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LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

0128-1123

An Ordinance Amending Title 18 of *
the Deschutes County Code, the *
Deschutes County Zoning Ordinance, *
Amending Setbacks, Parking *
Requirements and Site Plan Review *
Standards in the PC-I Zone, and *
Declaring an Emergency.

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MARY SULLIVAN
COUNTY CLERK

ORDINANCE NO. 93-063

WHEREAS, Byron Hendricks proposed a text amendment to Section 18.108.020(E)(d) to change the required setbacks in the PC-I zone, Section 18.116.030(E)(e) to except the PC-I zone from a standard prohibiting the location of off-street parking within a required front yard, and Section 18.124.070(C)(3) to except the PC-I zone from certain commercial development standards; and

WHEREAS, the PC-I zone is currently found only in the Sunriver Business Park; and

WHEREAS, Sunriver Business Park I was platted in 1974, prior to adoption of the Deschutes County Zoning Ordinance; and

WHEREAS, there is a 50-foot building setback from roadways on the Plat for Sunriver Business Park I; and

WHEREAS, the size and configuration of lots in the Sunriver Business Park, combined with the 50-foot building setback from roadways on the plat, limits development of lots zoned PC-I; and

WHEREAS, the Deschutes County Planning Commission, after review conducted in accordance with applicable law, has recommended approval of the proposed text amendment to Title 18, the Deschutes County Zoning ordinance; and

WHEREAS, after notice was given and hearing conducted on December 15, 1993 in accordance with applicable law, the Board of County Commissioners considered the Planning Commission's recommendation; now therefore,

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

Section 1. Subsection (E) of Section 18.108.020 "Districts Permitted in an PC Zone," of Title 18 is amended to read as follows (with deletions bracketed and additions bold and underlined):

"E. Industrial - I District.

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a. Permitted Uses. The following uses are permitted in the I Zone:

1. Existing residential uses, without any increase in density.
2. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
3. Administrative, educational and other related activities and facilities in conjunction with a permitted use.
4. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semi-precious metals or stones.
5. Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products or fermented foods, such as sauerkraut, vinegar or the like, or the rendering of fats or oils.
6. Other similar uses which the Commission may find to be similar to those listed as permitted in the zone and which are not inconsistent with the purpose of this zone.
7. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

b. Conditional Uses. The following conditional uses may be permitted subject to Chapter 18.128 of this title and a conditional use permit. (Ord. 91-038 § 1, 1991)

1. Public buildings and public utility structures and yards, including railroad yards.
2. Warehouses and distribution uses which the Commission finds not to be inconsistent with the purpose of this zone and which will not impair present or potential use of adjacent properties.
3. Buildings over 45 feet in height.
4. A dwelling unit for a caretaker or watchman working on the property.
5. Commercial uses which are consistent with the Planned Communities Master Plan and which will not conflict with the uses permitted within the I Zone.
6. Hydroelectric facility, subject to Sections 18.116.130 and 18.128.040(V). (Ord. 86-018 § 16, 1986)

7. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to Sections 18.120.050 and 18.128.040(W). (Ord. 91-038 § 1, 1991)

c. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet without conditional use permit.

d. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. No requirements.

2. Lot Width. No requirements.

3. Lot Depth. Each lot shall have a minimum depth of 100 feet.

4. Front Yard. The front yard shall be a minimum of 25[35] feet.

5. Side Yard. No side yard required [Side yard shall be a minimum of 25 feet], except when adjoining a lot in an RS or RM District and then the required side yard shall be 50 feet. No side yards are required on the side of a building adjoining a railroad right-of-way.

6. Rear Yard. No rear yard required [A rear yard shall be a minimum of 25 feet], except when adjoining a lot in an RS or RM District and then the rear yard shall be 50 feet. No rear yard is required on the side of a building adjoining a railroad right-of-way.

7. Lot Coverages. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area."

Section 2. Subsection (E) of "General Provisions - Off-Street Parking" of 18.116.030, "Off-Street Parking and Loading" of Title 18 is amended to read as follows (with additions bold and underlined):

"E. General Provisions - Off Street Parking.

a. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.

b. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their

operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

c. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant. Off-Street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s). (Ord. 93-005 § 3, 1993)

d. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.

e. Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the PC-I zone, but such space may be located within a required side or rear yard."

Section 3. Subsection (C) "Non-Motorized Access," of Section 18.124.070, Required Minimum Standards - Site Plan Review", of Title 18 is amended to read as follows (with additions bold and underlined):

"C. Non-Motorized Access[:].

[(1)]a. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in Sections 18.116.031 and 18.116.035 of this title. The location and design of bicycle parking facilities shall be indicated on the site plan.

[(2)]b. Pedestrian Access and Circulation:

[(a)]1. Internal pedestrian circulation shall be provided in new commercial, office and multi-family residential developments through the clustering of buildings, construction of hard-surface pedestrian walkways, and similar techniques.

[(b)]2. Pedestrian walkways shall connect building entrances to one another and from building entrances to

public streets and existing or planned transit facilities. On-site walkways, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.

[(c)]3. Walkways shall be at least five (5) feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven (7) feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.

[(d)]4. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.

[(e)]5. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of 5%. Walkways up to 8% slope are permitted, but are treated as ramps with special standards for railings and landings.

[3.]c. Commercial Development Standards.

[(a)]1. New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, except in the PC-I zone. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets. The building(s) and any eaves, overhangs, or awnings shall not interfere with the required clear vision area at corners or driveways.

[(b)]2. An increase in the front yard setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it impracticable to site the new building at the minimum street setback:

- i. Existing development on the site;
- ii. Lot configuration;
- iii. Topography of the lot;
- iv. Significant trees or other vegetative features that could be retained by allowing a greater setback;
- v. Location of driveway access.

Such an increase in the front yard shall be the minimum necessary to accommodate the reason for the increase.

[(c)]3. Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the PC-I zone."

Section 4. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal, express or implied, of an ordinance, ordinance provision, or code section by this ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution,, conviction and punishment of the person or person who violated the repealed ordinance.

Section 5. SEVERABILITY. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance or any exhibit thereto is adjudged to be invalid by a court of competent jurisdiction that decision shall not affect the validity of the remaining portions of this ordinance or exhibit thereto.

Section 6. CORRECTIONS. This ordinance may be corrected by order of the Board of County commissioners to cure editorial and clerical errors and to insert appropriate legislative history references.

Section 7. EMERGENCY. 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 15 day of December, 1993.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

TOM THROOP
TOM THROOP, Chair

NANCY POPE SCHLANGEN
NANCY POPE SCHLANGEN, Commissioner

BARRY H. SLAUGHTER
BARRY H. SLAUGHTER, Commissioner

ATTEST:

Oruta Mutchie
Recording Secretary