

Section 2.5 Water Resources

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Riparian Areas

Riparian areas are areas adjacent to rivers, streams, lakes or ponds where there is vegetation that requires free or unbound water or conditions that are more moist than normal. Riparian areas form an interconnected system within a watershed. At the water's edge they define the transition zone between aquatic and terrestrial systems. Riparian areas often contain a diversity of vegetation not found in upland areas. Riparian areas are limited in Deschutes County and are important habitats for both fish and wildlife.

The Deschutes County Comprehensive Plan, adopted in 1979 and revised, mapped riparian areas along the following rivers and streams.

Table 2.5.5 - Riparian Acreage in Deschutes County

Streams	Riparian Acres
Deschutes River	1,440
Little Deschutes River	2,920
Paulina Creek	846
Indian Ford Creek	573
Tumalo Creek	50
Whychus Creek	47
Fall River	43
Crooked River	38
TOTAL	5,966

Source: Deschutes County/City of Bend River Study 1986

Significant riparian habitat is located in one or more of the following three areas:

- The area within 100 feet of the ordinary high water mark of an inventoried river or stream. The 100 foot wide area may contain both riparian vegetation and upland vegetation.
- Wetlands and flood plain are also frequently within 100 feet of a stream or river. In some cases the riparian vegetation may extend beyond 100 feet from the ordinary high water mark if it is a designated wetland or flood plain.
- The area adjacent to an inventoried river or stream and located within a flood plain mapped by the Federal Emergency Management Agency and zoned Flood Plain Combining by the County. The flood plain may extend beyond 100 feet from the ordinary high water mark of the stream and may contain wetland.

The County has not conducted an inventory of riparian areas adjacent to lakes and ponds on private land. However, many of these areas are included in National Wetland Inventory Maps and are subject to County, State and/or Federal wetland fill and removal regulations. Riparian areas adjacent to the many lakes on federal lands are managed and protected under federal land and resource management plans and are not included in the County inventory.

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Exhibit B

Floodplains

Federal Emergency Management Agency Maps

The Federal Emergency Management Agency (FEMA) maps flood-plains adjacent to the following rivers and streams in Deschutes County. The floodplain along these rivers and streams is recognized in a Flood Plain Combining zone by the County.

Table 2.5.6 - Floodplains Adjacent to Rivers and Streams

• Deschutes River	• Long Prairie
• Little Deschutes River	• Dry River
• Whychus Creek	• Spring River
• Crooked River	• Indian Ford Creek
• Paulina Creek	

Source: Deschutes County GIS

Floodplains are defined as the lowland and relatively flat areas adjoining inland waters including at a minimum, that area subject to a one percent (100-year recurrence) or greater chance of flooding in any one year. Generally, river flooding along the Deschutes River has not historically been a serious problem in Deschutes County. This is due to the porous nature of the local geology, irrigation diversion canals and reservoir retention. Studies completed by the U.S. Army Corp of Engineers have resulted in designating a 100 year flood-plain for the Little Deschutes River and Whychus Creek. Regular flooding events have occurred near the headwaters of Tumalo Creek and in the Tumalo community. Along Whychus Creek, the city of Sisters frequently experiences flooding, with the most significant event occurring in 1964 (see also Section 3.5).

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Exhibit C

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Land Use Designations and Inventory

Deschutes County Comprehensive Plan designations identify general land uses for Tumalo and provide the legal framework for establishing zoning districts. Zoning regulates land uses that are allowed in each respective district. Table 4 lists Tumalo comprehensive plan designations and corresponding zoning districts. Table 5 summarizes existing property inventories within those zoning districts. Tumalo Comprehensive Plan designations are then described in greater detail.

Table 4 - Tumalo Land Use Designations

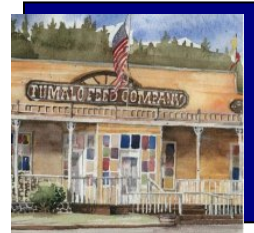
Comprehensive Plan Designations	Zoning Districts
Commercial (TUC)	Commercial District (TUC)
Floodplain (FP)	Floodplain (FP)
Industrial (TUI)	Industrial District (TUI)
Research and Development (TURE)	Research and Development District (TURE)
Residential (TUR)	Residential District (TUR)
Residential 5 Acre Minimum (TUR5)	Residential Five Acre Minimum District (TUR5)

Table 5 - Tumalo Land Use Inventory *

Zone	Residential Units	Commercial / Industrial Developments	Undeveloped Parcels	Total Number of Parcels
TUC	28	17	57	102
TUR	93	0	37	127
TUR5	75	0	27	99
TURE	0	2	1	3
TUI	0	2	1	3
Total	196	21	123	334

* Assessor's Data 2009

Commercial (TUC). A “Commercial” designation allows a range of limited commercial and industrial uses to serve Tumalo and the surrounding area. In general, the designation extends north from the intersection of Cook Avenue and U.S. 20 to 3rd Street between Wood and Wharton Avenues. Commercial lands also comprise an area west of U.S. 20 between 5th and 8th Streets.



This designation was originally intended to accommodate a mixture of small-scale commercial and limited industrial uses. The core commercial area initially encompassed lands adjacent to Cook Avenue, north of U.S. 20. The designation was ultimately expanded between Cook and Wharton Avenues that extends south to U.S. 20. This area includes the “Tumalo Mall,” an existing commercial and retail complex. The use of this building received authorization as a nonconforming use in 1986 and site plan alterations in 1987 and 1988. These land use actions brought the uses into compliance with the commercial zone.

~~Floodplain (FP). A “Floodplain” designation protects the public and private property from hazards associated with floodplains; conserves important riparian areas along rivers and streams for fish and wildlife resources; and preserves significant scenic and natural resources. This designation follows the channel of the Deschutes River that bisects Tumalo. The areas of special flood hazard are identified by the Federal Insurance Administration in a report titled Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas. This report was revised in September 2007, and includes accompanying Flood Insurance Rate Maps. The Flood Insurance Study is on file at the Deschutes County Community Development Department.~~



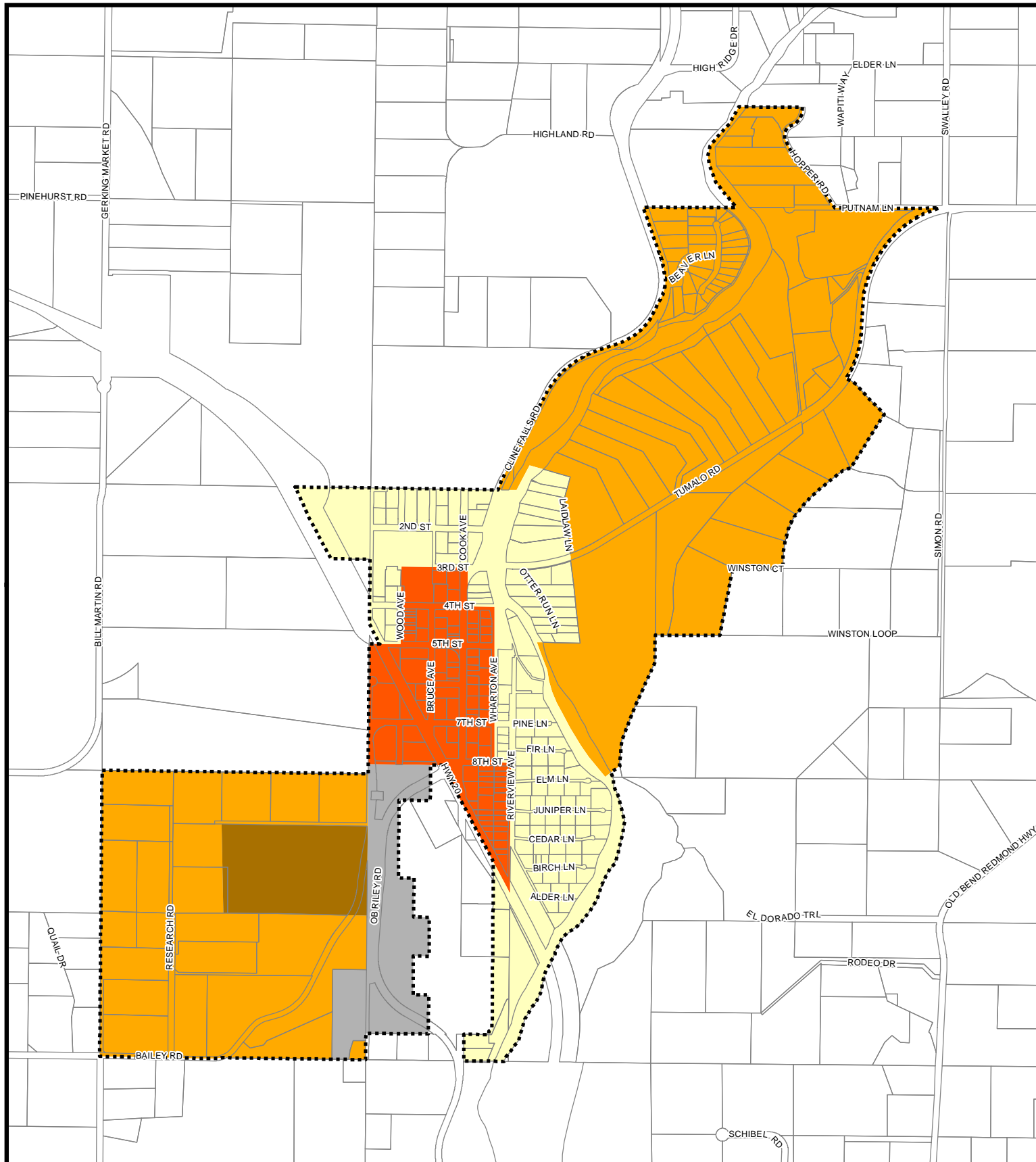
Industrial (TUI). An “Industrial” designation allows a limited range of industrial uses to serve Tumalo and the surrounding area. The designation recognizes nonconforming industrial uses and properties suitable for limited amounts of additional industrial development. This designation is concentrated around the Knife River operation that fronts O.B. Riley Road and U.S. 20.

Research and Development (TURE). A “Research and Development” designation allows research and development facilities requiring a more rural, non-industrial location to be sited in Tumalo. This designation contains two parcels in one ownership located on the southeast slope of Laidlaw Butte. It was originally created to accommodate a research and development site and associated uses predating Deschutes County’s 1979 zoning ordinance.

Residential (TUR). A “Residential” designation allows a mixture of housing types and densities suited to the level of available water and wastewater facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area. Originally, the residential district boundary coincided with the boundary of the old Laidlaw Plat including the Deschutes River Homesites plats between Riverview Avenue and the Deschutes River. Today, it also includes the area surrounding the Knife River aggregate site south of U.S. 20.

Residential 5-Acre (TUR-5). A “Residential 5 Acre Minimum” designation retains large rural residential lots. The lands designated Residential-5 acre minimum include the larger parcels east of the Deschutes River and the west slope of Laidlaw Butte.





Tumalo Comprehensive Plan

Legend

--- Unincorporated Community Boundary

Tumalo Comprehensive Plan

■ TUC - Commercial

■ TURM - Residential

■ TUR5 - Residential 5 Acre Minimum

■ TURE - Research & Development

■ TUI - Industrial



0 300 600 1,200 1,800 Feet

March 8, 2017



DISCLAIMER:
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Policy Topics

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Land Use Designations

Land Use is governed by 19 Statewide Planning Goals, but particularly Goal 2, Land Use Planning. Refer to the Deschutes County Comprehensive Plan Section 1.3 for further details. Deschutes County Comprehensive Plan designations identify general land uses and provide a legal framework for establishing zoning districts. Zoning regulates land uses that are allowed in each respective district with development standards. **Table 4** lists the predominant comprehensive plan designations and corresponding zoning districts for South County. **Table 5** shows the acreage associated with the districts.

Table 4 - South County Area Land Use Designations	
Comprehensive Plan Designations	Zoning Districts
Agricultural	Exclusive Farm Use Zone
Destination Resort	Destination Resort Overlay Zone
	Floodplain Zone
Forest	Forest Use 1 & 2 Zone
Open Space and Conservation	Open Space and Conservation Zone
Rural Commercial	Rural Commercial Zone
Rural Residential Exception Area	Rural Residential 10 Zone
Surface Mining	Surface Mining Zone, Impact Combining Zone
Unincorporated Community	Unincorporated Community - Rural Service Center
	<u>Other Relevant Districts</u>
	Landscape Management Combining Zone
	Wildlife Area Combining Zone
	<u>Flood Plain Combining Zone</u>

Table 5 - South County Zoning District & Associated Acreages

Zoning Districts ¹	Acres ²	Percent ³
Exclusive Farm Use La Pine	5,706	3%
Flood Plain	4,974	3%
Forest 1	135,827	76%
Forest 2	4,392	2%
Open Space and Conservation	8,979	5%
Rural Residential 10	17,596	10%
Other (Unincorporated Community, Surface Mining, Rural Commercial)	149	0%
Total	177,623	100%
Overlay and Combining Zones		
Wildlife Combining	99,655	56%
Destination Resort Overlay	2,000	1%
Landscape Management Combining	8,274	5%
Flood Plain Combining	4,974	3%

¹ Zoning districts, combining and overlay zones exclude Sunriver and La Pine

² Acres include roads, right-of way, lakes, rivers

³ Rounding may not add to 100%

Described below in greater detail are South Deschutes County's Comprehensive Plan designations.



An "Agricultural Lands" designation and EFU zone protects farmlands in Deschutes County pursuant to Statewide Planning Goal 3 (Agricultural Lands). As discussed in the Agricultural Lands Section of the Comprehensive Plan, protecting agriculture is one of the primary goals of the Oregon land use system. A 1992 study identified seven agricultural subzones. For each subzone, standards determine minimum parcel sizes for farm divisions to protect the commercial agricultural land base. The subzone applicable to south Deschutes County is EFU - La Pine (EFULP). Its specifically noted for riparian meadows, grazing and meadow hay. The minimum acreage for this subzone is 37 irrigated acres. Refer to Section 2.2 of the Agricultural Lands section of the Comprehensive Plan for more details.

Statewide Planning Goal 8, the recreation goal, was amended in 1989 to specify a process for locating destination resorts on rural land without taking an exception to Goals 3, 4, 11 and 14. This was followed by legislation incorporating Goal 8 into Oregon's land use statutes. By these actions, the State of Oregon recognized destination resorts as a legitimate rural land use. In order to allow destination resorts, Goal 8 requires that Deschutes County adopt a "Destination Resort" map



showing which lands are eligible for destination resort development.

Although a property is mapped as eligible for a destination resort, a destination resort may not be permitted outright in that location. In order to be approved, a proposal for a resort must be processed as a conditional use and comply with the specific standards and criteria established by the county. In 2010, the Board of County Commissioners adopted new criteria and procedures for updating its Destination Resort Maps. One year later the Board officially updated them. In south Deschutes County, 573 properties, encompassing 2,000 acres are designated as eligible for siting a destination resort. Refer to Section 3.9 of the Comprehensive Plan for more details.



~~A “Floodplain” designation protects public and private property from hazards associated with floodplains; conserves important riparian areas along rivers and streams for fish and wildlife resources; and preserves significant scenic and natural resources. Floodplains are defined as the lowland and relatively flat areas adjoining inland waters including at a minimum, that area subject to a one percent (100-year recurrence) or greater chance of flooding in any one year. The areas of special flood hazard are identified by the Federal Insurance Administration in a report titled, *Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas*. This report was revised in September 2007, and includes accompanying Flood Insurance Rate Maps. Floodplains in Southern Deschutes County are adjacent to the Deschutes, Little Deschutes and Fall rivers. The Flood Insurance Study is on file at the Deschutes County Community Development Department. Refer to Section 2.5 of the Comprehensive Plan for more details.~~

Maintaining strong protections for forest land is another primary goal of the Oregon land use planning system. Statewide Planning Goal 4 sets forest identification and protection standards which must be met by local governments. The Goal requires forests to be designated on a comprehensive plan as “Forest Lands” and protected primarily for the growing and harvesting of trees. The key concept is local governments must inventory forest lands and protect them through local regulations.



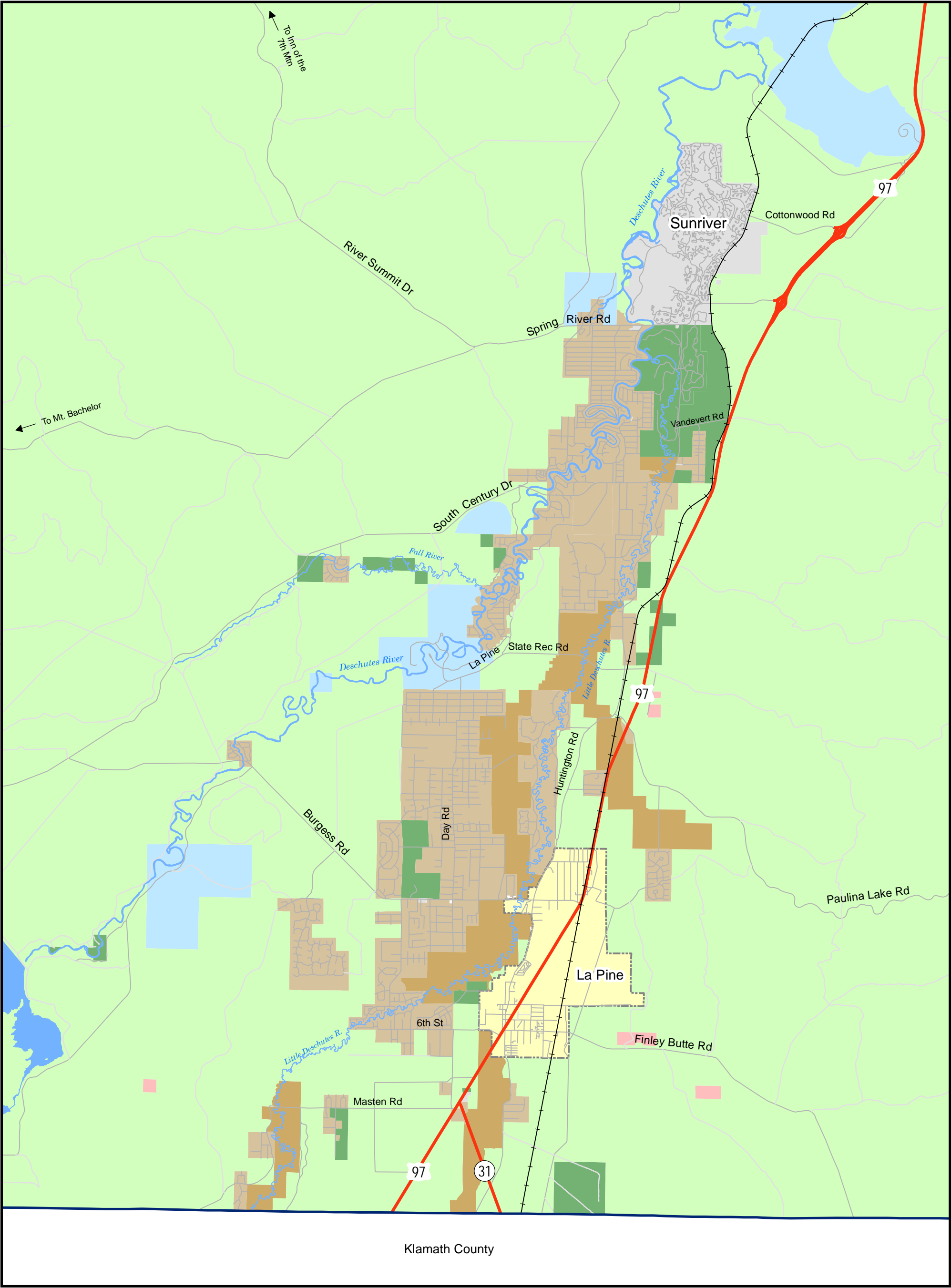
In 1992, as part of State mandated Periodic Review, Deschutes County revised its forest designations and associated regulations to two (F-1 and F-2). As shown in Table 5, the vast majority of lands in South County are zoned for forest uses. Refer to the Section 2.3 of the Comprehensive Plan for more details.

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Appendix 5.4 - Zoning



1" = 1.75 mi.



- Legend**
- Railroad
 - State Highway
 - Rivers & Lakes
 - Unincorporated Community
 - La Pine City Limit

- Zoning Designations**
- EFU- La Pine Subzone
 - F1 - Forest Use 1
 - F2 - Forest Use 2
 - OS&C - Open Space & Conservation
 - RR10 - Rural Residential 10 Acre Minimum
 - SM - Surface Mining

Exhibit E

Newberry Country

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March 8, 2017

Exhibit F

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

18.04.030. Definitions.

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

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"Below-Grade Crawl Space" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

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"Critical Facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

...

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

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"Flood Insurance Rate Map (FIRM)" is the official map on which the United States Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The FIRM is adopted by reference in Ordinance No. 88-0342007-019.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood condition of partial or complete inundation of normally dry land areas. The Study is adopted by reference in Ordinance No. 88-0342007-019.

~~"Flood plain" means the area adjoining a stream that is subject to inundation by the base flood discharge that is outside the floodway.~~

~~"Flood plain development" means any man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.~~

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"New construction" means any structure for which the start of construction commenced on or after the effective date of Ordinance PL-15. For purposes of the Flood Plain Combining Zone (FP), "new construction" means any structure for which the start of construction commenced on or after the date of adoption of the amendments to the Flood Plain Zone in Ordinance No. 88-030.

...

Exhibit F

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the true cash value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. ~~The term does not, however, include either;~~

The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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(Ord. 2017-0 §1, 2017; Ord. 2016-026§1, 2016; Ord. 2016-015§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. Chapter 18.04 35 (04/2015) 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 G

Chapter 18.12. ESTABLISHMENT OF ZONES

18.12.010. Establishment of Zones.

For the purpose of DCC Title 18, the following primary zones, combining zones, subzones and unincorporated community zone districts are hereby established:

A. Primary Zones.

Primary Zones	Abbreviations
Airport Development	AD
Exclusive Farm Use Zones	EFU
Flood Plain	FP
Forest Use	F1
Forest Use	F2
Multiple Use Agriculture	MUA10
Open Space and Conservation	OS&C
Rural Commercial	RC
Rural Industrial	RI
Rural Residential	RR10
Surface Mining	SM

B. Combining Zones.

Combining Zones	Abbreviations
Airport Safety	AH
Conventional Housing	CH
Destination Resort	DR
Landscape Management	LM
Limited Use	LU
Sensitive Bird & Mammal Habitat	SBMH
Surface Mining Impact Area	SMIA
Wildlife Area	WA
Wildlife Area	WA
Flood Plain	FP

C. Exclusive Farm Use Subzones.

Exclusive Farm Use Subzones	Abbreviations
Alfalfa	EFUAL
Horse Ridge East	EFUHR
La Pine	EFULA
Lower Bridge	EFULB
Sisters/Cloverdale	EFUSC
Terrebonne	EFUTE
Tumalo/Redmond/Bend	EFUTRB

D. Unincorporated Community Zones.

1. La Pine Urban Unincorporated Community.

La Pine Planning Area	Abbreviations
Commercial District	LPC
Community Facility District	LPCF
Community Facility Limited District	LPCFL

Exhibit G

Flood Plain District	LPFP
Industrial District	LPI
Business Park District	LPBP
Residential District	LPR
Sewer Treatment District	LPST
Neighborhood Planning Area Abbreviations	
Neighborhood Community Facility	LPNCF
Neighborhood Community Facility Limited	LPNCFL
Neighborhood Commercial	LPNC
Neighborhood Park	LPNPK
Neighborhood Open Space	LPNO
Neighborhood Residential Center	LPNRC
Neighborhood Residential General	LPNRG
Wickiup Planning Area Abbreviation	
Wickiup Commercial/Residential	LPWCR

2. Sunriver Urban Unincorporated Community.

Sunriver Districts	Abbreviations
Airport District	SUA
Business Park District	SUBP
Commercial District	SUC
Community General District	SUCG
Community Limited District	SUCL
Community Neighborhood District	SUCN
Community Recreation District	SUCR
Flood Plain Combining District	SUFP
Forest District	SUF
Multiple Family Residential District	SURM
Resort District	SUR
Resort Equestrian District	SURE
Resort Golf Course District	SURG
Resort Marina District	SURA
Resort Nature Center District	SURN
Single Family Residential District	SURS
Utility District	SUU

Exhibit G

3. Terrebonne Rural Community.

Terrebonne Districts	Abbreviations
Commercial District	TeC
Commercial-Rural District	TeCR
Residential District	TeR
Residential-5 acre minimum District	TeR5

4. Tumalo Rural Community.

Tumalo Districts	Abbreviations
Commercial District	TuC
Flood Plain <u>Combining</u> District	TuFP
Residential District	TuR
Residential-5 acre minimum District	TuR5
Research & Development District	TuRE

5. Rural Service Center.

Commercial/Mixed Use Districts	
Brothers, Hampton, Millican, Whistlestop, Wildhunt	RSC-C/M (B,H,M,W,W)
Alfalfa	RSC-C/M (A)
Alfalfa Residential	RSC-R(A)
Brothers Open Space	RSC-OS

6. Black Butte Ranch Resort Community.

Black Butte Ranch District	Abbreviations
Resort District	BBRR
Surface Mining District/Limited Use	BBRSM
Utility District/Limited Use	BBRU

7. Inn of the 7th Mountain/Widgi Creek Resort Community

Inn of the 7 th Mountain/ Widgi Creek District	Abbreviations
Resort District	SMWCR
Widgi Creek Residential District	WCR

(Ord. 2017-0 § 2, 2017 Ord. 2008-017 § 1, 2008, Ord. 2006-008 §2, 2006; Ord. 2005-016 §1, 2005, Ord. 2002-019 §1, 2002, Ord. 2002-001, §1, 2002, Ord. 2001-048 §4, 2001, Ord. 2001-044 §2, 2001; Ord. 98-063 §2, 1998; Ord. 96-003 §4, 1996; Ord. 92-025 §5, 1992)

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18.12.040. Zone Boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights of way, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features, or the extension of such lines. In case of any dispute regarding the zoning classification of property subject to the County code, the original ordinance with map exhibit contained in the official county records will control. Whenever uncertainty exists as to the boundary of a zone as shown on the zoning map or amendment thereto, the following rules shall apply:

- A. Where a boundary line is indicated as following a street, alley, canal or railroad right of way, it shall be construed as following the centerline of such right of way.
- B. Where a boundary line follows or approximately coincides with a section lines or division thereof, lot or property ownership line, it shall be construed as following such line.

Exhibit G

- C. If a zone boundary as shown on the zoning map divides a lot or parcel between two zones, the entire lot or parcel shall be deemed to be in the zone in which the greater area of the lot or parcel lies, provided that this adjustment involves a distance not exceeding 100 feet from the mapped zone boundary. ~~DCC~~
~~Title 18 does not apply to areas zoned flood plain.~~

(Ord 2008-017 § 1.2008, Ord. 91-020 §1, 1991; Ord. 91-005 §3, 1991; Ord. 80-206 §2, 1980)

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Exhibit H

Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE - LA PINE

18.61.030. La Pine Planning Area.

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F. La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Combining Zone.

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(Ord. 2017-0 § 3, 2017; Ord. 2010-029 § 1, 2010; Ord. 2009-025 § 1, 2009; Ord. 2003-002 §1, 2003; Ord. 2002-033 §1, 2002; Ord. 2001-044 §3, 2001; Ord. 2000-015§ 2, 2000; Ord. 97-063 §3, 1997; Ord. 97-041 §1, 1997; Ord. 97-017 §4, 1997; Ord. 96-003 §1, 1996)

Exhibit J

Chapter 18.113. DESTINATION RESORTS ZONE - DR

18.113.060. Standards for Destination Resorts.

The following standards shall govern consideration of destination resorts:

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H. Floodplain requirements. The floodplain combining zone (FP) requirements of DCC 18.96 shall apply to all developed portions of a destination resort in an FP Zone in addition to any applicable criteria of DCC 18.113. Except for floodplain areas which have been granted an exception to LCDC goals 3 and 4, floodplain zones shall not be considered part of a destination resort when determining compliance with the following standards;

1. One hundred sixty acre minimum site;
2. Density of development;
3. Open space requirements.

A conservation easement as described in DCC Title 18 shall be conveyed to the County for all areas within a floodplain which are part of a destination resort.

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(Ord. 2017-0 §5, 2017; Ord. 2016-003 §1, 2016; Ord. 2015-016 §7, 2015; Ord. 2013-008 §2, 2013; Ord. 2007-05 §2, 2007; Ord. 92-004 §13, 1992)

Exhibit K

Chapter 18.116. SUPPLEMENTARY PROVISIONS

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18.116.260. Rock Crushing Outside the SM Zone.

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- B. On-site rock crushing for on-site construction and maintenance is permitted outright in any zone, ~~except Flood Plain (FP)~~, or in any combining zone, except Wildlife Area (WA), Landscape Management (LM), Flood Plain (FP) or Sensitive Bird and Mammal Habitat (SBMH), if the requirements of DCC 18.116.260(A) and the following standards are met:
1. Rock crushing activity, including set up and crushing, occurs for no more than 60 consecutive days on a site within any one-year period;
 2. Rock crushing occurs Monday through Friday, between 7:00 a.m. and 5:00 p.m., and not on legal holidays; and
 3. Water is available on-site to provide dust control.

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(Ord. 2017-0 §6, 2017; Ord. 97-006 §2, 1997)

18.116.270. Conducting Filming Activities in All Zones.

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2. Special Limitations. In addition to the general limitations set forth under DCC 18.116.270(C)(1)(a) and (b), the following additional special limitations shall be applied, where applicable:
 - a. Filming and accessory or supporting activities proposed for a site designated as exclusive farm use by the zoning ordinance shall be subject to applicable provisions of ORS 215.296.
 - b. Filming and accessory or supporting activities involving structures or improvements regulated under DCC 18.96 (flood plain combining zone) shall be subject to the applicable provisions of DCC 18.96 unless the Federal Emergency Management Agency authorizes a waiver of the provisions of DCC 18.96.
 - c. Filming and accessory or supporting activities necessitating fill or removal activities shall comply with the applicable provisions of DCC 18.128.270, except that no conservation agreement shall be required where the fill is associated with a temporary structure or improvement and such fill would be removed along with the temporary structure or improvement under a fill and removal permit required by the County.
 - d. Filming and accessory or supporting activities shall not be allowed in any sensitive habitat area designated under DCC 18.90 during the nesting period identified in the ESEE for each site.
3. At the completion of filming, any structure or improvement for which land use approval would otherwise be required shall obtain the required approvals or the structure or improvement shall be removed. The County may require the applicant to post a bond in an amount sufficient to cover the cost of removal for any such structure or improvement.
4. The standards of DCC 18.116.270(B) may be met by the imposition of conditions calculated to ensure that this standard will be met.

...

(Ord. 2017-0 §6, 2017; Ord. 97-007 §1, 1997)

Exhibit I

Chapter 18.96. FLOOD PLAIN COMBINING ZONE - FP

18.96.010. Purposes.

The purposes of the Flood Plain Combining Zone are: To implement the applicable elements of the Comprehensive Plan ~~Flooding-Resource Management and Growth Management~~ Sections; to protect the public from the hazards associated with flood plains; to conserve important riparian areas along rivers and streams for the maintenance of the fish and wildlife resources; and to preserve significant scenic and natural resources while balancing the public interests with those of individual property owners in the designated areas.

(Ord. 2017-0 §4, 2017; Ord. 88-030 §4, 1988)

18.96.020. Designated Areas.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas" revised September 28, 2007, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and incorporated herein by this reference. The Flood Insurance Study is on file at the Deschutes County Community Development Department.

The Flood Plain Combining Zone shall include all areas designated as "Special Flood Hazard Areas" by the Flood Insurance Study for Deschutes County. When base flood elevation data has not been provided in the Flood Insurance Study, the Planning Director will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other sources, in determining the location of a flood plain or floodway.

(Ord. 2017-0 §4, 2017; Ord 2007-019 §2, 2007; Ord. 2000-033 §5, 2000; Ord. 88-030 §4, 1988)

18.96.030. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright in the FP Combining Zone subject to the provisions in DCC 18.96 and all applicable sections of this title. When there is a conflict between the primary zone and the provisions of DCC Title 18, the provisions of the FP Combining Zone shall control.

- A. Agricultural use conducted without establishing or utilizing a structure. For purposes of DCC 18.96.030(A), a "structure" does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood-carried material.
 - B. Management, propagation and harvesting of a forest product.
 - C. Open space.
 - D. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.
 - E. 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 that do not involve Floodplain development.
 - F. Class III road or street project that does not constitute Floodplain development as defined in DCC 18.04.030.
 - G. Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not adverse effect on flood waters.
 - H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
 - I. Recreational vehicles provided they meet the standards and criteria established by DCC 18.116.095.
- (Ord. 2007-019 §2, 2007; Ord. 93-043 §15, 1993; Ord. 91-020 §1, 1991; Ord. 88-030 §4, 1988)

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18.96.040. Conditional Uses Permitted.

The following uses and their accessory uses may be allowed in the FP Combining Zone subject to the provisions of DCC 18.96 and all applicable sections of this title:

- A. A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood subject to DCC 18.128.
- B. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.
- C. Single-family dwelling, or a manufactured home subject to DCC 18.116.070, on an individual lot. ~~In addition to the other requirements of DCC 18.96, single family dwellings proposed to be sited in areas of the Flood Plain Combining Zone designated "Agriculture" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.16.030(A), (B), (D) or (E) and subject to the applicable provisions of DCC 18.16 governing those uses. In addition to the other requirements of DCC 18.96, single family dwellings proposed to be sited in areas of the Flood Plain Combining Zone designated "Forest" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.36.030(Y), 18.40.030(X) or 18.40.030(Y) and subject to the applicable provision of DCC 18.36 and 18.40 governing those uses.~~
- D. Agricultural accessory buildings.
- E. Hydroelectric facilities subject to DCC 18.116.130 and 18.128.260.
- F. 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 18.128.270. Excavation, grading and fill within any area of special flood hazard identified in DCC 18.96.020.
- G. Recreational uses requiring only structures having an insignificant effect on flood waters outside the Floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves and hunting or fishing areas subject to DCC 18.128, ~~except in areas designated "Forest" or "Agriculture" on the Comprehensive Plan Map.~~
- H. Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of DCC Title 18 and DCC Title 17, the Subdivision/Partition Ordinance.
- I. All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building.
- J. A boat dock or pier, either individual or community, on private property which lies in the following areas:
 - 1. On the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area;
 - 2. On the Deschutes River between river miles 217.5 and 216.5. This area is identified in the Scenic Waterway Management Plan as the Pringle Falls River Community Area; and
 - 3. On the Deschutes River between river miles 207 and 192. This area is identified in the Scenic Waterway Management Plan as River Community Areas and Recreational River Area respectively.
- ~~K. Those recreational uses described in DCC 18.36.030, "F 1—Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain Combining zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F 1.~~
- ~~L. Those recreational uses described in DCC 18.40.030, "F 2—Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain Combining zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F 2.~~
- M. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

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N. 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.

(Ord. 2017-0 §4, 2017; Ord. 2007-019 §2, 2007; Ord. 2001-039 §11, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 96-032 §1, 1996; Ord. 95-075 §1, 1995; Ord. 95-022 §1, 1995; Ord. 93-045 §1, 1993; Ord. 93-002 §4, 1993; Ord. 91-038 §1, 1991; Ord. 91-005 §37, 1991; Ord. 89-009 §4, 1989; Ord. 88-030 §4, 1988)

18.96.045. Use limitations.

A. Any use listed under DCC 18.96.040 shall obtain approval in accordance with DCC 18.96 and all other applicable sections of this Title prior to construction or initiation of the use.

B. Exception: An exception to the provisions of DCC 18.96 may be approved for uses listed under DCC 18.96.040 upon finding under 18.96.130 that the use is located outside all areas designated as "Special Flood Hazards" on the Federal Flood Insurance Rate Maps (FIRM).

(Ord. 2017-0 §4, 2017)

18.96.050. Prohibited Uses.

Marinas, boat slips and boat houses on private property.

(Ord. 89-009 § 5, 1989)

18.96.060. Limitations on Conditional Uses.

The following limitations shall apply to all uses allowed by DCC 18.96.040:

A. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be allowed in the floodway of any river or stream except for replacement in conformance with the applicable provisions of DCC 18.96 of a dwelling lawfully in existence as of the effective date of Ordinance 88-030.

B. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be located in the flood plain unless it can be demonstrated by the applicant that no alternative exists on the subject property which would allow the structure to be placed outside of the flood plain.

C. No subdivision or partition shall be allowed which creates the potential for additional residential dwellings in the flood plain.

D. All necessary federal, state and local government agency permits shall be obtained.

(Ord. 2007-019 §2, 2007; Ord. 95-022 §1, 1995; Ord. 93-002 §5, 1993; Ord. 91-020 §1, 1991; Ord. 88-030 §4, 1988)

18.96.070. Application for Conditional Use.

All records of any application for a conditional use permit and all certification of elevations shall be maintained in the records of the Community Development Department for public inspection. An application for a conditional use permit in the Flood Plain Combining Zone shall, at a minimum, contain the following information:

A. A detailed explanation of why it is necessary to conduct the proposed use in the Flood Plain Combining Zone. Where base flood elevation data is not available from the Flood Insurance Study or from another authoritative source, it shall be generated and submitted with the application for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

B. A site plan, drawn to scale and accompanied by drawings, sketches and descriptions which describe and illustrate the proposed use. This site plan shall include, at a minimum, existing and proposed site contours in relation to the base flood elevation, existing and proposed structures, drainage facilities, and an explanation of how erosion will be dealt with during and after construction of the use.

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- C. The location of the property relative to the channel of the river or stream.
- D. The location of existing and proposed diking or abutments, if any.
- E. The elevation of the lowest habitable floor and of any basement floor for any dwelling unit or structure.
- F. The elevation to which the structure is to be floodproofed, if applicable.
- G. Elevations on the site plan shall be established by a licensed surveyor or engineer, and shall be in relation to mean sea level.
- H. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria established by the Federal Emergency Management Agency and the applicable standards in DCC 18.96.
- I. All other elements or information which will assist in the evaluation of the proposed development and conformance with the applicable criteria.

(Ord. 2017-0 §4, 2017; Ord. 95-022 §1, 1995; Ord. 93-043 §15A, 1993; Ord. 91-020 §1, 1991; Ord. 88-030 §4, 1988)

18.96.080. Criteria to Evaluate Conditional Uses.

- A. A conditional use permit in a Flood Plain Combining Zone shall not be approved unless all standards established by the Federal Emergency Management Agency and DCC Title 18 are addressed and findings are made by the Hearings Body or Planning Director that each of the standards and criteria are satisfied.
- B. Approval to alter or relocate a water course shall require notification to adjacent communities, the Department of Land Conservation and Development, ~~and~~ Department of State Lands, and other appropriate state and federal agencies prior to any such alteration or relocation and submit evidence to the Federal Insurance Administration. Maintenance shall be provided within the altered and relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- C. A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.
- D. All structures in the flood plain shall meet the following standards.
 - 1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - 2. Construction Materials and Methods.
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 3. Utilities.
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

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4. Below-grade crawlspace is allowed subject to the standards in FEMA Technical Bulletin 11-01.
- E. Subdivision and Partition Proposals.
 1. All subdivision and partition proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision and partition proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 3. All subdivision and partition proposals shall have adequate drainage provided to reduce exposure to flood damage.
 4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
- F. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.)
- G. Specific Standards. In the Flood Plain Combining Zone, the following requirements must be met:
 1. Residential Construction.
 - a. New construction, including replacement, and substantial improvement of any residential structure shall have the lowest floor of the entire structure, including basement, elevated at least one foot above base flood elevation.
 - b. Fully enclosed areas below the lower floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must satisfy the standards in FEMA Technical Bulletin 11-01 and must either be certified by a registered professional engineer or architect and ~~or~~ must meet or exceed the following criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are subject to accepted standards of practice for meeting provisions of DCC 18.96.080, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the County as set forth in DCC 18.96.070(H).
 - d. Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the lowest floor as described in DCC 18.96.080(F).
 - e. Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the flood level will be rated as one foot below that level).
 - f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the

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- structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
- g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.
3. ~~Manufactured Homes Dwellings. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation. Such manufactured homes shall be securely anchored to an adequately anchored foundation system subject to the provisions of DCC 18.96.080(C)(1).~~
- a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with (G)(1)(b) above;
- b. The bottom of the longitudinal chassis frame beam in A zones, shall be at or above the base flood elevation and the lowest floor of the manufactured home is at least one foot above the base flood elevation;
- c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and
- d. Electrical crossover connections shall be a minimum of 12 inches above BFE.
4. Docks, Piers and Walkways.
- a. No individual boat dock or pier shall be allowed on any lot with less than 200 feet of river frontage.
- b. No community boat dock or pier shall be allowed on any lot with less than 100 feet of river frontage.
- c. No individual boat dock or pier shall be more than 20 feet in length or more than eight feet in width. The total surface area shall not exceed 160 square feet.
- d. No community boat dock or pier shall be more than 20 feet in length. The total surface area shall not exceed 320 square feet.
- e. A boat dock or pier shall not extend into or over the water more than 20 feet as measured from the ordinary high water mark (OHM), or five percent of the distance between the ordinary low water mark (OLM) on each river or stream bank measured at right angles to the shoreline, whichever is less, unless it can be shown that a greater extension:
- i. Is necessary to allow access to the OHM;
- ii. Will not increase flood hazard; and
- iii. Will not cause the deterioration or destruction of marine life or wildlife habitat. When the lines of ordinary high or low water cannot be determined by survey or inspection, then such lines shall be determined by a registered professional engineer using the annual mean high or low water for the preceding year, using data from the State of Oregon Watermaster.
- f. Individual boat docks and piers shall have a minimum five foot setback from adjoining property boundaries projected over the water surface.
- g. Dock, pier and walkway structures shall not be covered or enclosed.
- h. All materials used in dock, pier or walkway construction must be in compliance with all DEQ and EPA regulations.
- i. Docks, piers and walkways shall use either pilings or Styrofoam floats if such floats are fully enclosed and sealed.
- j. Docks, piers and walkways shall not impede water movement or cause deposition on waterway beds.
- k. Docks, piers and walkways containing concrete or wood preservatives shall be fully cured or dried prior to placement in the water.

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- l. No walkway shall be more than four feet in width. The length of the walkway shall be no more than the minimum required to allow access to a dock.
 - m. Walkways shall include at least one handrail if the structure is elevated 30 inches or more from ground level.
 - n. All docks, piers and walkways shall meet the test of noninterference with navigation.
 5. Parking Facilities. No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM).
 6. Small Accessory Structures: Relief from elevation or floodproofing as required in 5.2.1 or 5.2.2 (G)(1) or (G)(2) above may be granted for small accessory structures that are:
 - a. Less than 200 square feet and do not exceed one story;
 - b. Not temperature controlled;
 - c. Not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;
 - d. Not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation
 - e. Located and constructed to have low damage potential;
 - f. Constructed with materials resistant to flood damage;
 - g. Anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - h. Constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:
 - i. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
 - i. Constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
 7. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
- H. Floodways. In floodways the following provisions shall apply:
1. Encroachments, including fill and removal, replacement of a dwelling lawfully in existence on the effective date of Ordinance 88-030 and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that the proposed encroachments will not result in any increase in flood levels during a base flood discharge.
 2. The applicant must demonstrate that all necessary federal, state and local government agency permits have been or can be obtained and that all other applicable sections of DCC Title 18 have been satisfied.

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3. Replacement of a dwelling shall not increase the square footage or footprint of the structure by more than 20 percent of the square footage or footprint of such dwelling as of the effective date of Ordinance 88-030.
4. No replacement of a dwelling shall be allowed if the use of the preexisting dwelling has been abandoned or otherwise terminated for a period of over one year.

5. Projects for stream habitat restoration may be permitted in the floodway provided:

- a. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,
- b. A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,
- c. No structures would be impacted by a potential rise in flood elevation; and,
- d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

(Ord. 2017-0 §4, 2017; Ord. 2007-019 §2, 2007; Ord. 2000-033 §6, 2000; Ord. 95-075 §1, 1995; Ord. 95-022 §1, 1995; Ord. 93-043 §15B, 1993; Ord. 93-002 §§6-8, and 9, 1993; Ord. 91-020 §1, 1991; Ord. 89-009 §7, 1989; Ord. 88-030 §4, 1988)

18.96.085. Elevation Certification.

Elevation of all new construction, including replacement and substantial improvements, relative to mean sea level of the lowest floor shall be documented before the framing inspection with a survey certified by a State of Oregon registered professional engineer or land surveyor.

(Ord. 95-022 §1, 1995; Ord. 93-002 §10, 1993)

18.96.090. Yard and Setback Requirements.

A. Yard and setbacks shall be those described in the underlying zone with which the FP Zone is combined.

In an FP Zone, the following yard and setback requirements shall be maintained:

- A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street, 30 feet from a property line fronting on a collector and 50 feet from an arterial.
- B. There shall be a minimum side yard of 10 feet for all uses.
- C. The minimum rear yard shall be 20 feet.
- D. The setback from a north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. The minimum yard setback for a nonfarm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.
- F. 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. 95-075 §1, 1995; Ord. 94-008 §25, 1994; Ord. 88-030 §4, 1988)

18.96.100. Stream Setback.

To permit better light, air, vision, stream and pollution control, to protect fish and wildlife areas and to preserve the natural scenic amenities along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the County Sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in no case closer than 25 feet.

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- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles from the ordinary high water mark.

(Ord. 91-020 § 1, 1991; Ord. 88-030 § 4, 1988)

18.96.110. Dimensional Standards.

In a FP Zone, the minimum lot size shall be as established in the underlying zone with which the FP Zone is combined.

In an FP Zone, the following dimensional standards shall apply:

- A. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.
- B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.
- C. Minimum lot size shall be 10 acres for all areas which have received an exception to the Statewide Planning Goals for resource uses. Areas which have not received an exception to the Statewide Planning Goals shall have a minimum lot size of 80 acres.

(Ord. 2017-0 § 4, 2017; Ord. 92-055 § 8, 1992)

18.96.120. Warning and Disclaimer of Liability.

The degree of flood protection required by DCC Title 18 is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. DCC Title 18 shall not create liability on the part of Deschutes County, any officer, agent or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on DCC Title 18 or any decision lawfully made hereunder.

(Ord. 88-030 § 4, 1988)

18.96.130 Interpretation of FIRM Boundaries

The Planning Director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Such interpretations shall be processed as a development action pursuant to Chapter 22.16.

(Ord. 2007-019 §2, 2007)

18.96.140. Use Variances.

Use variances or variances to the standards established by DCC 18.96.060 and 18.96.080 shall not be allowed.

(Ord. 2007-019 §2, 2007; Ord. 88-030 §4, 1988)

Exhibit L

Chapter 18.124. SITE PLAN REVIEW

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18.124.030. Approval Required.

- A. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.
 - B. The provisions of DCC 18.124.030 shall apply to the following:
 - 1. All conditional use permits where a site plan is a condition of approval;
 - 2. Multiple-family dwellings with more than three units;
 - 3. All commercial uses that require parking facilities;
 - 4. All industrial uses;
 - 5. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, landfills, schools, utility facilities, churches, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and
 - 6. As specified for Flood Plain ~~Zones~~ (FP) and Surface Mining Impact Area (SMIA) Combining Zones ~~(SMIA)~~.
 - 7. Non-commercial wind energy system generating greater than 15 to 100 kW of electricity.
 - C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.
 - D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.
 - E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.
- (Ord. 2017-0 §7, 2017; Ord. 2011-009 §1, 2011; Ord. 2003-034 §2, 2003; Ord. 94-008 §14, 1994; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 86-032 §1, 1986)