

97-16986

REVIEWED
SAB
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

97 MAY 19 AM 9:19

An Ordinance Amending Ordinance 97-017,
Amending DCC Titles 18 and 22 Regarding
Wireless Telecommunications Facilities, and
Declaring an Emergency.

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MARY SUE PENHOLLOW
COUNTY CLERK

0161-2489

ORDINANCE NO. 97-041

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

Section 1. That Ordinance 97-017, Exhibit D amending Deschutes County Code Section 18.61.040, UUC-Industrial District, is hereby amended to read as set forth in Exhibit D attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

Section 2. 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 3. 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 such changes, 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 reference. 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 4. 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 14th day of May, 1997.

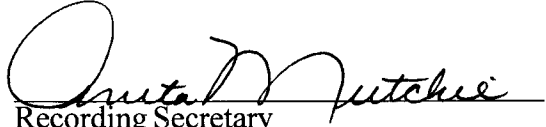
BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON


NANCY POPE SCHLANGEN, Chair


ROBERT L. NIPPER, Commissioner


LINDA L. SWEARINGEN, Commissioner

ATTEST:


Anita M. Nitcher
Recording Secretary

KEYPUNCHED
MAY 19 1997

18.61.040. Industrial District.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:

1. Agricultural use as defined in this title.
2. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
3. 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 Section 18.116.230.

4. Class III road or street project.

5. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

B. Uses Permitted Subject to Site Plan Review.

The following uses and their accessory uses are permitted subject to Section 18.61.040(D)(3)(b) and other applicable provisions of this chapter and Chapters 18.116, Supplementary Provisions, and 18.124, Site Plan Review, of this title:

1. Expansion of a valid use existing on December 5, 1994.
2. Public use compatible with industrial uses.
3. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
4. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
5. Light manufacturing, assembly, fabricating or packaging, and wholesale distribution.
6. Cold storage plant, including storage and office.
7. Kennel or veterinary clinic operated entirely within an enclosed building.
8. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant, tire retreading, recapping and rebuilding.
9. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.

10. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.

11. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.

12. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.

13. Manufactured home sales and service.

14. Plant nursery and greenhouse.

C. Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of this chapter and Chapters 18.124, Site Plan Review, and 18.128, Conditional Use, of this title:

1. Mini-storage facility.
2. Hydroelectric facility, subject to Sections 18.116.130 and 18.128.040(V).
3. Asphalt plant.
4. Lumber manufacturing and wood processing including pulp and paper manufacturing.
5. Electrical substation.
6. Concrete, asphalt and ready-mix plant.
7. Petroleum products storage and distribution.
8. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete.
9. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
10. Railroad track, freight depot and related facilities.
11. Agricultural products storage and processing plant.
12. Transfer station.
13. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
14. Any use permitted by Section 18.61.040(B) that is expected to:
 - a. Require lot coverage in excess of 70 percent;
 - b. Require more than one acre of land; or
 - c. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
15. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern,

whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.

16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250, subject only to the requirements of Chapter 18.128.

D. Use Limits. The following limitations and standards shall apply to uses listed in Subsections (B) and (C):

1. Sewer and Water Requirements:

a. New uses that require Oregon Department of Environmental Quality (DEQ) Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.

b. Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.

c. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.

2. Compatibility:

a. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.

b. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.

c. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.

d. Storage, loading and parking areas for uses permitted by Subsections (B) and (C) shall be screened from residential zones.

e. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall

such uses be permitted adjacent to or across a street from a residential lot.

f. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with this chapter.

3. Traffic/Parking

a. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.

b. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.

c. All parking demand created by any use permitted by this section shall be accommodated on the applicant's premises entirely off-street.

d. There shall be only one ingress and one egress from properties accommodating uses covered by this section per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.

E. Additional Requirements As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:

1. An increase in required setbacks.

2. Additional off-street parking and loading facilities.

3. Limitations on signs or lighting, hours of operation and points of ingress and egress.

4. Additional landscaping, screening and other improvements.

F. Dimensional Standards The following dimensional standards shall apply:

1. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of this section concerning setback requirements, off-street parking and loading.

2. Lot Coverage. Notwithstanding Section 18.61.040(C)(14), a use permitted by this section that is located adjacent to or across the street from a lot in a residential district shall not exceed 70 per cent lot coverage by all buildings, storage areas or

facilities and required off-street parking and loading area.

3. Setbacks.

a. The minimum building setback between a non-railroad related structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.

b. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.

c. The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.

4. Building Heights. The maximum building height for any structure shall be 25 feet on any lot adjacent to or across a street from a residential district and 45 feet on any other lot.

5. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.

6. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forestland shall have a minimum side yard of 100 feet.

7. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet. (Ord. 97-041 § 1, 1997; Ord. 97-017 § 4, 1997; Ord. 96-003 § 1, 1996)