

REVIEWED
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LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

0155-0215

An Ordinance Amending Title 18, *
the Deschutes County Zoning *
Ordinance, to Adopt Changes to *
the Text of Chapter 18.64, Rural *
Service Center, to Add a New Use *
to the List of Uses Allowed in *
the Spring River Rural Service *
Center and Declaring an Emergency. *

96 JUL -3 PM 12:25
MARY SUE PENHOLLOW
COUNTY CLERK

ORDINANCE NO. 96-046

WHEREAS, by Ordinance 90-009 and 90-010 the Board of County Commissioners approved a plan amendment and zone change to create the Spring River Rural Service Center (Rural Service Center) and took an exception to Goal 14; and

WHEREAS, the establishment of the Rural Service Center was subject to certain use restrictions to assure compliance with Goal 14, which restrictions were accomplished by use of a Limited Use Combining Zone; and

WHEREAS, the approval of the Limited Use Combining Zone for the Rural Service Center set out a list of uses allowed within the Rural Service Center; and

WHEREAS, the list of uses allowed in the Rural Service Center was amended through Ordinances 96-022 and 96-023 to include an additional use; and

WHEREAS, James and Gail Smith propose to add an additional use to the list of uses allowed in the Rural Service Center; and

WHEREAS, the addition of new uses in the Spring River Rural Service Center requires that a plan amendment and a reasons exception be adopted and that the attributes of the zone as applied to the property be changed; and

WHEREAS, by Ordinance 96-045, the Board of County Commissioners adopted the necessary Goal Exception and Comprehensive Plan Amendment; and

WHEREAS, the Deschutes County Hearings Officer, after review conducted in accordance with applicable law, has approved the proposed Change to the text of Title 18, the Deschutes County Zoning Ordinance and has forwarded the approval as a recommendation; now, therefore,

MICROFILMED
JUL 10 1996

KEYPUNCHED
JUL 05 1996

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

Section 1. AMENDMENT TO RURAL SERVICE CENTER CHAPTER. Chapter 18.64 of Title 18, subsection 18.64.120 is amended to add a new use as set forth in Exhibit A attached hereto and incorporated herein by reference, with new language in bold faced type.

Section 2. FINDINGS. This ordinance is supported by the decision of the Hearings Officer dated May 28, 1996, attached to Ordinance 96-045 as Exhibit C, and which is incorporated herein by reference.

Section 3. SEVERABILITY. The provisions of this ordinance are severable. If any, section, sentence, clause or phrase of this ordinance 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.

Section 4. CODIFICATION. County Legal Counsel shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the Deschutes County Form and Style Manual for Board Documents. Such codification shall include the authority to make changes in numbering systems and to make such numbering changes consistent with interrelated code sections. In addition, as part of codification of these ordinances, County Legal Counsel may insert appropriate legislative history references. Any legislative history references included herein are not adopted as part of the substance of this ordinance, but are included for administrative convenience and as a reference. They may be changed to correct errors and to conform to proper style without action of the Board of County Commissioners.

Section 5. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal, express or implied, of any ordinance, ordinance provision, code section, or any map or any line on a map incorporated therein by reference, by this amending ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability previously incurred under such ordinance, unless a provision of this amending 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 persons who previously violated the repealed ordinance.

Section 6. 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 _____ day of _____, 1996.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON

Barry H. Slaughter

BARRY H. SLAUGHTER, Chair

Nancy Pope Schlangen

NANCY POPE SCHLANGEN, Commissioner

Robert L. Nipper

ROBERT L. NIPPER, Commissioner

ATTEST:

Recording Secretary

Exhibit A
to Ordinance 96-046

18.64.120 Uses Allowed in Spring River Rural Service Center/Limited Use Combining Zone.

A. Uses

In the Spring River Rural Service Center/Limited Use Combining Zone, uses shall be allowed as follows:

1. Permitted Uses. The following uses and their accessory uses are allowed outright:

- a. Fishing supplies and equipment.
- b. Snowmobiling accessories.
- c. Marine accessories.
- d. General store.
- e. Hardware store.
- f. Convenience store with gas pumps.
- g. Fast food restaurant, cafe, or coffee shop.
- h. Recreational rental equipment store.
- i. Excavation business.
- j. Landscaping business/service.
- k. **Health care service**

2. Conditional Uses. The following uses may be allowed, subject to Chapter 18.128 of this Title.

- a. Full service gas station with automobile repair services.
- b. Welding shop.

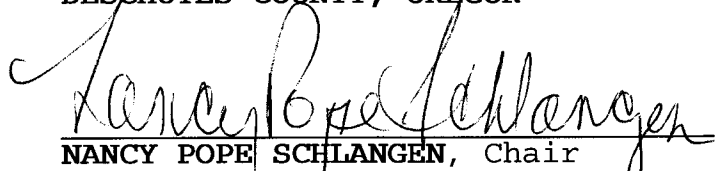
B. Definitions. For the purpose of this section, the following definitions shall apply:

1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance. On-site cultivation of plants or plant materials, or any on-site retail sales is not included.
2. **Health care service:** A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in Chapter 18.04 of this Title.

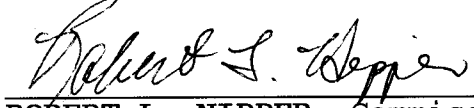
Section 6. EMERGENCY. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

DATED this 3 day of July, 1996.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON


NANCY POPE SCHLANGEN, Chair


BARRY H. SLAUGHTER, Commissioner


ROBERT L. NIPPER, Commissioner

ATTEST:


Anita Mutchie
Recording Secretary