

Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE - OS&C

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18.48.010. Purpose.

The purpose of the Open Space and Conservation Zone is to protect designated areas of scenic and natural resources; to restrict development in areas with fragile, unusual or unique qualities; to protect and improve the quality of the air, water and land resources and to plan development that will conserve open space. (Ord. 93-043 §6, 1993)

18.48.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

- A. Farm use as defined in ORS 215.203(2).
- B. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 4.
- C. Public wildlife reserve or management area, not including structures.
- D. 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.
- E. Class III road or street project.
- F. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- G. Construction, operation, and maintenance of small hydroelectric facilities, including transmission lines serving such facilities, subject to DCC 18.48.070.

(Ord. 2008-018 §1, 2008; Ord. 2001-039 §3, 2001; Ord. 2001-016 §2, 2001; Ord. 97-023 §1, 1997; Ord. 94-041 §1, 1994; Ord. 91-020 §1, 1991)

18.48.030. Conditional Uses Permitted.

The following uses may be allowed subject to DCC 18.128:

- A. Private parks, picnic areas or hunting and fishing preserves.
- B. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
- C. Utility facility except landfills.
- D. Water supply and treatment facility.
- E. 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 DCC 18.128.270.
- F. Campground.
- G. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- H. 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. 2001-039 §3, 2001; Ord. 2001-016 §2, 2001; Ord. 97-063 §3, 1997; Ord. 94-041 §1, 1994; Ord. 92-004 §9, 1992; Ord. 91-038 §1, 1991)

18.48.040. Dimensional Standards.

In an OS&C Zone, the following dimensional standards shall apply:

- A. The minimum lot size is 80 acres.
- 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.

(Ord. 94-041 §1, 1994; Ord. 92-055 §B, 1992)

18.48.050. Setbacks.

- A. Minimum setbacks shall be 60 feet from an arterial or collector street or road right of way and 20 feet from a street within a platted and recorded subdivision.
- B. The setback from a perennial stream or lake ordinary high water mark shall be a minimum of 200 feet, and from an intermittent stream channel, 100 feet.
- C. Each side setback shall be a minimum of 15 feet, except on a corner lot it shall be 30 feet from the street side.
- D. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.
- E. Rimrock Setback. Setbacks from rimrock shall be as provided in DCC 18.116.160.
- 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 §28, 1994; Ord. 91-020 §1, 1991; Ord. 86-053 §10, 1986; Ord. 83-037 §13, 1983)

18.48.060. Limitations on Conditional Uses.

The following limitations shall apply to a conditional use in an OS&C Zone:

- A. An application for a conditional use in an OS&C Zone may be denied if, in the opinion of the Planning Director or Hearings Body, the proposed use is not related to or sufficiently dependent upon the recreational resources of the area.
- B. The proposed use shall not significantly increase fire hazard or significantly increase risks to fire suppression personnel. The Planning Director or Hearings Body may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or attach other similar conditions or limitations that will reduce fire hazards or prevent the spread of fire to surrounding areas.
- C. The Planning Director or Hearings Body may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation to prevent or minimize erosion, pollution or degradation of the natural attractiveness of the area.
- D. An application for a conditional use in an OS&C Zone shall be denied if, in the opinion of the Planning Director or Hearings Body, the proposed use would exceed the carrying capacity of the area or would be detrimental to the natural features or resources of the area.
- E. An application for a conditional use in an OS&C Zone shall be denied if not in compliance with the Comprehensive Plan.
- F. An application for a conditional use shall be denied if the proposed use would force a significant change in, or significantly increase the cost of accepted farming or forest practices on agriculture or forest lands.
- G. Where the proposed use is adjacent to forest zoned land, a written statement recorded with the deed or written contract with the County or its equivalent shall be obtained from the land owner which recognizes the right of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in Oregon Administrative Rules 660-06-025(4)(e), (1), (r), (s) and (v).

(Ord. 94-041 §1, 1994; Ord. 91-020 §1, 1991)

18.48.070. Limitations on Small Hydroelectric Facilities.

- A. “Small hydroelectric facility” means a hydroelectric facility that qualifies for a Federal Energy Regulatory Commission (“FERC”) Conduit Exemption use.
- B. DCC Chapter 18.84 and Sections 18.116.130 and 18.128.260 are not applicable to small hydroelectric facilities.
- C. Prior to issuance of a building permit, the applicant shall provide the County with documentation of the FERC and state licenses for the small hydroelectric facility.
- D. The applicant shall demonstrate protection of public health and safety by specifying necessary fencing, signage, and shielded lighting to protect the public from the electrical generation and transmittal process.
- E. The County may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or attach other similar conditions or limitations that will reduce fire hazards or prevent the spread of fire to surrounding areas.
- F. The applicant shall submit conceptual construction plans and profiles of project features, including building elevations, colors and textures to be used, and landscape plans.
 - 1. Structures shall be finished in muted earth tones that blend with and reduce contrast with the surrounding vegetation and landscape of the building site.
 - 2. No large areas, including roofs, shall be finished with white, bright or reflective materials.
 - 3. Roofing, including metal roofing, shall be non-reflective and of a color which blends with the surrounding vegetation and landscape.
 - 4. Landscaping:
 - a. Except as necessary for construction of access roads, building pads, public utility easements, parking areas, etc., the existing tree and shrub cover shall be retained to screen the development.
 - b. 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.
 - c. The Planning Director or Hearings Body may require the establishment of introduced landscape material to screen the development, assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation or enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points or views of mountains, forests and other open and scenic areas as seen from a designated landscape management road, river or stream.
 - d. Use of native species shall be encouraged.
 - 5. Landscape plans shall be subject to DCC 18.48.070(F).
- G. The applicant shall obtain an access permit, if necessary, to the project site.

(Ord. 2008-018 §2, 2008)

(Zoning maps amended by Ord. 95-059 §1, 1995)