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MARY SUE PERHOLLIN
COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Ordinance No. PL-15, the Deschutes County Zoning Ordinance of 1979, as Amended, Creating a Limited Use Combining Zone (LU), and Declaring an Emergency. *

ORDINANCE NO. 88-022

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

Section 1. Article 4, Use Zones, Ordinance No. PL-15, Deschutes County Zoning Ordinance of 1979, as amended, is further amended to add the following:

"Section 4.250. Limited Use Combining Zone, LU.
In any limited use combining zone (LU), the requirements and standards of this section shall apply in addition to those specified in this ordinance for the underlying zone and any other applicable combining zones. In the event of a conflict between the requirements and standards of this section and those of the underlying zone or other applicable combining zones, the provisions of this section shall govern.

"1. Purpose.

- A. The purpose of the LU zone is to limit the list of permitted uses and general activities allowed in the underlying zone, when a plan amendment and zone change rezones a parcel to that underlying zone through the taking of an exception to a statewide land use planning goal under ORS 197.732.
- B. The LU zone is an overlay zone which may be applied, where appropriate, to plan amendments/zone changes effected by either a "physically developed" exception under ORS 197.732(1)(a), an "irrevocably committed" exception under ORS 197.732(1)(b), or a "reasons" exception under ORS 197.732(1)(c).
- C. The LU zone, when adopted, shall carry out the requirement of Oregon Administrative Rule 660-04-018 that where a

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goal exception is taken, permitted uses shall be limited to those uses justified by the exception statement.

- "2. Combining Zone Requirements. When the LU zone is applied, the uses permitted in the underlying zone shall be limited to those uses and general activities specifically set forth in the ordinance adopting the underlying zone and the LU zone. Any change in those uses and general activities must be made through the plan/land use regulation amendment process.
- "3. Procedures. The LU zone shall be applied through the plan amendment and rezoning process at the time the underlying plan and/or zone designation is being changed.
- "4. Use Limitations. The following limitations shall apply to the underlying zone when the LU zone is applied:
 - A. In all cases, the hearings body shall establish that:
 - a. The uses and general activities subject to the rezoning are required to be limited to those uses and general activities justified in the goal exception taken.
 - b. A review of all zones in Ordinance No. PL-15 demonstrates that no existing zone adequately limits the uses and general activities.
 - c. The LU zone, when applied to the underlying zone, is consistent with the Comprehensive Plan and other applicable policies of the County.
- "5. Adoption. The ordinance adopting the underlying zone and the LU zone shall set forth those specific uses and general activities which will be permitted or conditional uses. The description of the permitted and conditional uses may be qualified as necessary to achieve the purpose of the LU zone.

- "6. Official Plan/Zoning Map. The official plan/zoning map shall be amended to show an LU suffix on any parcel where the LU zone has been applied.
- "7. Site Plan Requirement.
- A. In addition to limiting the uses in the underlying zone where the LU zone is applied, the County may also require approval of the location of buildings, access, parking, screening and other site planning considerations in order to assure the compatibility of the permitted uses within the area.
- B. The process for reviewing the site plan shall be described at the time of the LU zone application. Site plan requirements may be added by specific reference in the LU adopting ordinance. Specifications and standards of the underlying zone remain in effect unless specifically altered by the site plan approval. Separate site plan approval shall not be required for any uses subject to a conditional use permit."

Section 3. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 8th day of June, 1988.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Absent
LOIS BRISTOW PRANTE, Commissioner

Throop
TOM THROOP, Commissioner

Maudlin
DICK MAUDLIN, Chairman

ATTEST:

Susan L. Courtney
Recording Secretary