Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of April 8, 2015

DATE: April 1, 2015

FROM: Matthew Martin CDD 541-330-4620

TITLE OF AGENDA ITEM:
A public hearing on and consideration of First and Second Reading and Adoption of Ordinance No. 2015-004, Amending Deschutes County Code Title 18 to Define, Permit, and Establish Standards for Medical Marijuana Dispensaries in Conjunction with State Law and Declaring an Emergency.

PUBLIC HEARING ON THIS DATE? Yes

BACKGROUND AND POLICY IMPLICATIONS:
On March 17, 2014, the Board of County Commissioners adopted Ordinance No. 2014-008 establishing a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County. This ordinance included a sunset clause resulting in the repeal of the ordinance on May 1, 2015. In anticipation of this repeal, Staff is presenting proposed text amendments.

Medical marijuana dispensaries are proposed to be a "conditional use" in the Exclusive Farm Use (EFU) Zone and an "outright permitted" use in rural commercial (i.e., Tumalo, Terrebonne, Sunriver) and industrial zones. Dispensaries will also be subject to site plan review and specific use standards. Hours of operation are limited from 7:00am to 10:00pm. The proposed definition of medical marijuana dispensaries and specific use standards are primarily structured to be consistent with the Oregon Medical Marijuana Act (ORS 475.300-346).

The Deschutes County Planning Commission held a public hearing on March 12, 2015, deliberated and made a recommendation to the Board of County Commissioners to adopt the proposed amendments with the following revisions:

- Changing the permitted hours of operation to 10am to 7pm.
- Not allowing dispensaries in the Exclusive Farm Use (EFU) zone

The Planning Commission excluded the EFU zone for dispensaries based on a recent correspondances from the Department of Land Conservation and Development. Katherine Daniels, Farm and Forest Land Specialist with DLCD stated in a March 2, 2015 email that HB 3460 (2013) does not preempt state or local land use law. Therefore, there is no authorization to allow dispensaries in EFU zones.

Given DLCD's position, staff drafted two versions of Ordinance No. 2015-004, one allowing dispensaries in the EFU zone, the other excluding them.

FISCAL IMPLICATIONS:
No.

RECOMMENDATION & ACTION REQUESTED:
Hold the public hearing. If the Board desires to adopt the ordinance, the following motions:

MOTION 1: First and second reading by Title only of Ordinance No. 2015-004 and declaring an emergency

MOTION 2: Adoption of Ordinance No. 2015-004

ATTENDANCE: Matthew Martin and Legal Counsel

DISTRIBUTION OF DOCUMENTS:
Matt Martin, CDD

Community Development Department
Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
http://www.co.deschutes.or.us/cdd/

MEMORANDUM

DATE: March 31, 2015

TO: Deschutes County Board of County Commissioners

FROM: Matthew Martin, Associate Planner

RE: Public Hearing - Text Amendments Addressing Medical Marijuana Dispensaries

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I. SUMMARY

The Planning Division is bringing a package of text amendments to the Board of County Commissioners (BOCC) for a public hearing on April 8, 2015. These amendments propose to define, permit, and establish standards for medical marijuana dispensaries. These amendments do not address regulation of recreational marijuana or medical marijuana grow sites.

II. BACKGROUND

On March 17, 2014, the BOCC adopted Ordinance No. 2014-008 establishing a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County. This ordinance included a sunset clause resulting in the repeal of the ordinance on May 1, 2015. In anticipation of this repeal, Staff is presenting proposed text amendments.

The Planning Commission held a public hearing on March 12, 2015, to receive testimony regarding the proposed amendments, deliberated and recommended approving the amendments subject to the following changes:

- Changing the permitted hours of operation to 10am to 7pm.
- Not allowing dispensaries in the Exclusive Farm Use (EFU) zone.[1]

The Planning Commission also wanted to acknowledge that, in addition to schools, there was interest in not allowing dispensaries within 1,000 feet of other locations frequented by minors (i.e. Boys and Girls Club, YMCA, parks, daycares, etc.) as an additional protective measure for children. However, there was concern about verifying compliance because the location of such uses may not be readily identifiable whereas school locations are registered through the Oregon Department of Education. This compliance challenge led the Planning Commission to not recommend including a distance requirement from these additional uses.

III. SCHEDULE

A public hearing before the Board of County Commissioners is scheduled on April 8, 2015.

Attachment:

Staff Report – File No. 247-15-000063-TA

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[1] Katherine Daniels, Farm and Forest Land Specialist with the Department of Land Conservation and Development stated in a March 2, 2015 email that HB 3460 (2013) does not preempt state or local land use law. Therefore, there is no authorization to allow dispensaries in EFU zones.

Community Development Department
Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
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Staff Report

FILE NUMBER: 247-15-000063-TA

APPLICANT: Deschutes County Community Development
117 NW Lafayette Avenue
Bend, Oregon 97701

PROPERTY OWNER: N/A

REQUEST: Text Amendment to the Deschutes County Zoning Ordinance (Title 18) to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with State law.

STAFF CONTACT: Matthew Martin, AICP, Associate Planner

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS:

PROPOSAL: Text Amendment to the Deschutes County Zoning Ordinance (Title 18) to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with State law. On March 17, 2014, the Board of County Commissioners (BOCC) adopted Ordinance No. 2014-008 establishing a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County. This ordinance included a sunset clause resulting in the repeal of the ordinance on May 1, 2015. In anticipation of this repeal, the BOCC directed the Community Development Department to initiate these amendments. The proposed amendments are intentionally broad in scope, referring primarily to Oregon Revisions Statute (ORS) 475.300, Oregon Medical Marijuana Law[1]. This will allow the public process to engage interested agencies, general public, and the Planning Commission to identify the needs and interests of the community. The results will be a decision by BOCC establishing regulations for dispensaries in unincorporated Deschutes County.

III. CONCLUSIONARY FINDINGS:

A. CHAPTER 22.12. LEGISLATIVE PROCEDURES

[1] ORS 475.300 www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors475.html

1. Section 22.12.010. Hearing Required

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: A public hearing will be held before the Planning Commission on March 12, 2015 and an additional public hearing before the Board of County Commissioners is scheduled on April 8, 2015.

2. Section 22.12.020. Notice

Notice

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

FINDING: Notice of this proposal and related public hearing was published in the Bend Bulletin newspaper on March 1, 2015.

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

FINDING: Notice will be posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

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

FINDING: Given the proposed amendment in question does not apply to any specific property, no individual notices were sent. This criterion has been met.

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

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

3. Section 22.12.030. Initiation of Legislative Changes.

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

FINDING: The application was initiated by the Deschutes County Planning Division, which received a fee waiver. This criterion has been met.

4. Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:
1. The Planning Commission.
2. The Board of County Commissioners.

FINDING: Both the Planning Commission and the Board of County Commissioners will serve as review bodies for this legislative change in the order outlined above.

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: The Planning Commission held a work session on February 26, 2015 to review the proposed amendment. The Planning Commission held a public hearing on March 12, 2015, to receive testimony regarding the proposed amendments, deliberated, and recommended approving the amendments subject to the following changes:

- Changing the permitted hours of operation to 10am to 7pm.
- Not allowing dispensaries in the Exclusive Farm Use (EFU) zone.[2]

5. Section 22.12.050. Final Decision

All legislative changes shall be adopted by ordinance

FINDING: File No. 247-15-000063-TA will be implemented by ordinance upon approval and adoption by the BOCC; this criterion will be met.

IV. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are identified by underline in the attached exhibits with explanation of the proposed change below.

Title 18 of the Deschutes County Code Amendment:

Defining Medical Marijuana Dispensaries

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS (Exhibit A)

Explanation: The proposed definition refers directly to ORS 475.300-346 and the defining standards provided therein. Structuring the definition in this manner will allow seamless consistency with State law in the event State law is amended by the Legislature requiring no local action to comply.

Conditional Use Subject to Site Plan, Conditional Use, and Specific Use Standards

Chapter 18.16. EXCLUSIVE FARM USE ZONES (Exhibit B)

[2] Katherine Daniels, Farm and Forest Land Specialist with the Department of Land Conservation and Development stated in a March 2, 2015 email that HB 3460 (2013) does not preempt state or local land use law. Therefore, there is no authorization to allow dispensaries in EFU zones.

Explanation: Dispensaries are proposed as a conditional use in the Exclusive Farm Use (EFU) zone. This is in compliance with ORS 475.314(3)(a) which indicates dispensaries "must be located in an area that is zoned...as agricultural land." Staff determined dispensaries are most similar to existing conditional uses permitted in the zone that have commercial use operating characteristics and demands including traffic generation, parking demands, and serving the general public. Review of a proposed dispensary in the EFU zone will be subject to the applicable standards of DCC 18.116 (supplementary provisions), DCC 18.124 (site plan review), and DCC 18.128 (conditional use).

Permitted Outright Subject to Site Plan and Specific Use Standards

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE
Proposed in Commercial/Mixed Use District. (Exhibit C)

Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS
Proposed in the Commercial and Commercial-Rural Districts. (Exhibit D)

Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS
Proposed in the Commercial and Industrial Districts. (Exhibit E)

Chapter 18.74. RURAL COMMERCIAL ZONE
Proposed in Deschutes Junction, Deschutes River Woods Store, Spring River, Pine Forest and Rosland. (Exhibit F)

Chapter 18.100. RURAL INDUSTRIAL ZONE
(Exhibit G)

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE - SUNRIVER
Proposed in the Commercial, Town Center, and Business Park Districts. (Exhibit H)

Explanation: Dispensaries are proposed as a use permitted outright subject to site plan review in the commercial, industrial, and mixed use zones listed above. This is in compliance with ORS 475.314(3)(a) which indicates dispensaries "must be located in an area that is zoned for commercial, industrial or mixed uses..." Staff evaluated the existing and permitted uses in each zone and found dispensaries were most similar to those commercial uses engaged in retail sale of products as they have similar operating characteristics including traffic generation, parking demands, and serving the general public. Review of a dispensary in these zones will be subject to the applicable standards of DCC 18.116 (supplementary provisions) and DCC 18.124 (site plan review).

Specific Use Standards for Medical Marijuana Dispensaries

Chapter 18.116. SUPPLEMENTARY PROVISIONS (Exhibit I)

Explanation: The proposed specific use standards primarily refer directly to ORS 475.314 which outlines the locational standards for dispensaries. The standards of ORS 475.314 include locational requirements that the dispensary:

- May not be located at the same address as a marijuana grow site;
- Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; and
- Must not be located within 1,000 feet of another medical marijuana facility.

Similar to the proposed definition explained above, the proposed specific use standards are structured in a manner that will allow seamless consistency with State law in the event State law is amended by the Legislature with no local action necessary to comply. The one additional local standard proposed is limiting the operating hours to 7:00pm to 10:00pm.

V. CONCLUSION:

Based on the information provided herein, Staff recommends approval of the proposed text amendment to clarify define, permit, and establish use standard for medical marijuana dispensaries.

Attachments
Exhibit A
Exhibit B
Exhibit C
Exhibit D
Exhibit E
Exhibit F
Exhibit G
Exhibit H
Exhibit I

REVIEWED

_____

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending DCC Title 18 to Define, Permit, and Establish Standards for Medical Marijuana Dispensaries in Conjunction With State Law And Declaring An Emergency.	* * * *	ORDINANCE NO. 2015-004

WHEREAS, the Board of County Commissioners ("Board") adopted Ordinance 2014-008 amending Deschutes County Code ("DCC") Title 9 to add Chapter 9.04.040 Controlled Substances; and

WHEREAS, Ordinance 2014-008 contains a sunset clause repealing the ordinance on May 1, 2015; and

WHEREAS, the Board directed the Deschutes County Community Development Department staff to initiate amendments to Title 18 to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with State law; and

WHEREAS, the Deschutes County Planning Commission held a public hearing on March 12, 2014, to review the amendments and recommended adoption; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on April 8, 2015 and concluded that the public will benefit from the changes Title 18; and

WHEREAS, the Board finds it in the public interest to adopt amendments to the DCC to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with State law; now, therefore,

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

Section 1. AMENDMENT. DCC 18.04.030, Definitions, is amended to read as described in Exhibit "A," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 2. AMENDMENT. DCC 18.16.030, Conditional Uses Permitted – High Value and Non-high Value Farmland, is amended to read as described in Exhibit "B," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 3. AMENDMENT. DCC 18.65.020, RSC – Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop and Wildhunt), is amended to read as described in Exhibit "C," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 4. AMENDMENT. DCC 18.66.040, Commercial (TeC) District, is amended to read as described in Exhibit "D," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 5. AMENDMENT. DCC 18.66.050, Commercial-Rural (TeCR) District, is amended to read as described in Exhibit "E," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 6. AMENDMENT. DCC 18.67.040, Commercial (TuC) District, is amended to read as described in Exhibit "F," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 7. AMENDMENT. DCC 18.67.060, Industrial (TuI) District, is amended to read as described in Exhibit "G," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 8. AMENDMENT. DCC Chapter 18.74, Rural Commercial Zone, is amended to read as described in Exhibit "H," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 9. AMENDMENT. DCC 18.100.010, Uses Permitted Outright, is amended to read as described in Exhibit "I," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 10. AMENDMENT. DCC Chapter 108, Urban Unincorporated Community Zone – Sunriver, is amended to read as described in Exhibit "J," attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 11. ADDITION. DCC 18.116.320, Medical Marijuana Dispensary, is added to read as described in Exhibit "K," attached and incorporated by reference herein.

Section 12. FINDINGS. The Board adopts as its findings Exhibit "L," attached and incorporated by reference herein.

Section 13. EMERGENCY. This Ordinance being necessary for the public peace, health and safety, an emergency is declared to exist and this Ordinance takes effect on its passage.

Dated this _____ of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

_____
ANTHONY DEBONE, Chair

_____
ALAN UNGER, Vice Chair

ATTEST:

_____
Recording Secretary

_____
TAMMY BANEY, Commissioner

Date of 1st Reading: _____ day of _____, 2015.

Date of 2nd Reading: _____ day of _____, 2015.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Anthony DeBone	___	___	___	___
Alan Unger	___	___	___	___
Tammy Baney	___	___	___	___

Effective date: _____ day of _____, 2015.

"**" Denotes portions of the section not amended by Ordinance 2015-004**

18.04.030. Definitions.

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

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"Medical Marijuana Dispensary" means any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346 that dispense medical marijuana pursuant to ORS 475.314.

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(Ord. 2015-004 §1, 2015; Ord. 2014-009 §1, 2014; Ord. 2013-008 §1, 2013; Ord. 2012-007 §1, 2012; Ord. 2012-004 §1, 2012; Ord. 2011-009 §1, 2011; Ord. 2010-022 §1, 2010; Ord. 2010-018 §3, 2010, Ord. 2008-007 1, 2008; Ord. 2008-015 §1, 2008; Ord. 2007-005 §1, 2007; Ord. 2007-020 §1, 2007; Ord. 2007-019 §1, 2007; Ord. 2006-008 §1, 2006; Ord. 2005-041 §1, 2005; Ord. 2004-024 §1, 2004; Ord. 2004-001 §1, 2004; Ord. 2003-028 §1, 2003; Ord. 2001-048 §1, 2001; Ord. 2001-044 §2, 2001; Ord. 2001-037 §1, 2001; Ord. 2001-033 §2, 2001; Ord. 97-078 §5, 1997; Ord. 97-017 §1, 1997; Ord. 97-003 §1, 1997; Ord. 96-082 §1, 1996; Ord. 96-003 §2, 1996; Ord. 95-077 §2, 1995; Ord. 95-075 §1, 1975; Ord. 95-007 §1, 1995; Ord. 95-001 §1, 1995; Ord. 94-053 §1, 1994; Ord. 94-041 §§2 and 3, 1994; Ord. 94-038 §3, 1994; Ord. 94-008 §§1, 2, 3, 4, 5, 6, 7 and 8, 1994; Ord. 94-001 §§1, 2, and 3, 1994; Ord. 93-043 §§1, 1A and 1B, 1993; Ord. 93-038 §1, 1993; Ord. 93-005 §§1 and 2, 1993; Ord. 93-002 §§1, 2 and 3, 1993; Ord. 92-066 §1, 1992; Ord. 92-065 §§1 and 2, 1992; Ord. 92-034 §1, 1992; Ord. 92-025 §1, 1992; Ord. 92-004 §§1 and 2, 1992; Ord. 91-038 §§3 and 4, 1991; Ord. 91-020 §1, 1991; Ord. 91-005 §1, 1991; Ord. 91-002 §11, 1991; Ord. 90-014 §2, 1990; Ord. 89-009 §2, 1989; Ord. 89-004 §1, 1989; Ord. 88-050 §3, 1988; Ord. 88-030 §3, 1988; Ord. 88-009 §1, 1988; Ord. 87-015 §1, 1987; Ord. 86-056 §2, 1986; Ord. 86-054 §1, 1986; Ord. 86-032 §1, 1986; Ord. 86-018 §1, 1986; Ord. 85-002 §2, 1985; Ord. 84-023 §1, 1984; Ord. 83-037 §2, 1983; Ord. 83-033 §1, 1983; Ord. 82-013 §1, 1982)

18.16.030. Conditional Uses Permitted -High Value and Non-high Value Farmland.

The following uses may be allowed in the Exclusive Farm Use zones on either high value farmland or non-high value farmland subject to applicable provisions of the Comprehensive Plan, DCC 18.16.040 and 18.16.050, and other applicable sections of DCC Title 18.

A. Nonfarm dwelling.
B. Lot of record dwelling.
C. Residential home or facility, as defined in DCC 18.04.030, in existing dwellings.
D. A hardship dwelling, which can include one manufactured dwelling or recreational vehicle, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
E. Commercial activities that are in conjunction with farm use, but not including the processing of farm crops as described in DCC 18.16.025.
F. Operations conducted for:
   Mining and processing of geothermal resources as defined by ORS 522.005, and
   Mining and processing of natural gas or oil as defined by ORS 520.005, not otherwise permitted under DCC 18.16.020.
G. Expansion of an existing private park, playground, hunting and fishing preserve and campground on the same tract as the existing use.
H. Public park and playground consistent with the provisions of ORS 195.120, and including only the uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable.
I. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.
   1. A community center authorized under this section may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006.
   2. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
J. Transmission towers over 200 feet in height.
K. Commercial utility facility, including a hydroelectric facility (in accordance with DCC 18.116.130 and 18.128.260, and OAR 660-033-0130), for the purpose of generating power for public use by sale, not including wind power generation facilities.
L. Personal use airport for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in DCC 18.16.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
M. Home Occupation, subject to DCC 18.116.280.
   1. The home occupation shall:
      a. be operated substantially in the dwelling or other buildings normally associated with uses permitted in the EFU zone;
      b. be operated by a resident or employee of a resident of the property on which the business is located; and
      c. employ on the site no more than five full-time or part-time persons.
   2. The home occupation shall not unreasonably interfere with other uses permitted in the EFU zone.

N. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 213.203(2).
   1. The primary processing of a forest product, as used in DCC 18.16.030, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

2. Forest products, as used in DCC 18.16.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

O. Construction of additional passing and travel lanes requiring the acquisition of right of way, but not resulting in the creation of new land parcels.

P. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings, but not resulting in the creation of new land parcels.

Q. Improvement of public road and highway-related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required, but not resulting in the creation of new land parcels.

R. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.

1. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture.
2. The county shall provide notice of all applications under this section to the State Department of Agriculture.
3. Notice shall be provided in accordance with DCC Title 22, but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

S. Room and board arrangements for a maximum of five unrelated persons in an existing residence. If approved, this use is subject to the recording of the statement listed in DCC 18.16.020(J)(1).

T. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.

U. Roads, highways and other transportation facilities, and improvements not otherwise allowed under DCC 18.16, if an exception to Goal 3, Agricultural Lands, and to any other applicable goal is first granted under state law. Transportation uses and improvements may be authorized under conditions and standards as set forth in OAR 660-012-0035 and 660-012-0065.

V. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

W. A living history museum.

X. Operations for the extraction and bottling of water.

Y. Transportation improvements on rural lands allowed by OAR 660-012-0065.

Z. Expansion of existing county fairgrounds and activities relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

AA. Extended outdoor mass gatherings, subject to DCC 8.16.

BB. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

CC. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130.

DD. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to OAR 660-033-0130.

EE. Commercial dog boarding kennel, or dog training classes or testing trials that exceed the standards under DCC 18.16.025(K), subject to DCC 18.16.040(A)(1 and 2).

FF. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary, and applicable provisions of DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use.

(Ord. 2015-004 §2, 2015; Ord. 2014-010 §1, 2014; Ord. 2012-007 §2, 2012; Ord. 2009-014 §1, 2009; Ord. 2008-001 §2, 2008; Ord. 2004-001 §2, 2004; Ord. 2001-039 §1, 2001; Ord. 2001-016 §2, 2001; Ord. 98-030 §1, 1998; Ord. 95-025 1, 1995; Ord. 95-007 §11, 1995; Ord. 94-008 §9, 1994; Ord. 92-065 §3, 1992; Ord. 91-038 §2, 1991; Ord. 91-020 §1, 1991; Ord. 91-014 §1, 1991; Ord. 91-005 §5, 1991; Ord. 90-018 §1, 1990; Ord. 90-014 §§23 and 31, 1991; Ord. 87-013 §1, 1987; Ord. 86-018 §3, 1986; Ord. 83-028 §1, 1983)

18.65.020. RSC – Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop and Wildhunt).

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
   1. Single-family dwelling.
   2. Manufactured home, subject to DCC 18.116.070.
   3. Type 1 Home Occupation, subject to DCC 18.116.280.
   4. Residential home and residential facility.
   5. Two-family dwelling or duplex.
   6. Agricultural uses, as defined in Title 18, and excluding livestock feed lot or sales yard, and hog or mink farms.
   7. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
   8. Class III road and street project.
   9. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted, subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review, of this title:
   1. Retail store, business office and/or commercial establishment in a building or buildings each not exceeding 4,000 square feet of floor space. The aggregate area for any one type of use that takes place in multiple buildings may not exceed 4,000 square feet.
   2. Residential use in conjunction with a permitted commercial use.
   3. Park or playground.
   4. Community building.
   5. Public or semipublic building or use.
   6. Highway maintenance facility.
   7. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
   1. Multi-family dwelling with three or more units.
   2. Church.
   3. School.
   4. Cemetery.
   5. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
   6. Medical clinic or veterinary clinic.
   7. Community Center.
   8. Manufactured home park.
   9. Recreational vehicle or trailer park.
   10. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

D. Yard and Setback Requirements.
   1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
   2. The minimum side yard setback shall be 10 feet.
   3. The minimum rear yard setback shall be 20 feet.
   4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.

E. Lot Requirements.

1. Residential Uses:
   a. The minimum lot size for residential uses in Brothers, Hampton and Millican is 2.5 acres.
   b. Each lot shall have a minimum width of 200 feet.
   c. Each lot must be served by an on-site well.
   d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
   e. Lot coverage for a dwelling and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
2. Commercial and Public Uses.
   a. The minimum lot size in Brothers, Hampton, Millican, Whistlestop and Wildhunt for a commercial use served by an on-site septic system and individual well shall be the size necessary to accommodate the use.
   b. In Alfalfa, the minimum lot size shall be the size necessary to accommodate the use, but not less than one acre.
   c. Each lot shall have a minimum width of 150 feet.
   d. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

(Ord. 2015-004 §3, 2015; Ord. 2004-002 §11, 2004; Ord. 2002-028 §1, 2002; Ord. 2002-002 §2, 2002)

18.66.040. Commercial (TeC) District.

The Terrebonne Commercial District is intended to allow a range of commercial and limited industrial uses to serve the community and surrounding rural area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
   1. Single-family dwelling or two-family on a lot or parcel existing on June 4, 1997.
   2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
   3. Type 1 Home Occupation, subject to DCC 18.116.280.
   4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
   5. Class III road or street project.
   6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.1248:
   1. A building or buildings not exceeding 4,000 square feet of floor space to be used by any combination of the following uses:
      a. Retail or service business.
      b. Eating or drinking establishment.
      c. Offices.
      d. Veterinary clinic and kennel entirely within an enclosed building.
      e. Residential use in the same building as a use permitted by DCC 18.66.040(B)(1).
      f. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
   2. Any of the uses allowed under DCC 18.66.040 proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.040(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
   1. Motel, with a maximum of 35 units, only if served by a community sewer system as defined in OAR 660-22-010(2).
   2. Recreational vehicle park.
   3. Church.
   4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
   5. Public or private school.
   6. Child care center.
   7. Park.
   8. Public or semi-public building.
   9. Medical center in a building or buildings not exceeding 4,000 square feet of floor space.
   10. Utility facility.
   11. Water supply or treatment facility.
   12. Vehicle and trailer sales, service, repair or rental in a building or buildings not exceeding 4,000 square feet of floor space.
   13. Uses listed below carried on in a building or buildings not exceeding 4,000 square feet of floor space with no exterior displays or storage of industrial equipment, industrial vehicles or industrial products:
      a. Manufacturing and production.
      b. Wholesale sales.
      c. Mini-storage.
   14. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

15. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.040(B) and (C).
   1. Sewer and Water Requirements. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
   2. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

E. Requirements for Large Scale Uses.
   1. All uses listed in DCC 18.66.040(B) and 18.66.040(C)(9) may have a total building floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
      a. The use is intended to serve the community and surrounding rural area or the travel needs of people passing through the area;
      b. The use will primarily employ a work force from the community and surrounding rural area; and
      c. It is not practical to locate the use in a building or buildings with floor area of 4,000 square feet or less.
   2. For purposes of DCC 18.66.040, the surrounding rural area includes the area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

F. Design Standards.
   Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeC District except those containing uses listed in DCC 18.66.040(C)(13). The provisions of DCC 18.124 also apply.
      1. The window area shall equal at least 50 percent of the length and 25 percent of the height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.
      2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. Minimum size requirements for this district will be determined by spatial requirements for on-site sewage disposal, required landscaped areas and off-street parking. No lot or parcel shall be created of less than a minimum of 10,000 square feet.

H. Dimensional Standards.
   Lot Coverage. No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.

I. Yard Standards.
   1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3).
      The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
   2. Side Yard. No requirement, subject to DCC 18.66.040(I)(4).
   3. Rear Yard. No specific requirements, subject to DCC 18.66.040(I)(4).
   4. Exceptions to Yard Standards.
      a. Lot line adjacent to a residential district. Any new structure requiring a building permit sited on a lot adjacent to a residential district shall be set back a minimum of 15 feet from the common

property line. The required yard shall be increased by one foot for each foot by which the building height exceeds 20 feet.

b. Lot line adjacent to an EFU zone. Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2015-004 §4, 2015; Ord. 2004-002 §15, 2004; Ord. 97-063 §3, 1997; Ord. 97-003 §2, 1997)

18.66.050. Commercial-Rural (TeCR) District.

The Terrebonne Commercial-Rural District allows a mix of commercial and industrial uses common to a farming community.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review:
   1. Single-family dwelling on a lot or parcel existing on June 4, 1997.
   2. Manufactured home on a lot or parcel existing on June 4, 1997, subject to DCC 18.116.070.
   3. Type 1 Home Occupation, subject to DCC 18.116.280.
   4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.66.070 and 18.116.230.
   5. Class III road or street project.
   6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116 and 18.124:
   1. A building or buildings not exceeding 4,000 square feet of floor space to be occupied by any combination of the following uses:
      a. Retail or service business.
      b. Eating or drinking establishment.
      c. Office.
      d. Residential use in the same building as a use listed in DCC 18.66.050.
      e. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
   2. Any of the uses listed under DCC 18.66.050(B) proposing to occupy more than 4,000 square feet of floor area in a building or buildings, subject to provisions of DCC 18.66.050(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.66, 18.116, 18.124 and 18.128:
   1. Church.
   2. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
   3. Park.
   4. Public or semi-public building.
   5. Utility facility.
   6. Water supply or treatment facility.
   7. Vehicle and trailer sales, service, repair and rental in a building or buildings not exceeding 4,000 square feet of floor area.
   8. Uses listed below carried on in a building or buildings not exceeding 10,000 square feet of floor space to be occupied by any combination of the following uses:
      a. Manufacturing or production.
      b. Wholesale sales.
      c. Mini-storage.
      d. Truck terminal.
      e. Farm or contractor equipment storage, sales, service or repair.
      f. Uses that require proximity to rural resources, as defined in OAR 660-04-022- (3)(a).
   9. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
   10. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.66.050(B) and (C).
   1. Sewer and Water Requirements.

a. Applicant must obtain approval for an on-site sewage disposal system, or if applicable, obtain a Department of Environmental Quality (DEQ) Waste Water Pollution Control Facility (WPCF) permit before approval or as condition of approval of the land use permit.
b. The County shall notify the Terrebonne Domestic Water District of land use actions made under DCC 18.66.

2. Compatibility.
   a. Any use on a lot adjacent to a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential lot.
   b. Any use expected to generate more than 50 truck-trailer, contractors and/or farm heavy equipment trips per day to and from the subject property shall not locate on a lot or parcel adjacent to or across a local or collector road from a lot or parcel in a residential district.
   c. No use shall be permitted that has been declared a nuisance by state statute, County ordinance or a court of competent jurisdiction.
   d. No use requiring an air containment discharge permit shall be approved by the Planning Director or Hearings Body before review by the applicable state or federal permit-reviewing authority. Such uses shall not be located adjacent to or across a local or collector road from a lot or parcel in a residential district.
3. Traffic and Parking.
   a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
   b. All parking demand generated by uses permitted by DCC 18.66 shall be accommodated entirely on the premises.
   c. Site design shall not require backing of traffic onto a public or private road right-of-way.
4. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
   a. An increased setback requirement.
   b. Additional off-street parking and loading facilities.
   c. Limitations on signs, lighting, hours of operation and points of ingress and egress.
   d. Additional landscaped buffering and screening improvements.

E. Requirements for Large Scale Uses.
1. All uses listed in DCC 18.66.050(B) may be allowed to occupy a total floor area exceeding 4,000 square feet if the Planning Director or Hearings Body finds:
   a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
   b. The use will primarily employ a work force from the community and surrounding rural area; and
   c. It is not practical to contain the proposed use within 4,000 square feet of floor area.
2. This provision does not apply to uses listed in DCC 18.66.050(C)(8).
3. For purposes of DCC 18.66.050(E), the surrounding rural area described by the Terrebonne zip code, which extends south to the boundary of the Redmond zip code, west to the boundary of the Sisters zip code, east into Crook County to the boundary of the Prineville zip code and north into Jefferson County to include Crooked River Ranch.

F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to all new commercial buildings in the TeCR District except those containing uses listed in DCC 18.66.050(C)(8). The provisions of DCC 18.124 also apply.
1. The window area shall be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall

area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls that abut sidewalks or roads.

2. Required window areas shall be windows that allow views into either working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. No lot shall be created less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.

1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
2. No use listed in DCC 18.66.050(C)(8) that is located adjacent to or across a local or collector road from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage or off-street parking and loading areas.

I. Yard Standards.

1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3)(b).

   The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.
2. Side Yard. No requirement, subject to DCC 18.66.050(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.66.050(I)(4).
4. Exceptions to Yard Standards.
   a. Lot line adjacent to a residential zone. For all new structures requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
   b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use, shall be set back a minimum of 100 feet from the common property line.

(Ord. 2015-004 §5, 2015; Ord. 2004-002 §16, 2004; Ord. 2001-039 §7, 2001; Ord. 2001-016 §2, 2001; Ord. 97-003 §2, 1997)

18.67.040. Commercial (TuC) District.

The Tumalo Commercial District is intended to allow a range of limited commercial and industrial uses to serve the community and surrounding area.

A. Permitted Uses. The following uses and their accessory uses are permitted outright and do not require site plan review.
   1. Single-family dwelling or duplex.
   2. Manufactured home subject to DCC 18.116.070.
   3. Type 1 Home Occupation, subject to DCC 18.116.280.
   4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.060 and 18.116.230.
   5. Class III road or street project.
   6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.67, 18.116 and 18.124:
   1. A building or buildings, none of which exceeds 4,000 square feet of floor space to be used by any combination of the following uses:
      a. Retail or service business.
      b. Eating and/or drinking establishment.
      c. Offices.
      d. Residential use in the same building as a use permitted in DCC 18.67.040.
      e. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
   2. Any of the uses listed under DCC 18.67.040 proposing to occupy more than 4,000 square feet of floor area in a building subject to the provisions of DCC 18.67.040(E).

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
   1. Church.
   2. Bed and breakfast inn.
   3. Child care center.
   4. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
   5. Park.
   6. Public or semi-public building.
   7. Utility facility.
   8. Water supply or treatment facility.
   9. Manufactured home/RV park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel as configured on June 12, 1996.
   10. The following uses and their accessory uses may be conducted in a building or buildings not to exceed 4,000 square feet of floor space.
      a. Farm equipment, sales, service or repair.
      b. Trailer sales, service or repair.
      c. Vehicle service or repair.
      d. Veterinary clinic.
   11. The following uses may be conducted in a building or buildings not to exceed 10,000 square feet of floor space:
      a. Manufacturing or production.
      b. Wholesale sales.
   12. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

13. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

D. Use Limitations. The following use limitations shall apply to the uses listed in DCC 18.67.040(C)(11).
   1. Compatibility.
      a. Any use expected to generate more than 50 truck-trailer and/or heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot or parcel adjacent to or across a local or collector street from a lot or parcel in a residential district.
   2. Traffic and Parking.
      a. A use that generates more than 20 auto or truck trips during the peak hour of the day to and from the premises shall document with facts that the affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and level of service of the affected transportation facility.
      b. All parking demand generated by uses permitted by DCC 18.67 shall be accommodated entirely on the premises.

E. Requirements for Large Scale Uses.
   1. All uses listed in DCC 18.67.040(B) may have a total floor area exceeding 4,000 square feet but not greater than 10,000 square feet if the Planning Director or Hearings Body finds:
      a. The use is intended to serve the community and surrounding rural area or the traveling needs of people passing through the area;
      b. The use will primarily employ a work force from the community and surrounding rural area; and
      c. It is not practical to contain the proposed use within 4,000 square feet of the floor area.
   2. This provision does not apply to uses listed in DCC 18.67.040(C)(10).
   3. For the purposes of DCC 18.67.040, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.

F. Design Standards. Ground Floor Windows. The following criteria for ground floor windows apply to new buildings in the TuC district except those uses listed in DCC 18.67.040(C)(10) and any residential use. The provisions of DCC 18.124 also apply.
   1. The windows must be at least 50 percent of the length of the ground level wall area and 25 percent of height of the ground level wall area. Ground level wall area includes all exterior wall area up to nine feet above the finished grade. The window requirement applies to the ground level of exterior building walls which abut sidewalks or streets.
   2. Required window areas shall be either windows that allow views into working areas, lobbies, pedestrian entrances or display windows.

G. Lot Requirements. No lot shall be created having less than a minimum of 10,000 square feet. Lot requirements for this district shall be determined by spatial requirements for sewage disposal, required landscaped areas and off-street parking.

H. Dimensional Standards.
   1. Lot Coverage: No lot coverage requirements, provided spatial requirements for parking, sewage disposal and landscaping are satisfied.
   2. No use listed in DCC 18.67.040(C)(10) that is located adjacent to or across a local or collector from a lot or parcel in a residential district shall exceed 70 percent lot coverage by all buildings, outside storage, or off-street parking and loading areas.

I. Yard Standards.
   1. Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070 (D)(3).

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

2. Side Yard. No requirement, subject to DCC 18.67.040(I)(4).
3. Rear Yard. No specific requirement, subject to DCC 18.67.040 (I)(4).
4. Exceptions to Yard Standards.
   a. Lot line adjacent to a residential zone.
      For all new structures or substantial alteration of a structure requiring a building permit on a lot adjacent to a residential district, the setback shall be a minimum of 15 feet. The required yard will be increased by one foot for each foot by which the building height exceeds 20 feet.
   b. Lot line adjacent to an EFU zone. Any structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

(Ord. 2015-004 §6, 2015; Ord. 2004-013 §7, 2004; Ord. 2004-002 §19, 2004; Ord. 2001-039 §8, 2001; Ord. 2001-016 §2, 2001; Ord. 2000-033 §11, 2000; Ord. 97-063 §3, 1997; Ord. 97-033 §2, 1997)

18.67.060. Industrial (TuI) District.

The purpose of the Industrial District is to allow a limited range of industrial uses to serve the community and the surrounding area.

A. Uses permitted outright. The following uses and their accessory uses are permitted outright:
   1. Industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
   2. Office buildings associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
   3. Restaurants and cafeteria facilities associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
   4. Residence for caretaker or night watchman on property with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
   5. Equipment storage associated with industrial uses in existence on the date of adoption of the Unincorporated Communities rule, OAR 660-022 (October 28, 1994);
   6. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards of DCC 18.67.080 and 18.116.230.
   7. Class III road or street project.
   8. Operation, maintenance, and piping of existing irrigation systems operated by-an Irrigation District except as provided in DCC 18.120.050.

B. Uses Permitted, Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings not to exceed 40,000 square feet of floor area, subject to the applicable provisions of DCC 18.67, 18.116, and 18.124.
   1. Expansion or replacement of uses allowed under DCC 18.67.060(A);
   2. Office buildings associated with industrial uses;
   3. Restaurant and cafeteria facilities associated with industrial uses;
   4. Residence for caretaker or night watchman on property with industrial uses;
   5 Equipment storage associated with industrial uses;
   6. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
      a. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
      b. Ornamental horticultural products and nurseries.
      c. Softwood and hardwood products excluding pulp and paper manufacturing.
      d. Sand, gravel, clay and other mineral products.
   7. Freight depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck;
   8. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc.;
   9. Welding, sheet metal, or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by site-obscuring fencing.
   10. Mini-storage facility.
   11. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities;
   12. Any industrial use proposing to occupy more than 40,000 square feet of floor area in a building or buildings is subject to the provisions of DCC 18.67.060(C) and (D).
   13. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.116, 18.124, and 18.128:
   1. Any use permitted by DCC 18.67.060(B) which will exceed 40,000 square feet of floor area;
   2. Concrete or ready mix plant;

3. Stockpiling, storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete;
4. Buildings, structures, apparatus, equipment and appurtenances necessary for the above uses to be carried on.

D. Use limitations. The following limitations and standards shall apply to all permitted uses:
1. A new industrial use may occupy more than 40,000 square feet of floor area in a building or buildings provided an analysis set forth in the comprehensive plan demonstrates and land use regulations ensure:
   a. The use will primarily employ a work force from the community and surrounding rural area and will not rely upon a work force served by uses within urban growth boundaries. The determination of the work force of the community shall consider the total industrial employment in the community and surrounding rural area and be coordinated with employment projections for nearby urban growth boundaries; and
   b. It is not practical to contain the proposed use within 40,000 square feet of the floor area.
2. For the purposes of DCC 18.67.060, the surrounding rural area is described as the following: extending north to the Township boundary between Townships 15 and 16; extending west to the boundary of the public lands managed by the U.S. Forest Service in T16S-R11E; extending south to the south section lines of T17S-R12E sections 4,5,6 and T17S-R11E sections 1,2,3; and extending east to Highway 97.

E. Dimensional standards. In the Industrial Zone, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.67.060 relative to setback requirements, off-street parking and loading, and as deemed necessary by the Planning Director or Hearings Body, to maintain air, water and land resource quality and to protect adjoining and area land uses.
2. The minimum building setback between a structure and a street, road or railroad right-of-way line shall be 25 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
3. The minimum setback between a structure and a property line adjoining a residential lot or use in a platted subdivision or residential zone shall be 50 feet.
4. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
5. The maximum building height shall be 45 feet on any lot adjacent to a residential use or lot in a platted subdivision or residential zone.
6. The minimum lot frontage shall be 50 feet.
7. Exception to Yard Standards. Any new structure requiring a building permit on a lot adjacent to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.

F. Industrial Site design. The site design of any permitted use shall make the most effective use reasonably possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments in the immediate vicinity of the proposed use.

G. Design and use criteria. In the consideration of an application for a new industrial use, the Planning Director or Hearings Body shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities and on the capacity of transportation and other public facilities and services. In approving a proposed use, the Planning Director or Hearings Body shall find that:
1. The new use is in compliance with the Comprehensive Plan.
2. The new use is in compliance with the intent and provisions of DCC Title 18.
3. That any adverse social, economical, physical or environmental impacts are minimized.

H. Additional requirements. As a condition of approval, the Planning Director or Hearings Body may require:
   1. An increase in required setbacks.
   2. Additional off-street parking and loading facilities.
   3. Limitations on signs or lighting, hours of operation, and points of ingress and egress.
   4. Additional landscaping, screening and other improvements.
   5. Any other conditions considered necessary to achieve compliance with the intent and purposes of DCC Title 18 and policies of the Comprehensive Plan.

I. For purposes of this chapter, a new industrial use does not include industrial uses in existence on the date of Ord. 2005-16. Unless expanded or altered, industrial uses in existence on the date of adoption of the TUI District are not subject to the requirements of 18.67.060(B) or 18.67.060(C).

(Ord. 2015-004 §7, 2015; Ord. 2005-016 §2, 2005)

Chapter 18.74. RURAL COMMERCIAL ZONE

18.74.010. Purpose.
18.74.020. Uses Permitted – Deschutes Junction and Deschutes River Woods Store.
18.74.025. Uses Permitted – Spring River.
18.74.027. Uses Permitted – Pine Forest and Rosland.
18.74.030. Development Standards.
18.74.050. Maps.

18.74.010. Purpose.

The purpose of this chapter is to establish standards and review procedures for development in the Rural Commercial Zone. The Rural Commercial (RC) zone provisions implement the comprehensive plan policies for rural commercial development and associated uses outside of unincorporated communities and urban growth boundaries.
(Ord. 2003-080 §1, 2003, Ord. 2002-019 §2, 2002)

18.74.020. Uses Permitted – Deschutes Junction and Deschutes River Woods Store.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:
   1. Single-family dwelling.
   2. Manufactured home subject to DCC 18.116.070.
   3. Two-family dwelling.
   4. Type 1 Home Occupation, subject to DCC 18.116.280.
   5. Agricultural uses.
   6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
   7. Class III road or street project.
   8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.128:
   1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
      a. Restaurant, café or delicatessen.
      b. Grocery store.
      c. Tavern.
      d. Retail sporting goods and guide services.
      e. Barber and beauty shop.
      f. General store.
      g. Video store.
      h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.
      i. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
   2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
   3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.

a. Retail sales of agricultural or farm products.
b. Farm machinery sales and repair.
c. Kennel.
d. Veterinary clinic.
e. Automobile service station and repair garage, towing service, fuel storage and sales.
f. Public or semi-public use.
g. Residential use in the same building as a use permitted by this chapter.
h. Park or playground.

4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
   a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
   b. Utility facility.
   c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
   d. Child care center.
   e. Church.
   f. School.
2. Recreational vehicle park
3. Mini-storage facilities limited to 35,000 square feet in size.

(Ord. 2015-004 §8, 2015; Ord. 2008-008 §1, 2008; Ord. 2004-002 §20, 2004; Ord. 2002-019 §2, 2002)

18.74.025. Uses Permitted – Spring River.

A. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and18.124:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
   a. Fishing supplies and equipment.
   b. Snowmobiling accessories.
   c. Marine accessories.
   d. General store.
   e. Hardware store.
   f. Convenience store with gas pumps.
   g. Fast food restaurant, cafe, or coffee shop.
   h. Recreational rental equipment store.
   i. Excavation business.
   j. Landscaping business/service.
   k. Health care service.
   l. Beauty shop.
   m. Video store.
   o. Post office.
   p. Party supply.
   q. Equipment sales and rental.
   r. Appliance store.
   s. Bank.
   t. Exterminator.
   u. Private mailing and packaging store.

v. Bakery.
w. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.

2. Expansion of a nonconforming use listed in section A(1)(a-~~v~~w), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
   a .Pet and livestock supply.
   b. Farm machinery sales and repair.
4. Expansion of a nonconforming use listed in section A(3)(a-b), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
   a. Full service gas station with automobile repair services.
   b. Welding shop.
   c. Mini-storage units
2. Expansion of a nonconforming use listed in section B(1)(a-c), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Definitions. For the purposes of DCC 18. 74.120, the following definitions shall apply:
1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.
2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.
4. Mini-storage units: Self-service mini-storage units of various sizes from 5’ x 10’ up to 12’ x 24’.
5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
7. Post office: United States Postal Service office including mail pick-up and distribution.
8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
14. Bakery: The manufacture and sale of bread, donuts and pastries.
15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.

(Ord. 2015-004 §8, 2015; Ord. 2008-008 §1, 2008; Ord. 2006-008 §7, 2006; Ord. 2002-019 §2, 2002; Ord. 97-015 §1, 1997; Ord. 96-046 §1, 1996; Ord. 96-023 §1, 1996)

Section 18.74.027. Uses Permitted – Pine Forest and Rosland.

A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
   1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
      a. Eating and drinking establishments.
      b. Retail store, office and service establishments.
      c. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
   2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
   3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
      a. Sales of agricultural or farm products.
      b. Farm machinery sales and repair.
      c. Kennel or veterinary clinic.
      d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
      e. Public or semi-public use.
      f. Residential use in the same building as a use permitted in this chapter.
      g. Park or playground.
   4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
   1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:
      a. Home occupation as defined in DCC 18.04.
      b. Utility facility.
      c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
      d. Child care center.
      e. Church.
      f. School.
   2. Recreational vehicle park.
   3. Mini-storage facilities limited to 35,000 square feet in size.

(Ord. 2015-004 §8, 2015; Ord. 2008-008 §1, 2008; Ord. 2007-007 §1, 2007; Ord. 2003-080, §1, 2003)

18.74.030. Development Standards.

A. Yard Standards.
   1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
   2. Side Yard. A side yard shall be a minimum of 10 feet, except a lot or parcel with a side yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.

3. Rear Yard. The minimum rear yard shall be 20 feet, except a lot or parcel with a rear yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.

B. Existing Residential and Commercial Lots.
On-site sewage disposal. For existing lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to approval of a site plan or conditional use permit.

C. New Lot Requirements
1. Residential Uses.
   a. The minimum lot size is one (1) acre.
   b. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
2. Commercial and Public Uses.
   a. The minimum lot size for a commercial use served by an on-site septic system and individual well or community water system shall be the size necessary to accommodate the use.
   b. Each lot shall have a minimum width of 150 feet.
   c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

D. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

E. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

F. Lot Coverage.
1. Lot coverage for dwellings and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area.
2. Lot coverage for buildings used primarily for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
3. Primary and accessory buildings to be used for purposes other than residential, commercial or industrial shall not cover more than 30 percent of the total lot or parcel.

G. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under DCC 18.120.040.

H. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.

I. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.

J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.

(Ord. 2008-008 §1, 2008; Ord. 2007-007 § 1, 2007; Ord. 2006-008 §7, 2006; Ord. 2003-080 §1, 2003, Ord. 2002-019 §2, 2002)

18.74.050. Maps.

(Ord. 2007-007 § 2, 2007)
(Ord. 2003-080 § 1, 2003)
(Ord. 2002-019 § 2, 2002)

18.100.010. Uses Permitted Outright.

In an R-I Zone, the following uses and their accessory uses are permitted outright except as limited by DCC 18.100.040, and unless located within 600 feet from a residential dwelling, a lot within a platted subdivision or a residential zone.

A. Farming or forest use.
B. Primary processing, packaging, treatment, bulk storage and distribution of the following products:
   1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.
   2. Ornamental horticultural products and nurseries.
   3. Softwood and hardwood products excluding pulp and paper manufacturing.
   4. Sand, gravel, clay and other mineral products.
C. Residence for caretaker or night watchman on property.
D. Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.
E. Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.
F. Ice or cold storage plant.
G. Wholesale distribution outlet including warehousing, but excluding open outside storage.
H. Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.
I. Kennel or a Veterinary clinic.
J. Lumber manufacturing and wood processing except pulp and paper manufacturing.
K. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
L. Class III road or street project.
M. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
N. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.

(Ord. 2015-004 §9, 2015; Ord. 2002-126, §1, 2002; Ord. 2001-039 §12, 2001; Ord. 2001-016 §2, 2001; Ord. 93-043 §16, 1993; Ord. 91-038 §1, 1991)

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE - SUNRIVER

18.108.010. Purpose.
18.108.020 Standards for All Districts.
18.108.030. Single Family Residential – RS District.
18.108.040. Multiple Family Residential – RM District.
18.108.050. Commercial – C District.
18.108.055 Town Center – TC District
18.108.060. Resort – R District.
18.108.070. Resort Marina – RA District.
18.108.080. Resort Golf Course – RG District.
18.108.090. Resort Equestrian – RE District.
18/108.100. Resort Nature Center – RN District.
18.108.110. Business Park – BP District.
18.108.120. Community General – CG District.
18.108.130. Community Recreation – CR District.
18.108.140 Community Limited – CL District.
18.108.150 Community Neighborhood – CN District.
18.108.160. Airport – A District.
18.108.170 Utility – U District.
18.108.175Utility – U District / Limited Use Combining District
18.108.180. Forest – F District.
18.108.190. Flood Plain – FP Combining District.

18.108.010.Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone - Sunriver is to provide standards and review procedures for the future development of the urban unincorporated community of Sunriver. The UUC Zone - Sunriver is composed of 17 separate zoning districts and one combining zone district, each with its own set of allowed uses and distinct regulations, as further set forth in DCC 18.108.
(Ord 2008-015 §2, 2008; Ord. 2007-019, §2, 2007; Ord. 97-078 §2, 1997)

18.108.020.Standards in All Districts.

A. Approval Required. Any use in an RM, C, R, TC, RA, RG, RE, RN, BP, CG, CR, CL, CN, A, U or F District shall be subject to DCC 18.124. All uses listed as conditional uses within the RS District are also subject to the requirements of DCC 18.124.
B. Solar Setbacks.
   1. The setback from the north lot line shall meet the solar setback requirements of DCC 18.116.180, with the exception of land in the TC District described in subsection (B)(2), below.
   2. The development of land located within the TC District is exempt from the requirements of the solar setback requirements of DCC 18.116.180 unless a proposed building casts a shadow on land:
      a. Located outside of the C or TC Districts, other than roadway areas; or
      b. Described in DCC 18.108.050(C)(1) as eligible for residential development.
   3. All development shall take advantage of passive solar to the extent practicable.
C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or Deschutes County under DCC 15.04 shall be met.
D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the parking provisions of DCC 18.116.
E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10.

F. Excavation, Grading and Fill and Removal. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland shall be subject to DCC 18.120.050 and/or DCC 18.128.270.

G. Signs. All signs shall be constructed in accordance with the provisions of DCC 15.08.

(Ord. 2008-015, §2, 2008; Ord. 2007-019 §2, 2007; Ord. 97-078 §2, 1997)

18.108.030.Single Family Residential - RS District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
   1. Single-family dwelling.
   2. Recreational path.

B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
   1. Park, playground and picnic and barbecue area.
   2. Fire station.
   3. Library.
   4. Museum.
   5. Health and fitness facility.
   6. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
   7. Temporary subdivision sales office.
   8. Community building.
   9. Church.

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under DCC 18.120.040.

D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to DCC Title 18 and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.
   1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.
   2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.
   3. Frontage. Every lot 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.
   4. Front Yard. The front yard shall be a minimum of 20 feet.
   5. Side Yard. A side yard shall be a minimum of five feet for structures up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7.5 feet, including additions thereto.
   6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at six inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.
   7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area.

(Ord. 2004-013 §11, 2004; Ord. 98-035 §2, 1998; Ord. 97-078 §2, 1997

18.108.040.Multiple Family Residential - RM District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
   1. Two-family dwelling or duplex.
   2. Multiple-family dwellings, apartment houses and dwelling groups including townhouses and condominiums.
   3. Uses permitted outright in the RS District.
   4. Planned unit developments and redevelopment.
   5. Recreational path.
   6. Residential home.
   7. Residential facility.
   8. Type 1 Home Occupation, subject to DCC 18.116.280.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.
   1. Park, playground and picnic and barbecue area.
   2. Fire station.
   3. Library.
   4. Museum.
   5. Utility substations or pumping stations with no equipment storage or sewage treatment facilities.
   6. Off-street parking lots when contiguous to a less restrictive zoning district.
   7. Community center.
   8. Church.
   9. Temporary sales office for on-site dwelling units.
   10. Interval ownership and/or time-share unit or the creation thereof.
   11. Health and fitness facility.

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

D. Lot Requirements. The following lot requirements shall be observed:
   1. Duplexes, three-plexes and four-plexes:
      a. Lot Area. Every lot shall have a minimum area of 5,000 square feet for the first dwelling unit, plus the following minimum land area based upon the number of bedrooms per additional dwelling unit in the following table:

Studio or Efficiency	750 sq. ft.
1 Bedroom	1,000 sq. ft.
2 Bedrooms	1,500 sq. ft.
3 Bedrooms	2,250 sq. ft.
4 Bedrooms	2,500 sq. ft.

The overall density shall not exceed eight dwelling units per acre.

      b. Lot Width. Every lot shall have a minimum average width of 50 feet.
      c. Frontage. Every lot 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. The front yard shall be a minimum of 10 feet.
      e. Side Yard. There shall be a minimum side yard of five feet and the sum of the side yards shall be a minimum of 15 feet. The side yards shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
      f. Rear Yard. There shall be a rear yard having a depth of not less than five feet. The rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
      g. Lot Coverage. Maximum lot coverage by buildings and structures shall be 40 percent of the total lot area.

2. Townhouses, condominiums, zero lot line dwellings and apartments: There shall be no minimum lot area for apartments, townhouses, condominium developments or planned unit developments provided, however, that the overall density shall not exceed eight dwelling units per acre.

b. Setbacks. Yard setbacks, lot widths and lot coverage shall be determined at the time of site plan approval.

3. Single Family Residences. Lot widths, yard setbacks and lot coverage shall be the same as provided in the RS District, provided that the overall density shall not exceed eight dwelling units per acre.

E. Off-Street Parking. Off-street parking shall be provided for a minimum of two cars per dwelling unit.

(Ord. 2004-002 §22, 2004; Ord. 99-036 §1, 1999; Ord. 97-078 §2, 1997)

18.108.050.Commercial - C District.

A. Uses Permitted Outright. Any combination of the following uses and their accessory uses are permitted outright in the C district.

1. Recreational path.
2. Ambulance service.
3. Library.
4. Church.
5. Bus stop.
6. Community center.
7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
   a. Retail/rental store, office and service establishment.
   b. Art galleries
   c. Dry cleaner and/or self-service laundry establishment.
   d. Radio and television sales and service.
   e. Radio and television broadcasting studios and facilities, except towers.
   f. Restaurant, bar and cocktail lounge, including entertainment.
   g. Automobile service station.
   h. Technical and business school.
   i. Catering establishment.
   j. Crafts in conjunction with retail sales (occurring on premises, such as stained glass/pottery, etc.).
   k. Medical and dental clinic, office and laboratory.
   l. Theater not exceeding 4,000 square feet of floor area.
   m. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
8. Multiple-family residential dwelling units, subject to the provisions of DCC 18.108.050(C)(1).
9. Residential dwelling units constructed in the same building as a commercial use, subject to the provisions of DCC 18.108.050(C)(2).
10. Post Office.
11. Administrative and office facility associated with a community association or community use.
12. Police facility.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit.

1. Public buildings and public utility buildings and structures.
2. Club, lodge or fraternal organization.
3. Commercial off-street parking lot.
4. Bus passenger station.
5. Interval ownership and/or time-share unit or the creation thereof.
6. Miniature golf.
7. Bed and breakfast inn.

8. Inn.
9. Residential facility.
10. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
    a. Bowling alley.
    b. Car wash.
    c. Dancing or music school, nursery school, kindergarten and day-care facility.
    d. Theater exceeding 4,000 square feet in floor area.
    e. Veterinary clinic or kennel operated entirely within an enclosed building.
    f. Automotive repair and maintenance garage, or tire store, provided the business is wholly conducted within an enclosed building.

C. Use Limits.
1. Multiple-family residential dwelling units, allowed on the nine acres vacant as of December 31, 1997 in the C District, shall be subject to the provisions of DCC 18.108.040(C) and (D), and the following requirements:
    a. No dwelling unit shall have more than three bedrooms.
    b. Individual dwelling units shall not exceed 2,250 square feet of habitable floor area.
    c. One off-street parking space shall be provided for each bedroom within each dwelling unit, with a maximum of two spaces allowed per dwelling unit.
2. Residential dwelling units constructed in the same building as a commercial use developed in the C district shall be subject to the following requirements:
    a. Residential dwelling units shall be developed above first floor commercial use.
    b. No dwelling unit shall have more than two bedrooms.
    c. Individual dwelling units shall not exceed 850 square feet of floor area.
    d. One off-street parking space shall be provided for each bedroom within each dwelling unit.
3. Uses permitted either outright or conditionally in the C District shall not involve the transport of chemicals which would present a significant hazard.

D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.050(A)(7) or DCC 18.108.050(B)(10) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.050(D), the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
2. The use will primarily employ a work force from the community and surrounding rural area; and
3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

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

F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yards shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yards shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 2015-004 §10, 2015; Ord. 2003-026 §1, 2003; Ord. 98-016 §1, 1998; Ord. 97-078 §2, 1997)

18.108.055 Town Center – TC District

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the TC District.
   1. Park or plaza.
   2. Library.
   3. Community center.
   4. Visitors center.
   5. A building, or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including any of the following uses:
      a. Retail/rental store, office, civic and service establishment.
      b. Grocery store.
      c. Art gallery.
      d. Restaurant, bakery, delicatessen, pub, cocktail lounge, including entertainment.
      e. Health care service including medical and dental clinic, office, pharmacy, and laboratory but excluding nursing homes.
      f. Health & fitness facility.
      g. Barber, beauty shop or spa.
      h. Child care center, preschool and daycare facility.
      i. Bank.
      j. Post office.
      k. Veterinary clinic (without animal boarding facilities).
      l. Crafts in conjunction with retail sales (occurring on premises such as sculpture, stained glass, pottery, etc.).
      m. Meeting room, convention and banquet facility.
      n. Property sales, mortgage, management or rental office.
      o. Movie theater.
      p. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
   6. Multi-family Residential, subject to paragraphs (E)(1) and (2).
   7. Developed recreational facilities, outdoors or in a building or buildings each not exceeding 8,000 square feet of floor space, unless approved as a Large Scale Use pursuant to DCC 18.108.055(C), including, but not limited to the following facilities:
      a. Indoor and outdoor swimming pools.
      b. Ice skating rink.
      c. Indoor and outdoor tennis courts.
      d. Indoor and outdoor basketball court or other ball field.
      e. Physical fitness facilities.
      f. Park, playground and picnic and barbeque area.
      g. Walkways, bike paths, jogging paths.
      h. Bowling alley.
      i. Arcade.
   8. Hotel with up to 100 hotel units in a single building.
   9. Mixed Use Structure, subject to the rules of DCC 18.108.055(E)(3) and a limit of 8,000 square feet of floor space for commercial uses listed in DCC 18.108.055(A)(5) or recreational uses listed in DCC 18.108.055(A)(7), unless said uses are approved as large scale uses pursuant to DCC 18.108.055(C).
   10. Residential Facility.
   11. Senior housing/assisted living or active adult development, excluding nursing homes.
   12. Townhomes, subject to paragraphs (E)(1) and (2).

13. Accessory uses to uses permitted outright, including, but not limited to, parking facilities, private roads, storage facilities, trash receptacles and recycling areas.
14. Similar uses to those allowed outright, provided they are approved by the County in the decision approving the Conceptual Site Plan described in DCC 18.108.055(K).

B. Conditional Uses Permitted. The following conditional uses may be permitted pursuant to the provisions of DCC 18.128, Conditional Use Permits.
   1. Public buildings and public utility buildings and structures.
   2. Bed and breakfast inn.
   3. Ambulance service.
   4. Fire station.
   5. Police station.
   6. Bus passenger station.
   7. Live/work residence.
   8. Stand-alone parking structure.
   9. Accessory uses to the above-listed conditional uses.

C. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.055(A)(5) or (A)(7) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
   1. That the intended customers for the proposed use will come from the Sunriver community and surrounding rural area. The surrounding rural area is the area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community; and/or
   2. The use will meet the needs of the people passing through the area.

D. Form of Ownership/List of Uses.
   1. Any lawful form of ownership is allowed in the TC District.
   2. The listing of uses permitted in the TC District is not intended to prohibit other uses allowed elsewhere in Sunriver.
   3. When a general use listed in the TC District includes a use or type of ownership that is more specifically described in another zone in Sunriver, the specific listing elsewhere does not prohibit that use from being conducted in the TC District.

E. Use Limits.
   1. Commercial uses, except for Type 1 home occupations as defined in DCC 18.116.280, are not allowed in Multi-family Residential buildings or Townhomes.
   2. Notwithstanding subsection (E)(1), above, the following uses are allowed in Multi-family Residential buildings or Townhomes:
      a. Live/work residences.
      b. Lock-off areas.

c. Accessory uses to the residential use of the building, such as parking and storage areas.
   3. In a Mixed Use Structure, any ground floor unit that has primary frontage along a public plaza approved as part of a Conceptual Site Plan shall be used only for commercial, recreational or community/governmental uses, but not for hotel units.
   4 A live/work residence is subject to the following conditions.
      a. One or more walls of the residence adjoin another residential or commercial building.
      b. The first floor above the garage is the ground floor, where a parking garage is provided below a residence, below the average finished grade and is completely obscured from view on at least one side of the building.
      c. The commercial area of the live/work residence may not exceed fifty percent (50%) of the square footage of the entire unit, excluding the garage.
      d. The commercial area shall not exceed 8,000 square feet in combination with other commercial uses in the same building unless the building has been approved as a part of a Large Scale Use pursuant to DCC 18.108.055(C).

F. Building Height Regulations.

1. Except as provided in subsection (2), below, no Mixed Use Structure shall be erected, enlarged or structurally altered to exceed 60 feet in height.
2. One Mixed Use Structure shall be permitted with a maximum height not to exceed 75 feet in height, so long as the building footprint of that portion of said building that exceeds 60 feet in height is not greater than 40,000 square feet of the footprint.
3. Townhomes may not exceed 40 feet in height.
4. Multi-family Residential buildings that are not Mixed Use Structures may not exceed 50 feet in height.
5. The height of all other buildings for uses other than those described in subsections (F)(1)-(4), above, may not exceed 45 feet in height.
6. Where a parking garage is provided beneath buildings or structures described in subsection (F)(1) and (2), above, the height of the building shall be measured from the highest point of the roof to one of the following points:
   a. A point equal to the elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest elevation adjacent to the building; or
   b. A point equal to the elevation that is 10 feet higher than the lowest grade from the sidewalk or ground surface described in subsection (a), above, when the sidewalk or ground surface described in subsection (a) is more than 10 feet above lowest grade adjacent to the building.
7. Projections and architectural elements such as chimneys, spires, clock towers, skylights, atriums, flag poles, mechanical equipment and screens and other similar items that do not add habitable interior floor area may be allowed to exceed the height limit by a maximum of 10 feet.
8. Buildings that comply with the height limitations of this subsection also comply with the view protection requirement imposed by DCC 18.124.060(A).

G. Lot Requirements. The following lot requirements shall be observed.
1. Front yard: the front yard shall be a minimum of 10 feet.
   a. Where a lot has more than one front yard, only one front yard must meet the 10 feet minimum.
   b. Below-grade parking structures that are built under private streets do not need to meet front yard setback requirements.
2. Side yard: 0 feet.
3. Rear yard: 0 feet.
4. Frontage: 0 feet.
5. Road Access.
   a. Each lot shall have access to any required parking areas and driveways, and to a private road, via a perpetual easement recorded for the benefit of the subject lot.

H. District Setback.
1. All development, including structures and sight-obstructing fences over three feet in height, shall be set back from exterior TC District boundaries by the following distances:
   a. Where the TC District boundary borders an RS or RM District, the minimum setbacks will be:
      1) 15 feet from the TC District boundary for any portion of a building that is 45 feet or lower
      2) 20 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
      3) 50 feet from the TC District boundary for any portion of a building that is over 50 feet in height.
   b. Where the TC District boundary borders a CL District, the minimum setbacks will be:
      1) Five feet from the TC District boundary for any portion of a building that is 45 feet or lower.
      2) 10 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.
      3) 20 feet from the TC District boundary for any portion of a building that is over 50 feet in height and that does not exceed 60 feet in height.

4) 50 feet from the TC District boundary for any portion of a building that is over 60 feet in height.

c. Where the TC District boundary borders any other zoning district, the minimum setback will be:

1) 10 feet from the TC District boundary for any portion of a building that is 45 feet in height or lower.

2) 15 feet from the TC District boundary for any portion of a building that is over 45 feet in height and that does not exceed 50 feet in height.

3) 20 feet from the TC District boundary for any portion of a building that is over 50 feet in height.

2. Items allowed in the District Setback include, but are not limited to, parking, roads, signage, pedestrian pathways, street trees, planters, driveways, landscaping, and outdoor seating.

I. Floor Area Ratio.

1. The maximum Floor Area Ratio in the TC District is 1.0.
2. Floor Area Ratio is determined by dividing the enclosed floor area of all floors of all buildings that are proposed by a Conceptual Site Plan by the land area to be bound by the Conceptual Site Plan.

3. The following areas are not a part of the "enclosed floor area of all buildings":

a. Below-grade parking garages and mechanical rooms and storage areas located on the same floor as the parking garage.

b. Crawl spaces and attics that are not suited to human occupancy.

J. Zone Coverage.

1. The total square footage of the building footprints of buildings and enclosed structures is limited to fifty percent (50%) of the gross acreage bound by a Conceptual Site Plan in the TC District.
2. The total square footage of the building footprints of Multi-family Residential and Townhome buildings allowed by DCC 18.108.055(A)(6) and (12) is limited to a maximum of twenty percent (20%) of the gross acreage of the TC District.
3. When calculating the building footprint, buildings and enclosed structures include any deck that is more than 12 inches above finished grade and all areas within any screened enclosure permanently affixed to the ground.
4. The following are not included as building or structures for purposes of calculating building footprint:

a. Eaves and any driveway, road, walkway, deck, patio, plaza, or porch that is 12 inches or less above finished grade (except with affixed improvements that exceed 12 inches); and

b. Parking areas on or below finished grade.

K. Conceptual Site Plan.

1. Prior to or concurrent with approval of a site plan or conditional use permit, an applicant must file for approval of a Conceptual Site Plan.
2. A Conceptual Site Plan shall provide a master plan that depicts the approximate location of all of the applicant's proposed land uses.
3. All land owned or controlled by the applicant in the TC District must be shown on and will be bound by the applicant's Conceptual Site Plan.
4. A Conceptual Site Plan application must include all of the following information:

a. Types of uses.

b. Site circulation.

c. Pedestrian Facilities.

d. Traffic impact study, as described in DCC 17.16.115.

e. The following additional information:

1) An analysis of site access points to Abbott Drive and Beaver Drive by a registered professional engineer who specializes in traffic analysis work that describes operational, capacity and sight distance issues of those access points and the impact of Conceptual Site Plan development on those access points.

2) Identification of street system improvements needed to support the proposed development based on the information provided by the reviews required by this subsection (d).
3) A schedule for the construction of needed street improvements, if any, keyed to development benchmarks.

f. Approximate location of phase boundaries, if phased development is proposed, and notation of the phasing sequence.
g. The projected location and projected range of building or structure size, in square feet, for commercial uses.
h. The projected location and projected range of the number of dwelling units for residential use.
i. The projected location and approximate size, in square feet, of plazas and public gathering areas.
j. Elevations throughout the site that represent general elevations of each use.
1) Examples of uses for which such elevations should be shown on the Conceptual Site Plan are residential, hotel or commercial structures, pedestrian plazas, parking areas, road intersections, and at length along all roadways.
2) Such elevations must show existing and projected finished elevations.

k. The projected footprint and location of new buildings or parking areas. The exact footprints and locations of buildings and parking areas shall be determined during site plan review.
l. Existing uses on lands owned or controlled by persons other than the applicant.

5. A Conceptual Site Plan shall be approved if it demonstrates that future development is located on the subject property so that, in addition to the requirements of DCC 18.108.055, the following standards can be met at the time of site plan review:
a. DCC 23.40.025; and
b. DCC 18.124.060 (A) - (E) and (I); interpreted as described in DCC 23.40.025(E)(1)(d)(3).
6. Approval of a Conceptual Site Plan does not authorize uses or development.
7. An applicant shall commence development within five years of the date of final approval of the Conceptual Site Plan unless an extension of the duration of approval of the Conceptual Site Plan has been granted pursuant to DCC 22.36.010(C).
8. Substantial construction of a Conceptual Site Plan development, for purposes of DCC 22.36.020(A)(2), occurs when the first building authorized by the Plan has been substantially constructed, as defined by DCC 22.36.020(B).

L. Application and approval process.
1. A site plan or conditional use application shall be consistent with the Conceptual Site Plan with the following exceptions.
a. Existing structures or features can be used or altered to meet the requirements of subsections (5) and (10)-(13) of this subsection.
b. If the existing structures or features were included in a site plan approval under DCC 18.108.055 and the existing structures or features are proposed to be altered by subsequent site plan, that subsequent site plan must demonstrate compliance with the requirements of subsections (5) and (10)-(13) of this subsection.
2. A site plan application shall include the number of all uses by type, their ITE code and their pm peak hour trips.
3. Each site plan, cumulatively with any previously approved site plan, shall demonstrate that the development will not generate traffic at a rate that will exceed the number of pm peak hour vehicle trips for residential and commercial uses assumed in the traffic study required by subsection (K)(4) above.
4. Adjustments may be made to building locations, sizes, footprints, unit counts and phase boundaries shown on the Conceptual Site Plan during site plan review if such adjustments do not constitute a change requiring modification of approval of the Conceptual Site Plan pursuant to DCC 22.36.040.

5. An applicant seeking site plan approval shall demonstrate that, when the development that is subject to the site plan approval is complete, a ratio of 150 square feet of commercial space to one dwelling unit will be met.
6. The term "dwelling unit" used in subsection (5), above, includes:
   a. All hotel and residential dwelling units, including Multi-family Dwellings and Townhomes.
   b. Lock-off Areas shall be counted as a half dwelling unit for purposes of calculating the ratio described in subsection (5), above.
7. The development in the TC District, cumulatively with any previously approved site plan, must meet the ratio in subsection (5) above.
8. When a second or subsequent site plan is approved a commercial area shown on a prior site plan may be counted toward meeting the required ratio in Subsection (5) above only if construction of the commercial area approved on a prior site plan has been commenced.
9. The site plan shall include the projected finished and existing grade elevations of the site indicating every foot of elevation change on the subject property.
10. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the fifteen percent (15%) lot area landscaping requirement of DCC 18.124.070(B)(1)(a).
    a. Landscape areas existing as of the adoption of Ordinance 2008-105 may be used to determine compliance with the fifteen percent (15%) rule as long as the existing landscaping is included in the site plan.
    b. In the TC District, plazas available to the public may be included to demonstrate compliance with the fifteen percent (15%) landscaping requirement.
11. Each site plan, cumulatively with all previous site plans, shall demonstrate compliance with the FAR requirements of DCC 18.108.055(I).
12. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the recreation space requirements of DCC 18.124.070(A)(2).
13. Each site plan, cumulatively with all previously approved site plans, shall demonstrate compliance with the zone coverage requirements of DCC 18.108.055(J).
14. Where improved bike paths cross land proposed for site plan development, the applicant shall retain or relocate and rebuild the bike path.

M. Any application for a zone change to the Town Center District shall include a copy of a signed development agreement between the property owner, the applicant, if different than the property owner, and the homeowners association.

(Ord. 2015-004 §10, 2015; Ord. 2008-015 §2, 2008)

18.108.060.Resort - R District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the R District:
   1. Resort facility developed in a building or buildings of any size which house any combination of:
      a. Meeting room, convention and banquet facility.
      b. Resort recreation facilities.
      c. Property sales and rental office.
      d. Hotel, motel and lodging facility with up to 100 units in a single building.
      e. Maintenance facility associated with resort and recreation operations.
      f. Storage building necessary for and associated with resort, recreation and/or property development.
      g. Administrative offices, support and service facilities commonly associated with resort and recreation development and operations.
   2. Restaurant, bar and cocktail lounge including entertainment and catering facilities which are included within the same building as any of the uses listed in DCC 18.108.060(A)(1).

3. Retail sales, rental and repair services commonly associated with and included within the same building as any of the uses listed in DCC 18.108.060(A)(1).
4. Interval ownership and/or time-share unit or the creation thereof.
5. Multiple family residential dwelling units subject to and consistent with the standards of the RM District.
6. Recreational path.
7. Residential home.
8. Residential facility.
9. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the R District and house any combination of:
   a. New restaurant, bar and cocktail lounge, including entertainment and catering facilities which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).
   b. New retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the R District which are not included within the same building as those uses listed in DCC 18.108.060(A)(1).

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
   1. Public buildings and public utility buildings and structures as they may be appropriate to the R District.
   2. Church, club or fraternal organization.
   3. School.

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 40 feet in height.

D. Lot Requirements. The following lot requirements shall be observed:
   1. Lot Area. No requirements.
   2. Lot Width. No requirements.
   3. Lot Depth. 100 feet.
   4. Front Yard. The front yard shall be a minimum of 10 feet.
   5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
   6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
   7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.070.Resort Marina - RA District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RA District:
   1. Marina.
   2. Park, playground and picnic and barbecue area.
   3. Recreational path.
   4. Restaurant, bar and cocktail lounge existing as of March 31, 1998.

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

C. Lot Requirements. The following lot requirements shall be observed:
   1. Lot Area. No requirements.
   2. Lot Width. No requirements.
   3. Lot Depth. 100 feet.

4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.080.Resort Golf Course - RG District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RG District:
   1. Golf course.
   2. Golf course accessory uses.
   3. Recreational path.
B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
C. Lot Requirements. The following lot requirements shall be observed:
   1. Lot Area. No requirements.
   2. Lot Width. No requirements.
   3. Lot Depth. 100 feet.
   4. Front Yard. The front yard shall be a minimum of 10 feet.
   5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
   6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
   7. Lot Coverage. No requirements.

(Ord. 97-078 § 2, 1997)

18.108.090.Resort Equestrian - RE District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RE District:
   1. Equestrian facility.
   2. Recreational path.
   3. Park, playground and picnic and barbecue area.
   4. A building or buildings each not exceeding 8,000 square feet of floor space which house any combination of:
      a. Retail sales, rental and repair services commonly associated with equestrian facilities.
B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height.
C. Lot Requirements. The following lot requirements shall be observed:
   1. Lot Area. No requirements.
   2. Lot Width. No requirements.
   3. Lot Depth. 100 feet.
   4. Front Yard. The front yard shall be a minimum of 10 feet.

5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 § 2, 1997)

18.108.100.Resort Nature Center - RN District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright in the RN District:
   1. Nature center.
   2. Recreational path.
   3. Observatory.
   4. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the RN District and house any combination of:
      a. Restaurant and food service commonly associated with and customarily appurtenant to the uses permitted outright in the RN District.
      b. Retail sales, rental and repair services commonly associated with uses permitted outright in the RN District.

B. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.100(A).
   1. All structures shall be sited on those portions of the property which contain mature trees.
   2. Mature trees shall be retained to the maximum extent possible considering physical constraints associated with developing the property.
   3. Development within the treed area shall occur in a manner whereby a minimum of 50 percent of a finished structure will be screened from surrounding properties and portions of the subject property which do not contain mature trees.
   4. The Planning Director or Hearings Body may require the establishment of additional landscape material to ensure that 50 percent of a finished structure will be screened from surrounding properties and portions of the subject property which do not contain mature trees.

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

D. Lot Requirements. The following lot requirements shall be observed:
   1. Lot Area. No requirements.
   2. Lot Width. No requirements.
   3. Lot Depth. 100 feet.
   4. Front Yard. The front yard shall be a minimum of 10 feet.
   5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
   6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
   7. Lot Coverage. No requirements.

(Ord. 97-078 § 2, 1997)

18.108.110.Business Park - BP District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
   1. Residential uses existing as of March 31, 1997.

2. Administrative, educational and other related facilities in conjunction with a use permitted outright.
3. Library.
4. Recreational path.
5. Post office.
6. Church in building or buildings not exceeding 5,000 square feet of floor area.
7. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
   Retail/rental store, office and service establishment, including but not limited to the following:
   a. Automobile, motorcycle, boat, recreational vehicle, trailer or truck sales, rental, repair or maintenance business, including tire stores and parts stores.
   b. Agricultural equipment and supplies.
   c. Car wash.
   d. Contractor's office, including but not limited to, building, electrical, plumbing, heating and air conditioning, painter, etc..
   e. Construction equipment sales, rental and/or service.
   f. Exterminator services.
   g. Golf cart sales and service.
   h. Lumber yard, home improvement or building materials store.
   i. Housekeeping and janitorial service.
   j. Dry cleaner and/or self-service laundry facility.
   k. Marine/boat sales and service.
   l. Restaurant, bar and cocktail lounge including entertainment.
   p. Medical marijuana dispensary subject to DCC 18.116.320, Medical Marijuana Dispensary.
8. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
   a. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
   b. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials, including but not limited to cloth, paper, leather, precious or semi-precious metals or stones, etc.
   c. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, or the rendering of fats and oils.
   d. Warehouse and distribution uses in a building or buildings each less than 10,000 square feet of floor area.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Public buildings and public utility structures and yards, including railroad yards.
2. A dwelling unit for a caretaker or watchman working on a developed property.
3. Law enforcement detention facility.
4. Parking lot.
5. Radio and television broadcast facilities.
6. A building or buildings each not exceeding 8,000 square feet of floor space housing any combination of:
   a. Bowling alley.
   b. Theater.
   c. Veterinary clinic and/or kennel.
7. A building or buildings each not exceeding 20,000 square feet of floor space housing any combination of:
   a. Warehouses and distribution uses in a building or buildings exceeding 10,000 square feet of floor area.
   b. Distillery and beer/ale brewing facility, including wholesale sales thereof.

c. Self/mini storage.
d. Trucking company dispatch/terminal.
e. Solid waste/garbage operator, not including solid waste disposal or other forms of solid waste storage or transfer station.

C. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.108.110(A) or (B):
1. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across the street from a lot in a residential district.
2. Storage, loading and parking areas shall be screened from residential zones.
3. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across the street from a residential lot.

D. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.108.110(A)(6) or (B)(6) may be allowed in a building or buildings each exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the needs of the people passing through the area. For the purposes of DCC 18.108.110, the surrounding rural area shall be that area identified as all property within five miles of the boundary of the Sunriver Urban Unincorporated Community;
2. The use will primarily employ a work force from the community and surrounding rural area; and
3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

E. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.

F. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. Each lot shall have a minimum depth of 100 feet.
4. Front Yard. The front yard shall be a minimum of 25 feet.
5. Side Yard. No side yard required, except when adjoining a lot in an RS or RM District and then the required side yard shall be 50 feet. No side yards are required on the side of a building adjoining a railroad right of way.
6. Rear Yard. No rear yard required, except when adjoining a lot in an RS or RM District and then the rear yard shall be 50 feet. No rear yard is required on the side of a building adjoining a railroad right of way.
7. Lot Coverage. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.

(Ord. 2015-004 §10; 2015; Ord. 2012-002 §1, 2012; Ord. 97-078 §2, 1997)

18.108.120. Community General - CG District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. School.
2. Utility substation, utility equipment storage and repair yard, and pump station.
3. Golf course.
4. Tennis court.
5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Nature center.
8. Putting green.

9. Recreational path.
10. Equestrian facility.
11. Boat dock.
12. Health and fitness facilities.
13. Amphitheater.
14. Observatory.
15. Administrative and office facility associated with a community association or community use.
16. Police facility.
17. Fire station.
18. Public works facility.
19. Community center.
20. Church.
21. Warehouse and storage facilities accessory to and in conjunction with any use permitted outright in this district.
22. Residential home.
23. Residential facility.
24. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CG District and house any combination of:

a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
b. Retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the CG District.

B. Conditional Uses Permitted. The following uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A).

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

D. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard sha
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard sha
7. Lot Coverage. No requirements.

(Ord. 2014-020 §1, 2014; Ord. 97-078 §2, 1997)

18.108.130. Community Recreation - CR District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Park, playground and, picnic and barbecue area.
2. Swimming pool.
3. Tennis court.
4. Basketball court.
5. Ball fields, including but not limited to, football, baseball, softball and soccer.
6. Running track.
7. Health and fitness facility.
8. Racquetball court.
9. Recreational path.
10. Winter sports facilities, including but not limited to ice skating rink and/or cross country ski center.

11. Facilities developed in conjunction with and which are customarily accessory to any use permitted outright or conditionally in this district, including but not limited to restrooms, storage facilities, parking areas and pavilions/shelters.
12. A building or buildings each not exceeding 8,000 square feet of floor space which conform with the height regulations and lot requirements of the CR District and house any combination of:
    a. Limited food and beverage service customarily accessory to and in conjunction with any use permitted outright or conditionally in this district.
    b. Retail sales, rental and repair services commonly associated with uses permitted outright or conditionally in the CG District.

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

C. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.140. Community Limited - CL District.

A. Uses Permitted Outright. The following uses are permitted outright:
1. Picnic and barbecue areas, including picnic tables and benches.
2. Recreational path.

B. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet for bike and pedestrian paths, and picnic tables and benches fixed to the ground.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard for bike and pedestrian paths, and picnic table and benches fixed to the ground shall be a minimum of 10 feet.
6. Rear Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard for bike and pedestrian paths, and picnic table and benches fixed to the ground shall be a minimum of 10 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.150. Community Neighborhood- CN District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. School.
2. Utility substation, pump station and, utility equipment storage and repair yard.
3. Sewage treatment facility.
4. Tennis court.

5. Swimming pool.
6. Park, playground and picnic and barbecue area.
7. Recreational path.
8. Equestrian facility.
9. Health and fitness facility.
10. Amphitheater.
11. Observatory.
12. Church.
13. Residential home.
14. Residential facility.
15. Daycare facility.
16. Administrative and office facility associated with a community association or community use.
17. Community center.
18. Police facility.

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

C. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 98-016 §3, 1998; Ord. 97-078 §2, 1997)

18.108.160. Airport - A District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Runway, fuel storage and sales and emergency repair.
2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
3. Farm use as defined in DCC Title 18.
4. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.

B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Farm accessory buildings and uses.
2. Utility facility necessary for public service, except landfills.
3. Golf course.
4. Park, playground, other recreational site or facility or community service facility.
5. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270.

C. Use Limitations. In an A District, the following limitations and standards shall apply to all uses permitted:
1. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, powerlines, etc., shall not exceed 35 feet.

2. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
3. All parking demand created by any use permitted by DCC 18.108.160 shall be accommodated on the subject premises entirely off-street.
4. No use permitted by DCC 18.108.160 shall require the backing of traffic onto a public or private street or road right of way.
5. No power lines shall be located in clear zones.
6. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.

D. Dimensional Standards. In an A District, the following dimensional standards shall apply:
1. The minimum lot size shall be determined subject to the provisions of DCC 18.108.160 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations or as deemed necessary by the Planning Director or Hearings Body to maintain air, land and water resource quality, protect adjoining and area land uses and to ensure resource carrying capacities are not exceeded.
2. An airport related use or structure located adjacent to or across the street from an existing residential use or platted residential lot shall not exceed 70 percent lot coverage and shall require off-street parking and loading areas.
3. The minimum setback between any structure and an arterial right of way shall be 100 feet. The minimum setback between any structure and a collector right of way shall be 50 feet. The minimum setback between any structure and all local streets shall be 20 feet.
4. The minimum setback between any structure and a property line adjoining a residential use or lot shall be 50 feet.
5. The minimum lot frontage shall be 50 feet.
6. The minimum side setback between any structure and a property line shall be three feet, and the minimum total of both side setbacks shall be 12 feet.
7. The minimum rear setback between any structure and a rear property line shall be 25 feet.
8. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
9. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
10. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary runway surface and approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits beginning at the sides of and at the same elevation as they approach surface and extending to where they intersect the conical surface.
11. Horizontal Zone. Established at 150 feet above the airport elevation.
12. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(Ord. 97-078 §2, 1997)

18.108.170. Utility - U District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Utility substation, utility equipment storage and repair yard, and pump station.
2. Sewage treatment facility.
3. Utility transmission lines.

4. Water treatment facility.
5. Wells, pumping equipment and related facilities for the provision of water within the Sunriver UUC.
6. Public buildings, public utility structures and yards, including railroad yards.
7. Administrative, office and storage facilities appurtenant to a use permitted outright.
8. Irrigation systems and irrigation ponds.
9. Facilities similar to those listed above which are mandated by the Oregon Department of Environmental Quality (DEQ).
10. Cable television facility, including but not limited to office and equipment buildings, satellite dish, antennas, etc.
11. Wireless telecommunications facility.
12. Microwave and radio communication towers.

B. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height.

C. Lot Requirements. The following lot requirements shall be observed:
1. Lot Area. No requirements.
2. Lot Width. No requirements.
3. Lot Depth. 100 feet.
4. Front Yard. The front yard shall be a minimum of 10 feet.
5. Side Yard. None, except when a side lot line is adjoining a lot in an RS or RM District, and then the side yard shall be a minimum of 10 feet. The required side yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
6. Rear Yard. None, except when a rear lot line is adjoining a lot in an RS or RM District, and then the rear yard shall be a minimum of 10 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.
7. Lot Coverage. No requirements.

(Ord. 97-078 §2, 1997)

18.108.175.Utility – U District / Limited Use Combining District

A fire training facility is permitted subject to the applicable provisions of DCC 18.116 and 18.124.
(Ord. 2014-022 §1, 2014)

18.108.180.Forest - F District.

A. Uses permitted outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use.
3. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. Gravel extraction and processing not covered by DCC 18.108.180 is governed by DCC 18.52.
4. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
5. Farm use as defined in ORS 215.203.

6. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups.
7. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
8. Exploration for mineral and aggregate resources as defined in ORS 517.
9. Towers and fire stations for forest fire protection.
10. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
11. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
12. Uninhabitable structures accessory to fish and wildlife enhancement.

B. Conditional uses permitted. The following uses and their accessory uses may be allowed in the Forest District, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
1. Television, microwave and radio communication facilities and transmission towers.
2. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
3. Reservoirs and water impoundments.
4. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights of way 50 feet or less in width.
5. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
6. Disposal site for solid waste, not including a land disposal site, for which the Oregon Department of Environmental Quality has granted a permit or a similar approval, together with equipment, facilities or buildings necessary for operation. Uses permitted under this category are limited to commercial composting, subject to DCC 18.128.015 and 18.128.120.

(Ord. 2001-040 §1, 2001; Ord. 98-016 §2, 1998; Ord. 97-078 §2, 1997)

18.108.190.Flood Plain - FP Combining District.

A. Designated Areas. The Flood Plain Combining District includes all areas within the Sunriver UUC designated as "Special Flood Hazard Areas" in the report entitled "The Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas," dated September 28, 2007, with accompanying flood insurance rate maps.
B. Conditional Uses. Uses permitted either outright or conditionally in the underlying district with which the FP Combining District is combined shall be allowed as conditional uses in the FP Combining District, subject to the provisions of DCC 18.108.190(C) and DCC 18.128 and other applicable sections of this title.
C. Use Limits. All uses proposed within the FP Combining District shall be subject to DCC 18.96.060 through 18.96.085 and DCC 18.96.100, 18.96.120 through 18.96.140.
D. Height Regulations. The height regulations for the FP Combining District shall be those which are established in the underlying district with which the FP Combining District is combined.
E. Lot Requirements. The lot dimension and yard requirements for the FP Combining District shall be those which are established in the underlying district with which the FP Combining District is combined.

(Ord. 2007-019 §2, 2007; Ord. 97-078 §2, 1997)

18.116.320. Medical Marijuana Dispensary

Medical marijuana dispensaries shall meet the following requirements:

A. The location is subject to the Oregon Medical Marijuana Act under ORS Chapter 475.
B. The hours of operation shall not exceed 7:00am to 10:00pm.
C. The dispensary is registered with the Oregon Health Authority under the state of Oregon's medical marijuana facility registration system under ORS 475.300-475.346, and meeting the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
D. The dispensary must be registered with the Oregon Health Authority under ORS 475.314 and comply with all OHA rules.

(Ord. 2015-004 §11, 2015)

Community Development Department
Planning Division Building Safety Division Environmental Health Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
http://www.co.deschutes.or.us/cdd/

Findings

FILE NUMBER: 247-15-000063-TA

APPLICANT: Deschutes County Community Development
117 NW Lafayette Avenue
Bend, Oregon 97701

PROPERTY OWNER: N/A

REQUEST: Text Amendment to the Deschutes County Zoning Ordinance (Title 18) to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with State law.

STAFF CONTACT: Matthew Martin, AICP, Associate Planner

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS:

PROPOSAL: Text Amendment to the Deschutes County Zoning Ordinance (Title 18) to define, permit, and establish standards for Medical Marijuana Dispensaries in conjunction with State law. On March 17, 2014, the Board of County Commissioners (BOCC) adopted Ordinance No. 2014-008 establishing a moratorium on the operation of any marijuana dispensary in any area subject to the jurisdiction of Deschutes County. This ordinance included a sunset clause resulting in the repeal of the ordinance on May 1, 2015. In anticipation of this repeal, the BOCC directed the Community Development Department to initiate these amendments. The proposed amendments are intentionally broad in scope, referring primarily to Oregon Revisions Statute (ORS) 475.300, Oregon Medical Marijuana Law[1]. This will allow the public process to engage interested agencies, general public, and the Planning Commission to identify the needs and interests of the community. The results will be a decision by BOCC establishing regulations for dispensaries in unincorporated Deschutes County.

III. CONCLUSIONARY FINDINGS:

A. CHAPTER 22.12. LEGISLATIVE PROCEDURES

[1] ORS 475.300 www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors475.html

Quality Services Performed with Pride

1. Section 22.12.010. Hearing Required

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: A public hearing will be held before the Planning Commission on March 12, 2015 and an additional public hearing before the Board of County Commissioners is scheduled on April 8, 2015.

2. Section 22.12.020. Notice

Notice

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

FINDING: Notice of this proposal and related public hearing was published in the Bend Bulletin newspaper on March 1, 2015.

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

FINDING: Notice will be posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

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

FINDING: Given the proposed amendment in question does not apply to any specific property, no individual notices were sent. This criterion has been met.

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

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

3. Section 22.12.030. Initiation of Legislative Changes.

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

FINDING: The application was initiated by the Deschutes County Planning Division, which received a fee waiver. This criterion has been met.

4. Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:
1. The Planning Commission.
2. The Board of County Commissioners.

FINDING: Both the Planning Commission and the Board of County Commissioners will serve as review bodies for this legislative change in the order outlined above.

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: The Planning Commission held a work session on February 26, 2015 to review the proposed amendment. The Planning Commission held a public hearing on March 12, 2015, to receive testimony regarding the proposed amendments, deliberated, and recommended approving the amendments subject to the following changes:

- Changing the permitted hours of operation to 10am to 7pm.
- Not allowing dispensaries in the Exclusive Farm Use (EFU) zone.[2]

5. Section 22.12.050. Final Decision

All legislative changes shall be adopted by ordinance

FINDING: File No. 247-15-000063-TA will be implemented by ordinance upon approval and adoption by the BOCC; this criterion will be met.

IV. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are identified by underline in the attached exhibits with explanation of the proposed change below.

Title 18 of the Deschutes County Code Amendment:

Defining Medical Marijuana Dispensaries

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS (Exhibit A)

Explanation: The proposed definition refers directly to ORS 475.300-346 and the defining standards provided therein. Structuring the definition in this manner will allow seamless consistency with State law in the event State law is amended by the Legislature requiring no local action to comply.

Conditional Use Subject to Site Plan, Conditional Use, and Specific Use Standards

Chapter 18.16. EXCLUSIVE FARM USE ZONES (Exhibit B)

[2] Katherine Daniels, Farm and Forest Land Specialist with the Department of Land Conservation and Development stated in a March 2, 2015 email that HB 3460 (2013) does not preempt state or local land use law. Therefore, there is no authorization to allow dispensaries in EFU zones.

Explanation: Dispensaries are proposed as a conditional use in the Exclusive Farm Use (EFU) zone. This is in compliance with ORS 475.314(3)(a) which indicates dispensaries "must be located in an area that is zoned…as agricultural land." Staff determined dispensaries are most similar to existing conditional uses permitted in the zone that have commercial use operating characteristics and demands including traffic generation, parking demands, and serving the general public. Review of a proposed dispensary in the EFU zone will be subject to the applicable standards of DCC 18.116 (supplementary provisions), DCC 18.124 (site plan review), and DCC 18.128 (conditional use).

<u>Permitted Outright Subject to Site Plan and Specific Use Standards</u>

Chapter 18.65. RURAL SERVICE CENTER - UNINCORPORATED COMMUNITY ZONE
Proposed in Commercial/Mixed Use District. (Exhibit C)

Chapter 18.66. TERREBONNE RURAL COMMUNITY ZONING DISTRICTS
Proposed in the Commercial and Commercial-Rural Districts. (Exhibits D and E)

Chapter 18.67. TUMALO RURAL COMMUNITY ZONING DISTRICTS
Proposed in the Commercial and Industrial Districts. (Exhibits F and G)

Chapter 18.74. RURAL COMMERCIAL ZONE
Proposed in Deschutes Junction, Deschutes River Woods Store, Spring River, Pine Forest and Rosland. (Exhibit H)

Chapter 18.100. RURAL INDUSTRIAL ZONE
(Exhibit I)

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE - SUNRIVER
Proposed in the Commercial, Town Center, and Business Park Districts. (Exhibit J)

Explanation: Dispensaries are proposed as a use permitted outright subject to site plan review in the commercial, industrial, and mixed use zones listed above. This is in compliance with ORS 475.314(3)(a) which indicates dispensaries "must be located in an area that is zoned for commercial, industrial or mixed uses…" Staff evaluated the existing and permitted uses in each zone and found dispensaries were most similar to those commercial uses engaged in retail sale of products as they have similar operating characteristics including traffic generation, parking demands, and serving the general public. Review of a dispensary in these zones will be subject to the applicable standards of DCC 18.116 (supplementary provisions) and DCC 18.124 (site plan review).

<u>Specific Use Standards for Medical Marijuana Dispensaries</u>

Chapter 18.116. SUPPLEMENTARY PROVISIONS (Exhibit K)

Explanation: The proposed specific use standards primarily refer directly to ORS 475.314 which outlines the locational standards for dispensaries. The standards of ORS 475.314 include locational requirements that the dispensary:

- May not be located at the same address as a marijuana grow site;
- Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; and
- Must not be located within 1,000 feet of another medical marijuana facility.

Similar to the proposed definition explained above, the proposed specific use standards are structured in a manner that will allow seamless consistency with State law in the event State law is amended by the Legislature with no local action necessary to comply. The one additional local standard proposed is limiting the operating hours to 7:00pm to 10:00pm.

V. CONCLUSION:

Based on the information provided herein, Staff recommends approval of the proposed text amendment to clarify define, permit, and establish use standard for medical marijuana dispensaries.