

Chapter 9.12. RIGHT TO FARM

9.12.020. Purpose and Scope.

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9.12.020. Purpose and Scope.

- A. It is the purpose of DCC 9.12 to protect farm and forest-based economically productive activities of Deschutes County in order to assure the continued health, safety and prosperity of its residents. Farm and forest uses sometimes offend, annoy, interfere with or otherwise affect others located on or near farm and forest lands. Deschutes County has concluded in conformance with ORS chapter 30 that persons located on or near farm and forest lands must accept resource uses and management practices.
- B. DCC 9.12 is intended to limit the availability of remedies based on nuisance or trespass, rights of action and claims for relief and issuance of citations for violations over which Deschutes County has jurisdiction, when they otherwise would either have an adverse impact on farm and forest uses that Deschutes County seeks to protect, or would impair full use of the farm and forest resource base within Deschutes County.
- C. Scope. DCC Chapter 9.12 (The Deschutes County Right To Farm Ordinance) applies to all crops. However, subject to ORS 475B, Cannabis regulation, the governing body of a county may adopt ordinances that impose reasonable regulations on marijuana production, processing, wholesaling and retailing.

(Ord. 2018-012 §1, 2018; Ord. 2003-021 §21, 2003; Ord. 95-024 §2, 1995)

Chapter 18.24 REDMOND URBAN RESERVE AREA COMBINING ZONE

18.24.030. Conditional Uses Permitted; Prohibition.

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18.24.030. Conditional Uses Permitted; Prohibition.

- A. Subject to the prohibitions provided for in DCC 18.24.030(B), uses permitted conditionally in the Redmond Urban Reserve Area Combining Zone shall be those identified as conditional uses in the underlying zoning districts. Conditional uses shall be subject to all conditions of those zones as well as the requirements of this chapter.
- B. The following uses are prohibited and not permitted in the Redmond Urban Reserve Area Combining Zone:
 - 1. Marijuana production; and
 - 2. Marijuana processing.

(Ord. 2018-012 §2, 2018)

Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, and Retailing

18.116.340 Marijuana Production Registered by the Oregon Health Authority (OHA)

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18.116.330. Marijuana Production, Processing, and Retailing

- A. Applicability. Section 18.116.330 applies to:
1. Marijuana Production in the EFU and RI zones.
 2. Marijuana Processing in the EFU, TeC, TeCR, TuC, TuI, RI, and SUBP zones
 3. Marijuana Retailing in the RSC, TeC, TeCR, TuC, TuI, RC, RI, SUC, SUTC, and SUBP zones.
 4. Marijuana Wholesaling in the RSC, TeC, TeCR, TuC, RC, SUC, and SUBP zones.
- B. Marijuana production and marijuana processing. Marijuana production and marijuana processing shall be subject to the following standards and criteria:
1. Minimum Lot Area.
 - a. In the EFU zone, the subject legal lot of record shall have a minimum lot area of five (5) acres.
 2. Indoor Production and Processing.
 - a. In the EFU zone, marijuana production and processing shall only be located in buildings, including greenhouses, hoop houses, and similar structures.
 - b. In all zones, marijuana production and processing are prohibited in any outdoor area.
 3. Maximum Mature Plant Canopy Size. In the EFU zone, the maximum canopy area for mature marijuana plants shall apply as follows:
 - a. Parcels from 5 acres to less than 10 acres in lot area: 2,500 square feet.
 - b. Parcels equal to or greater than 10 acres to less than 20 acres in lot area: 5,000 square feet. The maximum canopy area for mature marijuana plants may be increased to 10,000 square feet upon demonstration by the applicant to the County that:
 - i. The marijuana production operation was lawfully established prior to January 1, 2015; and
 - ii. The increased mature marijuana plant canopy area will not generate adverse impact of visual, odor, noise, lighting, privacy or access greater than the impacts associated with a 5,000 square foot canopy area operation.
 - c. Parcels equal to or greater than 20 acres to less than 40 acres in lot area: 10,000 square feet.
 - d. Parcels equal to or greater than 40 acres to less than 60 acres in lot area: 20,000 square feet.
 - e. Parcels equal to or greater than 60 acres in lot area: 40,000 square feet.
 4. Limitation on License/Grow Site per Parcel. No more than one (1) Oregon Liquor Control Commission (OLCC) licensed marijuana production or Oregon Health Authority (OHA) registered medical marijuana grow site shall be allowed per legal parcel or lot.
 5. Setbacks. The following setbacks shall apply to all marijuana production and processing areas and buildings:
 - a. Minimum Yard Setback/Distance from Lot Lines: 150 feet.
 - b. Setback from an off-site dwelling: 400 feet.
 - c. Setback from Federal public lands: 300 feet.
 - d. For the purposes of this criterion, an off-site dwelling includes those proposed off-site dwellings with a building permit application submitted to Deschutes County prior to submission of the marijuana production or processing application to Deschutes County.

Exception: Any reduction to these setback requirements may be granted by the Planning Director or Hearings Body provided the applicant demonstrates the reduced setbacks afford equal or greater mitigation of visual, odor, noise, lighting, privacy, and access impacts.

6. Separation Distances. Minimum separation distances shall apply as follows:
 - a. The applicant property line shall be located a minimum of 1,320 feet from:
 - i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
 - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed child care which occurs at or in residential structures;
 - iv. A youth activity center;
 - v. State, local, and municipal parks, including land owned by a parks district;
 - vi. Redmond Urban Reserve Area;
 - vii. The boundary of any local jurisdiction that has opted out of Oregon's recreational marijuana program; and
 - viii. Any other lot or parcel approved by Deschutes County for marijuana production.
 - b. For purposes of DCC 18.116.330(B)(6), all distances shall be measured from the lot line of the affected properties listed in DCC 18.116.330(B)(6)(a) to the closest point of the applicant's property line of land occupied by the marijuana producer or marijuana processor.
 - c. A change in use of another property to those identified in DCC 18.116.330(B)(6) shall not result in the marijuana producer or marijuana processor being in violation of DCC 18.116.330(B)(6) if the use is:
 - i. Pending a local land use decision;
 - ii. Licensed or registered by the State of Oregon; or
 - iii. Lawfully established.
7. Access. Marijuana production sites shall comply with the following standards.
 - a. Have frontage on and legal direct access from a constructed public, county, or state road; or
 - b. Have access from a private road or easement serving only the subject property.
 - c. If the property takes access via a private road or easement which also serves other properties, the applicant shall obtain written consent to utilize the easement or private road for marijuana production access from all owners who have access rights to the private road or easement. The written consent shall:
 - i. Be on a form provided by the County and shall contain the following information;
 - ii. Include notarized signatures of all owners, persons and properties holding a recorded interest in the private road or easement;
 - iii. Include a description of the proposed marijuana production or marijuana processing operation; and
 - iv. Include a legal description of the private road or easement.
8. Lighting. Lighting shall be regulated as follows:
 - a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from sunset to sunrise.

- b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
 - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
9. Odor. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property. As used in DCC 18.116.330(B)(9), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing. Odor produced by marijuana production and processing shall comply with the following:
- a. Odor control plan. To ensure that the standard stated in DCC 18.116.330(B)(9) is continuously met, the applicant shall submit an odor control plan prepared and stamped by a mechanical engineer licensed in the State of Oregon that includes the following:
 - i. The mechanical engineer's qualifications and experience with system design and operational audits of effective odor control and mitigation systems;
 - ii. A detailed analysis of the methodology, including verified operational effectiveness, that will be relied upon to effectively control odor on the subject property;
 - iii. A detailed description of any odor control systems that will be utilized, including operational schedules and maintenance intervals;
 - iv. Contingence measures if any aspect of the odor control plan fails or is not followed, or if it is otherwise shown that the standard stated in DCC 18.116.330(B)(9) is not met;
 - v. Testing protocols and intervals; and
 - vi. Identification of the responsible parties tasked with implementing each aspect of the odor control plan.
 - b. Modifications. Significant modifications to the odor control plan, including but not limited to replacement of one system for another or a change in odor control methodology shall be approved in the same manner as a modification to a land use action pursuant to DCC 22.36.040.
 - c. The system shall at all times be maintained in working order and shall be in use.
10. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
- a. Standard. To prevent unreasonable interference of neighbors' use and enjoyment of their property, sustained noise including ambient noise levels shall not be detectable beyond the applicant's property line above 45 dB(A) in total between 10:00 pm and 7:00 am the following day.
 - i. For purposes of DCC 18.116.330(B)(10), "sustained noise" shall mean noise lasting more than five continuous minutes or five total minutes in a one hour period from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions associated with marijuana production and processing.
 - b. Noise control plan. To ensure that the standard stated in DCC 18.116.330(B)(10) is continuously met, the applicant shall submit a noise control plan prepared and stamped by a mechanical engineer licensed in the State of Oregon that includes the following:
 - i. The mechanical engineer's qualifications and experience with system design and operational audit of effective noise control and mitigation systems;
 - ii. A detailed analysis of the methodology that will be relied upon to effectively control noise on the subject property;

- iii. A detailed description of any noise control systems that will be utilized, including operational schedules and maintenance intervals;
 - iv. Contingence measures if any aspect of the noise control plan fails or is not followed, or if it is otherwise shown that the standard stated in DCC 18.116.330(B)(10) is not met;
 - v. Testing protocols and intervals; and
 - vi. Identification of the responsible parties tasked with implementing each aspect of the noise control plan.
- c. Modifications. Significant modifications to the noise control plan, including but not limited to replacement of one system for another or a change in noise control methodology shall be approved in the same manner as a modification to a land use action pursuant to DCC 22.36.040.
11. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
- a. All marijuana uses, buildings, structures, fences, and storage and parking areas, whether a building permit is required or not, in the Landscape Management Combining Zone, shall comply with and require DCC 18.84, Landscape Management Combining Zone approval.
 - b. Fencing and screening shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
 - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
 - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
12. Water. Applicant shall state the anticipated amount of water to be used, as stated on the water right, certificate, permit, or other water use authorization, on an annual basis. Water use from any source for marijuana production shall comply with all applicable state statutes and regulations. The applicant shall provide:
- a. An Oregon Water Resources Department (OWRD) Certificate(s), permit, or other water use authorization proving necessary water supply of proper classification will be available for intended use during required seasons, regardless of source; or
 - b. A source water provider Will Serve statement referencing valid Water Right to be utilized, if any, as well as a Will Haul statement, including the name and contact information of the water hauler; or
 - c. In the alternative to (a) and (b) above, proof from Oregon Water Resources Department that the water supply to be used does not require a Water Right for the specific application use classification, volume, and season of use (i.e., roof-collected water).
 - d. If the applicant is proposing a year-round production facility, the water right, certificate, permit, or other water use authorization must address all permitted sources of water for when surface water is unavailable.
 - e. In the event that the water source for the facility changes from the use of an OWRD certificate, permit, or other water use authorization to the use of a water hauler, or from the use of a water hauler to another source, a modification to a land use action pursuant to DCC 22.36.040 is required.
13. Fire protection for processing of cannabinoid extracts. Processing of cannabinoid extracts

- shall only be permitted on properties located within the boundaries of or under contract with a fire protection district.
14. Utility Verification. Utility statements identifying the proposed operation, or operational characteristics such as required electrical load and timing of such electrical loads and a statement from each utility company proposed to serve the operation, stating that each such company is able and willing to serve the operation, shall be provided. The utility shall state that it has reviewed the new service or additional load request and determined if existing capacity can serve the load or if a system upgrade is required. Any new service request or additional load request requiring an upgrade shall be performed per the serving utility's stated policy.
 15. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
 16. Secure Waste Disposal.
 - a. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
 - b. Wastewater generated during marijuana production and/or processing shall be disposed of in compliance with applicable federal, state, and local laws and regulations.
 17. Nonconformance. All medical marijuana grow sites lawfully established prior to June 8, 2016 by the Oregon Health Authority shall comply with Ordinance 2016-015 and the provisions of DCC 18.116.330(B)(9) by September 8, 2016 and with the provisions of DCC 18.116.330(B)(10-12, 16, 17) by December 8, 2016.
 18. Prohibited Uses.
 - a. In the EFU zone, the following uses are prohibited:
 - i. A new dwelling used in conjunction with a marijuana crop;
 - ii. A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop;
 - iii. A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction a marijuana crop; and
 - iv. Agri-tourism and other commercial events and activities in conjunction with a marijuana crop.
 - b. In the EFU and Rural Industrial zones, the following uses are prohibited on the same property as marijuana production:
 - i. Guest Lodge.
 - ii. Guest Ranch.
 - iii. Dude Ranch.
 - iv. Destination Resort.
 - v. Public Parks.
 - vi. Private Parks.
 - vii. Events, Mass Gatherings and Outdoor Mass Gatherings.
 - viii. Bed and Breakfast.
 - ix. Room and Board Arrangements.
 19. Compliance.
 - a. Odor. On-going compliance with the odor control plan is mandatory and shall be ensured with a permit condition of approval. The odor control plan does not supersede required compliance with the standard set forth in DCC 18.116.330(B)(9). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with odor impacts are authorized.
 - b. Noise. On-going compliance with the noise control plan is mandatory and shall be ensured with a permit condition of approval. The noise control plan does not supersede

required compliance with the standard set forth in DCC 18.116.330(B)(10). If provided in applicable state statutes, private actions alleging nuisance or trespass associated with odor impacts are authorized.

- C. Marijuana Retailing. Marijuana retailing, including recreational and medical marijuana sales, shall be subject to the following standards and criteria:
1. Hours. Hours of operation shall be no earlier than 9:00 a.m. and no later than 7:00 p.m. on the same day.
 2. Odor. The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana plant odor off premise by a person of normal sensitivity.
 3. Window Service. The use shall not have a walk-up or drive-thru window service.
 4. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
 5. Minors. No person under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer, except as allowed by state law.
 6. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot or parcel or within the same building with any marijuana social club or marijuana smoking club.
 7. Separation Distances. Minimum separation distances shall apply as follows:
 - a. The use shall be located a minimum of 1,000 feet from:
 - i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
 - ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
 - iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed family child care which occurs at or in residential structures;
 - iv. A youth activity center;
 - v. National monuments and state parks; and
 - vi. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
 - b. For purposes of DCC 18.116.330(C)(7), distance shall be measured from the lot line of the affected property to the closest point of the building space occupied by the marijuana retailer. For purposes of DCC 18.116.330(C)(7)(a)(vi), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
 - c. A change in use to another property to a use identified in DCC 18.116.330(C)(7), after a marijuana retailer has been licensed by or registered with the State of Oregon shall not result in the marijuana retailer being in violation of DCC 18.116.330(C)(7).
- D. Inspections and Annual Reporting.
1. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:
 - a. Documentation demonstrating compliance with the:
 - i. Land use decision and permits.

- ii. Fire, health, safety, waste water, and building codes and laws.
 - iii. State of Oregon licensing requirements.
 - b. An optional statement of annual water use.
 - c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
 - d. As a condition of approval, the applicant must consent in writing to allow Deschutes County to, randomly and without prior notice, inspect the premises and ascertain the extent and effectiveness of the odor control system(s), compliance with the Deschutes County Code, and applicable conditions of approval. Inspections may be conducted by the County up to three (3) times per calendar year, including one inspection prior to the initiation of use.
 - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
 - f. Documentation that System Development Charges have been paid.
 - g. This information shall be public record subject to ORS 192.502(17).
 - h. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.330(D)(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
- (Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

18.116.340. Marijuana Production Registered by the Oregon Health Authority (OHA)

- A. Applicability. Section 18.116.340 applies to:
 - 1. All marijuana production registered by OHA prior to June 1, 2016; and
 - 2. All marijuana production registered by OHA on or after June 1 2016 until the effective date of Ordinances 2016-015, 2016-16, 2016-17, and 2016-18, at which time Ordinances 2016-015 through Ordinance 2016-018 shall apply.
- B. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by September 15, 2016:
 - 1. Lighting. Lighting shall be regulated as follows:
 - a. Inside building lighting, including greenhouses, hoop houses, and similar structures, used for marijuana production shall not be visible outside the building from sunset to sunrise.
 - b. Lighting fixtures shall be fully shielded in such a manner that all light emitted directly by the lamp or a diffusing element, or indirectly by reflection or refraction, is projected below the horizontal plane through the lowest light-emitting part.
 - c. Light cast by exterior light fixtures other than marijuana grow lights shall comply with DCC 15.10, Outdoor Lighting Control.
- C. All marijuana production registered by OHA prior to June 1, 2016 shall comply with the following standards by December 15, 2016:
 - 1. Odor. As used in DCC 18.116.340(C), building means the building, including greenhouses, hoop houses, and other similar structures, used for marijuana production or marijuana processing.
 - a. The building shall be equipped with an effective odor control system which must at all times prevent unreasonable interference of neighbors' use and enjoyment of their property.
 - b. An odor control system is deemed permitted only after the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the system

- will control odor so as not to unreasonably interfere with neighbors' use and enjoyment of their property.
- c. Private actions alleging nuisance or trespass associated with odor impacts are authorized, if at all, as provided in applicable state statute.
 - d. The odor control system shall:
 - i. Consist of one or more fans. The fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the required CFM; or
 - ii. Utilize an alternative method or technology to achieve equal to or greater odor mitigation than provided by i. above.
 - e. The system shall be maintained in working order and shall be in use.
2. Noise. Noise produced by marijuana production and marijuana processing shall comply with the following:
- a. Sustained noise from mechanical equipment used for heating, ventilation, air condition, odor control, fans and similar functions shall not exceed 30 dB(A) measured at any property line between 10:00 p.m. and 7:00 a.m. the following day.
 - b. Sustained noise from marijuana production is not subject to the Right to Farm protections in DCC 9.12 and ORS 30.395. Intermittent noise for accepted farming practices is however permitted.
3. Screening and Fencing. The following screening standards shall apply to greenhouses, hoop houses, and similar non-rigid structures and land areas used for marijuana production and processing:
- a. Subject to DCC 18.84, Landscape Management Combining Zone approval, if applicable.
 - b. Fencing shall be finished in a muted earth tone that blends with the surrounding natural landscape and shall not be constructed of temporary materials such as plastic sheeting, hay bales, tarps, etc., and shall be subject to DCC 18.88, Wildlife Area Combining Zone, if applicable.
 - c. Razor wire, or similar, shall be obscured from view or colored a muted earth tone that blends with the surrounding natural landscape.
 - d. The existing tree and shrub cover screening the development from the public right-of-way or adjacent properties shall be retained to the maximum extent possible. This provision does not prohibit maintenance of existing lawns, removal of dead, diseased or hazardous vegetation; the commercial harvest of forest products in accordance with the Oregon Forest Practices Act; or agricultural use of the land.
4. Water. The applicant shall provide:
- a. A copy of a water right permit, certificate, or other water use authorization from the Oregon Water Resource Department; or
 - b. A statement that water is supplied from a public or private water provider, along with the name and contact information of the water provider; or
 - c. Proof from the Oregon Water Resources Department that the water to be used is from a source that does not require a water right.
5. Security Cameras. If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with requirements of the OLCC or the OHA.
6. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA Person Responsible for the Grow Site (PRMG).
7. Inspections and Annual Reporting. All marijuana production registered by OHA prior to June 1, 2016 shall comply with DCC 18.116.340(D)(8) when site locations are identified

or otherwise disclosed by the State of Oregon.

D. All new marijuana production registered by OHA on or after June 1, 2016 shall comply with DCC 18.116.330(A, B, and D).
(Ord. 2018-012 §3, 2018; Ord. 2016-019 §1, 2016)

Chapter 18.124. SITE PLAN REVIEW

18.124.060. Approval Criteria.

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18.124.060. Approval Criteria.

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

- A. The proposed development shall relate harmoniously to the natural and man-made environment and existing development, minimizing visual impacts and preserving natural features including views and topographical features.
- B. The landscape and existing topography shall be preserved to the greatest extent possible, considering development constraints and suitability of the landscape and topography. Preserved trees and shrubs shall be protected.
- C. The site plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transition from public to private spaces.
- D. When appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs and Braille signs.
- E. The location and number of points of access to the site, interior circulation patterns, separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures shall be harmonious with proposed and neighboring buildings and structures.
- F. Surface drainage systems shall be designed to prevent adverse impacts on neighboring properties, streets, or surface and subsurface water quality.
- G. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be designed, located and buffered or screened to minimize adverse impacts on the site and neighboring properties.
- H. All above-ground utility installations shall be located to minimize adverse visual impacts on the site and neighboring properties.
- I. Specific criteria are outlined for each zone and shall be a required part of the site plan (e.g. lot setbacks, etc.).
- J. All exterior lighting shall be shielded so that direct light does not project off-site.
- K. Transportation access to the site shall be adequate for the use.
 - 1. Where applicable, issues including, but not limited to, sight distance, turn and acceleration/deceleration lanes, right-of-way, roadway surfacing and widening, and bicycle and pedestrian connections, shall be identified.
 - 2. Mitigation for transportation-related impacts shall be required.
 - 3. Mitigation shall meet applicable County standards in DCC 17.16 and DCC 17.48, applicable Oregon Department of Transportation (ODOT) mobility and access standards, and applicable American Association of State Highway and Transportation Officials (AASHTO) standards.

(Ord. 2018-012 §4, 2018; Ord. 2010-018 §2, 2010, Ord. 93-043 §§21, 22 and 22A, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991)

Chapter 22.24. LAND USE ACTION HEARINGS

22.24.030. Notice of Hearing or Administrative Action.

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22.24.030. Notice of Hearing or Administrative Action.

A. Individual Mailed Notice.

1. Except as otherwise provided for herein, notice of a land use application shall be mailed at least 20 days prior to the hearing for those matters set for hearing, or within 10 days after receipt of an application for those matters to be processed administratively with notice. Written notice shall be sent by mail to the following persons:
 - a. The applicant.
 - b. Owners of record of property as shown on the most recent property tax assessment roll of property located:
 1. Within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
 2. Within 250 feet of the property that is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone, except where greater notice is required under DCC 22.24.030(A)(4) for structures proposed to exceed 30 feet in height; or
 3. Within 750 feet of the property that is the subject of the notice where the subject property is within a farm or forest zone, except where greater notice is required under DCC 22.24.030(A)(4) for structures proposed to exceed 30 feet in height.
 4. Within 1000 feet of the property that is subject of a marijuana production or processing notice where the subject property is within a farm zone.
 - c. For a solar access or solar shade exception application, only those owners of record identified in the application as being burdened by the approval of such an application.
 - d. The owner of a public use airport if the airport is located within 10,000 feet of the subject property.
 - e. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.
 - f. The Planning Commission.
 - g. Any neighborhood or community organization formally recognized by the board under criteria established by the Board whose boundaries include the site.
 - h. At the discretion of the applicant, the County also shall provide notice to the Department of Land Conservation and Development.
2. Notwithstanding DCC 22.24.030(A)(1) (b)(1), all owners of property within 250 feet of property that is the subject of a plan amendment application or zone change application shall receive notice.
3. The failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Division can show by affidavit that such notice was given.
4. For structures proposed to exceed 30 feet in height that are located outside of an urban growth boundary, the area for describing persons entitled to notice under DCC 22.24.030(A)(1)(b) shall expand outward by a distance equal to the distance of the initial notice area boundary for every 30 foot height increment or portion thereof.

B. Posted Notice.

1. Notice of a land use action application for which prior notice procedures are chosen shall be posted on the subject property for at least 10 continuous days prior to any date set for receipt of comments. Such notice shall, where practicable, be visible from any adjacent public way.

2. Posted notice of an application for a utility facility line approval shall be by posting the proposed route at intervals of not less than one-half mile. The notice shall be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.
 3. Notice of a solar access application shall be posted as near as practicable to each lot identified in the application.
- C. Published Notice. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 20 days prior to the hearing.
- D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.
- (Ord. 2018-012 §5, 2018; Ord. 99-031 §6, 1999; Ord. 96-071 §1D, 1996; Ord. 95-071 §1, 1995; Ord. 95-045 §12, 1995; Ord. 91-013 §7-8, 1991; Ord. 90-007 §1, 1990)

Chapter 22.32. APPEALS

22.32.015. Filing Appeals.

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22.32.015. Filing appeals.

- A. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Division and an appeal fee.
- B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than 5:00 PM on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.
- C. Unless a request for reconsideration has been filed for a marijuana production or processing administrative decision, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than 5:00 PM on the fifteenth day following mailing of the decision.
- D. If the Board of County Commissioners is the Hearings Body and the Board declines review, a portion of the appeal fee may be refunded. The amount of any refund will depend upon the actual costs incurred by the County in reviewing the appeal. When the Board declines review and the decision is subsequently appealed to LUBA, the appeal fee may be applied toward the cost of preparing a transcript of the lower Hearings Body's decision.
- E. The appeal fee shall be paid by method that is acceptable to Deschutes County.
(Ord. 2018-012 §6, 2018; Ord. 2015-017 §3, 2015; Ord. 99-031 §15, 1999; Ord. 98-019 §2, 1998; Ord. 96-071 §1G, 1996; Ord. 95-045 §32, 1995; Ord. 94-042 §2, 1994; Ord. 91-013 §11, 1991; Ord 90-007 §1, 1990)