



Community Development Department

Planning, Building Safety, Environmental Soils, Code Enforcement
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STAFF REPORT

FILE NUMBERS: 247-16-000021-TA and 247-16-000022-PA

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

REQUEST: 1) Text amendment to Comprehensive Plan, Chapter 2, Section 2.2 and Chapter 3, Section 3.3, recognizing non-resource lands process allowed under State law to change Exclusive Farm Use zoning; 2) Text amendment to zoning code providing a definition of agricultural-exempt and equine buildings; and, 3) Reducing setbacks in Forest Use (F-2 zone), for Haner Park Subdivision and an adjoining three acre tax lot.

STAFF CONTACT: Matthew Martin, AICP, Associate Planner

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS:

A. PROPOSAL: 1) Text amendment to Comprehensive Plan, Chapter 2, Section 2.2 and Chapter 3, Section 3.3, recognizing non-resource lands process allowed under State law to change Exclusive Farm Use zoning; 2) Text amendment to zoning code providing a definition of agricultural-exempt and equine buildings; and, 3) Reducing setbacks in Forest Use (F-2 zone), for Haner Park Subdivision and an adjoining three acre tax lot.

III. CONCLUSIONARY FINDINGS:

A. CHAPTER 22.12, LEGISLATIVE PROCEDURES

1. Section 22.12.010.

Hearing Required

FINDING: The applicant meets this criterion because a public hearing will be held before the Deschutes County Planning Commission on March 10, 2016.

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 is published in the Bend Bulletin newspaper on February 28, 2016 and contained the information described in DCC 22.12.020(A)(2).

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

FINDING: This criterion will be met with notice posted in 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 amendments in question do not apply to any specific property, no individual notices were sent or required.

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

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

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: This criterion will be met.

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

FINDING: This Planning Commission will hold a public hearing on March 10, 2016, and review the proposed changes.

5. Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: If approved, the proposed legislative changes included in file nos. 247-16-000021-TA/247-16-000022-PA will be implemented by ordinances upon approval and adoption by the Board; this criterion will be met.

IV. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the Exhibits A-D attached hereto with additional text identified by underline and deleted text by ~~strikethrough~~. Below are explanations of the proposed changes.

A. Text Amendment To Comprehensive Plan, Chapter 2, Section 2.2 And Chapter 3, Section 3.3, Recognizing Non-Resource Lands Process Allowed Under State Law To Change Exclusive Farm Use Zoning.

In designating farm lands in the late 1970s, the County was hampered by the limited availability of soil maps. Where soil maps from the NRCS existed those were consulted, but the County also included irrigated lands and lands receiving farm deferrals for the previous five years and site visits. In general, non-urban, non-forest, undeveloped and uncommitted lands were determined to be farm lands. This designation by default resulted in some areas being designation agricultural based on best available information.

In previous decisions on proposed plan amendments, County Hearings Officers and the Board have determined that land use planning, implemented through Deschutes County Comprehensive Plan policies and zoning, enables rural property owners with EFU zoning to demonstrate in a quasi-judicial process, with evidence supporting findings that a subject property does not constitute “agricultural lands” as defined in Goal 3 and Oregon Administrative Rule (OAR) 660-033-0020(1). Further, if the property does not meet the definition of agricultural lands then an exception to Goal 3 is not required which is the typical path for redesignation. The Land Use Board of Appeals affirmed this approach in *Wetherell v. Douglas County*, ___Or LUBA___, (LUBA No. 2006-122, October 9, 2006).

Oregon Administrative Rules (OAR) Division 4 interprets the requirements of Goal 2 (Land Use Planning) and ORS 197.732 regarding exceptions. The definition for nonresource lands is described in OAR 660-004-0005(3):

- “Land not subject to any of the statewide goals listed in OAR 660-004-0010(1)(a) through (g) except subsections (c) and (d). Nothing in these definitions is meant to imply that other goals, particularly Goal 5, do not apply to nonresource land.”¹

Policy 2.2.3 directs Deschutes County to:

Allow comprehensive plan and zoning map amendment for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive plan.

A Hearings Officer in a decision in NNP (PA-13-1, ZC-13-1) held any failure on the county's part to adopt comprehensive plan policies and code provisions describing the circumstances under which EFU-zone land may be converted to a non-resource designation and zoning codes does not preclude the county from considering quasi-judicial plan amendment and zone change applications to remove EFU zoning. This plan amendment further clarifies that the County intends to allow the non-resource lands process allowed under State law to change EFU zoning.

The proposed change acknowledges this existing path to change land currently designated resource to a non-resource designation as allowed by state law.

(See Exhibits A and B for proposed amendment.)

B. Text Amendment To Zoning Code Providing A Definition Of Agricultural-Exempt and Equine Buildings.

State law (ORS 455.315) allows exemption from the requirement for a building permit and inspections under Oregon State Structural Specialty Code (electrical, plumbing, and mechanical permits are always required). Since 2001, the authority to approve an agricultural exempt building resides with the Building Official. A formal application requires the County Planning Division to provide input on whether the property is a farm. Deschutes County's zoning ordinances do not define “farm” or provide a basis for making a determination on whether a property constitutes a farm.

Until the late 1990s, the Oregon Uniform Building Code (UBC) defined farm as “farm use” – the same as in ORS 215.203 (the EFU Zone). However, when the state changed to the International Building Code (IBC), “farm” was not defined. “Farm use” is defined in Deschutes County Code and ORS 215.203 as:

¹ OAR 660-004-0010:

- (1) The exceptions process is not applicable to Statewide Goal 1 "Citizen Involvement" and Goal 2 "Land Use Planning." The exceptions process is generally applicable to all or part of those statewide goals that prescribe or restrict certain uses of resource land, restrict urban uses on rural land, or limit the provision of certain public facilities and services. These statewide goals include but are not limited to:
 - (a) Goal 3 "Agricultural Lands"; however, an exception to Goal 3 "Agricultural Lands" is not required for any of the farm or nonfarm uses allowed in an exclusive farm use (EFU) zone under ORS chapter 215 and OAR chapter 660, division 33, "Agricultural Lands", except as provided under OAR 660-004-0022 regarding a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use;

“Farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. “Farm use” includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. “Farm Use” also includes the current employment of the land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to, providing riding lessons, training clinics and schooling shows. “Farm use” also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. “Farm use” includes the on-site construction and maintenance of equipment and facilities used for the activities described above. “Farm use” does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). Current employment of the land for farm use also includes those uses listed under ORS 215.203(2)(b).

CDD’s internal policy is a property must be receiving farm deferral and zoned EFU to qualify. Below are approaches used by other central, eastern and western Oregon counties. Most provide clear and objective standards to determine what constitutes a farm for the purposes of making decisions on agricultural exempt buildings.

- Crook County

Agricultural Exempt Building: Property must qualify for “farm use” (land must be currently employed for the primary purpose of obtaining profit in money). The property must also either be at least 80 acres in size or currently employed in a farm use and that such use has produced at least \$40,000 in gross annual income in at least 2 of the previous 5 years.

Equine Exempt Building: Same as above but the structure must only be used for stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows; storage of hay; and property owners must own at least one equine or have the applicable land use approval for an equine facility (such as riding lessons, training, schooling, boarding) in the zone.

- Jackson County

Agricultural Exempt Building: Property must be receiving farm deferral.

Equine Exempt Building: Same as above and it must be located on a farm. Structure must only be used for stabling or training equines including but not limited to providing riding lessons, training clinics.

- Jefferson County

Agricultural Exempt and Equine Building: Property automatically qualifies if it is located in the EFU Zone and in farm deferral.

- Klamath County

Agricultural and Equine Exempt Building: Property automatically qualifies if it is either located in the EFU Zone or if not, in farm deferral.

- Lake County

Agricultural Exempt Building: Property must qualify for “farm use” (land must be currently employed for the primary purpose of obtaining profit in money).

Equine Exempt Building: Same as above and it must be located on a farm. Structure must only be used for stabling or training equines including but not limited to providing riding lessons, training clinics.

Staff is proposing a definition for agricultural and equine exempt building that applies to property receiving farm deferral, regardless of the underlying zone. According to the Oregon Department of Revenue, if land is in an EFU Zone and is used primarily to make a profit by farming, it qualifies for special farm-use assessment. If land is not in an EFU Zone but is used as farmland, it may receive the same assessment given to all qualifying EFU farmland.

This text amendment is consistent with Agricultural Lands, Policy 2.28, which states:

Support a variety of methods to preserve agricultural lands, such as:

- a. *Support the use of grant funds and other resources to assist local farmers;*
- b. *Work cooperatively with irrigation districts, public agencies and representatives and land owners;*
- c. *Encourage conservation easements, or purchase or transfer of development rights programs;*
- d. *Control noxious weeds;*
- e. *Encourage a food council or ‘buy local’ program.*

Allowing property owners with farm deferral status to receive agricultural exempt buildings helps preserve agricultural lands because income that would otherwise go towards obtaining a building permit can be spent on the farm.

(See Exhibit C for proposed amendment)

C. Reducing Setbacks In Forest Use (F-2 Zone), For Haner Park Subdivision And An Adjoining Three Acre Tax Lot.

Haner park subdivision and the remnant parcel are located in the southwestern portion of Deschutes County. These properties were platted prior to State enabling land use legislation. This island of F-2 zoned property is surrounded by land zoned Forest Use (F-1) and owned by the federal government as part of the Deschutes National Forest. Deschutes County is proposing text amendments reducing the setbacks in Haner Park subdivision and an adjoining three-acre tax lot to the standard 25 feet setback instead of the currently required 100 foot setback. The lot sizes in the Haner Park are of a relative small size requiring a variance to the 100 foot setback to develop any structures on the vast majority lots. No other changes to the F-2 Zone are proposed.

This text amendment is consistent with Forest Lands, Section 2.3 and its goals and policies. The emphasis of this section is on forest management and conservation. Policy 2.3.5 is the only policy remotely related to the text amendment:

Uses allowed in Forest Zones shall comply with State Statute and Oregon Administrative Rule.

Any proposed use must still comply with the F-2 Zone development standards, which are consistent with State Statute and administrative rules.

(See Exhibit D for proposed amendment)

V. CONCLUSION:

Based on the information provided herein, staff recommends approval of the proposed plan and text amendments.

Section 2.2 Agricultural Lands Policies

Goals and Policies

Goal I **Preserve and maintain agricultural lands and the agricultural industry.**

Policy 2.2.1 Retain agricultural lands through Exclusive Farm Use zoning.

Policy 2.2.2 Exclusive Farm Use sub-zones shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.

Exclusive Farm Use Subzones

Subzone Name	Minimum Acres	Profile
Lower Bridge	130	Irrigated field crops, hay and pasture
Sisters/Cloverdale	63	Irrigated alfalfa, hay and pasture, wooded grazing and some field crops
Terrebonne	35	Irrigated hay and pasture
Tumalo/Redmond/Bend	23	Irrigated pasture and some hay
Alfalfa	36	Irrigated hay and pasture
La Pine	37	Riparian meadows, grazing and meadow hay
Horse Ridge East	320	Rangeland grazing

Policy 2.2.3 Allow comprehensive plan and zoning map amendments, [including for those that qualify as non-resource land](#), for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.

Policy 2.2.4 Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.

Policy 2.2.5 Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.

Policy 2.2.6 Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.

Policy 2.2.7 Encourage water projects that benefit agriculture.

Policy 2.2.8 Support a variety of methods to preserve agricultural lands, such as:

- Support the use of grant funds and other resources to assist local farmers;
- Work cooperatively with irrigation districts, public agencies and representatives and land owners;
- Encourage conservation easements, or purchase or transfer of development rights programs;
- Control noxious weeds;
- Encourage a food council or 'buy local' program.

Goal 2 Promote a diverse, sustainable, revenue-generating agricultural sector.

- Policy 2.2.9 Encourage farming by promoting the raising and selling of crops, livestock and/or poultry.
- Policy 2.2.10 Support stakeholders in studying and promoting economically viable agricultural opportunities and practices.
- Policy 2.2.11 Encourage small farming enterprises, including, but not limited to, niche markets, organic farming, farm stands or value added products.
- Policy 2.2.12 Review County Code and revise as needed to permit alternative and supplemental farm activities that are compatible with farming, such as agri-tourism or commercial renewable energy projects. When a preferred alternative or supplemental use identified through a public process is not permitted by State regulations work with the State to review and revise their regulations.

Goal 3 Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.

- Policy 2.2.13 Identify and retain accurately designated agricultural lands.
- Policy 2.2.14 Explore new methods of identifying and classifying agricultural lands.
a. Apply for grants to review and, if needed, update farmland designations.
b. Study County agricultural designations considering elements such as water availability, farm viability and economics, climatic conditions, land use patterns, accepted farm practices, and impacts on public services.
c. Lobby for changes to State Statute regarding agricultural definitions specific to Deschutes County that would allow some reclassification of agricultural lands.
- Policy 2.2.15 Address land use challenges in the Horse Ridge subzone, specifically:
a. The large number of platted lots not meeting the minimum acreage;
b. The need for non-farm dwellings and location requirements for farm dwellings;
c. Concerns over the impact on private property from off-road vehicles, facilities, and trails located on adjacent public lands.
- Policy 2.2.16 Work with the State to review and revise accessory farm dwelling requirements to address the needs of local farmers.
- Policy 2.2.17 Encourage coordination between fish/wildlife management organizations and agricultural interests.

Section 3.3 Rural Housing

Background

Housing is a basic need that provides not just shelter, but connection to a wider community. A variety of housing types and price points ensures options for people at different life stages and needs. Oregon's statewide planning program directs cities to retain an adequate amount of land to accommodate residential growth. Generally counties are directed to protect farms, forests and other rural resources like wildlife while limiting new rural development. This section of the Plan looks specifically at housing on existing and potential new parcels and how the County can support a diverse and affordable housing supply.

Housing inside urban growth boundaries is addressed in Statewide Planning Goal 10, Housing and OAR 660-008. Statewide Goal 2, Land Use and Goal 14, Urbanization both have sections that address rural housing, supplemented by OAR 660-004 and 660-014. These rules refine how new rural residential lots can be created. The Deschutes County housing policies provide the framework for residential development. The policies further delineate the role of the County in facilitating the availability of an affordable and quality housing stock within both urban and rural communities.

Rural Residential Exception Areas

In Deschutes County most rural lands are designated for farms, forests or other resources and protected as described in the Resource Management chapter of this Plan. The majority of the land not recognized as resource lands or Unincorporated Community is designated Rural Residential Exception Area. The County had to follow a process under Statewide Goal 2 to explain why these lands did not warrant farm or forest zoning. The major determinant was that many of these lands were platted for residential use before Statewide Planning was adopted.

In 1979 the County assessed that there were over 17,000 undeveloped Rural Residential Exception Area parcels, enough to meet anticipated demand for new rural housing. As of 2010 any new Rural Residential Exception Areas need to be justified through initiating a non-resource plan amendment and zone change by demonstrating the property does not meet the definition of agricultural or forest land, or taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR.

Rural Residential Exception Areas 2009

Source: County GIS data

- 71,000 acres of Rural Residential Exception Area (including right-of-way)
- 64,000 acres of Rural Residential Exception Area (excluding right-of-way)
- 24,750 Rural Residential Exception Area lots
- 18,100 Rural Residential Exception Area lots that are developed

Future of Rural Housing in Deschutes County

In looking at rural housing growth, it is important to find the balance between protecting rural values and protecting property rights. In community meetings some people expressed concern over the level of new development that has been allowed while others highlighted the

restrictions on their property that do not permit it. Too much development can lead to the destruction of the qualities that bring people to Deschutes County, while too many restrictions keep out people who would choose a rural lifestyle.

Housing Legality, Public Health and Safety

One issue meriting attention is the need to be sure housing is legally developed. A house built without proper land use permits may not meet required setbacks or other regulations, causing legal disputes between neighbors. A house built without proper building permits could be constructed shoddily, causing safety issues. Land use and building permit requirements therefore are intended to safeguard the rights of property owners and neighbors. Historically, there have been problems in the County with substandard housing. Over the years substandard housing has become less of an issue. However, there are still areas where development has occurred without land use or building permits, leading to numerous code complaints. An area of south County, known as Section 36, has been identified as one place that the County could work closely with local residents to address health and safety issues. Another health and safety issue that came up in public meetings is the need to regulate large animals on residential lots. The idea is to control odors and flies that can accumulate and impact neighbors. Research on how large animals are regulated in other counties would provide some direction on this issue.

Housing Diversity

A challenge for the County given rural housing restrictions is how to support a diversity of housing to meet the needs of the community, while retaining the rural character important to residents. Deschutes County requires a 10 acre minimum lot size for new rural residential lots in order to protect the rural quality of life and its resources. Yet, the 10 acre minimum raises the cost of rural housing and may limit the rural lifestyle to households at the upper end of the income spectrum. Additionally much of the new rural housing being built is located in high-end destination resorts. This slant towards high priced rural housing is mitigated somewhat by the thousands of small lots that were platted before land use laws were enacted. These smaller lots provide an opportunity for less expensive housing.

One way the County can address the need for housing options is to promote the idea of housing alternatives such as co-housing or accessory dwelling units. Currently these alternatives are not permitted by State regulations that protect rural lands. Co-housing involves creating a community through clustered housing. Accessory dwelling units, sometimes known as granny flats, are small units accessory to the main housing. Regulated correctly, housing alternatives could provide flexibility in rural housing. The first step in permitting housing variety is to initiate a discussion with the State on how and where these types of housing would be appropriate.

Another way to support a diversity of housing is to work closely with agencies and jurisdictions that promote it. The public corporation responsible for promoting affordable housing initiatives in Deschutes, Jefferson and Crook Counties is the Central Oregon Regional Housing Authority, also known as Housing Works. Organized under the Oregon Housing Authority Law (ORS 456), this agency provides affordable housing services to low income households. They also engage in public/private partnerships to provide and manage affordable housing. Cities are also involved in providing a diversity of housing. Promoting a variety of housing choices and mix of price points can be achieved through cooperating with Housing Works and local cities, the donation of County property, or other means.

EXHIBIT C

“****” Denotes portions of this Section not amended by Ordinance 2016-006.

Section 18.04.030. Definitions.

"Agricultural building or equine facility" means buildings and structures that are exempt from the State of Oregon Structural Specialty Code as agricultural buildings and equine facilities. A structural building permit is not required for agricultural buildings or equine facilities receiving special assessment for farm use.

(Ord. 2016-006 §1, 2016; 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)

EXHIBIT D

18.40.100. Yards and Setbacks.

- A. The front yard setback shall be 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector and 100 feet from a property line fronting on an arterial.
- B. Each side yard setback shall be a minimum of 25 feet except:
 - 1. All parcels or lots with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet; and
 - 2. Tracts 1-58 -located in Haner Park, located in Township 22, Range 09, Section 09BB and Section 04CC, and Tax Lot 2209000000600 shall have a minimum side yard of 25 feet as long as the side yard abuts the Forest Use 2 zone.
- C. Rear yards shall be a minimum of 25 feet, except:
 - 1. All parcels or lots with rear yards adjacent to zoned forest land shall have a minimum rear yard of 100 feet; and
 - 2. Tracts 1-58 located in Haner Park, located in Township 22, Range 09, Section 09BB and Section 04CC, and Tax Lot 2209000000600 shall have a minimum rear yard of 25 feet as long as the rear yard abuts the Forest Use 2 zone.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. 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 the County under DCC 15.04 shall be met.
(Ord. 2016-006 §2, 2016; Ord. 95-075 §1, 1995; Ord. 94-008 §19, 1994; Ord. 92-025 §3, 1992; Ord. 91-020 §1, 1991; Ord. 83-037 §11, 1983)