

REVIEWED
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97-10882

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

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 New Uses to the List of Uses *
Allowed in the Spring River Rural Service *
Center and Declaring an Emergency. *

97 MAR 27 AM 11:32
MARY SUE PENHOLLOW
COUNTY CLERK

ORDINANCE NO. 97-015

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, 96-023, 96-045 and 96-046 to include additional uses; and

WHEREAS, Floyd Burks proposes to add thirteen additional uses to the list of uses currently 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

1 - Ordinance No. 97-015

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WHEREAS, by Ordinance 97-014, 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,

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 new uses as set forth in Exhibit A attached hereto and incorporated herein by reference with new provisions underlined.

Section 2. **FINDINGS.** This ordinance is supported by the decision of the Hearings Officer dated February 17, 1997, attached to Ordinance 97-014 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.

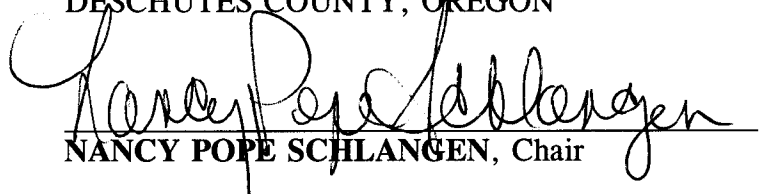
Section 4. **CODIFICATION.** County Legal Counsel shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the Deschutes County Form and Style Manual for Board Documents. Such codification shall include the authority 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.

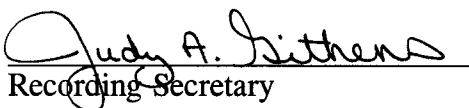
DATED this 26 day of March, 1997.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON


NANCY POPE SCHLANGEN, Chair

ATTEST

Excused
ROBERT L. NIPPER, Commissioner


Recording Secretary


LINDA L. SWEARINGEN, Commissioner

EXHIBIT A

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.
- l. Beauty shop.
- m. Video store.
- n. Laundry & dry cleaners.
- o. Post office.
- p. Party supply.
- q. Equipment sales and rental.
- r. Appliance store.
- s. Bank.
- t. Exterminator.
- u. Private mailing and packaging store.
- v. Bakery.
- w. Pet & livestock supply.

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.
- c. Mini-storage units

B. **Definitions.** For the purposes 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, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.

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.

3. **Beauty Shop:** A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.

4. **Mini-storage units:** Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.

5. **Video store:** The sale and rental of video tapes, compact disc movies and audio books.

6. **Laundry and dry cleaners:** Dry cleaners, shirt laundry and laundromat with self service washers and dryers along with the sale of detergents, bleaches, etc.

7. **Post office:** United States Postal Service office including mail pick-up and distribution.

8. **Party supply:** The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.

9. **Equipment sales and rental:** The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.

10. **Appliance store:** The sale and service of household appliances such as televisions, ranges, refrigerators, etc.

11. **Bank:** Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.

12. **Exterminator:** Exterminator of insects and other pests such as rodents, spiders, etc.

13. **Private mailing and packaging store:** Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.

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14. Bakery: The manufacture and sale of bread, donuts and pastries.

15 Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.