of maintenance.
 - c. Non-Plant Materials. The use of certain non-plant materials as part of the landscape plan is highly encouraged. These materials may include the following: large landscape quality boulders, wood or concrete soil retaining devices, gravels, concrete garden amenities, approved mulch materials, stepping stones and water features. Borders for landscape beds abutting parking areas shall be constructed with extruded or poured-in-place concrete, retaining walls, sidewalks and/or other features acceptable to the County.
 - d. Plant Materials. Minimum plant material sizes and placement: (Note: Annual type plants will not be counted as part of the landscaping requirement unless permanent architectural or other non-movable features are specifically created for these type of plants.)
 1. Trees. A variety of tree species is encouraged as a way to provide visual interest and to protect against same species die out or disease. Acceptable tree species shall be those trees which are listed in DCC 19.76.080(A)(2)(g), readily available from local nurseries, tolerant of

Central Oregon climate, disease resistant, and do not create unusual maintenance problems. All deciduous trees shall be a minimum of two inches in diameter at breast height. Larger diameter trees are encouraged if soil conditions allow.

2. Ponderosa Pine. There shall be one native Ponderosa species of pine planted for every four deciduous trees required to be planted on the site. Pine trees may require larger planting beds due to their size at maturity. All coniferous trees, except Ponderosa, shall be a minimum of six feet in height. Ponderosa trees shall be a minimum of three feet in height. Larger Ponderosa trees are encouraged if readily available.
 3. Shrubs. All shrubs shall be a minimum of three gallons in size. Shrubs adjacent to parking areas with car overhang shall be planted at least three feet from the parking surface. Shrubs shall not be placed closer to other materials than the plant spread at maturity. At least 40 percent of the shrubs in the landscape plan shall include evergreens. The use of a variety of shrub types is encouraged.
 4. Ground covers. All ground covers shall be of sufficient size and quantity to provide for maximum coverage in five years based upon the species and growth pattern.
 5. Planting beds. Planting beds shall be of sufficient width to accommodate the plants at maturity. The planting beds along the perimeter of a building shall incorporate a mix of trees, shrubs and ground covers to buffer the building and reduce the apparent mass of the building as viewed from the street. The plant materials within the planting bed shall not create hiding areas or other security concerns.
2. Street Trees. The placement, spacing and pruning of street trees shall be as follows, although the Planning Director or Hearings Body may adjust the placement standard for special site conditions:
- a. Street trees shall be located a minimum of five feet from the face of a curb.
 - b. Street Trees shall be placed a maximum of 30 feet apart. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
 - c. An approved tree grate or other surface treatment shall be used for street trees planted in paved or concrete area.
 - d. As street trees grow, they shall be pruned to provide a minimum clearance of eight feet above sidewalk and 14 feet above street, alley or roadway surfaces.
 - e. Existing trees may be used as street trees if they are not killed or damaged from any new development. Sidewalks of variable width and elevation may be utilized to save existing street trees.

- f. Existing street trees removed by development projects shall be replaced by the developer with those from the approved street tree list.
 - g. Street trees shall be those species suitable for the location in which they are placed. Approved tree species include:
 Trees with low mature tree height (25 feet or less) for use in areas under power lines or in small planting areas:
 Amur Maple/Acer ginnala Canada Red Cherry/Prunus Virginiana 'Shubert'
 Eastern Redbud/Cercis canadensis Flowering Crabapple/Malus 'variety'
 Hawthorn/Crataegus 'variety' Japanese Lilac Tree/Syringa reticulata
 Serviceberry/Amelanchier Medium mature tree height (30 to 45 feet): American Hornbeam/ Carpinus caroliniana Callery Pear/Pyrus calleryana Hedge
 Maple/Acer campestre Mountain Ash/Sorbus acuparia 'variety' Tall mature tree height (50 feet or larger): Birch/Betula pendula 'variety' Green Ash/Fraxinus pennsylvanica Honey Locust/Gleditsia tricanthos 'variety' Littleleaf Linden/Tilia cordata Norway Maple/Acer platanoides 'variety' Pin Oak/Quercus palustris Red Maple/Acer rubrum 'variety' Red Oak/Quercus rubra Other tree species: The Planning Director or Hearings Body may approve other tree species as necessary to achieve the purposes of DCC 19.76.080.
3. Areas of commercial and industrial zones used for vehicle maneuvering, parking, loading or storage shall be landscaped and screened as follows:
- a. Landscape coverage of the landscape area shall be 50 percent at the time of installation and 90 percent at five years.
 - b. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect.
 - c. Landscape buffers between parking areas, parking pods and internal streets shall have a minimum width of five feet with no car overhang and 10 feet with a car overhang.
 - d. Landscape buffers between parking and an abutting property line shall have a minimum width of 10 feet.
 - e. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.
 - f. There shall be a landscaped and/or screened buffer area a minimum distance of five feet between commercial uses.
 - g. There shall be a minimum width of 10 feet for landscape buffers between buildings adjacent to streets.
 - h. Landscape buffers shall consist of evergreen ground cover and shrubs mixed with a variety of flowering and deciduous species of trees and shrubs.

- i. Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - 4. Required landscaping shall be continuously maintained.
 - 5. Vegetation planted in accordance with an approved site plan shall be maintained by the owner, any heir or assignee. Plants or trees that die or are damaged shall be replaced and maintained.
- B. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development as follows:
 - 1. Units with one or two bedrooms: 200 square feet of lawn per unit.
 - 2. Units with three or more bedrooms: 300 square feet of lawn per unit.
- C. Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.
- D. Drainage. Surface drainage shall be contained on site.
- E. Bicycle Parking. The development shall provide the number and type of bicycle parking facility as required in DCC 19.80.080 and 19.80.090. The location and design of bicycle parking facilities shall be shown on the site plan.
- F. Internal Pedestrian Circulation. Internal pedestrian circulation shall be provided in new office parks and commercial developments through the clustering of buildings, construction of hard surface pedestrian walkway, and similar techniques.
Walkways shall connect building entrances to one another and from building entrances to public street and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connection on adjacent properties planned or used for commercial, ~~multifamily~~multi-unit dwelling, institutional, or park use.
- G. Public Transit Orientation. New retail, office, and institutional buildings on lot or parcels within 600 feet of existing or planned transit routes shall provide preferential access to transit through the following measures:
 - 1. Orienting building entrances to a transit facility; or
 - 2. Locating buildings as close as possible to the transit route street.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §33 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [93-018](#) §5 on 5/19/1993

Amended by Ord. [97-038](#) §4 on 8/27/1997

[19.76.090 Deschutes River Corridor Design Review](#)

- A. Purpose. It is the purpose of the Deschutes River Corridor Design Review to ensure compliance with the objectives of DCC Title 19 and the goals and policies relating to the Deschutes River in the Bend Area General Plan. The purpose shall also be to:
1. Recognize and respect the unusual natural beauty and character of the Deschutes River.
 2. Conserve and enhance the existing riparian zone along the Deschutes River.
 3. Allow the community flexibility in reviewing development proposals within the Areas of Special Interest that are designated on the Bend Area General Plan.
 4. Maintain the scenic quality of the canyon and rimrock areas of the Deschutes River.
 5. Conserve and enhance property values.

In considering a Design Plan, Deschutes County shall utilize an appropriate review body as described in DCC Title 22.24 and take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community.

- B. The following areas and uses are exempt from the Deschutes River Design Review process:
1. Public streets and utility facilities existing as of the date of adoption of DCC Title 19. Notwithstanding anything to the contrary in DCC Title 19, a variance may be granted to the mandatory 40 foot setback for future public streets and utility facilities.
 2. Irrigation facilities, canals and flumes existing as of the date of adoption of DCC Title 19.
- C. Design Review Procedure. All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a Design Review process.
1. Prior to filing a design review application, the applicant shall confer with the Planning Director concerning the requirements of formal application.
 2. The design review application shall be filed on a form provided by the Planning Division and shall be accompanied by drawings and information as specified by the Planning Division. Copies of the plan shall be submitted and such additional information as is deemed necessary for the Planning Director or review body to adequately review the application.
 3. The review body or Planning Director shall in accordance with DCC Title 19 and DCC Title 22 approve, approve with conditions, or disapprove the design plan. In approving the plan, the review body or Planning Director shall find that all provisions of DCC Title 19 are complied with and that all buildings and facilities, access points, parking loading facilities, lighting, and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be minimal adverse effect on surrounding property and the river corridor. The decision of the review body or Planning Director shall be final unless appealed in accordance with applicable provisions of DCC Title 22.

D. Minimum Standards. All development within the Deschutes River Corridor shall meet the following minimum standards for development:

1. Building Setbacks. For the areas described below, the setback for all new development shall be a minimum of 100 feet from the ordinary high water mark unless the applicant can demonstrate that a lesser setback is warranted, due to lot or parcel size and shape, topography, preservation of natural vegetation, view corridors, and subject to the criteria in DCC 19.76.090(E). In no case shall the setback be less than 40 feet from the ordinary high water mark of the Deschutes River. The term "new development" shall not include rebuilding an existing structure provided that the rebuilt structure is comparable in size, profile, use, and location to the structure that previously existed.
 - a. The east and west banks from the southern boundary of the City of Bend to the southern boundary of the Bend Urban Area;
 - b. The east and west banks from the northern boundary of the City of Bend to the northern boundary of the Bend Urban Area.
2. Building Heights. Maximum structure height shall be limited to 30 feet at the minimum setback line. The review body may allow increases in building heights up to the allowed height in the underlying zone the farther the building sets back from the river. The review body may limit building height the closer to the river a building is allowed. The building height shall be measured from the lowest natural grade facing the river to the highest measurable point on or projecting from the roof of the structure.

E. Site and Design Review Criteria. In addition to the minimum standards above, the review body shall review the development using the following design criteria:

1. Conservation of natural features. Major rock outcrops, stands of trees or other prominent natural features are an important part of the visual character and duality of the community. The review body shall review the applicant's proposal for impacts on these resources and may limit the amount of removal, require additional screening, or moving or reducing in size the development addition or structure in order to preserve to the greatest extent possible, existing natural features.
2. Compatibility with existing area. The review body shall consider the relationship of the proposed development with the existing surroundings, in terms of building bulk, height, location, separation, shape, parking areas, lighting, fences, landscaping, open space, visual and physical corridors to the river and adjacent land use. The review body may establish increased setbacks, limitations of building heights, and limitations on the bulk and length of buildings, limitations on lighting, landscaping, fences, size and shape of windows facing the river, size and location of parking, and outdoor storage areas in order to carry out the purpose of DCC Title 19.
3. Colors and Materials. The review body shall consider colors and materials. The review body may require new structures and additions to existing structures to be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site or colors that are compatible with adjacent buildings.

4. No large areas, including roofs, shall be finished with bright or reflective materials. Metal roofing material is permitted if it is nonreflective and of a color which blends with the surrounding vegetation and landscape.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [94-027](#) §3 on 6/15/1994

Amended by Ord. [2021-013](#) §15 on 4/5/2022

CHAPTER 19.80 OFF-STREET PARKING AND LOADING

[19.80.010 Compliance](#)

[19.80.020 Off-Street Loading](#)

[19.80.030 Off-Street Parking](#)

[19.80.040 Number Of Spaces Required](#)

[19.80.050 General Provisions; Off-Street Parking](#)

[19.80.060 Development And Maintenance Standards For Off-Street Parking Areas](#)

[19.80.070 Off-Street Parking Lot Design](#)

[19.80.080 Required Bicycle Parking](#)

[19.80.090 Bicycle Parking Location And Design; Other Required Conditions](#)

19.80.010 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 fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. 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 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.80.020 Off-Street Loading

- A. 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 in accordance with the following table. 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:

Square Feet 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

- B. 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 space of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

- C. 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 and unloading exceed these dimensions, the required length of these berths shall be increased.
- D. 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.
- E. Off-street parking areas used to fulfill the requirements of DCC Title 19 shall not be used for loading and unloading operations, except during periods of the day when not required to take care of parking needs.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.80.030 Off-Street Parking](#)

Off-street parking space shall be provided and maintained as set forth in DCC 19.80.030 for all uses in all zones, except for the CB zone. 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 19 is changed. Improved off-street parking shall mean paved with two inches of paving.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.80.040 Number Of Spaces Required](#)

Off-street parking shall be provided as follows:

A. Residential.

One Single-unit, two duplex, and three family triplex dwellings:	2 spaces per dwelling unit.
Multi family Multi -unit dwelling containing four or more dwelling units:	
Studio or Efficiency Unit	0.75 space per unit
One Bedroom Unit	1.00 space per unit
Two Bedroom Unit	1.50 spaces per unit
Three Bedroom Unit	2.25 spaces per unit
Four Bedroom Unit	2.50 spaces per unit
Resident hotel, rooming, or boarding house	0.50 space guest parking per dwelling unit

B. Commercial Residential.

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 or 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

C. Institutions.

Welfare or Correctional Institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, Nursing Home, Sanitarium, Rest Home, Home for the Aged	1 space per 2 beds for patients or residents
Hospital	1.5 spaces per bed

D. Places of Public Assembly.

Religious institution or assembly	1 space per 4 seats or 8 feet of bench length in the main auditorium
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 School	1 space per employee, or 1 space per 4 seats or 8 ft. of bench length in auditorium, whichever is greater
High School	1 space per employee plus 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
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 area.

E. Commercial Amusement.

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

F. Commercial.

Retail Store, except stores selling bulky merchandise	1 space per 300 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 and dental)	1 space per 300 sq. ft. of gross floor area
Medical or Dental Office or Clinic	1 space per 150 sq. ft. of gross floor area

Eating or drinking establishments	1 space per 120 sq. ft. of gross floor area
Mortuaries	1 space per 4 seats or 8 feet of bench length in chapels
Beauty parlor and barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1 ½ spaces for each additional chair

G. Industrial.

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 gross floor area

- H. Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §34 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [2020-001](#) §23 on 4/21/2020

[19.80.050 General Provisions; Off-Street Parking](#)

- A. More Than One Use on One or More lot or Parcels. In the event several uses occupy a single structure, lot, or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
- B. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures, lots 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, lots, or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures, lots, 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.
- C. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot or parcel with the dwellings. All other off-street parking shall be located on the lot or parcel with the use or, if not located on the same lot or parcel, shall be first approved as a conditional use. The applicant must prove that the parking located on another lot or parcel is functionally located and that there is safe vehicular and pedestrian access to and from the use. The burden

of proving the existence of such off-premises parking arrangements rests upon the person who has the responsibility of providing parking.

- D. 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.
- E. Parking, Front ~~Yard~~Setback Area. Unless otherwise provided, required parking and loading spaces for ~~multifamily-multi-unit~~ dwellings, commercial, and industrial use shall not be located in a required front ~~yard~~setback area, but such space may be located within a required side or rear ~~yard~~setback area.
- F. Disabled Parking. The number, location and design of disabled parking spaces shall be as required by the building code. Buildings and uses in existence on April 30, 1993 that are retroactively required to provide disabled parking facilities may place the disabled spaces in the front ~~yard~~setback area if it is not possible to locate the parking elsewhere on the site.
- G. Shopping Center Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets, or transit stops. Ways to achieve this standard may include, but are not limited to:
 - 1. Location and orientation of buildings closer to the street to minimize pedestrian and bicycle travel through a parking area;
 - 2. Providing one or more raised walkways through the parking areas;
 - 3. Providing one or more walkways protected by landscaping and parking bumpers with areas across vehicle aisles delineated by nonasphaltic material in a different color or texture than the parking areas;
 - 4. Connecting on-site pedestrian walkways and bikeways to other existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas.
- H. Maximum parking. The maximum number of parking spaces for a commercial development with a gross floor area of 30,000 square feet or greater, or a site with more than six acres shall not exceed 150 percent of the required parking.
- I. Reduction In Required Parking. The total number of required motor vehicle parking spaces for an industrial, commercial, and office use may be reduced by five percent for each of the activities listed below provided by the owners or operators, up to a maximum 10 percent reduction in the total number of motor vehicle spaces.
 - 1. Participation in an area wide carpool/vanpool ride matching program for employees;
 - 2. Designating at least 10 percent of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
 - 3. Providing showers and lockers for employees who commute by bicycle;

4. Providing twice as many covered, secured bicycle parking racks or facilities as required by DCC Title 19;
 5. Providing a transit facility that is approved by the local transit authority and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.
- J. Parking Pods. Developments that provide more than 75 parking spaces shall:
1. Develop the parking area into pods of no more than 50 spaces each.
 2. Develop physical breaks between the pods by providing one or more of the following:
 - a. Landscaping beds of not less than five feet in width with no car overhang and 10 feet in width with a car overhang;
 - b. Siting of building pads, landscaped pedestrian walkways, interior streets or other site features acceptable to the planning director or hearings body.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §6 on 5/19/1993

Amended by Ord. [97-038](#) §5 on 8/27/1997

19.80.060 Development And Maintenance Standards For Off-Street Parking Areas

Every lot or parcel of land hereafter used as a public or private area, including commercial parking lots, shall be developed as follows:

- A. An off-street parking area for more than five vehicles shall be effectively screened by a site-obscuring fence, hedge or planting on each side which ~~adjoins-abuts~~ a residential use or property situated in a residential zone or the premises of any school or like institution.
- B. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any ~~adjoining-abutting~~ property in an R zone.
- C. Except for single-~~family-unit~~ and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right of way other than an alley.
- D. Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all weather use and so drained as to contain any flow of water on the site.
- E. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

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

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §7 on 5/19/1993

[19.80.070 Off-Street Parking Lot Design](#)

All off-street parking lots shall be designed in accordance with county standards for stalls and aisles set forth in the following drawings and table:

OFF STREET PARKING LOT DESIGN

Parking Angle	Stall Width	20' Stall	Aisle Width - One Way*	Curb Length Per Car	Bay Width
0°	9'-0" 9'-6" 10'-0"	9.0 9.5 10.0	12.0 12.0 12.0	22.0 22.0 22.0	30.0 31.0 32.0
45°	9'-0" 9'-6" 10'-0"	19.8 20.1 20.5	13.0 13.0 13.0	12.7 13.4 14.1	52.5 53.3 54.0
60°	9'-0" 9'-6" 10'-0"	21.0 21.2 21.2	18.0 18.0 18.0	10.4 11.0 10.6	60.0 60.4 60.4
70°	9'-0" 9'-6" 10'-0"	21.0 21.2 21.2	19.0 18.5 18.0	9.6 10.1 10.6	61.0 60.9 30.4
90°	9'-0" 9'-6" 10'-0"	20.0 20.0 20.0	24.0 24.0 24.0	9.0 9.5 10.0	64.0 64.0 64.0

*24' Minimum For Two Way Traffic

- A. For one row of stalls, use C plus D as minimum bay width.
- B. 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.
- C. For estimating available parking area, use 300-325 sq. ft. per vehicle for stall, aisle and access areas.
- D. For narrow lots, equivalent size stalls and aisles may be approved by the Public Works Director.
- E. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls 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.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.80.080 Required Bicycle Parking](#)

- A. On-site bicycle parking shall be provided as listed below. Fractional spaces shall be rounded to the next highest number. Bicycle parking for multiple uses or large commercial developments may be provided in one or more locations.

Use	Requirement
Multifamily-Multi-unit dwellings with 4 units or more	1 covered space per unit
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees, whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Street vendors, itinerant merchants and similar temporary sales operation	No bicycle spaces required
Restaurants, cafes and taverns	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces.
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Medical or dental office or clinic or hospital	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces

Stadium, arena, theater or similar public use	1 space for every 20 seats
Elementary school	1 covered space for every 10 students in grades 2 through 5
Junior High or Middle School	1 covered space for every 10 students
College	1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit
Public or private recreational facility	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Industrial uses without retail trade or service	1 space for every 20 employees
Industrial uses with retail trade or service	1 covered space for every 20 employees plus 1 space for every 20 motor vehicle spaces

HISTORY

Adopted by Ord. [93-018](#) §8 on 5/19/1993

19.80.090 Bicycle Parking Location And Design; Other Required Conditions

- A. Each required bicycle parking space shall be on asphaltic concrete, portland cement, or similar hard surface material and each space shall be at least two feet wide by six feet long with a minimum vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- B. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked. Bicycle rack design must accommodate both U-shaped locks and cables and include, but are not limited to, such shapes as an inverted "U" design or a "ribbon." Racks shall be securely anchored to a walkway, parking lot, building, or other approved structure.
- C. Where required, covered bicycle parking may be provided underneath an awning, eave, or other structural overhang, inside the main building or an accessory parking structure, or other facility as determined by the Site Plan Review that protects the bicycle from direct exposure to the elements.
- D. Except as noted below, all required bicycle parking shall be located on-site within 50 feet of well-used entrances and not farther than the closest motor vehicle parking space. Bicycle parking for multiple uses such as a commercial center or college may be clustered in one or more locations that are convenient for bicyclists but must meet all requirements for bicycle parking.

- E. 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 lots. Bicycle parking shall be at least as well-lit as motor vehicle parking.
- F. New commercial developments and public buildings in which 25 or more persons will be employed, shall provide changing room(s) and shower(s) for employees who bicycle to work. Such facilities may be incorporated into restrooms, exercise rooms or similar facilities in the building.

HISTORY

Adopted by Ord. [93-018](#) §9 on 5/19/1993

CHAPTER 19.84 SPECIAL SETBACK PROVISIONS ON CERTAIN STREETS

[19.84.010 Future Width And Special Building Lines](#)

[19.84.020 Landscape Strips And Special Building Lines](#)

19.84.010 Future Width And Special Building Lines

Future Width and Special Building Lines - Purpose and Designation of Streets. Because of heavy or arterial traffic volume and congestion, existing or probable intensive or commercial development of abutting properties, substandard paving widths, the probability of inadequate sight distances and other like conditions affecting traffic safety and light, air and vision along streets, the City Commission finds that the public health, safety and welfare require that building setback lines, as hereinafter specified be, and they hereby are established on all properties abutting the following named streets and sections of streets. Where applicable, requirements set forth in this provision shall be in addition to the ~~yard~~ setback requirements specified by the zoning districts.

The distances set forth shall be measured from the center-line and at right angles to the centerline of the street.

Street Name	Setback From Centerline to Yard <u>Property Lot Lines</u>
Neff Road	50 Feet
27th Street	50 Feet
Highway 20	50 Feet
Highway 97	50 Feet
Boyd Acres Road (Studio Road to Industrial Park Road)	50 Feet
Reed Market Road	50 Feet
15th Street	50 Feet

Blakely	50 Feet
Cooley	50 Feet
Butler Market Road	50 Feet

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [91-045](#) §1 on 11/20/1991

[19.84.020 Landscape Strips And Special Building Lines](#)

- A. Landscape Strips and Special Building Lines - Purpose and Designation of Streets. The purpose of this provision is to conserve and enhance the appearance of the community along certain streets of special significance to the community. These streets are the entrance to the City for the traveling public and the most frequently used streets in the community by the general public. The deterioration of the general appearance of these streets will adversely affect the health, safety and general welfare of the people of the County. Therefore, there is hereby specified and hereby established on all properties abutting the following named streets and sections of streets a 10-foot building setback line from the street right-of-way line. Said areas within this special setback shall be landscaped and continuously maintained by the property owner. Said landscaping shall be installed upon the enlargement of the ~~principal~~primary structure on the property, the expansion of the use on the property or upon the change in use on any property within the specified sections of streets. Where applicable, the requirements set forth in this provision shall supersede the ~~yard-setback~~ requirements specified for the zones.
- B. Highway 97 - north city limits to south city limits; Division Street - from Highway 97 south to Brosterhous Road; Deschutes Place - from Revere Avenue south to Hill Street; Hill Street - from Deschutes County south to Norton Street; Wall Street - from Norton Street south to Greenwood Avenue; Riverside - from the alley west of Wall Street south to Galveston Avenue; Galveston Avenue - Riverside west to 14th Street; Greenwood Avenue - from east city limits west to Harriman Street; 14th Street/Century Drive - Galveston south to city boundary; Penn/Neff - 8th Street east; 27th Street - All.
- C. Compliance Required. It shall be unlawful for any person, firm or corporation to construct, erect or locate any building or other structure within any setback lines as established in DCC 19.84.020.
- D. Variance Procedure. Where practical difficulties, unnecessary hardships and results inconsistent with the general purpose of DCC Title 19 may result from the strict application of the provisions of DCC 19.84.020, a variance may be granted pursuant to the provisions set forth in DCC 19.108.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §35 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

CHAPTER 19.88 PROVISIONS APPLYING TO SPECIAL USE STANDARDS

[19.88.010 Automobile Service Stations; Minimum Standards](#)

[19.88.020 Kennels, Riding Academies And Public Stables](#)

[19.88.030 Cemetery, Crematory Or Mausoleum](#)

[19.88.040 Hospitals](#)

[19.88.050 Religious Institution Or Assembly, Community Buildings, Social Halls, Lodges, Fraternal Organization And Clubs](#)

[19.88.060 Drive-In Theaters](#)

[19.88.070 Keeping Of Livestock](#)

[19.88.080 \(Repealed\)](#)

[19.88.090 Temporary Permits For Manufactured Homes](#)

[19.88.100 Mines, Quarries, Gravel Pits Or Gravel Removal Sites](#)

[19.88.110 \(Repealed\)](#)

[19.88.120 Utilities](#)

[19.88.130 Rear Lot Or Parcel Permits](#)

[19.88.140 Home Occupation](#)

[19.88.150 Landing Strips For Aircraft And Heliports](#)

[19.88.160 Day Care Facility](#)

[19.88.170 Housing For The Elderly](#)

[19.88.180 Plant Nursery](#)

[19.88.190 Hydroelectric Facilities](#)

[19.88.200 \(Repealed\)](#)

[19.88.210 Solar Setbacks](#)

[19.88.220 Solar Access Permit](#)

[19.88.230 Time-Share Unit](#)

[19.88.240 Fill And Removal](#)

[19.88.250 Dwelling Groups](#)

[19.88.260 Bed And Breakfast Inn](#)

[19.88.270 Temporary Use](#)

[19.88.280 Manufactured Homes](#)

[19.88.290 Farm Stands](#)

19.88.010 Automobile Service Stations; Minimum Standards

- A. Location. No portion of any service station shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under DCC 19.88.010. This shall not prevent the remodeling of an existing service station. DCC 19.88.010(A) shall not apply to any service station which includes as part of its operation on the site a retail grocery store and a restaurant which provides indoor service and seating for restaurant customers.
- B. Minimum Lot Size. The minimum lot size for a service station site shall be 12,000 square feet. The minimum street frontage on the major traffic-carrying street of a corner lot shall be 100

feet. The minimum street frontage for a service station site on an interior lot or parcel shall be 120 feet. The minimum lot depth-width shall be 100 feet.

- C. Setbacks. Service stations shall set back from property lines not less than 10 feet. Attached or free-standing canopies may not extend closer than 10 feet to the property line. The minimum 10-foot distance between property line and building shall be appropriately landscaped as a continuation of the service station's required landscaping.
- D. Screening. A sight-obscuring fence or wall not less than six feet or more than eight feet or an evergreen hedge planted at four feet and capable of obtaining six feet in height shall be provided between the service station and abutting property in a residential zone or used for residential purposes. Said wall, fence or hedge shall be reduced to 2.5 feet in vision clearance areas. A screened trash enclosure shall be provided on each station site.
- E. Landscaping. Landscaping shall be installed and maintained, occupying a minimum of five percent of the station site's net area. Plans for landscaping shall be approved during site plan review.
- F. Lighting. Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard. Wiring for the business and its signs and light fixtures shall be underground.
- G. Other Requirements. No storage of inoperative automobiles or parts thereof shall be permitted, except in enclosed structures, for any period exceeding 72 hours. Off-street parking space shall be provided for each attendant of the largest shift. Sales, storage and display of merchandise shall be conducted within a building, except for gasoline, oil, windshield wiper blades and other accessories of like size. Use of property for service station may also include the sale and installation of motor vehicle accessories, minor vehicle repairs (such as tune-ups, tire repair and the like), emergency vehicle repairs and any other sales, service or activity otherwise permitted within the zone.
- H. Abandonment. Whenever a service station is not used as such for a continuous period of nine months, all structures and facilities above and below the ground shall be removed by the owner. Operation for at least 90 consecutive days shall be required to interrupt a continuous nine-month period. All service stations which are unused for nine months as provided above are hereby declared to be nuisances and subject to abatement as provided in DCC Title 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [87-031](#) §1 on 9/29/1987

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.020 Kennels, Riding Academies And Public Stables](#)

In an UAR-10 or SR 2 1/2 zone, kennels, riding academies and public stables shall be located not less than 200 feet from any property line, shall provide automobile and truck ingress and egress and also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall

show that odor, dust, noise and drainage shall not constitute a nuisance, hazard or health problem to ~~adjoining-abutting~~ property or uses.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.030 Cemetery, Crematory Or Mausoleum](#)

A cemetery, crematory, or mausoleum shall have its ~~principal-primary~~ access on a major street or road with ingress and egress so designed as to minimize traffic congestion and shall provide required SR or off-street parking space. Cemeteries located within any R zone or abutting such zone shall establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential uses.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.040 Hospitals](#)

In any residential zone hospitals may be located on an arterial or collector street. Such uses may also be located on a local street provided that there is sufficient access to arterial or collector streets and that such uses do not unduly impact residential areas. Access and required off-street parking shall be designed to minimize impact on existing traffic patterns and ~~adjoining-abutting~~ properties. All buildings shall be set back 30 feet from side and rear lot lines and all off-street parking facilities shall be screened from abutting properties. No sign shall exceed 10 square feet in size or be internally illuminated.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [82-044](#) §1 on 5/9/1982

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [2020-001](#) §24 on 4/21/2020

[19.88.050 Religious Institution Or Assembly, Community Buildings, Social Halls, Lodges, Fraternal Organization And Clubs](#)

All buildings shall be set back a minimum of 30 feet from a side or rear lot line. There shall be no external evidence of any incidental commercial activities taking place within the building. All such uses shall be located on a major street or road and be able to provide access without causing traffic congestion on local residential streets.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2020-001](#) §24 on 4/21/2020

[19.88.060 Drive-In Theaters](#)

Drive-in theaters shall be located only on a major street or road, shall provide ingress and egress designed to minimize traffic congestion, shall be so screened from any residential zone or dwelling that

any noise shall not disturb residents or prospective residents, shall maintain signs and other lights only in such a way as not to disturb neighboring residents and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.070 Keeping Of Livestock](#)

The Planning Commission may authorize the keeping of livestock as a conditional use in an RS, SR or R zone, subject to the following standards:

- A. One horse, cow, goat, sheep, swine or other livestock shall have a corral or pasture with a usable area of at least 7,500 square feet; two horses, cows, goats, sheep, swine or other livestock, at least 10,000 square feet; and for each additional horse, cow, goat, sheep, swine or other livestock, at least 5,000 square feet, but in no case shall the above use be allowed on any lot or parcel of land less than one acre in size.
- B. No enclosure for horses, cows, goats, sheep, swine, or other livestock shall be located closer than 100 feet to a neighboring dwelling unit.
- C. Fences erected in connection with the keeping of livestock shall be of lumber or other standard fencing material (not including barbed wire or electric fence), shall be kept in good repair and shall be at least four feet in height. A fence shall meet the setback requirements of the zone.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.080 \(Repealed\)](#)

Repealed and replaced by 19.88.280

HISTORY

Repealed by Ord. [90-038](#) on 10/3/1990

[19.88.090 Temporary Permits For Manufactured Homes](#)

Temporary use permits for manufactured home or trailer house type units may be authorized by the Planning Director in the following circumstances upon such terms and conditions as prescribed by the Planning Director.

- A. Temporary use permits may be granted in favor of schools for a specified time.
- B. Temporary use permits may be granted in residential zones for relatives of the family residing on the property if the manufactured home will be used because of a medical problem requiring the use of such a unit. The existence of a medical problem shall be supported by the certificate of a medical doctor. The permit shall not exceed one year and may only be renewed with another certificate from a medical doctor.

- C. Temporary use permits may be granted in connection with construction projects. The duration of such permits shall not continue beyond the construction period and the permit shall terminate upon occupancy of the building being constructed. The Building Official may issue such permits.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.100 Mines, Quarries, Gravel Pits Or Gravel Removal Sites](#)

Extractions from deposits of rock, stone, gravel, sand, earth, minerals or building or construction materials shall not be construed to be a permitted use in any zone of DCC Title 19 (except as outlined in DCC 19.16 for permitted uses in an SM zone) unless a conditional use permit shall first have been obtained as provided in DCC 19.100, except for on-site excavation and grading in conjunction with a specific construction or improvement project. The Planning Commission shall have the power to grant conditional use permits, which are valid for a specific period of time or are revocable, to permit extractions from deposits of rock, stone, gravel, sand, earth, minerals or building or construction materials. Odors, dust, noise or drainage shall not be permitted to create or become a nuisance to surrounding property.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.110 \(Repealed\)](#)

Repealed and replaced by 19.88.280

HISTORY

Repealed by Ord. [90-038](#) §1 on 10/3/1990

[19.88.120 Utilities](#)

The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies of underground, overhead, electrical, gas, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but excluding buildings, may be permitted in any zone. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in DCC Title 19. However, in considering an application for a public utility use, the Hearings Body or Planning Director shall determine that the site, easement or right of way is located to best serve the immediate area, and in the case of a right of way or easement, will not result in the uneconomic parceling of land. As far as possible, transmission towers, poles, overhead wires, pumping stations and similar gear shall be located, designed and installed to minimize their effect on scenic values.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.88.130 Rear Lot Or Parcel Permits

- A. Purpose. The purpose of DCC 19.88.130 to permit development of deep lots or parcels in residential areas which are incapable of being subdivided or otherwise developed under the strict application of DCC Title 19. No deep lots or other larger parcels of land may be developed under DCC 19.88.130 if the property is physically capable of being subdivided, either separately or in conjunction with adjacent properties, either now or in the future. Any property proposed to be developed under DCC 19.88.130 shall comply with all of the following eligibility and development requirements.
- B. Eligibility. Property must be less than four acres in area. Property must be so situated that further subdivision or segregation under terms of other applicable county ordinances and regulations is not possible, either individually or in conjunction with any other adjacent property. Minimum Area: Twice that required by the applicable zone. Minimum Depth: 200 feet. Minimum Width: As required by applicable zones.
- C. Development Standards. Provided the eligibility requirements are met, a permit may be issued subject to the following standards and criteria:
1. Front Lot or Parcel: Minimum Lot Width: Ten feet less than required by applicable zones. ~~Minimum Lot Depth: 100 feet.~~ Yard-Setback Requirements: Same as required in applicable zones.
 2. Rear Lot or Parcel: Access Way Minimum: Twenty feet for first 150 feet; 30 feet if access way is greater than 150 feet. Maximum Access Way Width: Thirty feet. Yard-Setback Requirements: No building shall be erected within 10 feet of any property line. Area of rear lot or parcel shall be within 15 percent of the area of the front lot or parcel. Access way shall be paved and shall be an integral part of the rear lot or parcel. Development of property is subject to approval by the Planning Director or Hearings Body. Applicant shall submit a site plan for all buildings, structures and other improvements, such as roadways, walks and parking facilities to the Planning Director or Hearings Body for approval. All improvements made on the property shall conform to the plans as approved by the Planning Director or Hearings Body.

HISTORY

Adopted by Ord. PL-11 on 7/11/1979

Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990

19.88.140 Home Occupation

An occupation carried on within a dwelling unit by ~~members of the family~~ occupants of ~~occupying~~ the dwelling unit with no servant, employee, or other persons being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupations shall be a secondary use on the premises, shall not occupy more than 25 percent of the floor area of one floor of the dwelling unit and there shall be no stock in trade stored or displayed or goods sold upon the premises. Signs shall be

permitted according to the provisions of the sign ordinance. For purposes of DCC Title 19, nursery schools and kindergartens shall not be considered home occupations in residential zones.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.150 Landing Strips For Aircraft And Heliports](#)

All landing strips and heliports for aircraft shall be so designed and facilities so oriented that the incidence of aircraft passing directly over dwelling units during their landing or taking off pattern is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any zone established by DCC Title 19 unless and until a conditional use permit has been secured therefore.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.160 Day Care Facility](#)

Day care facilities shall have a minimum site size of 5,000 square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of 100 square feet per child of total capacity. All outside play shall be enclosed by a fence of at least four feet but not more than six feet in height. Day care facilities and nursery schools shall provide adequate off-street parking and loading spaces and may be required to provide a driveway designed for continuous forward flow of passenger vehicles for the purposes of loading and unloading.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §37 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.88.170 Housing For The Elderly](#)

The purpose of DCC 19.88.170 is to establish standards for housing developments for the elderly within the RH zone. Housing developments for the elderly shall be exempted from applicable zone regulations only insofar as the provisions in DCC 19.88.170 conflict with appropriate regulations.

- A. The minimum lot area for single-unit dwellings and ~~two-family dwellings~~duplexes shall be 5,000 square feet. For each additional dwelling unit, the original lot or parcel's area shall be increased by 360 square feet provided that more than 50 percent of the dwelling units shall be studio apartments. For the purpose of DCC 19.88.170, a studio apartment is defined as an apartment with one ~~principal~~primary room and having no bedrooms.
- B. The combined lot coverage of all structures shall not exceed 50 percent of the lot area.

- C. Off-street parking shall be provided as follows: Total Off Street Parking Area - .75 space per dwelling unit. Improved Off-Street Parking Area - .33 space per dwelling unit. As long as the ~~multiple-family-unit~~ dwelling serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total off-street parking area including access and parking spaces in the event the development ceases to serve as housing for the elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, and the larger off-street parking area does not meet the parking needs of the development, the Planning Commission may require development of the total or larger off-street parking area.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.180 Plant Nursery](#)

A plant nursery deals primarily with raising and selling shrubs, trees, ornamental bedding plants and the like. Such a use may be approved in a UAR, SR 2 1/2, RS or RL zone upon compliance with the following standards:

- A. Location on an arterial street.
- B. If the proposed location is on a major highway, such as 97 or 20, then access to the site shall be from a frontage road or secondary street.
- C. Since these operations are commercial in nature, they shall be permanently and well landscaped, respecting the character of a residential area or entrance into the community.
- D. Site plan review shall consider the need for a subdued use of lights, the need for adequate parking, berms, screens, etc., for separation of parking and other activities from existing and future residences.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.88.190 Hydroelectric Facilities](#)

Low-head hydroelectric generating facilities shall be considered a conditional use in all zones subject to the procedures of DCC 19.100 and the following standards:

- 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 the Bend Urban Growth Boundary: Tumalo Creek.
- B. Hydroelectric facilities are allowed as a conditional use on the Deschutes River within the Bend Urban Growth Boundary (from River Mile 171 below Lava Island Falls downstream to River Mile 160). Such conditional use within the Bend Urban Growth Boundary shall be governed by the conditions set forth in DCC 19.100.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-017](#) §15 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.88.200 \(Repealed\)](#)

HISTORY

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed by Ord. [99-001](#) on 1/13/1999

[19.88.210 Solar Setbacks](#)

- A. Purpose. The purpose of DCC 19.88.210 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 to be constructed as far south on their lots or parcels as is necessary and feasible.
- B. Standards. Every new structure or addition to an existing structure shall meet the following standards except as provided in DCC 19.88.210(C):
 1. South Wall Protection Standard. The south wall protection standard is established in Appendix A, and all new structures or additions shall meet this standard if feasible. If it is not feasible due to physical constraints of the lot or parcel, including but not limited to, rock outcroppings, septic systems, existing legal restrictions or lot dimensions as determined by the Planning Director, then the structure or addition must be located as far to the south on the lot or parcel as feasible and must meet the standard set forth in DCC 19.88.210(B)(3)(b).
 2. South Roof Protection Standard. All new structures or additions to existing structures shall meet the standard for south roof protection set forth in Appendix B.
 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 or parcel without violating the requirements contained in Appendix B of Ordinance No. 83-041; 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-unit dwelling residence with a highest point less than or equal to 16 feet high; or, if not a single-family-unit dwelling residence;
 2. That it is a permitted or conditional use for the lot or parcel.
- C. Exemptions.
 1. The governing body may exempt from the provisions of DCC 19.88.210 any area which it determines unfeasible for solar use because the area is already substantially shaded due

to heavy vegetation or steep north facing slopes and any area or zone in which taller buildings are planned.

2. The Planning Director shall exempt a structure from the provisions of DCC 19.88.210 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.
3. The Planning Director shall exempt a structure from the provisions of DCC 19.88.180, if the structure is in conformance with a solar height restriction as provided in Ordinance 81-043, Deschutes County Subdivision/Partition Ordinance, as amended.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §3 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.88.220 Solar Access Permit

- A. Purpose. The purpose of DCC 19.88.220 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 or parcels 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 or parcel, including a statement that the applicant is the owner of the lot or parcel, and a description of the nature of the applicant's interest in the lot or parcel.
 - 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 sunchart 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 or parcel.
 - f. A statement that trimming the vegetation on the applicant's lot or parcel will not permit an alternative location that would lessen the burden on a neighboring lot or parcel.

- g. A list of the lots or parcels 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 or parcel; the owner of record and his address; the exempt vegetation located on the lot or parcel and any existing nonexempt vegetation likely to encroach on the protected area.
- h. A statement that none of the lots or parcels impacted are located on a north facing slope with a grade that exceeds, on average, 15 percent.
- 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 or parcel.

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 19.88.220(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 or parcel. A solar access permit shall also be denied under DCC 19.88.220(B)(3)(b) if there is an alternate location that would impose a lesser burden on ~~a~~-neighboring lots or parcels.
- 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 or parcel 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.

4. 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 or parcel and of each neighboring lot or parcel 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 or parcel and each neighboring lot or parcel to be burdened by the solar access created by the solar access permit.
 - b. A complete description of the solar access restrictions applicable to each neighboring lot or parcel, including the solar heating hours during which solar access is provided and a sunchart 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.
 - c. A reference to where the approved application may be obtained.
- D. **Obligation Created by Solar Access Permit.** The owner of any lot or parcel burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot or parcel that shades the protected area created by the solar access permit provided that there is no vegetation on the lot or parcel 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 or parcel 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 or parcel. 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 shall terminate the solar access permit with respect to all or part of the neighboring lots or parcels 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 or parcel affected by the termination.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §4 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.88.230 Time-Share Unit](#)

Purpose. The purpose of DCC 19.88.230 is to establish standards for time-share uses within the applicable zoning district in DCC Title 19.

- A. Any time-share unit shall have its primary access on a collector street that does not pass through an existing developed residential area or on an arterial.

- B. Time share units in any residential zone and the UAR-10 zone:
1. New time-share units may be developed in vacant areas in applicable zoning districts provided that such development complies with DCC 19.88.230(A) and the following:
 - a. That the density of the development shall not exceed that of the existing predominant density pattern within 500 feet of the site.
 - b. That such development is appropriately buffered by the use of yardssetbacks, landscaping, etc., from adjoining-abutting properties as determined during site plan review considering the need for privacy and the effects of noise.
 2. Development of time share units in the RM or RH zones may be allowed provided they comply with DCC 19.88.230(A) and are buffered from adjacent residentially zoned neighborhoods by yardssetbacks, landscaping, berms, or other similar features.
 3. The Hearings Body or Planning Director may require bonds to assure installation and maintenance of landscaping, parking and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners' association, that will assure maintenance of such required facilities.
- C. Each time-share unit shall be landscaped and buffered. The landscape and buffering plan shall be determined by site plan review giving consideration to the need for privacy and the effects of noise.
- D. No structure shall be utilized as a time-share unit unless all the units in a development or project are used as time-share units for this purpose.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-045](#) §12 on 6/15/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.88.240 Fill And Removal](#)

Except as otherwise provided in DCC Title 19, no person shall fill or remove any material or remove any vegetation, regardless of the amount, within the bed and banks of any stream or river, or in any wetland, unless such fill or removal is approved as a conditional use in accordance with the following standards:

- A. An application shall be filed containing a plan with the following information.
1. A detailed explanation of the planned fill or removal including the amount of material to be filled or removed.
 2. An explanation of why the fill or removal is necessary.
 3. A site plan, drawn to scale and accompanied by such drawings, sketches and descriptions as are necessary to describe and illustrate the proposed fill or removal. The site plan shall, at a minimum, include:
 - a. An inventory of existing vegetation.

- b. The proposed modifications, if any, to the vegetation.
 - c. Existing and proposed site contours.
 - d. Location of property lines, easements, and high-water marks.
 - e. Other site elements or information which will assist in the evaluation of the proposed fill or removal.
- B. Public facility and service uses, such as construction or maintenance of roads, bridges, electric, gas, telephone, sewer or water transmission and distribution lines and related facilities controlled by public utilities or cooperative associations shall not be granted conditional use permits to fill or remove unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 2. That the roads, bridges, transmission and distribution lines, and related facilities cannot, as a practical matter, be located outside of the wetland or bed and bank of the stream or river.
 3. That the construction or maintenance requiring the fill or removal will be done in a manner designed to minimize the adverse impact upon the wetland, stream, or river.
 4. That erosion will be adequately controlled during and after construction.
 5. That the impacts on fish and wildlife habitat from the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
- C. Fill or removal required for public park and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, public boat launching ramps, public docks and public walkways shall not be allowed as a conditional use unless the following findings are made:
1. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use permit.
 2. That only the minimum removal of vegetation or material and dredging or excavation necessary for construction and maintenance will be done.
 3. That the specific location of the site will require the minimum amount of disturbance to the natural environment, considering alternative locations in the area and methods of construction.
 4. That such construction and maintenance is designed and done in such a manner as to minimize the adverse impact on the site.
 5. That erosion will be adequately controlled during and after construction.

6. That the impacts on fish and wildlife habitat by the fill or removal will be minimized to the greatest extent practical. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
- D. Except for uses identified in DCC 19.88.240(B) and (C), an application for a conditional use permit for activity involving fill or removal of material or vegetation within the bed and banks of a stream, river or wetland:
1. Shall be granted only after consideration by the Planning Director of the following factors:
 - a. The effects on public or private water supplies and water quality.
 - b. The effects on aquatic life and habitat and wildlife and habitat. The Oregon Department of Fish and Wildlife will be requested to review and comment on the application.
 - c. Recreational, aesthetic and economic values of the affected water resources.
 - d. Effects on the hydrologic characteristics of the water body, such as direction and velocity of flow, elevation of water surface, sediments transportation capacity, stabilization of the bank and flood hazards.
 - e. The character of the area, considering existing stream bank, stabilization problems and fill or removal projects which have previously occurred.
 2. Shall not be granted unless all of the following conditions are met:
 - a. That all necessary state and federal permits will be obtained as a condition of approval of the conditional use.
 - b. That there is no practical alternative to the proposed project which will have less impact on the surrounding area, considering the factors established in DCC 19.88.240(D)(1).
 - c. That there will be no significant impacts on the surrounding area, considering the factors established in DCC 19.88.240(D)(1).
 - d. That erosion will be adequately controlled during and after the project.
 - e. That vegetation will maintain the essential character, quality and density of existing growth. Additional vegetation shall be required if necessary to protect aquatic life habitats, functions of the ecosystem, wildlife values and aesthetic resources or to prevent erosion.
 - f. That the proposed fill or removal activity will be consistent with all relevant goals and policies of the Deschutes County Comprehensive Plan.
 - g. That a conservation easement, as defined in DCC 19.04.040 shall be conveyed to the County which provides, at a minimum, that all elements of the project will be carried out and maintained as approved, in perpetuity, for the regulated fill

or removal area, and all real property on the same lot or parcel within 10 feet of any wetland, river, or stream.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-058](#) §2 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.88.250 Dwelling Groups

Purpose. DCC 19.88.250 is intended to make possible a more desirable living environment than would be possible through a strict application of the provisions of DCC Title 19. It is intended to encourage reservation of a greater proportion of open space for visual and recreational uses; to encourage efficient, aesthetic and desirable uses of land; and to encourage greater diversity and variety in the physical development pattern of the County. A permit may not be issued for the erection of a dwelling group unless such dwelling group conforms to all of the following conditions and requirements:

- A. The area of the lot or parcel on which the dwelling group is to be erected shall be at least 20 percent greater than the aggregate of the minimum lot areas otherwise required for the individual dwelling units in the group.
- B. Each building containing a dwelling unit in the group shall front either on a street or other public open space at least 50 feet wide or on a common yard or outer court, public or private, not less than 50 feet wide.
- C. The distances between two ~~principal-primary~~ buildings shall not be less than the average of their heights and the distance between any ~~principal-primary~~ buildings and the nearest lot line other than a front lot line shall not be less than the height of the building.
- D. Every building containing a dwelling unit in the group shall be within 60 feet of an access roadway or drive having a right of way of at least 20 feet in width providing vehicular access from a public street.
- E. Such dwelling group shall conform to all of the requirements of DCC Title 19 for the district in which it is to be located, except as provided in DCC 19.88.250.
- F. All dwelling groups shall be subject to site plan approval as provided in DCC 19.76.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §36 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.88.260 Bed And Breakfast Inn

The inn shall be subject to an annual review for at least the first three years of operation after which time the Planning Director or Hearings Body, after public hearings, may approve a permanent permit for the inn. The following minimum standards shall also apply:

- A. All inns shall be owner-occupied.

- B. Each guest room shall have one off-street parking space, in addition to the parking required for the dwelling unit by the provisions of DCC 19.80.
- C. All inns shall be inspected and approved by the County Building Official prior to the issuance of an occupancy permit. Inspection is limited to egress and fire protection. Dwelling units must meet all requirements for egress as defined in the State of Oregon Uniform Building Code. A fee shall be paid for inspections.
- D. Only rooms designed as sleeping rooms shall be used for guest rooms. Guest rooms shall be protected by a smoke detector as required by state code.
- E. There shall be at least 400 feet of separation along the same street between inns.
- F. Signing shall be in accordance with the County Sign Ordinance.
- G. The bed and breakfast inn shall maintain an up-to-date guest register listing all guests.
- H. If an approved inn is not established within one year of the approval date, or if the use of the residence as an inn lapses for over one year, the approval shall automatically expire and a new application will be required.
- I. All inns shall comply with the provisions of the County's Transient Room Tax Ordinance, where applicable.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §36 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.88.270 Temporary Use](#)

Temporary structures and uses are permitted only after obtaining a temporary use permit from the Planning Director, and as follows:

- A. In the CC, CL, CG, CH and CB zones:
 - 1. Christmas tree sales from November 26 to December 31.
 - 2. Fireworks sales from June 23 to July 5.
 - 3. Nonprofit organizations' fund-raising sales if the nonprofit status of said organization is recognized by the Internal Revenue Service, not to exceed 15 days in any 60-day period.
- B. In the CH zone, other temporary uses may be allowed for a period not to exceed 15 days in any 60-day period. Use of a lot or parcel for more than one temporary use in any 60-day period shall be subject to site plan review in accordance with all standards of DCC Title 19.
- C. All temporary uses allowed by DCC 19.88.270(A) and (B) shall satisfy the following standards:
 - 1. All necessary permits shall be obtained from the county Environmental Health and Building Divisions.

2. All signs shall not exceed a combined total of 32 square feet or a sign permit shall be obtained in accordance with the county sign ordinance.
3. All material employed in the temporary use, such as produce, shelters and debris, shall be removed by the applicant or property owner at the end of the activity.
4. Access and parking shall be adequate for the use.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §36 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.88.280 Manufactured Homes

A. General Provisions.

1. Manufactured home parks are permitted with site plan review approval in the RM and RH zones in accordance with the standards of DCC 19.88.280 and the standards for site plan approval.
2. In addition, manufactured home parks and subdivisions may be planned under the provisions for planned developments, which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities.
3. Manufactured home subdivisions for Class A manufactured homes are permitted with site plan approval in the RS zone in accordance with the standards in DCC 19.88.280 and all other provisions of DCC Title 19. Manufactured home subdivisions for Class B manufactured homes are permitted as a conditional use in the RS zone in accordance with the standards of DCC Title 19.
4. Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.
5. Except as otherwise provided by DCC 19.88.280, the standards for subdividing and developing land within manufactured home parks and subdivisions shall be the same as for all other developments in accordance with the provisions of DCC Title 19.
6. State Requirements. Where standards for manufactured home developments are established by state law or Department of Commerce Administrative Rule, such requirements shall be in addition to the provisions of DCC 19.88.280.
7. Manufactured Housing Construction and Safety Standards Code (also referred to as the HUD Code). Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq), as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, and agent of the U. S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of said

code by the Oregon Department of Commerce, all of which became effective for manufactured home construction on June 15, 1976, shall be utilized as the minimum construction standard of the County with which all manufactured home placements shall comply, except as may be exempted by DCC 19.88.280.

8. Definitions. For purposes of DCC 19.88.280 only, the definitions of terms used herein and not defined in DCC 19.04.040 shall be as defined in ORS Chapter 446 or Oregon Administrative Rules Chapter 918, Division 500, as amended.

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

1. A Class A manufactured home shall:
 - a. Have more than 1,000 square feet of occupied space in a double section or larger multi-section unit;
 - b. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade;
 - c. Have wheels, axles and hitch mechanisms removed;
 - d. Have utilities connected in accordance with the requirements of the Building Codes Agency and the manufacturer's specifications;
 - e. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code;
 - f. Have composition, shake, shingle or tile roofing materials. The roof pitch shall be a minimum of 3/12;
 - g. Siding materials and trim shall be similar in appearance or complementary to other homes in the area, including the type, color and horizontal or vertical placement of materials;
 - h. A garage or carport shall be constructed in conjunction with the placement of the manufactured home. It shall be of like materials and color to the dwelling unit;
 - i. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to those required for single ~~family-unit~~ dwellings under the state building code as defined in ORS 455.010.
2. A Class B manufactured home shall:
 - a. Have more than 750 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);
 - b. Be placed onto a permanent foundation as required in DCC 19.88.280(C)(2);

- c. Have wheels, axles and hitch mechanisms removed;
 - d. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;
 - e. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standard Code as of June 15, 1976;
 - f. Have composition, shake, shingle or tile roofing materials and a minimum pitch of 2/12;
 - g. Have nonreflective siding materials and trim typical of new conventional built homes within the community;
 - h. Have a carport or garage of like materials and color;
3. A Class C manufactured home shall:
- a. Have more than 320 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);
 - b. Be placed onto a support system in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
 - c. Be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
 - d. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;
 - e. Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976;
 - f. Be in good repair and free of structural, electrical, mechanical and plumbing defects, any of which must be corrected prior to placement.
4. A Class D manufactured home is any manufactured home built prior to June 15, 1976, and under ORS Chapter 446 is not defined as a recreation vehicle. For purposes of determining appropriateness for placement, Class D manufactured homes shall:
- a. Have more than 320 square feet of occupied space;
 - b. Be placed onto a support system in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
 - c. Be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in DCC 19.88.280(C)(2);
 - d. Have utilities connected in accordance with manufacturer's specifications and Oregon Department of Commerce requirements;

- e. Be in good repair and free of structural, electrical, mechanical and plumbing defects, any of which must be corrected prior to placement.
- C. Manufactured Home Placement Standards. All manufactured homes placed within the Bend Urban Area after the effective date of DCC Title 19 shall comply with the following:
- 1. As defined in DCC 19.88.280(B), each manufactured home shall be classified as Class A, B, C or D, and shall be permitted within the following areas:
 - a. Class A - Permitted in the UAR-10, SR 2 1/2, RS, RL, RM and RH zones, in manufactured home parks and as replacement to existing nonconforming manufactured homes.
 - b. Class B - Permitted in manufactured home subdivisions approved as a conditional use in the RS zone and manufactured home parks, also permitted as replacements for existing nonconforming manufactured homes which would be classified as Class B, C or D.
 - c. Class C - Permitted in all manufactured home parks. Also allowed as replacements for existing nonconforming manufactured homes in a manufactured home subdivision or park for units which would be classified as Class C or D and as replacements to any other Class D unit.
 - d. Class D - Permitted only in manufactured home parks.
 - 2. Foundations/Skirting Support Systems.
 - a. All load-bearing foundations, supports and enclosures shall be installed in conformance with the regulations of the Building Codes Agency and with the manufacturer's installation specifications (reference Oregon Administrative Rules Chapter 814, Division 23).
 - b. All Class A and Class B manufactured homes outside of manufactured home parks shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. The underfloor area shall contain a 24" X 30" exterior access for maintenance of utilities.
 - c. Class A and B manufactured homes located in manufactured home parks and Class C and D manufactured homes must have enclosed perimeters as specified above or be installed with an approved foundation siding/skirting enclosing the entire perimeter of the home. Foundation siding/skirting and backup framing shall be weather-resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the home. Materials below grade level and for a minimum distance of six inches above finish grade shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendation or approved equal standards.

3. Except for a structure which conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage or carport constructed to the Oregon State Structural Specialty Code.
4. All manufactured home lots and spaces shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the Planning Director where underground service would require an exception to local prevalent conditions.
5. Manufactured homes shall not be used for living purposes unless connected to local water, sewers and electrical systems.

D. Manufactured Home Subdivisions.

1. Lot Size and Dimension Requirements. The minimum lot area and dimensions within a manufactured home subdivision shall be the same as that allowed within the zone.
2. Permitted Uses. Manufactured home subdivisions may contain manufactured homes and related accessory structures.
3. Setbacks. Setbacks for manufactured homes, modular homes and accessory structures shall be the same as provided in the zone, except that no manufactured home shall be located within 15 feet of another manufactured home.

E. Manufactured Home Parks.

1. Minimum Area Required. All manufactured home parks shall consist of a minimum area of five acres.
2. Density. The maximum number of manufactured homes allowed within a manufactured home park shall not exceed 10 units per acre. The average area of a manufactured home site shall not be less than 4,000 square feet, excluding roadway, recreation areas and other accessory facilities. No manufactured home site shall be less than 2,000 square feet in area.
3. Access. Manufactured home park accesses shall be located on public streets improved to a minimum width of 36 feet and which are improved to a point intersecting a collector or arterial street.
4. Permitted Use. Manufactured home parks may contain manufactured homes and accessory structures permitted in DCC 19.76, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence which may be other than a manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property.
5. Minimum Site Requirements.
 - a. Park Streets. The minimum surfaced width of the roadway within an accessway shall be 24 feet if there is no parking allowed and 30 feet if parking is allowed on

both sides. The first 50 feet of the accessway, measured from the public street, shall be surfaced to a minimum width of 30 feet and shall be connected to the existing public street according to plans approved by the County Public Works Department.

- b. Improvement Standards. The improvement of driveways, walkways, streets, drainage and other utilities shall conform to adopted state standards for such or shall conform to the county's standard specifications manual, whichever is more restrictive.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §36 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [91-001](#) §§6-10 on 1/28/1991

19.88.290 Farm Stands

Farm stands may be permitted within the UAR-10 zone subject to DCC 19.76, provided the following special use standards are also established:

- A. The minimum lot size of the subject lot or parcel is at least ten (10) acres;
- B. The subject lot or parcel is receiving non-exclusive farm use agricultural tax deferral;
- C. The subject lot or parcel is improved with a single ~~family-unit~~ dwelling;
- D. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from the promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
- E. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

HISTORY

Adopted by Ord. [2008-014](#) §3 on 3/31/2008

CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS

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[19.92.010 General Exceptions To Lot Size Requirements](#)

If at the time of passage of DCC Title 19, or annexation to the City, a lot or parcel, or the aggregate of continuous lots or land parcels held in a single ownership has an area of dimension less than required for the zone in which the property is located, the lot, parcel, or aggregate holdings may be occupied by any permitted use in the zone subject to compliance with all other requirements of the zone provided, however, the use of a lot or parcel in an R zone which has an area deficiency shall be limited to a single-family-unit dwelling.

- A. Any lot or parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility, or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 19.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot size, where applicable, shall be considered a standard metes and bounds land section division, i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.; lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 19 if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control.
- C. Any lot or parcel which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
 1. The lot or parcel is a lot of record, as defined in DCC 19.04.040.
 2. The use conforms to all other requirements of that zone.
 3. If there is an area deficiency, residential use shall be limited to a single-~~dwelling~~ unit dwelling.
 4. All necessary permits are obtained.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.92.020 Accessory Uses And Structures](#)

An accessory use shall comply with all requirements for a primary use, except as DCC Title 19 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 any accessory structures.

1. Exception:

a. A building permit for a ramada or carport may be issued without establishment of or application for a 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; or

c. A building permit for a 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, shall be issued if all other criteria for issuance are met.

B. A property owner is prohibited from installing any one of the following facilities described in (B)(1-3) within an accessory structure, unless the property owner signs and records a Deschutes County restrictive covenant prohibiting use of the structure as a dwelling unit. If a property owner signs and records a Deschutes County restrictive covenant prohibiting use of the structure as a dwelling unit, only one of the following facilities may be installed within an accessory structure in accordance with this subsection (B):

1. A full bath; or

2. A wet bar; or

3. Laundry appliances.

C. Notwithstanding (B), more than one of the facilities identified in (B)(1-3) may be installed within any accessory structure, if a land use decision includes a finding that the proposed use is allowed on the subject lot or parcel.

D. A kitchen may not be installed within any accessory structure, unless a land use decision includes a finding that the proposed use is allowed on the subject lot or parcel.

E. A greenhouse or hothouse may be maintained accessory to a dwelling unit provided there are no sales. A guesthouse may be maintained accessory to a dwelling unit provided there are no cooking facilities.

F. An accessory building shall not be located within 10 feet of a primary dwelling unit existing or under construction on the same lot or parcel.

G. Site-obscuring fences may be located in a required front setback area or in a vision clearance area provided that they shall not exceed 2.5 feet in height measured from the top of the curb.

H. Solar panels, collectors, or other similar solar devices may be maintained as accessory structures.

~~A.—A greenhouse or hothouse may be maintained accessory to a dwelling provided there are no sales.~~

~~B.—A guest house may be maintained accessory to a dwelling provided there are no cooking facilities.~~

~~A.—An accessory building shall not be located within 10 feet of a principal dwelling existing or under construction on the same lot.~~

~~B.—Site-obscuring fences may be located in a required front yard or in a vision clearance area provided that they shall not exceed 2.5 feet in height measured from the top of the curb.~~

~~C.—Solar panels, collectors or other similar solar devices may be maintained as accessory structures.~~

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §38 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.92.030 Exception To Height Regulations

Height limitations set forth elsewhere in DCC Title 19 shall not apply to barns, silos, water towers and tanks, or other farm buildings and structures, provided they are not less than 50 feet from every lot line; public schools, chimneys, religious institutions or assemblies, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, fire hose towers, masts, aerials, elevator shafts and other similar projections, and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. This exception does not apply to the solar access provisions of DCC 19.88.210 and 19.88.220.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §19 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [92-037](#) §1 on 4/29/1992

Amended by Ord. [2020-001](#) §25 on 4/21/2020

19.92.040 Establishment And Measure Of Clear Vision Areas

In all zones, on all corners adjacent to the intersection of two streets, an alley and a street or of a street and railroad, within a triangle formed by the street lines of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, building or any other obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of two feet and a height of eight feet above the level of the curb, or of the level of the above-mentioned point of intersection if the streets are sloping. A clear vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot line extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot or parcel joining the

nonintersection ends of the other two sides. The following measurements shall establish clear vision areas within the urban area.

- A. In all commercial and industrial zones except the CB zone, the minimum distance shall be 15 feet. However, at the intersection of an alley and a street, the distance shall be 10 feet.
- B. In all residential zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows, except at intersections of an alley and a street in a residential zone, the minimum distance shall be 15 feet.

R.O.W. Width	Clear Vision Measurement
80 feet and more	20 feet
60 feet	30 feet
50 feet	40 feet

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.92.050 Exceptions To ~~Yard-Setback~~ Requirements

- A. Projections into Required ~~YardsSetback Areas~~. Certain architectural features may project into required ~~yards-setback areas~~ or courts as follows: Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces, but these may not in any case extend more than 18 inches into any required ~~yard-setback~~ area. Fire escapes, open, uncovered porches, balconies, landing places, or outside stairways, may not in any case extend more than 18 inches into any required side or rear ~~yardssetback areas~~, and not exceeding six feet into any required front ~~yardsetback area~~. This is not to be construed as prohibiting open porches or stoops not exceeding 18 inches in height and not approaching closer than 18 inches to any lot line.
- B. Exceptions to Front ~~Yard-Setback~~ Requirements. If there are dwelling units on both abutting lots or parcels with front ~~yards-setbacks~~ less than required ~~depth-distance~~ for the zone, the front ~~yard-setback~~ for the lot or parcel need not exceed the average front ~~yard-setback~~ of the abutting dwelling units. If there is a dwelling unit on one abutting lot or parcel with a front ~~yard-setback~~ of less than the required ~~depth-distance~~ for the zone, the front ~~yard-setback~~ need not exceed a ~~depth-distance~~ of one-half way between the ~~depth-of-the~~ front ~~yard-setback~~ on the abutting lot or parcel and the required front ~~yard-depthsetback~~.
- C. Residential Use in Commercial or Industrial Zones. Structures in any C or I zone which contain dwelling units not on the ground floor need not comply with residential zone ~~yard-setback~~ requirements provided such structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.92.060 Authorization For Similar Uses

The planning commission may rule that a use not specifically named in the permitted or conditional uses of DCC Title 19 shall be included among the permitted outright or conditional uses if the use is of the same general type and is similar to the permitted or conditional uses of that zone.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.92.070 Existing Uses

Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of DCC Title 19 may be continued even though such use, building or structure may not conform to the provisions of DCC Title 19 for the zone in which it is located provided, however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.92.080 Pending Building Permits

Nothing herein shall require any change in the location, plans, construction, size or designated use of any development, building, structure or part thereof for which the required official approval and building permit have been granted prior to the adoption of DCC Title 19. Unless construction on such building or structure begins within 120 days after the adoption of DCC Title 19, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of DCC Title 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.92.090 River Setback (Repealed)

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Repealed by Ord. [94-027](#) on 6/15/1994

19.92.100 (Untitled)

All sections of DCC Title 19 which have any bearing on the conditions which should apply to an application or an action which is being reviewed or considered under DCC Title 19 shall be applied to the conditions and approval process for the application or action.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.92.110 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.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-041](#) §21 on 6/1/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.92.120 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 and Tumalo Creek, the property owner shall convey to the County a conservation easement as defined in DCC 19.04.040, affecting all property on the subject lot or parcel which is within 10 feet of the mean high-water mark of the Deschutes River or Tumalo Creek.
- 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 19.04.040.
- C. Any public access required as part of a conservation easement shall be subject to the following conditions and limitations:
 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.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-055](#) §2 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.92.130 Fill And Removal Exceptions

- A. The following fill and removal activities are permitted outright if the material to be filled or removed will not exceed 50 cubic yards in volume:
 - 1. Removal of vegetation for the purpose of:
 - a. Removal of diseased or insect-infested trees or shrubs, or rotten or damaged trees that present safety hazards.
 - b. Normal maintenance and pruning of trees and shrubs.
- B. The following fill and removal activities may be authorized by the Planning Director upon a finding that no adverse impacts will occur to the water resources of Deschutes County:
 - 1. Minor fill or removal required for vegetative enhancement, including excavation and preparation of the ground for planting additional vegetation.
 - 2. Fill or removal for maintenance and repair of existing bridges, dams, irrigation facilities and similar public and semipublic facilities, provided such fill and removal does not alter the existing characteristics of the stream, river or wetland.
 - 3. Fill or removal for maintenance and repair of nonconforming structures or boat docks.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-058](#) §3 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.92.140 Existing Marijuana Production Registered By The Oregon Health Authority (OHA)

- A. 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 7:00 p.m. to 7:00 a.m. on the following day.
 - 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.
- B. 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 18.116.330(B)(10), 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:
 1. 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
 2. 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).

HISTORY

Adopted by Ord. [2016-016](#) §2 on 6/1/2016

[19.92.150 Historic Home Accessory Dwelling Units In UAR-10 And SR-2 1/2 Zones](#)

- A. As used in this section:
1. "Historic accessory dwelling unit" means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling. For the purposes of this section, "auxiliary" means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the 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. "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 (UAR-10 and SR-2 1/2 zones) may construct a new single-family dwelling 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 a historic accessory dwelling unit upon completion of the new single-family dwelling; and
 5. The historic 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 a historic accessory dwelling unit 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 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 is situated on a different lot or parcel from the historic accessory dwelling unit.
 2. Alter, renovate or remodel the historic accessory dwelling unit so that the square footage of the historic 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 historic 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 under this section may be required to be served by the same water supply source as the historic accessory dwelling unit.

- F. Owner occupancy of either the historic accessory dwelling unit or the new single-family dwelling is not required. However, the historic accessory dwelling unit and the new single-family dwelling placed under this section may not be used simultaneously for short-term rentals of thirty (30) consecutive days or less.

HISTORY

Adopted by Ord. [2019-009](#) §6 on 9/3/2019

Recorded by Ord. [2019-009](#) §6 on 9/3/2019

Amended by Ord. [2023-014](#) §9 on 12/1/2023

[19.92.160 Residential Accessory Dwelling Units In The UAR-10, SR-2 1/2, And WTZ 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. For the purposes of this section, "auxiliary" means a use or structure incidental and subordinate to the single-family dwelling on the property, and located on the same lot or parcel as the single-family dwelling.
 2. "Accessory dwelling unit structure" means all areas of an accessory dwelling unit inclusive of garages, carports, decks, and porch covers.
 3. "Rural residential use" means a lot or parcel located in the UAR-10, SR-2 ½, or WTZ Zones, consistent with the definition in ORS 215.501.
 4. "Safe evacuation plan" means an identifiable route on a right(s)-of-way and any onsite driveways from the accessory dwelling unit to a staged evacuation area.
 5. "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.
 6. "Staged evacuation area" means a public or private location that occupants of the accessory dwelling unit may evacuate to reorganize.
 7. "Useable floor area" means all areas of an accessory dwelling unit included within the surrounding exterior walls, exclusive of garages, carports, decks, and porch covers.
 8. "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
 - a. The occupant rents the unit for vacation purposes only, not as a principal residence; and
 - b. The occupant has a principal residence other than at the unit; and
 - c. The period of authorized occupancy does not exceed 45 days.
- B. One accessory dwelling unit is permitted outright on a lot or parcel zoned UAR-10, SR-2 ½, or WTZ, provided all of the following standards are met:

1. One single-family dwelling is sited on the lot or parcel:
 - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any building or land use permits for an accessory dwelling unit.
 - b. An existing single-family dwelling meeting all other criteria in this section may be converted to an accessory dwelling unit during construction of a new primary single-family dwelling.
2. There is no guest-house, temporary residence as identified in DCC 19.88.090, or additional dwelling units except the primary single-family dwelling established on the subject property.
 - a. An existing lawfully established guest-house, temporary residence as identified in DCC 19.88.090, or an additional dwelling unit meeting all other criteria in this section may be converted to an accessory dwelling unit.
3. The lot or parcel is not located within an Urban Reserve Area, consistent with ORS 195.137.
4. No portion of the lot or parcel is within the Metolius Area of Critical State Concern, as defined in ORS 197.416.
5. The lot area is at least two acres in size, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres in size.
6. The accessory dwelling unit structure will have a minimum setback of 100 feet from adjacent properties zoned F-1, F-2, or EFU and meet any other minimum setback requirements of the underlying zone and combining zones.
7. The accessory dwelling unit will not include more than 900 square feet of useable floor area.
8. The accessory dwelling unit will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the existing single-family dwelling to the nearest part of the useable floor area of the accessory dwelling unit.
 - a. An existing structure converted to an accessory dwelling unit must be located no farther than 100 feet from the existing single-family dwelling, measured from the existing single-family dwelling to the nearest part of the accessory dwelling unit structure. For the purposes of this section, “existing” means the structure was lawfully established on or before November 1, 2023.
9. Prior to application, the accessory dwelling unit receives approval from a sewer authority or the Deschutes County Onsite Wastewater Division for onsite wastewater disposal and treatment.

10. The lot or parcel is served by a fire protection service provider with professionals who have received training or certification described in ORS 181A.410.

11. The accessory dwelling unit provides for all of the following:

a. Adequate access connecting an accessory dwelling unit with a fire protection service provider with professionals who have received training or certification described in ORS 181A.410. Adequate access is met by demonstrating compliance with section 11(a)i and 11(a)(ii), or section 11(a)(iii):

1. A continuous, minimum 20-foot width right(s)-of-way with an unobstructed vertical clearance of not less than 13.5 feet. For the purposes of this section, right(s)-of-way are defined as:
 - A. Public roads with maintenance responsibility accepted by a unit of local or state government or assigned to landowners or homeowners association by covenant or agreement; or
 - B. Private roads, as permitted by DCC Title 19, with maintenance responsibility assigned to landowners or homeowners associations by covenant or agreement pursuant to ORS 105; and
2. A continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:
 - A. Composed of an all-weather surface including asphalt or concrete; or
 - B. Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;
3. Written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the property meets minimum fire district requirements to provide emergency services to the property;

b. A safe evacuation plan; and

c. For private properties utilized as staged evacuation areas, written authorization from the property owner(s) of the staged evacuation area that the occupants of the accessory dwelling unit may evacuate to the staged evacuation area.

12. Wildfire Hazard Mitigation Building Code Standards:

a. If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply to the accessory dwelling unit structure:

1. For areas designated as high wildfire hazard that are identified pursuant to ORS 477.490:
 - A. The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code.

b. If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, the following requirements shall apply to the accessory dwelling unit structure:

1. The Wildfire Hazard Mitigation building code standards as described in section R327 of the Oregon Residential Specialty Code.

13. Wildfire Hazard Mitigation Defensible Space Standards:

a. If the Statewide Wildfire Hazard Map described in ORS 477.490 has been approved, the following requirements shall apply:

1. For all wildfire hazard designations in the wildland-urban interface that are identified pursuant to ORS 477.490:
 - A. The minimum defensible space rules established by the State Fire Marshal as described in ORS 476.392.

b. If the Statewide Wildfire Hazard Map described in ORS 477.490 has not been approved, then either the section 13(b)(i) or 13(b)(ii) requirements shall apply:

1. Prior to issuance of building permits, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the accessory dwelling unit on land that is owned or controlled by the owner:
 - A. Primary Firebreak. A primary firebreak, not less than 10 feet wide, shall be constructed containing nonflammable materials. This may include lawn, walkways, driveways, gravel borders or other similar materials; and
 - B. Secondary Firebreak. A secondary firebreak of not less than 20 feet wide shall be constructed outside the primary firebreak. This firebreak need not be bare ground, but can include a lawn, ornamental shrubbery or individual or groups of trees separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and

- C. Fuel Break. A fuel break shall be maintained, extending a minimum of 100 feet in all directions around the secondary firebreak. Individual and groups of trees within the fuel break shall be separated by a distance equal to the diameter of the crowns adjacent to each other, or 15 feet, whichever is greater. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. All trees shall be pruned to at least eight feet in height. Dead fuels shall be removed; and
 - D. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.
 - 2. Prior to issuance of building permits, the property owner(s) shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the accessory dwelling unit that is owned or controlled by the owner.
- 14. The existing single-family dwelling property on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.
- 15. A lot or parcel with an accessory dwelling unit approved under this section is ineligible for:
 - a. A subdivision, partition, other division of the lot or parcel, or a property line adjustment where the result of such application would be to situate the existing single-family dwelling on a different lot or parcel than the accessory dwelling unit; and
 - b. Placement or construction of any additional dwelling unit, guest-house, or any other temporary residence as identified in DCC 19.88.090.
- 16. If the accessory dwelling unit is served by a well, the construction of the accessory dwelling unit shall maintain all setbacks from the well required by the Water Resources Commission or Water Resources Department.
- 17. At the time of application, a letter confirming that the supplier of water is "Willing and Able to Serve" the accessory dwelling unit shall be provided if the accessory dwelling unit is to be served by any water source other than an onsite domestic well.
- 18. An existing single-family dwelling and an accessory dwelling unit allowed under this section are considered a single unit for the purposes of calculating ground water right exemptions under ORS 537.545(1).
- 19. If the water supply source for the accessory dwelling unit or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel

is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

20. Prior to issuance of building permits, the applicant shall sign and record with the County Clerk, a restrictive covenant stating an accessory dwelling unit allowed under this section and the primary single-family dwelling cannot be used for vacation occupancy, as defined in DCC 19.92.160(A)(8) and consistent with ORS 90.100.

HISTORY

Adopted by Ord. [2023-014](#) §9 on 12/1/2023

CHAPTER 19.96 NONCONFORMING USES

[19.96.010 Verification Of Nonconforming Use](#)

[19.96.020 Maintenance Of Nonconforming Use](#)

[19.96.030 Restoration Or Replacement Of Nonconforming Use](#)

[19.96.040 Alteration Of A Nonconforming Use](#)

19.96.010 Verification Of Nonconforming Use

Subject to the procedures set forth in DCC 22.40, upon application the Planning Division will verify whether or not a use constitutes a valid nonconforming use in accordance with the provisions of DCC 19.96.010 and applicable state law. Verification of the existence of a nonconforming use shall be required prior to or concurrently with any application to alter or restore the use. The burden shall be upon the applicant for alteration or restoration of a nonconforming use to demonstrate its lawful existence. The applicant shall demonstrate all of the following:

- A. The nonconforming use was lawful on the effective date of the provisions of DCC Title 19 prohibiting the use.
- B. The nonconforming use was actually in existence on the effective date of the provisions of DCC Title 19 prohibiting its use, or had proceeded so far toward completion that a right to complete and maintain the use would be deemed to have vested.
- C. The nonconforming use has existed continuously, or if it has not existed continuously, has not been abandoned, or has not been interrupted for a period in excess of one year. The decision verifying the nonconforming use shall be made pursuant to the provisions of the County land use procedures ordinance.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [95-050](#) §7 on 6/28/1995

19.96.020 Maintenance Of Nonconforming Use

Normal maintenance of a verified nonconforming use shall be permitted provided that no alterations in the use or structure are made which change the size or outward appearance of the nonconforming use.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.96.030 Restoration Or Replacement Of Nonconforming Use

A verified nonconforming use may be restored or replaced if all of the following criteria are met:

- A. The nonconforming use has been damaged or destroyed by fire or other casualty or natural disaster.
- B. The nonconforming use is restored or replaced on the same location as it existed prior to damage or destruction.
- C. The restoration or replacement of the nonconforming use is commenced within one year of the damage or destruction.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.96.040 Alteration Of A Nonconforming Use

- A. The alteration of a nonconforming use shall be permitted when necessary to comply with any lawful requirement.
- B. In all cases other than that described in DCC 19.96.040(A), alteration of a nonconforming use or structure or physical improvements shall be permitted when all of the following criteria are met:
 1. The alteration is necessary to reasonably continue the nonconforming use.
 2. The alteration will have no increased adverse impact upon the neighborhood.
 3. Any alteration to a nonconforming use permitted under DCC 19.96.040 also shall be subject to all applicable provisions of DCC Title 19, including site plan review under DCC 19.76.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §39 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

CHAPTER 19.100 CONDITIONAL USE PERMITS

[19.100.010 Purpose](#)

[19.100.020 Decision Authority](#)

[19.100.030 General Conditional Use Criteria](#)

[19.100.040 Application](#)

[19.100.050 Review Of Application](#)

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[19.100.090 Farm Stands](#)

[19.100.010 Purpose](#)

In certain zones, conditional uses may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of DCC Title 19 and the effect of the conditional use on surrounding properties.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.100.020 Decision Authority](#)

The Planning Director or Hearings Body shall have the authority to approve, approve with conditions, disapprove or revoke conditional use permits subject to the provisions of DCC 19.100.020.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.100.030 General Conditional Use Criteria](#)

A conditional use permit may be granted only upon findings by the Planning Director or Hearings Body that the proposal meets all of the criteria in DCC 19.100.030, as well as all other applicable criteria contained in DCC Title 19. The general criteria are:

- A. That the location, size, design and operating characteristics of the proposed use are such that it will have minimal adverse impact on the property value, livability and permissible development of the surrounding area. Consideration shall be given to compatibility in terms of scale, coverage and density with the alteration of traffic patterns and the capacity of surrounding streets and to any other relevant impact of the proposed use.
- B. That the site planning of the proposed use will, as far as reasonably possible, provide an aesthetically pleasing and functional environment to the highest degree consistent with the nature of the use and the given setting.
- C. That if the use is permitted outright in another zone, there is substantial reason for locating the use in an area where it is only conditionally allowed, as opposed to an area where it is permitted outright.
- D. That the proposed use will be consistent with the purposes of DCC Title 19, the Comprehensive Plan, Statewide Goals and any other applicable statutes, ordinances or policies.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.100.040 Application](#)

A request for a conditional use may be initiated by a property owner or his agent, authorized in writing, by filing an application with the Planning Director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Director or Hearings Body may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [95-050](#) §8 on 6/28/1995

[19.100.050 Review Of Application](#)

Before a conditional use is permitted, the conditional use shall be reviewed as a land use permit consistent with the procedures established by the County land use procedures ordinance.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.100.060 Action On An Application](#)

The Planning Director or Hearings Body may approve, approve with conditions or disapprove the application for a conditional use permit subject to the land use procedures ordinance. In permitting a conditional use, the Planning Director or Hearings Body may impose, in addition to regulations and standards expressly specified in DCC Title 19, other conditions found necessary to protect the best interests of the surrounding property or neighborhood or the urban area as a whole. Any future enlargement or alteration of the use shall be reviewed by the County and new conditions may be imposed.

- A. In order to grant any conditional use, the Planning Director or Hearings Body must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed uses, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the urban area.
- B. Duration of permits issued under DCC 19.100 shall be as set forth in DCC 22.36.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [95-018](#) §6 on 4/26/1995

[19.100.070 Special Requirements](#)

The request for a building to exceed 45 feet in height shall be considered in light of the Fire Department's fire fighting apparatus and the location of that apparatus. The community should have adequate apparatus before taller structures are allowed.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §40 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.100.080 Hydroelectric Facilities](#)

- A. In addition to the general conditional use permit criteria set forth in DCC 19.100.080(A)(6)(c), the criteria set forth below shall apply to any construction or expansion of, or other modification to, hydroelectric facilities in zones where such facilities are permitted as a conditional use. A conditional use permit may be granted for the construction or expansion of, or other modification to, a hydroelectric facility only upon findings by the Hearings Body that the proposal meets each of the following criteria, where applicable:
1. The facility is located at and physically connected to an existing man-made diversion or impoundment.
 2. The facility will not increase the maximum surface area or capacity of the impoundment created by the existing dam or diversion to which the facility will be connected.
 3. The facility will maintain or enhance, to the greatest extent possible, the existing scenic visual, environmental and aesthetic qualities of the affected stretch of the river.
 4. The facility will maintain or enhance the existing recreational opportunities on or adjacent to the affected stretch of the river.
 5. The facility will maintain or enhance existing fish and wildlife habitat, and will have no adverse impact upon any threatened or endangered fish, wildlife or plant species or their habitat.
 6. The facility and its operation will maintain or enhance existing water quality in the affected stretch of the river, except during construction of the facility when adverse impacts on water quality will be minimized. Specifically, the facility and its operation will not:
 - a. Deposit, or create a zone for the deposit of, sediments in the river at or adjacent to the site;
 - b. Increase the temperature of the river in the affected stretch by any means, including but not limited to removal of vegetation or reduction in stream flow;
or
 - c. Create the potential for, or result in spillage, leakage or discharge of oil, chemicals or other substances or waste products which could reach the river.
 7. The facility and its operation will not increase soil or bank erosion or destroy bank habitat at or on land adjacent to the site, except during construction of the facility during which time soil or bank erosion and destruction of bank habitat will be minimized.

8. The facility and its operation will maintain existing public access to the affected stretch of the river.
 9. The facility will not be located at or immediately adjacent to any identified archaeological or historical site, national or state park, wildlife refuge, Bureau of Land Management Outstanding Natural Area or Area of Critical Environmental Concern, Federal Research Natural Area or U.S. Forest Service Special Interest Area.
 10. The facility and its operation will comply with all applicable noise, water quality and pollution regulations of the Oregon Department of Environmental Quality.
 11. The facility and its operation will comply with all applicable state and local fill-and-removal statutes and regulations.
- B. The applicant for a conditional use permit for a hydroelectric facility, in addition to all other requirements, shall submit the following for approval:
1. Detailed construction plans and profiles of all facility features, including building elevations of the powerhouse and other structures, excavation plans and narrative as to where blasting will occur and where excess material will be deposited, and landscaping and reclamation plans.
 2. Detailed plans for meeting the criteria set forth in DCC 19.100.080(A).
 3. Detailed plans for river enhancement documenting both on-site and off-site enhancement plans consistent with adopted river-related goals and policies, such as plans and methods for conserving water and enhancing stream flows. The plan shall identify costs, time schedules and coordination activities with affected persons and agencies for such enhancement plans.
 4. A cash deposit, performance bond or other security acceptable to Deschutes County, in an amount equal to 100 percent of the estimated cost of river enhancement.
 5. Detailed plans for a water conservation and stream enhancement program to be funded by a portion of revenues generated by the operation of the proposed facility. The program plans shall contain the following:
 - a. A program timetable;
 - b. Projected gross revenues from the proposed facility;
 - c. Projected program expenditures and the percentage of gross revenues they represent;
 - d. Projected water savings and the percentage of known current water losses they represent;
 - e. A declaration by the applicant that at least 50 percent of the conserved water will remain undiverted by the applicant;

- f. A declaration by the applicant that water diversion for power generation will not cause water flow in the affected stretch of the river (from the diversion to the tailrace exit) to fall below the minimum stream flow for that stretch as recommended by the Oregon Department of Fish and Wildlife; and
- g. A declaration by the applicant that it will enter into an agreement with Deschutes County prior to beginning construction of the facility by which the applicant agrees to fulfill all of the requirements in DCC 19.100.080(B)(5)(a) through (g).

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-017](#) §16 on 6/30/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

19.100.090 Farm Stands

- A. In addition to the general conditional use permit criteria set forth in DCC 19.100.030, farm stands may be permitted within the UAR-10 zone subject to DCC 19.76, provided the following special use standards are also established:
 - 1. The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from the promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
 - 2. The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

HISTORY

Adopted by Ord. [2008-014](#) §3 on 3/31/2008

CHAPTER 19.104 PLANNED UNIT DEVELOPMENT APPROVAL

[19.104.010 Purpose](#)

[19.104.020 Hearings Body Approval Required](#)

[19.104.030 Application](#)

[19.104.040 Minimum Size For Planned Unit Developments](#)

[19.104.050 Limitation On Application](#)

[19.104.060 Plan Required](#)

[19.104.070 Standards For Approval](#)

[19.104.080 Standards And Requirements](#)

[19.104.090 Hearings Body Action](#)

[19.104.100 Violation Of Conditions](#)

19.104.010 Purpose

The purpose of planned unit development approval is to allow and to make possible greater variety and diversification in the relationships between buildings and open spaces in planned building groups, while ensuring compliance with the purposes and objectives of the various zoning regulations and the intent and purpose of DCC Title 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.104.020 Hearings Body Approval Required](#)

Where use is made of the planned unit development process as provided in DCC 19.104.020, no building or other permit shall be issued for such development or part thereof until the Hearings Body or Planning Director has approved said development.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.104.030 Application](#)

The owner or authorized agent may file an application for planned unit development approval with the Hearings Body or Planning Director. The application shall be accompanied by a filing fee in an amount established by the County Commission.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.104.040 Minimum Size For Planned Unit Developments](#)

No application shall be accepted for an area of less than five acres in any R zone, or for an area of less than four acres in any other zone.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [93-038](#) §1 on 7/28/1993

Amended by Ord. [2001-016](#) §2 on 3/28/2001

[19.104.050 Limitation On Application](#)

No application shall be accepted for a use which will require a change of zone unless accompanied by an application for a zoning amendment as set forth in DCC 19.116.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.104.060 Plan Required](#)

All applications shall be accompanied by a general development plan drawn to scale showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses, landscaping and other open spaces and drawings and sketches demonstrating the design and character of the proposed uses and the physical relationships of the uses. Such other pertinent information shall be included as may be considered necessary by the Hearings Body or Planning Director to make a determination that the contemplated arrangement or use makes it necessary and desirable to apply regulations and requirements differing from those ordinarily applicable under DCC Title 19 and the subdivision ordinance.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.104.070 Standards For Approval

In granting approval for planned unit development, the Hearings Body or Planning Director shall be guided by the following:

- A. Whether applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal and an ability to carry out the project as proposed, and whether the construction shall begin within six months of the conclusion of any necessary action by the County, or within such longer period of time as may be established by the Hearings Body or Planning Director.
- B. Whether the proposal conforms with the general plans of the County in terms of location and general development standards.
- C. Whether the project will accrue benefits to the County and the general public in terms of need, convenience, service and appearance sufficient to justify any necessary exceptions to the regulations of the zoning and subdivision ordinances.
- D. Whether the project will satisfactorily take care of the traffic it generates by means of adequate off-street parking, access points, additional street right of way and improvements and any other traffic facilities required.
- E. Whether the project will be compatible with adjacent developments and will not adversely affect the character of the area.
- F. Whether the project will satisfactorily take care of sewer and water needs consistent with the Bend Urban Area General Plan.
- G. A planned unit development shall not be approved in any R zone if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive Plan.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.104.080 Standards And Requirements

Approval of a request for a planned unit development is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

- A. A dwelling use permitted in any zone may be permitted in a planned unit development.
- B. A manufactured home may be permitted in a planned unit development. However, manufactured home parks shall not be allowed in any commercial or industrial zone.
- C. Developments which either provide for or contemplate private streets and ways and common areas which will be or are proposed to be maintained by the owners of units, parcels, or lots within a development must organize and maintain an owners' association. The owners' association shall consist of all the owners of units, parcels, or lots within the development and membership in the association must be required of all owners; adopt and record bylaws as provided by ORS 94.625; adopt bylaws that contain the provisions required by ORS 94.635; and have the power to create a lien upon the unit, parcel, or lot for services, labor, or material lawfully chargeable as common expenses as provided in ORS 94.709. The association's power to create such a lien shall exist whether or not the property is subject to the Oregon Planned Community Act (ORS 94.565 through 94.785.)
- D. If the property is not subject to the Unit Ownership Law, the association shall also create, by contract, the right to claim a lien upon any unit, parcel, or lot for services, labor, or material chargeable as common expenses. This lien may be created by covenants between the association and the property owners and shall supplement the lien created by DCC 19.104.080(C) and require all owners of units, parcels, or lots within the development to consent to and pay the reasonable value of services, labor or material expended by the County for common expenses where such county expenditures are made because the owners or the owners' association does not provide the necessary services, labor or material for common expenses.
- E. Streets and roads in planned unit development designated developments shall be public roads and ways developed to county standards or be private roads of a minimum 14 feet wide paved surface for one-way traffic, minimum 20 feet wide paved surface for two-way traffic, and parallel parking as permitted shall require minimum additional eight feet of width for each side of parking. If pedestrian walkways or bikeways are included in the road, an additional five feet of pavement width on each side of the roadway shall be provided and striped to separate such use from motor vehicle traffic and parking. In addition to these requirements, the Planning Director or Hearings Body may specify other requirements including, but not limited to, increased or decreased pavement width.
- F. Pedestrian walkways and bikeways shall be provided for adequate pedestrian and bicycle traffic, and shall connect to any adjacent existing or planned sidewalks, bikeways, access corridors, or public trails. Off-street pedestrian walkways and bikeways shall be at least 10 feet in width to accommodate two-way traffic and shall be constructed with portland cement or asphaltic concrete to county standards, except as varied by the provisions of DCC 19.104.080 or by the Planning Director or Hearings Body.

- G. All utility facilities shall be installed underground and in accordance with County standards.
- H. The design of all planned unit development projects shall provide direct access for all units, parcels, and lots to open space areas and facilities. Open space areas and facilities include such things as landscaped areas, natural areas, golf courses, and other recreational facilities, but do not include streets, sidewalks, bikeways, access corridors or trails.
- I. A statement must be submitted relative to the solar access to be provided by the planned unit development.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [93-018](#) §10 on 5/19/1993

[19.104.090 Hearings Body Action](#)

In taking action, the Planning Director or Hearings Body may approve, approve with conditions or deny an application as submitted. Any planned unit development as authorized shall be subject to all conditions imposed and shall be excepted from other provisions of DCC Title 19 only to the extent specified in said authorization. Any approval of a planned unit development granted hereunder shall lapse and become void within two years after the final granting of approval or within such other period of time as may be stipulated by the Hearings Body or Planning Director as a condition of such approval, construction of the buildings or structure involved in the development has begun and been diligently pursued. The Planning Director or Hearings Body may further impose other conditions limiting the time within which the development of portions thereof must be completed. The decision of the Planning Director or Hearings Body shall be final unless appealed in accordance with the procedures set forth in the land use procedures ordinance.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [95-018](#) §7 on 4/26/1995

[19.104.100 Violation Of Conditions](#)

The Hearings Body on its own motion may revoke any planned unit development approval for noncompliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing as provided in the land use procedures ordinance. The foregoing shall not be the exclusive remedy, and it shall be unlawful and an offense punishable hereunder for any person to construct any improvement in violation of any condition imposed by the order granting the planned unit development approval.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §41 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [95-050](#) §8(A) on 6/28/1995

CHAPTER 19.106 DESTINATION RESORTS

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19.106.010 Purpose

- A. The purpose of DCC 19.106 to establish an approval process for siting destination resorts under LCDC Goal 8 and the Bend Urban Area General Plan on lands identified in the Bend Urban Area General Plan map as eligible for destination resort siting.
- B. DCC 19.106 provides for properly designed and sited destination resort facilities which enhance and diversify the recreational opportunities and the economy of the Bend area and Deschutes County. It will ensure resort development that compliments the natural and cultural attractiveness of the Bend area and its surroundings and enhances its economic base without significant adverse effect on commercial farming and forestry, environmental and natural features, cultural and historic resources and their settings and other significant resources.
- C. It is the intent of DCC 19.106 to establish procedures and standards for developing destination resorts while ensuring that all applicable Bend Urban Area General Plan policies are achieved.
- D. It is the intent of DCC 19.106 to ensure that all elements of a destination resort which are proposed are financially secured in a manner which will protect the public's interest should the development not be completed as proposed.
- E. It is not the intent of DCC 19.106 to site developments that are in effect rural subdivisions whose primary purpose is to serve full-time residents of the area.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.106.020 Applicability

- A. The provisions of DCC 19.106 shall apply to proposals for the development of destination resorts, as defined in areas designated by the Bend Area General Plan destination resort map.

The provisions of DCC 19.106 shall not apply to any development proposal for resort siting in an area designated in the Bend Area General Plan.

- B. When these provisions are applicable, they shall supersede all other provisions of the underlying zone. Other provisions of the zoning ordinance made applicable by specific map designations such as the FP otherwise applicable under the terms of the zoning ordinance text shall remain in full force and effect, unless otherwise specified herein.
- C. The provisions of DCC 19.106 shall also apply to destination resorts sited through the Goal 2 exception process.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.106.030 Uses In Destination Resorts

The following uses are allowed, provided they are part of and are intended to serve persons at the destination resort pursuant to DCC 19.106.030 and are approved in a final master plan:

- A. Visitor-oriented accommodations designed to provide for the needs of visitors to the resort:
 - 1. Overnight lodging, including lodges, hotels, motels, bed and breakfast facilities, time share units and similar transient lodging facilities;
 - 2. Convention and conference facilities and meeting rooms;
 - 3. Retreat centers;
 - 4. Restaurants, lounges and similar eating and drinking establishments; or
 - 5. Other similar visitor-oriented accommodations consistent with the purposes of DCC 19.106 and Goal 8.
- B. Developed recreational facilities designed to provide for the needs of visitors and residents of the resort including:
 - 1. Golf courses and clubhouses;
 - 2. Indoor and outdoor swimming pools;
 - 3. Indoor and outdoor tennis courts;
 - 4. Physical fitness facilities;
 - 5. Equestrian facilities;
 - 6. Wildlife observation shelters;
 - 7. Walkways, bike paths, jogging paths, equestrian trails; or
 - 8. Other similar recreational facilities consistent with the purposes of DCC 19.106 and Goal 8.

C. Residential accommodations:

1. Single-family-unit dwellings;
2. Duplexes, triplexes, fourplexes, and multi-family-unit dwellings;
3. Condominiums;
4. Townhouses;
5. Living quarters for employees; or
6. Time share projects.

D. Commercial services and specialty shops designed to provide for the visitors to the resort:

1. Specialty shops including, but not limited to delis, clothing stores, book stores, gift shops and specialty food shops;
2. Barber shops and beauty salons;
3. Automobile service stations limited to fuel sales, incidental parts sales and minor repairs;
4. Craft and art studios and galleries;
5. Real estate offices;
6. Convenience stores; or
7. Other similar commercial services which provide for the needs of resort visitors and are consistent with the purposes of DCC 19.106 and Goal 8.

E. Uses permitted in open space areas generally include only those uses that, except as specified herein, do not alter the existing or natural landscape of the proposed open space areas. No improvements, development or other alteration of the natural or existing landscape shall be allowed in open space areas, except as necessary for development of golf course fairways and greens, hiking and bike trails, lakes and ponds and primitive picnic facilities including park benches and picnic tables. Where farming activities would be consistent with identified pre-existing open space uses, irrigation equipment and associated pumping facilities shall be allowed.

F. Facilities necessary for public safety and utility service within the destination resort.

G. Other similar uses permitted in the underlying zone consistent with the purposes of DCC 19.106.020.

H. Accessory uses in destination resorts:

1. The following accessory uses shall be permitted provided they are ancillary to the destination resort and consistent with the purposes of DCC 19.106 and Goal 8:
 - a. Transportation-related facilities excluding airports;

- b. Emergency medical facilities;
- c. Storage structures and areas;
- d. Kennels as a service for resort visitors only;
- e. Recycling and garbage collection facilities; or
- f. Other similar accessory uses are consistent with the purposes of DCC 19.106 and Goal 8.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.106.040 Application Submission

The authorization of a permit for a destination resort shall consist of three steps.

- A. Conceptual master plan and conditional use permit for destination resort. A conceptual master plan (CMP) shall be submitted which addresses all requirements established in DCC 19.106.040. The CMP application shall be processed as if it were a conditional use permit under DCC Title 22 and DCC 19.100, and shall be reviewed for compliance with the standards and criteria set forth in DCC 19.106.
- B. Final master plan. The applicant shall prepare a final master plan (FMP) which incorporates all requirements of the County approval for the CMP. The Planning Director shall review the FMP to determine if it complies with the approved CMP and all conditions of approval of the conditional use permit. The Planning Director shall have the authority to approve, deny or return the FMP to the applicant for additional information. When interpretations of the Planning Director involve issues which are discretionary, the FMP approval shall be treated as a land use permit in accordance with DCC Title 22.
- C. Site plan review. Each element or development phase of the destination resort must receive additional site plan review and approval pursuant to DCC 19.76 or subdivision review and approval pursuant to DCC Title 17. In addition to findings satisfying the site plan or subdivision criteria, findings shall be made that the specific development proposal complies with the standards and criteria of DCC 19.106 and the FMP.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

19.106.050 Requirements For Conditional Use Permit And Conceptual Master Plan Applications

The CMP provides the framework for development of the destination resort and is intended to ensure that the destination resort meets the requirements of DCC 19.106. The CMP application shall include the following information:

- A. Illustrations and graphics to scale, identifying:

1. The location and total number of acres to be developed as a planned destination resort;
2. The subject area and all land uses adjacent to the subject area;
3. The topographic character of the site;
4. Types and general location of proposed development uses, including residential and commercial uses;
5. Major geographic features;
6. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether streets will be public or private;
7. Major pedestrian, equestrian and bicycle trail systems;
8. Important natural features of the site, including habitat of threatened or endangered species, streams, rivers, wetlands and riparian vegetation within 200 feet of streams, rivers and wetlands.
9. The location and number of acres reserved as open space, buffer area or common area. Areas designated as "open space," "buffer area" or "common area" should be clearly illustrated and labeled as such;
10. All proposed recreational amenities;
11. Proposed overall density.

B. Further information as follows:

1. A description of the natural characteristics of the site and surrounding areas, including a description of resources and the effect of the destination resort on the resources; methods employed to mitigate adverse impacts on resources; analysis of how the overall values of the natural features of the site will be preserved, enhanced or utilized in the design concept for the destination resort; and a proposed resource protection plan to ensure that important natural features will be protected and maintained. Factors to be addressed include:
 - a. Compatibility of soil composition for proposed development(s) and potential erosion hazard;
 - b. Geology, including areas of potential instability;
 - c. Slope and general topography;
 - d. Areas subject to flooding,
 - e. Other hazards or development constraints;
 - f. Vegetation;
 - g. Water areas, including streams, lakes, ponds and wetlands;

- h. Important natural features;
 - i. Wildlife.
- 2. A traffic study which addresses (a) impacts on affected county, city and state road systems; and (b) transportation improvements necessary to mitigate any such impacts. The study shall be submitted to the affected road authority at the same time as the conceptual master plan and shall be prepared by a licensed traffic engineer to the minimum standards of the road authorities.
- 3. A description of how the proposed destination resort will satisfy the standards and criteria of DCC 19.106.060 and 19.106.070.
- 4. Design guidelines and development standards defining visual and aesthetic parameters for:
 - a. Building character;
 - b. Landscape character;
 - c. Preservation of existing topography and vegetation;
 - d. Siting of buildings; and
 - e. Proposed standards for minimum lot area, width, frontage, lot coverage, setbacks, and building heights.
- 5. An open space management plan which includes:
 - a. An explanation of how the open space management plan meets the minimum standards of DCC 19.106 for each phase of the development;
 - b. An inventory of the important natural features identified in the open space areas and any other open space and natural values present in the open space;
 - c. A set of management prescriptions that will operate to maintain and conserve in perpetuity any identified important natural features and other natural or open space values present in the open space;
 - d. Deed restrictions that will assure that the open space areas are maintained as open space in perpetuity.
- 6. An explanation of public use of facilities and amenities on the site.
- 7. A description of the proposed method of providing all utility systems, including the location and sizing of the utility systems;
- 8. A description of the proposed order and schedule for phasing, if any, of all development including an explanation of when facilities will be provided and how they will be secured if not completed prior to closure of sale of individual lots, parcels, or units;

9. An explanation of how the destination resort has been sited or designed to avoid or minimize adverse effects or conflicts on adjacent lands. The application shall identify the surrounding uses and potential conflicts between the destination resort and adjacent uses within 660 feet of the boundaries of the lot, lots, parcel, or parcels upon which the resort is to be developed. The application shall explain how any proposed buffer area will avoid or minimize adverse effects or conflicts;
10. A description of the proposed method for providing emergency medical facilities and services and public safety facilities and services including fire and police protection;
11. Unless the destination resort is proposing to utilize municipal water, the application shall include a study prepared by a hydrologist, engineering geologist or similar professional certified in the State of Oregon describing:
 - a. An estimate of water demands (other than municipal water) for the destination resort at maximum buildout, including a breakdown of estimated demand by category of consumption, including but not limited to, residential, commercial, golf courses and irrigated common areas;
 - b. Availability of water (other than municipal water) for estimated demands at the destination resort, including (1) identification of the proposed source; (2) identification of all available information on ground and surface waters relevant to the determination of adequacy of water supply for the destination resort; (3) identification of the area that may be measurably impacted by the water used by the destination resort (water impact area) and an analysis supporting the delineation of the impact area; and (4) a statistically valid sampling of domestic and other wells within the impact area;
 - c. A water conservation plan including an analysis of available measures which are commonly used to reduce water consumption. This shall include a justification of the chosen water conservation plan. The water conservation plan shall include a waste water disposal plan utilizing beneficial use of reclaimed water to the maximum extent practicable unless the destination resort proposes to utilize city sewer services.

For the purposes of DCC 19.106.050, beneficial uses shall include, but are not limited to:

 1. Irrigation of golf courses and greenways;
 2. Establishment of artificial wetlands for wildlife habitation.
 - d. A water service agreement with the city of Bend, if municipal water is proposed for the destination resort.
12. An erosion control plan for all disturbed land, as required by ORS Chapter 468B. This plan shall include storm and melt water erosion control to be implemented during all phases of construction and permanent facilities or practices for the continuing

treatment of these waters. This plan shall also explain how the water shall be used for beneficial use or why it cannot be used as such;

13. A description of proposed sewage disposal methods or a sewer service agreement with the city of Bend;
14. Wildfire prevention, control and evacuation plans;
15. A description of interim development including temporary structures related to sales and development;
16. Plans for owners' associations and related transition of responsibilities and transfer of property;
17. A description of the methods of ensuring that all facilities and common areas within each phase will be established and will be maintained in perpetuity;
18. A survey of housing availability for employees based upon income level and commuting distance;
19. An economic impact and feasibility analysis of the proposed development prepared by a qualified professional economist(s) or financial analyst(s) shall be provided which includes:
 - a. An analysis which addresses the economic viability of the proposed development;
 - b. Fiscal impacts of the project, including changes in employment, increased tax revenue, demands for new or increased levels of public services, housing for employees and the effects of loss of resource lands during the life of the project.
20. A solid waste management plan;
21. Ratio Compliance
 - a. A description of the mechanism to be used to ensure that the destination resort provides an adequate supply of overnight lodging units to maintain compliance with the 150-unit minimum and the 2.5:1 ratio set forth in DCC 19.106.060(D) 2).
 - b. The mechanism shall meet the requirements of DCC 19.106.060(J);
22. A survey of historic and cultural resources inventoried on an acknowledged Goal 5 inventory;
23. Other information as may reasonably be required by the Planning Director to address the effect of the proposed development as related to the requirements of this ordinance.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009
Amended by Ord. [2014-016](#) §2 on 12/29/2014

19.106.060 Standards For Destination Resorts

The following standards shall govern consideration of destination resorts:

- A. The destination resort shall, in the first phase, provide for and include as part of the CMP the following minimum requirements:
 1. At least 150 separate rentable units for visitor-oriented lodging;
 - a. The first 50 overnight lodging units must be constructed prior to the closure of sales, rental or lease of any residential dwelling units, parcels, or lots.
 - b. The resort may elect to phase in the remaining 100 overnight lodging units as follows:
 1. At least 50 of the remaining 100 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 5 years of the closure of sale of individual lots, parcels, or units, and;
 2. The remaining 50 required overnight lodging units shall be constructed or guaranteed through surety bonding or equivalent financial assurance within 10 years of the closure of sale of individual lots, parcels, or units.
 3. If the developer of a resort guarantees a portion of the overnight lodging units required under subsection 19.106.060(A)(1)(b) through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within 4 years of the date of execution of the surety bond or other equivalent financial assurance.
 4. The 2.5:1 accommodation ratio required by DCC. 19.106.060(D)(2) must be maintained at all times.
 - c. If a resort does not chose to phase the overnight lodging units as described in 18.113.060(A)(1)(b), then the required 150 units of overnight lodging must be constructed prior to the closure of sales, rental or lease of any residential dwelling units, parcels, or lots.
 2. Visitor-oriented eating establishments for at least 100 persons and meeting rooms which provide eating for at least 100 persons;
 3. The aggregate cost of developing the overnight lodging facilities, developed recreational facilities, and the eating establishments and meeting rooms shall be at least \$7,000,000 (in 1993 dollars).
 4. At least \$2,333,333 of the \$7,000,000 (in 1993 dollars) total minimum investment required by DCC 19.106.060(A)(3) shall be spent on developed recreational facilities; and

5. The facilities and accommodations required by this DCC 19.106.060 must be physically provided or financially assured pursuant to DCC 19.106.110 prior to closure of sales, rental or lease of any residential dwelling units, parcels, or lots.
- B. All destination resorts shall have a minimum of 160 contiguous acres of land. Acreage split by public roads or rivers or streams shall count toward the acreage limit, provided that the CMP demonstrates that the isolated acreage will be operated or managed in a manner that will be integral to the remainder of the resort.
 - C. All destination resorts shall have direct access onto a state, county, or city arterial or collector roadway, as designated by the Bend Urban Area General Plan.
 - D. A destination resort shall, cumulatively and for each phase, meet the following minimum requirements:
 1. The resort shall have a minimum of 50 percent of the total acreage of the development dedicated to permanent open space, excluding yardssetback areas, streets, and parking areas. Portions of individual residential lots or parcels and landscape area requirements for developed recreational facilities, visitor-oriented accommodations, or multi-family unit dwelling or commercial uses established by DCC 19.76.080 shall not be considered open space; and
 2. Individually-owned residential units that do not meet the definition of overnight lodging in DCC 19.04.040 shall not exceed two and one-half such units for each unit of visitor-oriented overnight lodging constructed or financially assured within the resort.
 3. Individually-owned units shall be considered visitor-oriented lodging if they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation system operated by the destination resort or by a real estate property manager, as defined in ORS 696.010.
 4. The residential unit to overnight lodging unit ratio applies to destination resorts which were previously approved under a different standard.
 - E. Phasing. A destination resort authorized pursuant to DCC 19.106.060 may be developed in phases. If a proposed resort is to be developed in phases, each phase shall be as described in the CMP. Each individual phase shall meet the following requirements:
 1. Each phase, together with previously completed phases, if any, shall be capable of operating in a manner consistent with the intent and purpose of DCC 19.106 and Goal 8;
 2. The first phase and each subsequent phase of the destination resort shall cumulatively meet the minimum requirements of DCC 19.106.060 and DCC 19.76.070, and;
 3. Each phase may include two or more distinct non-contiguous areas within the destination resort.
 - F. Dimensional standards:

1. The minimum lot area, width, lot coverage, frontage and ~~yard-setback~~ requirements, and building heights otherwise applying to structures in underlying zones and the provisions of DCC 19.88.210 relating to solar access shall not apply within a destination resort.
 - a. These standards shall be determined by the Planning Director or Hearings Body at the time of the CMP.
 - b. In determining these standards, the Planning Director or Hearings Body shall find that the minimum specified in the CMP is adequate to satisfy the intent of the Bend Urban Area General Plan relating to solar access, fire protection, vehicle access, and to protect resources identified by LCDC Goal 5 which are identified in the Bend Urban Area General Plan.
 - c. At a minimum, a 100 foot setback shall be maintained from all streams and rivers. No lot or parcel for a single ~~family-unit dwelling~~ residence shall exceed an overall project average of 22,000 square feet in size.
2. Exterior setbacks and buffers.
 - a. A destination resort shall provide for the establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas, and other similar types of buffers.
 - b. Exterior setbacks shall also be provided to ensure that improvements and activities are located to minimize adverse effects of the resort on uses on surrounding lands.
- G. Floodplain requirements. The Flood Plain Zone (FP) requirements of DCC 19.72 shall apply to all developed portions of a destination resort in an FP Zone in addition to any applicable criteria of DCC 19.106. Except for flood plain areas which have been granted an exception to LCDC goals 3 and 4, Flood Plain Zones shall not be considered part of a destination resort when determining compliance with the following standards;
 1. One hundred sixty acre minimum site;
 2. Open space requirements.

A conservation easement as described in DCC Title 19 shall be conveyed to the County for all areas within a flood plain which are part of a destination resort.
- H. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be a separate conditional use subject to all pertinent requirements of DCC Title 19.
- I. Time share units not included in the overnight lodging calculations shall be subject to approval under the conditional use criteria set forth in DCC 19.100. Time share units identified as part of the destination resort's overnight lodging units shall not be subject to the time share conditional use criteria of DCC 19.100.

- J. The overnight lodging criteria shall be met, including the 150-unit minimum and the 2-1/2 to 1 ratio set forth in DCC 19.106.060(D)(2).
 1. Failure of the approved destination resort to comply, with the requirements in DCC 19.106.060(J)(2) through (6) will result in the County declining to accept or process any further land use actions associated with any part of the resort and the County shall not issue any permits associated with any lots, parcels, or site plans on any part of the resort until proof is provided to the County of compliance with those conditions.
 2. Each resort shall compile, and maintain, in perpetuity, a list of all overnight lodging units.
 - a. The list shall identify each individually-owned unit that is counted as overnight lodging,
 - b. At all times, at least one entity shall be responsible for maintaining the registry and fulfilling the reporting requirements of DCC 19.106.060(J)(2) through (6).
 - c. Initially, the resort management shall be responsible for compiling and maintaining the registry.
 - d. As a resort develops, the developer shall transfer responsibility for maintaining the registry to the homeowner association(s). The terms and timing of this transfer shall be specified in the Conditions, Covenants & Restrictions (CC&Rs).
 - e. Resort management shall notify the County prior to assigning the registry to a homeowner association.
 - f. Each resort shall maintain records documenting its rental program related to overnight lodging units at a convenient location in Deschutes County, with those records accessible to the County upon 72 hour notice from the County.
 - g. As used in this section, "resort management" includes, but is not limited to, the applicant and the applicant's heirs, successors in interest, assignees other than a home owners association.
 3. An annual report shall be submitted to the Planning Division by the resort management or home owners association (s) each February 1, documenting all of the following as of December 31 of the previous year:
 - a. The minimum of 150 permanent units of overnight lodging have been constructed or that the resort is not yet required to have constructed the 150 units;
 - b. The number of individually-owned residential platted lots or parcels and the number of overnight-lodging units;
 - c. The ratio between the individually-owned residential platted lots or parcels and the overnight lodging units:
 - d. The following information on each individually-owned residential unit counted as overnight lodging.

1. Who the owner or owners have been over the last year;
 2. How many nights out of the year the unit was available for rent;
 3. How many nights out of the year the unit was rented out as an overnight lodging facility under DCC 19.106;
 4. Documentation showing that these units were available for rental as required.
- e. This information shall be public record subject to ORS 192.502(17).
4. To facilitate rental to the general public of the overnight lodging units, each resort shall set up and maintain in perpetuity a telephone reservation system.
 5. Any outside property managers renting required overnight lodging units shall be required to cooperate with the provisions of this code and to annually provide rental information on any required overnight lodging units they represent to the person or entity responsible for maintaining the registry described in DCC 19.106.060(J)(2).
 6. Before approval of each final plat, all the following shall be provided:
 - a. Documentation demonstrating compliance with the 2-1/2 to 1 ratio as defined in DCC 19.106.060(D)(2);
 - b. Documentation on all individually-owned residential units counted as overnight lodging; including all of the following:
 1. Deed restrictions, that may be in the form of, but is not limited to, conditions of approval agreements, requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation service operated by the resort or by a real estate property manager, as defined in ORS 696.010;
 - A. A modification of approval application approval shall be required to remove the overnight lodging unit designation.
 - B. The modification of approval application approval must be obtained prior to County, releasing any deed restrictions requiring minimum rental availability for an individually-owned residential unit counted as overnight lodging.
 2. An irrevocable provision in the resort Conditions, Covenants and Restrictions (CC&Rs) requiring the individually-owned residential units designated as overnight lodging units to be available for rental at least 38 weeks each year through a central reservation service operated by the resort or by a real estate property manager, as defined in ORS 696.010;

3. A provision in the resort CC&Rs that all property owners within the resort recognize that failure to meet the conditions in DCC 19.106.060(J)(6)(b)(2) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County;
4. Inclusion of language in any rental management contract between the owner of an individually-owned residential unit designated as an overnight lodging unit and any central reservation service or real estate property manager requiring that such unit be available for rental at least 38 weeks each year through a central reservation service operated by the resort or by a real estate property manager as defined in ORS 696.010, and that failure to meet the conditions in DCC 19.106.060(J)(6)(b)(4) is a violation of Deschutes County Code and subject to code enforcement proceedings by the County.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2013-003](#) §1 on 5/6/2013

Amended by Ord. [2014-016](#) §2 on 12/29/2014

19.106.070 Approval Criteria

In order to approve a destination resort, the Planning Director or Hearings Body shall find from substantial evidence in the record that:

- A. The subject proposal is a destination resort as defined in DCC 19.04.040.
- B. All standards established by DCC 19.106.060 are or will be met.
- C. The economic analysis demonstrates that:
 1. The necessary financial resources are available for the applicant to undertake the development consistent with the minimum investment requirements established by DCC 19.106;
 2. Appropriate assurance has been submitted by lending institutions or other financial entities that the developer has or can reasonably obtain adequate financial support for the proposal once approved;
 3. The destination resort will provide a substantial financial contribution which positively benefits the local economy throughout the life of the entire project, considering changes in employment, demands for new or increased levels of public service, housing for employees and the effects of loss of resource land, and;
 4. The natural amenities of the site considered together with the identified developed recreation facilities to be provided with the resort will constitute a primary attraction to visitors, based on the economic feasibility analysis.

- D. The destination resort incorporates design components, setbacks, and buffers to protect designated wildlife areas.
- E. Important natural features, including but not limited to, significant wetlands, riparian habitat and landscape management corridors will be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands will be maintained. Alterations to important natural features, including placement of structures, is allowed so long as the overall values of the feature are maintained.
- F. The development will not force a significant change in accepted farm or forest practices or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- G. Destination resort developments that significantly affect a transportation facility shall assure that the development is consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:

- 1. Limiting the development to be consistent with the planned function, capacity and level of service of the transportation facility;
- 2. Providing transportation facilities adequate to support the proposed development consistent with OAR Chapter 660, Division 12; or
- 3. Altering land use densities, design requirements or using other methods to reduce demand for automobile travel and to meet travel needs through other modes.

A destination resort significantly affects a transportation facility if it would result in levels of travel or access that are inconsistent with the functional classification of a facility or would reduce the level of service of the facility below the minimum acceptable level identified in the relevant transportation system plan.

- a. Where the option of providing transportation facilities is chosen, the applicant shall be required to improve impacted roads to the full standards of the affected authority as a condition of approval. Timing of such improvements shall be based upon the timing of the impacts created by the development as determined by the traffic study or the recommendations of the affected road authority.
 - b. Access within the project shall be adequate to serve the project in a safe and efficient manner for each phase of the project.
- H. The development will not create the potential for natural hazards identified in the Bend Urban Area General Plan. No structure will be located on slopes exceeding 25 percent. A wildfire management plan will be implemented to ensure that wildfire hazards are minimized to the greatest extent practical and allow for safe evacuation.
 - I. Adequate public safety protection will be available through existing fire districts or will be provided on-site according to the specification of the state fire marshal. If the resort is located outside of an existing fire district, the developer will provide for staffed structural fire protection

services or contract with or annex to the existing district. Adequate public facilities to provide for necessary safety services such as police and fire will be available to serve the proposed development.

- J. Streams and drainage. Unless otherwise agreed to in writing by the adjoining-abutting property owner(s), existing natural drainages on the site will not be changed in any manner which interferes with drainage patterns on adjoining-abutting property. All surface water drainage changes created by the development will be contained on-site in a manner which meets all standards of the Oregon State Department of Environmental Quality (DEQ). The erosion control plan for the subject development will meet all standards of ORS Chapter 468B.
- K. Adequate water will be available for all proposed uses at the destination resort, based upon the water study, a water service agreement with the city of Bend or a proposed water conservation plan as required by DCC 19.106.050. Water use will not reduce the availability of water in the water impact areas identified in the water study considering existing uses and potential development previously approved in the affected area. Water sources identified in the water plan shall not include any perched water table. Water shall only be taken from the regional aquifer. Where a perched water table is pierced to access the regional aquifer, the well must be sealed off from the perched water table.
- L. Unless a sewer service agreement exists, the waste water disposal plan includes beneficial use to the maximum extent practicable. Approval of the CMP shall be conditioned on applicant's making application to DEQ for a Water Pollution Control Facility (WPCF) permit consistent with such an approved waste water disposal plan. Approval shall also be conditioned upon applicant's compliance with applicable Oregon Administrative Rules regarding beneficial use of waste water, as determined by DEQ. Applicant shall receive approval of a WPCF permit consistent with this provision prior to applying for approval for its final master plan under DCC 19.106.
- M. The resort will mitigate any demands it creates on publicly owned recreational facilities on public lands in the surrounding area.
- N. Site improvements will be located and designed to avoid or minimize adverse effects of the resort on the surrounding land uses. Measures to accomplish this may include establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and appropriate fences, berms, landscaped areas and similar types of buffers, and setback of structures and other developments from adjacent land uses.
- O. The resort will be served by an on-site sewage system approved by DEQ and a water system approved by the Oregon State Health Division, or by municipal sewer and water as allowed by the Bend Urban Area General Plan.
- P. The destination resort will not alter the character of the surrounding area in a manner that substantially limits, impairs or prevents permitted or conditional uses of surrounding properties.
- Q. The commercial uses developed as part of the resort will be contained within the project and not oriented to public highways adjacent to the property. The commercial uses permitted in the destination resort will be limited in type and levels of use necessary to meet the needs of resort visitors. A commercial use is necessary to serve the needs of visitors if:

1. Its primary purpose is to provide goods or services that are typically provided to overnight or other short-term visitors to resorts, or the use is necessary for operation, maintenance or promotion of the destination resort; and
 2. The use is oriented to the resort and is located away from or screened from highways or other major through roadways.
- R. A plan exists to ensure a transfer of common areas, facilities such as sewer, water, streets and responsibility for police and fire protection to owners' associations or similar groups if contemplated. If such transfer is not contemplated, the owner or responsible party shall be clearly designated. Adequate open space, facility maintenance and police and fire protection shall be ensured in perpetuity in a manner acceptable to the County.
- S. Temporary structures will not be allowed unless approved as part of the CMP. Temporary structures will not be allowed for more than 18 months and will be subject to all use and site plan standards of DCC Title 19.
- T. The open space management plan is sufficient to protect in perpetuity identified open space values.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2014-016](#) §2 on 12/29/2014

[19.106.075 Imposition Of Conditions](#)

The standards made applicable by DCC 19.106 may be met by the imposition of conditions calculated to insure that the standard will be met.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.106.080 Procedure For Modification Of A Conceptual Master Plan](#)

Any substantial change, as determined by the Planning Director, proposed to an approved CMP shall be reviewed in the same manner as the original CMP. An insubstantial change may be approved by the Planning Director. Substantial change to an approved CMP, as used in DCC 19.106.080, means an alteration in the type, scale, location, phasing or other characteristic of the proposed development such that findings of fact on which the original approval was based would be materially affected.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.106.090 Requirements For Final Master Plan](#)

It shall be the responsibility of the applicant to provide a Final Master Plan (FMP) which includes text and graphics explaining and illustrating:

- A. The use, location, size and design of all important natural features, open space, buffer areas and common areas;
- B. The use and general location of all buildings, other than residential dwelling units and the proposed density of residential development by location;
- C. Preliminary location of all sewer, water, storm drainage and other utility facilities and materials, and specifications and installation methods for water and wastewater systems;
- D. Location and widths of all roads, streets, parking, pedestrian ways, equestrian trails and bike paths;
- E. Methods to be employed to buffer and mitigate potential adverse impacts on adjacent resource uses and property;
- F. Building elevations of visitor-oriented accommodations, recreational facilities and commercial services sufficient to demonstrate the architectural character of the proposed development;
- G. A description of all commercial uses including approximate size and floor area;
- H. The location of or distance to any emergency medical facilities and public safety facilities;
- I. When a phase includes a residential subdivision, a general layout of the subdivision shall include the number of lots or parcels, minimum and maximum lot sizes, and approximate location of roadways.
- J. A description of measures taken, with copies of deed restrictions, CC&Rs and rental contracts to implement the requirements of DCC 19.106.060(J).
- K. A description of measures taken, with copies of deed restrictions and a final management plan, to implement the open space management plan required by DCC 19.106.
- L. The status of all required off-site roadway improvements.
- M. Methods to be employed for managing automobile traffic demand.
- N. A copy of an WPCF permit issued by DEQ consistent with the requirements of DCC 19.106.070(L).

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

Amended by Ord. [2014-016](#) §2 on 12/29/2014

[19.106.100 Procedure For Approval Of Final Master Plan](#)

- A. The FMP shall be submitted in a form approved by the County Planning Director consistent with DCC Title 22 for a development permit. The Planning Director shall review the FMP and if the Planning Director finds that all standards of the CMP have been met, the FMP shall be approved in writing without notice. If approval of the FMP involves the exercise of discretion, the FMP

shall be treated as a land use action and notice shall be provided in accordance with DCC Title 22.

- B. If the Planning Director finds evidence in the FMP of a substantial change from the CMP, the Planning Director shall advise the applicant to submit an application for modification or amendment of the CMP.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.106.110 Provision Of Streets, Utilities, Developed Recreational Facilities And Visitor-Oriented Accommodations](#)

- A. The Planning Director or Hearings Body shall find that all streets, utilities, developed recreational facilities and visitor-oriented accommodations required by the FMP are physically provided or are guaranteed through surety bonding or substantial financial assurances approved by the County prior to closure of sale of individual lots, parcels, or units.
- B. Financial assurance or bonding to assure completion of streets and utilities, developed recreational facilities and visitor-oriented accommodations in the FMP shall be required pursuant to the security requirements for site plan review and subdivision review established by the Deschutes County Code.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[19.106.120 Conservation Easement To Protect Resource Site](#)

- A. If a tract to be used as a destination resort contains a resource site designated for protection in an acknowledged comprehensive plan pursuant to open spaces, scenic and historic areas and natural resource goals in an acknowledged comprehensive plan, that tract of land shall preserve the resource site by conservation easement sufficient to protect the resource values of the resource site in accordance with ORS 271.715 to 271.795
- B. A conservation easement under DCC 19.106.120 shall be recorded with the property records of the tract on which the destination resort is sited.

HISTORY

Adopted by Ord. [99-001](#) §1 on 1/13/1999

Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009

[CHAPTER 19.108 VARIANCES](#)

[19.108.010 Authorization To Grant Or Deny Variances](#)

[19.108.020 Criteria](#)

[19.108.030 Authorization To Grant Or Deny Variances To On-Site Requirements](#)

[19.108.040 Criteria For Variances Granted Under DCC 19.108.030](#)

[19.108.050 Application For A Variance](#)

[19.108.010 Authorization To Grant Or Deny Variances](#)

Except as provided in DCC 19.108.030, the Planning Director or Hearings Body may authorize variances from the standards of DCC Title 19 where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of DCC Title 19 would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of the property for purposes not authorized within the pertinent zone or to alter any procedural requirements of DCC Title 19. In granting a variance, the Planning Director or Hearings Body may attach conditions necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of DCC Title 19.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.108.020 Criteria](#)

No variance shall be granted pursuant to the provisions of DCC 19.108.010 unless the applicant can establish:

- A. That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same zone; and
- B. That strict interpretation of the provisions of DCC Title 19 would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of DCC Title 19; and
- C. That the special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and
- D. That granting the variance will be in harmony with the objectives of DCC Title 19 and not injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. Notwithstanding the provisions of this section, a variance may not be granted which amends any standards mandated by the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR).

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [2023-014](#) §10 on 12/1/2023

[19.108.030 Authorization To Grant Or Deny Variances To On-Site Requirements](#)

The Planning Director or Hearings Body may authorize a variance from the standards of DCC Title 19 relating to on-site requirements (e.g. ~~yards~~ setbacks, parking, etc.), provided that no variance under DCC 19.108.030 shall be greater than 25% of the setback, parking, or other similar area requirement from which the variance is sought.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.108.040 Criteria For Variances Granted Under DCC 19.108.030

In the case of a ~~yard-setback~~ variance, the applicant shall show the approval will result in:

- A. More efficient use of the site; and
- B. Preservation of natural features, where appropriate; and
- C. Adequate provision of light and privacy to ~~adjoining-abutting~~ properties; and
- D. Preservation of natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards, where appropriate.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.108.050 Application For A Variance

A property owner or his agent, authorized in writing, may initiate a request for a variance by filing an application with the Planning Director. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangements of the proposed development. The application shall be reviewed in the manner provided for in the County's land use procedures ordinance.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §42 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [95-050](#) §9 on 6/28/1995

CHAPTER 19.112 REVOCATION OF PERMITS OR VARIANCES

19.112.010 Revocation For Noncompliance With Conditions

19.112.020 Public Hearing

19.112.010 Revocation For Noncompliance With Conditions

Any planned unit development permit, conditional use permit or variance granted in accordance with the terms of DCC Title 19 may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith. If, after notice and hearing, a planned unit development permit is revoked for a substantial violation of any of its conditions, the Board of County Commissioners may reconsider any zone change granted in connection with the planned unit development and restore the zoning existing prior to the permit notwithstanding improvements constructed prior to such revocations, but any such proposed change of zone shall follow the procedures otherwise specified for zone changes herein.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.112.020 Public Hearing](#)

The procedures for considering a revocation under DCC 19.112 shall be as set forth in DCC Title 22.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §43 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [95-050](#) §10 on 6/28/1995

CHAPTER 19.116 AMENDMENTS, APPEALS AND PROCEDURES

[19.116.010 Amendments](#)

[19.116.020 Standards For Zone Change](#)

[19.116.030 Record Of Amendments](#)

[19.116.040 Resolution Of Intent To Rezone](#)

[19.116.010 Amendments](#)

DCC Title 19 may be amended by changing the boundaries of zones or by changing any other provisions thereof subject to the provisions of DCC 19.116.

- A. Text changes and legislative map changes may be proposed by the Board of County Commissioners on its own motion, by the motion of the Planning Commission, upon payment of a fee, by the application of a member of the public. Such changes shall be made pursuant to DCC 22.12 and ORS 215.110 and 215.060.
- B. Any proposed quasi-judicial map amendment or change shall be handled in accordance with the applicable provisions of DCC Title 22.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Amended by Ord. [95-050](#) §§11 and 12 on 6/28/1995

[19.116.020 Standards For Zone Change](#)

The burden of proof is upon the applicant. The applicant shall in all cases establish:

- A. That the change conforms with the Comprehensive Plan. Specifically, the change is consistent with the plan's intent to promote an orderly pattern and sequence of growth.
- B. That the change will not interfere with existing development, development potential or value of other land in the vicinity of the proposed action.
- C. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.

- D. That the change will result in the orderly and efficient extension or provision of public services. Also, that the change is consistent with the County's policy for provision of public facilities.
- E. That there is proof of a change of circumstance or a mistake in the original zoning.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [88-042](#) §44 on 12/19/1988

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [95-050](#) §13 on 6/28/1995

[19.116.030 Record Of Amendments](#)

The signed copy of each amendment to the text of Title 19, including the legal description of all lands rezoned legislatively or quasi-judicially, shall be maintained on file in the office of the County Clerk. A record of such amendments shall be maintained in a form convenient for the use of the public by the Planning Director, including a map showing the area and date of all amendments hereto. The County Clerk shall keep the map of DCC Title 19 as originally enacted. Every five years after the enactment hereof, a map showing the cumulative amendments hereto for that period shall be filed with the County Clerk. In case of inconsistencies, the controlling record shall be first the original map filed with the County Clerk, and its five-year updates, if any. The Planning Director's map shall control as to map amendments not shown on the original for changes less than five years old.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

Renumbered by Ord. [95-050](#) §14 on 6/28/1995

[19.116.040 Resolution Of Intent To Rezone](#)

If, from the facts presented and findings and the report and recommendations of the Hearings Officer, as required by DCC 19.116.040, the County Commission determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the County Commission may indicate its general approval in principal of the proposed rezoning by the adoption of a "resolution of intent to rezone." This resolution shall include any conditions, stipulations or limitations which the County Commission may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the County Commission may feel necessary to prevent speculative holding of property after rezoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the County Commission. Such a resolution shall not be used to justify spot zoning or create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning. Upon completion of compliance action by the applicant, the County Commission shall, by ordinance, effect such rezoning. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent, including the time limit placed in the resolution, shall render said resolution null and void automatically and without notice, unless an extension is granted by the County Commission upon recommendation of the Hearings Officer.

- A. Content of Site Plan. Where a site plan is required pursuant to DCC 19.92, it shall include location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping; existing and proposed topography; mechanical roof facilities, if subject property is so oriented as to become part of the view from adjacent properties; architectural perspective, layout and all elevations drawn without exaggerations, except where noted, including locations, area and design of signs and all landscaping.
- B. Resolution on Intent Binding. The fulfillment of all conditions, stipulations and limitations contained in the resolutions of intent on the part of the applicant shall make the resolution binding on the County Commission. Upon compliance with the resolution by the applicant, the County Commission shall, by ordinance, effect such reclassification.

HISTORY

Adopted by Ord. [PL-17](#) on 9/27/1979

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Renumbered by Ord. [95-050](#) §15 on 6/28/1995

CHAPTER 19.120 ENFORCEMENT AND PENALTIES

[19.120.010 Enforcement](#)

[19.120.020 Penalties For Violations](#)

[19.120.030 Injunctive Relief](#)

[19.120.040 Evidence](#)

[19.120.050 Abatement](#)

[19.120.010 Enforcement](#)

It shall be the duty of the Planning Director and his designees to enforce DCC Title 19. All departments, officials and employees of Deschutes County vested with the duty or authority to issue permits shall conform to the provisions of DCC Title 19 and shall issue no permit, certificate or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by DCC Title 19. Any permit, certificate or license issued in conflict with the provisions of DCC Title 19, intentionally or otherwise, shall be voidable by the Board of Commissioners to the extent allowed by law.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [83-032](#) §1 on 3/23/1983

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

[19.120.020 Penalties For Violations](#)

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of DCC Title 19 commits a Class A violation, and upon conviction thereof, shall be punishable by a fine of not more than \$500. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of DCC Title 19 is committed or continued by such a person, firm or corporation and such offenses shall be punishable as a continuing violation as provided in Ordinance No. 82-012.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Amended by Ord. [86-034](#) §1 on 4/2/1986

Repealed & Reenacted by Ord. [90-038](#) §1,2 on 10/3/1990

Amended by Ord. [2003-021](#) §40 on 4/9/2003

[19.120.030 Injunctive Relief](#)

The foregoing sanctions shall not be exclusive, and where the public health, safety, morals or general welfare will be served there-by, the Planning Director may, in addition to prosecution under DCC 19.120.020, institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement or provisions prohibiting nuisances caused by odor, sound, vibration and the like, the Planning Director may seek injunction against the specific device, activity or practice causing the nuisance.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.120.040 Evidence](#)

In any prosecution for causing or maintaining any condition or use of, or activity on, or construction of, moving or maintaining any structure on any premises in violation of DCC Title 19, a person in possession or control of the premises as owner or lessee at the time of the violation, or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable by production of evidence to the contrary, and either the County or the Defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition to, the owner or lessee or other persons in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by DCC Title 19. That a person is taxed according to the records of Deschutes County Assessor shall be prima facie proof that the person is in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial activity is conducted thereon, the same shall constitute prima facie evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[19.120.050 Abatement](#)

Where, because of the absence of the responsible person or persons from the county or from the state, as the case may be, the courts of Deschutes County or the State of Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause or continuation of a structure or condition erected or maintained in violation of DCC Title 19, or where the County Commission deems it important to the public interest that the unlawful structure or condition be removed or corrected

without delay, the County Commission may, after notice and hearing, order the removal of the unlawful structure or condition, and if such removal or correction is not effected within the time prescribed in the order, the Planning Director shall cause such abatement, going upon the premises with such personnel or equipment as may be necessary, and the County Commission shall thereafter, by ordinance, assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if given 30 days in advance of the hearing, either by personal delivery or by mailing the same by any form of mail requiring a receipt, or by mailing the same by any form or mail requiring a receipt to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order, but not less than 30 days, as the County Commission may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that Deschutes County shall not be responsible for the condition or storage of the component parts of, or personal property situated within the structure following abatement by the County. The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in DCC 19.120.050.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

CHAPTER 19.124 LAND FOR PUBLIC PURPOSES

19.124.010 Public Acquisition/Dedication

19.124.010 Public Acquisition/Dedication

If the County has an interest in acquiring a portion of a proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency and there is reasonable assurance that steps will be taken to acquire the land, then the Hearings Officer may require that those portions of the subdivision be reserved for public acquisition for a period not to exceed one year, although such area may be platted and approved as part of the subdivision.

In addition to the above, all subdivisions shall be required to dedicate land to the public for recreational purposes. The amount of land shall be sufficient to provide 2.5 acres of usable park land for each 1,000 people. The park dedication standard shall be that established by mutual agreement between Deschutes County and the appropriate city and park district authorities. The County shall determine whether an in-lieu fee for land dedication is appropriate on a case-by-case basis. The land to be dedicated for park purposes must actually be functional park land. In instances where less than three acres are to be dedicated, the County shall always require a fee be paid to the County in-lieu of the land dedication. The amount of the in-lieu fee shall be determined by multiplying the amount of land normally required to be dedicated times the per-acre value of the subdivision lots or parcels to be sold in the subdivision.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

CHAPTER 19.128 SEVERABILITY AND VALIDITY

19.128.010 Severability And Validity

19.128.020 Emergency Clause

19.128.010 Severability And Validity

If any section, subsection, sentence, clause or phrase of DCC Title 19 is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of DCC Title 19. The County Commission of Deschutes County hereby declares that it would have passed DCC Title 19, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase might be declared invalid.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

19.128.020 Emergency Clause

In that the Land Conservation and Development Commission of the State of Oregon has required Deschutes County to adopt a zoning ordinance for the Bend area by May 31, 1979, in order to be in compliance with statewide planning goals affecting the health, safety and general welfare of the public, an emergency is declared to exist and this title, pursuant to ORS 203.045(9), shall take effect upon adoption.

All references herein to other statutes and ordinances shall include amendments or legislation superseding the statutes and ordinances cited.

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990