



REVIEWED  LEGAL COUNSEL
REVIEWED  CODE REVIEW

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes *
County Zoning Ordinance and Zoning Map, *
Of the Deschutes County Code. *

ORDINANCE NO. 2001-037

WHEREAS, Deschutes County has proceeded to implement solutions identified by the Regional Problem Solving Project for South Deschutes County; and

WHEREAS, zoning map and text amendments are required to implement Regional Problem Solving Project solutions and Comprehensive Plan policies for the development of the La Pine Neighborhood Planning Area within the La Pine Urban Unincorporated Community; and

WHEREAS, after notice and hearing as required by law, the Board of County Commissioners has considered the recommendation of the County Planning Commission; now, therefore,

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

Section 1. AMENDMENT. Section 18.04.030, Definitions, of the Deschutes County Code is amended to add definitions as described in Exhibit "A," attached hereto and incorporated herein by this reference.

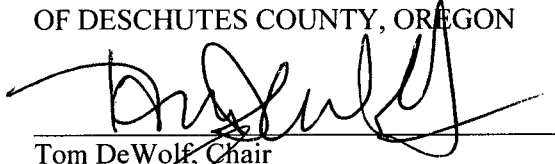
Section 2. REPEAL AND REPLACE. Section 18.61.050, Neighborhood Planning Area, of the Deschutes County Code, attached hereto as Exhibit "B" and incorporated herein by this reference, is repealed in its entirety and replaced with a new Section 18.61.050 to read as shown in Exhibit "C," attached hereto and incorporated herein by this reference.

Section 3. AMENDMENT. Pursuant to Chapter 18.12 of Title 18 of the Deschutes County Code, the Deschutes County Zoning Map for the La Pine Urban Unincorporated Community is amended as shown in Exhibit "D," attached hereto and incorporated herein by this reference.


Section 4. FINDINGS. The Board adopts the Staff Report adopted as Exhibit "C" to Ordinance 2001-036, and incorporated herein by this reference, as its findings to support this Ordinance.

DATED this 26th day of September, 2001.

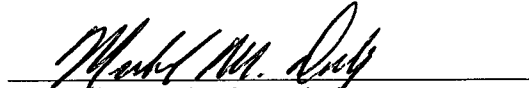
BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



Tom DeWolf, Chair

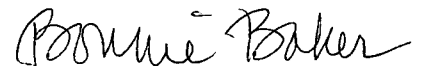


Dennis R. Luke, Commissioner



Michael M. Daly, Commissioner

ATTEST:



Recording Secretary



EXHIBIT "C"

Community Development Department

Planning Division • Building Safety Division • Environmental Health Division

117 NW Lafayette Avenue • Bend, Oregon • 97701-1925

(541) 388-6575 • FAX (541) 385-1764

<http://www.co.deschutes.or.us/cdd/>

Staff Report

TO: Deschutes County Board of County Commissioners
SUBJECT: September 12, 2001 Public Hearing on La Pine Neighborhood Planning Area, Comprehensive Plan, Zoning and Subdivision Ordinance Amendments

Ordinance No. 2001-036 – Amendment to comprehensive plan text and map for the La Pine Neighborhood Planning Area

Ordinance No. 2001-037 – Amendment to Zoning Ordinance and map for La Pine Neighborhood Planning Area

Ordinance No. 2001-041 – Amendment to DCC Title 17 to adopt Road standards for the La Pine Neighborhood Planning Area

Community Development Department File Numbers PA-01-3, and ZC-01-3

In December of 2000, the Deschutes County Board of County Commissioners adopted Ordinances 2000-013, 2000-014, 2000-015 and 2000-016 that implemented the Regional Problem Solving Program for South Deschutes County. These ordinances expanded the boundary of the La Pine Urban Unincorporated Community to allow inclusion of the Neighborhood Planning Area and Wickiup Junction. The ordinances also adopted comprehensive plan policies, map designations and zoning regulations to implement elements of the Regional Problem Solving Project. The ordinances created a La Pine Neighborhood Planning Area on land acquired from the Bureau of Land Management. The La Pine Neighborhood Planning Area was established to be the receiving area for transferred development credits from areas within the Regional Problem Solving Study Area. The comprehensive plan policies adopted in 2000, required the County to continue working on the Regional Problem Solving Project including public facilities planning, refining the Neighborhood Planning Area zoning and setting up a transferable development credit program. The proposed ordinances are a result of work to refine the zoning and comprehensive plan as required by the adopted comprehensive plan policies for the La Pine Neighborhood Planning Area.

The Deschutes County Planning Commission held the following work sessions and public hearing regarding the proposed amendments:

- April 26, 2001 Work Session
- May 31, 2001 Public Hearing in La Pine on Files TA-01-03 and PA-01-03
- June 14, 2001 Continuation of Public Hearing
- June 28, 2001 Work Session and Recommendation to Board of County Commissioners.

CDD Files PA-01-03 and ZC-01-03 contain the minutes, planning commission packets for the meetings listed above and the records of the required legal notices to the public and affected agencies. An issue the Planning Commission and the public were concerned about was the

Quality Services Performed with Pride

availability of land and individual lots for homeowners or small homebuilder to build in the Neighborhood Planning Area. A memo summarizing the Planning Commission's recommendations to the Board regarding issues not directly related to the specific provisions of the proposed ordinances is attached to this staff report.

In addition, the Community Development Department staff conducted two meetings with a group of advisors from the local land development, real estate and appraisal community. The purpose of the discussions with the advisory committee was to have the experienced land developers assess the alternatives for planning, zoning, development and sale of the land in the Neighborhood Planning Area. The group provided advice that has been incorporated into the zoning standards and plan policies for development of the La Pine Neighborhood Planning Area. The staff also held a meeting with the La Pine Community Action Team to review the draft text and map amendments prior to the Planning Commission public hearing.

The following summarizes the changes to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance that will be adopted with approval of the subject ordinances.

Ordinance 2001-036 – Comprehensive Plan Map and Text Amendment

- Modifies the ***Neighborhood Planning Area Comprehensive Plan Map*** to define four neighborhoods and four quadrants in each neighborhood. The quadrants are created to allow review of phased development plans.
- Amends the ***Neighborhood Planning Area Comprehensive Plan Map*** to reduce the amount of Community Facilities designation based on the results of the La Pine Planning charrette conducted in 1999 by the Rocky Mountain Institute with an Oregon Community Foundation grant.
- Adds a ***Neighborhood Planning Area Quadrant Plan*** (Figure 11) to identify quadrants within the neighborhoods to allow "quadrant plans" to be developed in phases according to requirement in the zoning ordinance.
- Adds a ***Neighborhood Planning Area Park and Open Space Plan*** (Figure 17) for the neighborhood parks; a potential community park and the perimeter and corridor open spaces.
- Adds a ***Neighborhood Planning Area Street Plan*** (Figure 15) and a ***Neighborhood Planning Area Non-motorized Circulation Plan*** (Figure 16). Plans identify sidewalks in the most developed areas; hard surface paths along the central collector road and connecting the neighborhood centers to Huntington Road; and, soft surface paths in the perimeter open space buffers and between neighborhoods.
- Adds a ***Neighborhood Planning Area Phasing Plan*** (Figure 18).
- Amends the ***Neighborhood Planning Area Comprehensive Plan Policies*** as necessary to be consistent with and implement the refinements of the neighborhood plan, non-motorized circulation plan, open space and park plan and allow for further refinements in quadrant plans.

Ordinance 2001-037 – Zoning Map and Text Amendment

- Amends ***Neighborhood Planning Area Zoning Map*** to include Neighborhood Park and Open Space zones and reduce amount of Community Facility Zone.
- Adds definitions necessary to implement the Neighborhood Planning Area zoning (neighborhoods, quadrant, accessory dwelling, live/work, open space, etc.).
- Establishes performance standards for size, location and density for the two residential zones: Neighborhood Center and Neighborhood General.

- Establishes setback, coverage, lot size, height and other standards for each zone.
- Defines street standards for central collector, collector and local streets.
- Establishes a process for "quadrant plans". See Section 18.61.050 K.

Ordinance 2001-041 – Amendment to Subdivision Ordinance Street Standards

- Adds street standards for the La Pine Neighborhood Planning Area.
- Amends Table A to identify the street standards for the three Planning Areas in the La Pine Unincorporated Community.
- Corrects references in DCC 17.48.175, Road Development Standards.

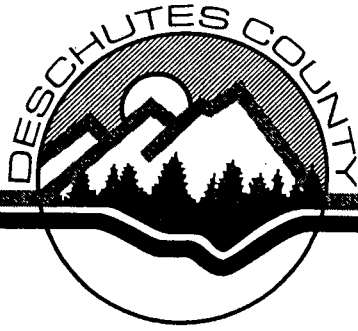
STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners take the following actions:

1. **Conduct a public hearing** on September 12, 2001, on the proposed Ordinances 2001-0036, 2001-037 and 2001-041.
2. **Consider testimony** received on this proposal submitted at the hearing and before the close of the record.
3. **Consider an additional work session** for deliberations and decision on the proposal.
4. **Adopt** the proposed ordinances with revisions based on issues raised or changes proposed through public testimony.

Attachments:

1. Ordinance No. 2001-036
2. Ordinance No. 2001-037
3. Ordinance No. 2001-041
4. Memo from CDD staff on Planning Commission recommendation for La Pine Neighborhood Planning Area



Community Development Department

Planning Division • Building Safety Division • Environmental Health Division

117 NW Lafayette Avenue • Bend, Oregon • 97701-1925

(541) 388-6575 • FAX (541) 385-1764

<http://www.co.deschutes.or.us/cdd/>

DATE: September 6, 2001

TO: Deschutes County Board of County Commissioners

FROM: Deschutes County Community Development – Long Range Planning

RE: Recommendation of Planning Commission to Board of County Commissioners on La Pine Neighborhood Planning Area

On June 28, 2001 the Planning Commission reviewed and discussed the proposed comprehensive plan map and text amendment (PA-01-3), zoning text and map amendment (ZC-01-3) for the La Pine Unincorporated Community Neighborhood Planning Area. They recommended that the Board of County Commissioners approve the amendments as proposed.

In addition to recommending approval of the zoning and comprehensive plan map and comprehensive plan and zoning text amendments, the Planning Commission wanted the Board to consider the Commission's recommendations on issues related to the development and marketing of the Neighborhood Planning Area. Staff has summarized the Planning Commission consensus on these issues below.

LAND MARKETING AND DEVELOPMENT

The Planning Commission recommends that the first phase be in the northwest quadrant of Neighborhood 1 or the southwest quadrant of Neighborhood 2. A phasing plan map is attached for your review. The first phase of the development is important because it will set the tone for the project, test the market for the product and establish the market for the transferable development credits (TDCs). The Commission thinks it is important for the County to retain some control of the development process prior to selling the land.

The Planning Commission recommends that the County partner with a developer in the creation of the quadrant plan for the first phase. A partnership will allow the developer and the county to negotiate agreements on responsibility for infrastructure development, phasing, transferable development credit redemption, set asides for local builders, design guidelines, etc., prior to actual sale of the land. A partnership with a developer will also allow the county to assume some of the risk that is associated with the development of the project. The increased risk is due to the untested market, the TDC program and the infrastructure improvements. Reducing the risk is important for marketing the property and moving forward with the redemption of TDCs. A

partnership with a qualified developer and the county is an approach recommended by the Development Advisory Group and Lee Smith, consultant on the project.

The Planning Commission recommends that the Board consider issuing a request for proposal to identify a qualified developer who would:

- Prepare a conceptual development plan for the first quadrant. The plan would include the mix of uses, lot sizes, street layout parks, pathways, and open space.
- Prepare development standards (types of product, price ranges, standards for landscaping and design).
- Prepare a preliminary feasibility analysis showing estimated costs and potential revenues from lot sales. Prepare cash flow analysis showing cost revenue gap that will need to be covered until breakeven point is reached. The costs that are not typical for this project include TDCs and extending infrastructure and increasing capacity.
- Propose a funding mechanism for construction and maintenance of parks and open space.
- Prepare a proposed joint venture arrangement that shows the County's contributions to the project that will work to reduce the developer's risk.
- Develop a marketing plan for lots that will assure that a variety of builders are provided an opportunity to participate in developing some lots.

DESIGN GUIDELINES

The Planning Commission heard community concern at the public hearing about the appearance of the residential areas in the new neighborhood. The public expressed a fear of cookie cutter homes and "tract" housing. The public and the Planning Commission want to assure that there will be a diversity of housing types and styles and quality building materials. Therefore, the Planning Commission strongly supports the development of design guidelines for the La Pine Neighborhood Planning Area. The commission believes that a developer with experience is the appropriate entity to propose design guidelines. They recommend that the guidelines be developed as part of the quadrant plan for the first phase. These guidelines will require approval as part of the quadrant plan. The public will be able to review the guidelines and comment at the public hearing. Prior to applying for a building permit, the developer (or some entity proposed by the developer and County) will be responsible for reviewing building plans to assure that they conform to the design guidelines.

The Commission also heard public concern about a big developer constructing all of the homes and not allowing any lots for the local small-scale builders or owner/builder. The Planning Commission supports creation of a mechanism to assure that a proportion of the lots will be available for independent builders or owners. The availability of lots to a variety of builders will also assure that the homes are not all alike.

EXHIBIT "A"

18.04.30. Definitions.

"Accessory Dwelling" as applied in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, means a complete dwelling unit either attached to or separate from the primary dwelling unit. An accessory dwelling may be no larger than 33% of the living area, excluding the garage, of the primary dwelling, or 800 square feet, whichever is less. Maximum height for a detached accessory dwelling is 24 feet.

"La Pine Collector Street" means a collector street in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area as depicted on the Neighborhood Planning Area Street Plan, Figure 15, in DCC 23.36.052, the Deschutes County Comprehensive Plan.

"La Pine Central Collector" means the collector street running north and south through the center of the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area. The generalized corridor location for the Central Collector is depicted on the Neighborhood Planning Area Street Plan, Figure 15, in DCC 23.36.052, the Deschutes County Comprehensive Plan.

"Regional Park" means a park ranging in size from 10 to 25 acres with recreational facilities to serve the La Pine Urban Unincorporated Community and surrounding region.

"Live/work Dwelling" is a use permitted in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, Residential Center District in which a business may be operated on the ground floor. The ground floor commercial or office space has visibility, signage and access from the primary street. To preserve the pedestrian orientation of the commercial or office space, alley access is required for parking.

The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat. The live/work housing types are defined below:

- a. Live/work House: A single-family detached house with no more than 50 percent of the first story of the building available as commercial or office space.
- b. Live/work Townhome: A residential, fee simple townhome unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.

"Multi-use Path" means a path physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of-way or within an independent right-of-way. The multi-use path is used by bicyclists, pedestrians, joggers, skaters and other non-motorized travelers.

"Neighborhood Commercial Building" means a building located in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, Residential Center District that does not exceed a total of 4,000 square feet of gross floor area and may contain retail, service, office, or food service establishment, excluding drive-through. A neighborhood commercial building is a stand-alone commercial use to serve neighborhood needs. It is not intended to draw large numbers of patrons from outside of the neighborhood. The design of the building shall be residential in scale and character. Off-street parking is limited to a maximum of one space per 500 square feet of building. Off-street parking must be located at the side or rear of the building. The public entrance to the building shall be from the primary street frontage.

“Open Space Buffer” means the open space designated on the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area Parks and Open Space Plan, Figure 17 in DCC 23.36.052, the Deschutes County Comprehensive Plan. The open space buffer provides space between the Neighborhoods and Highway 97, Huntington Road, Burgess Road and the existing subdivision adjacent to the La Pine Neighborhood Planning Area.

“Open Space Corridor” means the corridors designated on the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area Parks and Open Space Plan, Figure 17 in DCC 23.36.052, the Deschutes County Comprehensive Plan. The open space corridors define the boundaries between the Neighborhoods and are the locations for paths in the non-motorized circulation network.

“Neighborhood” means one of four areas in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area, as depicted on the Neighborhood Planning Area Neighborhood and Quadrant Plan, Figure 11, in DCC 23.36.052, the Deschutes County Comprehensive Plan. Each Neighborhood has a Residential Center District including a Neighborhood Park and is divided into Quadrants by neighborhood collector streets.

“Neighborhood Quadrant” means one of the four sub areas in each of the four neighborhoods in the La Pine Urban Unincorporated Community, La Pine Neighborhood Planning Area. The Quadrants are depicted on the Quadrant Plan, Figure 11, in DCC 23.36.052, the Deschutes County Comprehensive Plan.

“Neighborhood Park” means a public park located in the central area of each Neighborhood in the La Pine Neighborhood Planning Area. Neighborhood Park size ranges from two (2) to five (5) acres.

“Quadrant Plan” means a development plan for a Neighborhood Quadrant in the La Pine Neighborhood Planning Area.

“Townhome” as applied in the La Pine Neighborhood Planning Area means a single-family dwelling with common walls on one or both side lot lines and continuous front facades. Alleys, to the rear of the building, provide parking and service access.

EXHIBIT "B"

18.61.050. Neighborhood Planning Area.

- A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the La Pine UUC and is the "receiving area" for transferable development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as further set forth in DCC 18.61.050.
 - B. Water and Wastewater Facilities. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility.
 - C. Design guidelines, setbacks, dimensional lot standards, building heights, block lengths and parking requirements. Specific provisions for these requirements will be determined during the refinement plan process for the overall Neighborhood Planning Area, as specified in the comprehensive plan polices for this planning area.
 - D. Residential General District. Purpose: The Residential General District is the largest area of the neighborhood. While it is primarily residential, various lot sizes and housing types are possible.
 - 1. Uses Permitted Outright.
 - a. Single-family dwelling, including a "Class A" manufactured home.
 - b. Duplex or triplex.
 - c. Accessory dwelling.
 - d. Multi-use path.
 - e. Open space.
 - f. Residential facility or residential home.
 - g. Home occupation that:
 - 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 - 2. Does not serve clients or customers on-site;
 - 3. Does not produce odor, dust, glare, flashing lights or noise;
 - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
 - 5. Does not include the on-premises display or sale of stock in trade.
 - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multifamily housing, located along a collector road in the neighborhood planning area or Huntington or Burgess Roads.
 - b. Bed and Breakfast, located along a collector road in the neighborhood planning area or Huntington or Burgess Roads.
 - c. Child care facility located along a collector road in the neighborhood planning area or Huntington or Burgess Roads,
 - d. Park or playground.
 - e. Townhome.
 - 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Home occupation as defined in DCC 18.04.
- E. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical centers in the neighborhood planning area. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.

1. Uses Permitted Outright.
 - a. Town home, duplex or triplex.
 - b. Accessory dwelling.
 - c. Live/work unit.
 - d. Multi-use path.
 - e. Open space.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Community center up to 4,000 sq. ft. in floor area.
 - b. Multi-family housing.
 - c. Bed and Breakfast.
 - d. Church.
 - e. Park or playground.
 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Single-family dwelling, including "Class A" manufactured home.
 - b. Residential facility or residential home.
- F. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.
1. Uses Permitted Outright.
 - a. Duplex, triplex or townhome.
 - b. Multi-use path.
 - c. Open space.
 2. Uses Permitted Subject to Site Plan Review. Uses Permitted: The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multifamily housing.
 - b. Continuing care retirement center.
 - c. Hospital.
 - d. Medical facility.
 - e. Assisted living, congregate care facility.
 - f. Nursing home.
 - g. Mixed use building (residential with other permitted use in the district).
 - h. Child care center.
 - i. Public use.
 - j. Community center.
 - k. Church.
 - l. Senior center.
 - m. Library.
 - n. Museum.
 - o. Performing arts building.
 - p. Theater.
 - q. School.
 - r. Park or playground.
 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Single-family dwelling.
 - b. Retail or professional office use that supports a permitted use in the district.
- G. Community Facility Limited District. Purpose. The purpose of this district is to identify a location for a school, recreation and transportation facilities.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Park and ride facility.
 - b. School.
 - c. Park or playground.
 3. Uses Permitted Subject to Conditional Use. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Equestrian facility.

H. Commercial District. Purpose: The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the Neighborhood Planning Area.

1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Convenience market.
- b. Video store.
- c. Retail store.
- d. Multi-use path.
- e. Open space.

2. Conditional Uses Permitted. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use: Such as but not limited to:

- a. Restaurant and cocktail lounge
- b. Laundry mat.
- c. Dry cleaning.
- d. Art studio in conjunction with retail use.
- e. Retail or professional office that supports a permitted use in the district.
- f. Automobile service center.
- g. Car wash.

I. Park/Open Space District. The purpose of this district is to provide open space buffers along Huntington and Burgess Roads, Highway 97, and between existing residential lots and the northwestern portion of the Neighborhood Planning Area that provide open space, visual screening with earthen berms and vegetation, and passive recreation, including pedestrian, bicycle and equestrian trails; and to provide public open space and

developed park and recreation facilities within the Neighborhood Planning Area.

1. Uses Permitted Outright.

- a. Multi-use path.
- b. Open space.

2. Uses Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Park or playground.
- b. Community recreation facility.

3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Equestrian facility.

(Ord. 2001-016 § 2, 2001; Ord. 2000-015 § 2, 2000)

EXHIBIT "C"

18.61.050. Neighborhood Planning Area.

A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the La Pine UUC and is the "receiving area" for transferable development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as further set forth in DCC 18.61.050.

B. Water and Wastewater Facilities. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.

C. Residential General District. Purpose: The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.

1. Uses Permitted Outright.
 - a. Single-family dwelling, including a "Class A" manufactured home.
 - b. Duplex
 - c. Accessory dwelling.
 - d. Multi-use path.
 - e. Open space.
 - f. Residential facility or residential home.
 - g. Home occupation that:
 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 2. Does not serve clients or customers on-site;
 3. Does not produce odor, dust, glare, flashing lights or noise;
 4. Does not occupy more than 25 percent of the floor area of the dwelling; and

5. Does not include the on-premises display or sale of stock in trade.
 6. Does not have any outdoor storage of materials used in the home occupation.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.
 - b. Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
 - c. Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
 - d. Park or playground.
 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Home occupation as defined in DCC 18.04.
 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential General District.
 6. Residential Density. The residential density requirements in Tables 1 and 2 A shall apply to the Residential General District.

D. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use

residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.

1. Uses Permitted Outright.
 - a. Town home, duplex or triplex.
 - b. Accessory dwelling.
 - c. Live/work unit.
 - d. Multi-use path.
 - e. Open space.
 - g. Home occupation that:
 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
 2. Does not serve clients or customers on-site;
 3. Does not produce odor, dust, glare, flashing lights or noise;
 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
 5. Does not include the on-premises display or sale of stock in trade; and,
 6. Does not have any outdoor storage of materials used in the home occupation.
2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Community center up to 4,000 sq. ft. in floor area.
 - a. Neighborhood commercial building as defined in DCC 18.04.
 - b. Multi-family dwelling.
 - c. Bed and Breakfast Inn.
 - d. Church.
 - e. Park or playground.
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Single-family dwelling, including "Class A" manufactured home.
 - b. Residential facility or residential home.
 - c. Home occupation as defined in DCC 18.04.
4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.
 6. Residential Density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.
- E. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.
1. Uses Permitted Outright.
 - a. Duplex, triplex or townhome.
 - b. Multi-use path.
 - c. Open space.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Multi-family dwelling.
 - b. Continuing care retirement center.
 - c. Hospital.
 - d. Medical facility.
 - e. Assisted living, congregate care facility.
 - f. Nursing home.
 - g. Mixed use building (residential with other permitted use in the district).
 - h. Child care center.
 - i. Public use.
 - j. Community center.
 - k. Church.
 - l. Senior center.
 - m. Library.
 - n. Museum.
 - o. Performing arts building.

- p. Theater.
 - q. School.
 - r. Park or playground.
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Single-family dwelling.
 - b. Retail or professional office use that supports a permitted use in the district.
 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Community Facility District
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Community Facility District.
- F. Community Facility Limited District. Purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Park and ride facility.
 - b. School.
 - c. Park or playground.
 3. Uses Permitted Subject to Conditional Use. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Equestrian facility.
- G. Neighborhood Commercial District. Purpose: The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the Neighborhood Planning Area.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.
 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Convenience market.
 - b. Video store.
 - c. Retail store.
 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use: Such as but not limited to:
 - a. Restaurant.
 - b. Laundry mat.
 - c. Dry cleaning.
 - d. Art studio in conjunction with retail use.
 - e. Professional office.
 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Commercial District.
 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Commercial District.
- H. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 and or 3 during Quadrant Plan approval process.
1. Uses Permitted Outright.
 - a. Multi-use path.
 - b. Open space.

2. Uses Subject to Provisions of DCC 18.61.050 H.4.
 - a. Neighborhood Park.
3. Conditional Uses. The following uses and their accessory uses are permitted subject to the development standards in DCC 18.61.050.H.5 and the applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Regional Park.
4. Neighborhood Park Development Standards.
 - a. Size standard. Neighborhood Parks shall be a minimum of 2 acres and no more than 5 acres in size.
 - b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.
 - c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under Section 18.61.050K of this code.
 - d. Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.
5. Regional Park Development Standards.
 - a. The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.
 - b. Size Standard. The Regional Park shall be between 10 and 25 acres in size.
 - c. The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.
 - d. If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center

of a Neighborhood, it may replace the required Neighborhood Park.

- e. Siting Standards.
 - i. The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.
 - ii. The Regional Park shall have direct access to a paved multi-use path.
- I. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains unpaved multi-use paths.
1. Perimeter Open Space Uses Permitted Outright.
 - a. Open space.
 - b. Multi-use path.
 2. Corridor Open Space Uses Permitted Outright
 - a. Open space.
 - b. Multi-use path.
 - c. Picnic area.
 - d. Benches along multi-use path.
 - e. Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.
 3. Uses Permitted Subject to an Open Space Management Plan under the provision of DCC 18.61.050.I.4
 - a. Vegetation management for wildfire hazard reduction.
 - b. Vegetation management for wildlife habitat enhancement.
 - c. Landscaped earthen berm.
 4. Open Space Management Plan.
 - a. An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a

condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.

J. Quadrant Plan.

1. Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development including streets or placement of utilities within a Neighborhood or Quadrant, a Quadrant Plan shall be approved according to the provisions of this section.
2. Eligibility to Submit an Application. Deschutes County will accept a Quadrant Plan application from a developer who has an agreement with Deschutes County of intent to purchase land in the Quadrant. The County may also prepare a Quadrant Plan.
3. Application Requirements. All applications shall include the following elements.
 - a. Zoning Plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.
 - b. Transportation Plan, drawn to scale, including locations of street rights of way for central collector, neighborhood collector and local streets, block configurations and connections with adjacent Quadrants.
 - c. Non-motorized Circulation Plan showing locations of sidewalks paved and unpaved multi-use paths and where they will connect to adjacent Quadrants.
 - d. Open Space and Park Plan, drawn to scale, defining boundaries for the open space district and Neighborhood or Regional Parks where applicable.
 - e. Open Space Management Plan.
 - f. Utility Plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:

- i. How the proposed water and sewer systems will be adequate to serve the type and size of development planned.
 - ii. How the proposed location and sizing of facilities will be consistent with existing and planned facilities
 - iii. How adequate water flow volumes will be provided to meet fire flow and domestic demands
 - g. Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines.
 - h. A plan showing the lot configuration for Neighborhood General and Neighborhood Center Districts.
 - i. A tentative plan conforming to DCC Title 17 for the first phase.
 - j. A phasing plan showing the proposed phasing of the development in the Quadrant.
 - k. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.36.052, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18.
 - l. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association.
 - m. For Quadrant 1c, a site plan meeting the standards of DCC 18.124, Site Plan Review.
4. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020. Quadrant Plans shall be subject to a public hearing. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:
 - a. The Quadrant Plan contains all of the elements required in DCC 18.61.050.J (3) of this code.
 - b. The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC 23.36.052.

- c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
- d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The proposed street design conforms to the standards in DCC Title 17, Table 2 for the La Pine Neighborhood Planning Area.
- e. The paved and unpaved multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 23.36.052
- f. The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 32.63.020D and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.36.052.
- g. The Zoning Plan conforms to the following performance standards:
 - i. Neighborhood Commercial District. A minimum of 2 and a maximum of 4 acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
 - ii. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
 - iii. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
 - iv. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of 3 acres and a maximum of 6 acres. The area of the Residential Center District is gross acres including public rights of way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
 - v. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
 - vi. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052), the Quadrant Plan shall zone a minimum of 2 acres and a maximum of 5 acres as Neighborhood Park District. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.
 - vii. Open Space District. The Quadrant Plan shall designate the

following minimum areas as Open Space District:

- (a) Minimum 200 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
 - (b) Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
 - (c) Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
 - (d) Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
- viii. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:

TABLE 1. La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range Single-family
NEIGHBORHOOD 1			
Residential Center	12 units/acre	8 units/acre	2,400 – 4,500
Residential General	6 units/acre	3 units/acre	4,000 – 7,000
NEIGHBORHOOD 2, 3 & 4			
Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
Residential General	6 units/acre	2 units/acre	7,000 – 15,000

NOTE: Density is calculated using gross acres, excluding collector street right of way.

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
LOT SIZE Single-family					
NEIGHBORHOOD 1					
Maximum square feet	7,000	4,500	N/A	N/A	N/A
Minimum square feet	4,000	2,400	N/A	N/A	N/A
NEIGHBORHOOD 2					
Maximum square feet	15,000	7,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
LOT SIZE Townhome					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
LOT SIZE Duplex Triplex					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
LOT SIZE Multi-family					
Maximum square feet	no maximum	no maximum	no maximum	N/A	N/A
Minimum square feet	15,000	10,000	10,000	N/A	N/A
LOT SIZE Other uses					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	none	none	7,000
LOT WIDTH					
Minimum (feet)	50' for detached dwellings 24' for attached townhome	40' for detached dwellings 24' for attached townhome	50	50	50
LOT DEPTH					
Minimum (feet)	100	100	150	150	150
RESIDENTIAL DENSITY (per gross acre) (1)					
NEIGHBORHOOD 1					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
NEIGHBORHOODS 2, 3 & 4					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
SETBACKS					
Primary Building					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min.	5' min. or 0 lot line	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
Side at corner (2)	10 feet	5' or 0 lot line	5 feet	5 feet	5 feet
Rear	10 feet	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5 feet

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards (continued)

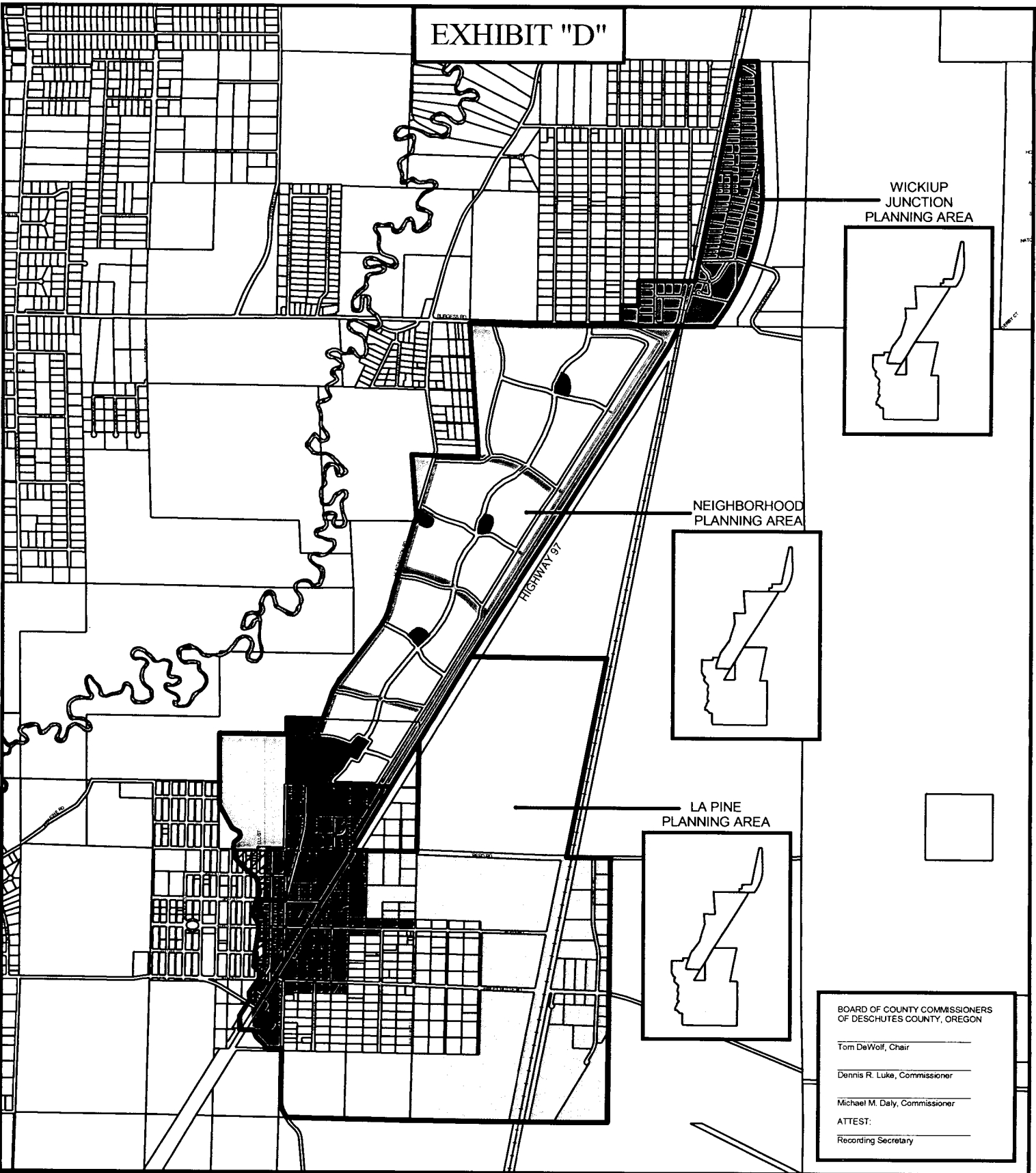
	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
LOT COVERAGE					
Maximum	35 percent	50 percent	60 percent	60 percent	50 percent
BLOCK REQUIREMENTS					
Maximum Perimeter	2,000	1,600	1,200	N/A	1,200 feet
Maximum block length without pedestrian connection	600 feet	600 feet	400 feet	800	600 feet
BUILDING HEIGHT					
Primary	30'	40' except Res. General standards apply to single family. Townhomes 35 ft. max.	45' except Res. General standards apply to single family. Townhomes 35 ft. max.	45'	30'
Accessory Dwelling or Building	20'	25'	30'	30'	25'
Higher with Conditional Use Permit	NO	YES up to 40 feet	YES	YES	NO
GARAGE SETBACKS					
Front lot line	20 feet	10 feet	10 feet	N/A	N/A
Min. from front of building	10 feet	5 feet	5 feet	N/A	N/A
MINIMUM ONSITE PARKING	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116
% Building at front lot line	N/A	50% min.(3)	N/A	N/A	N/A

NOTES:

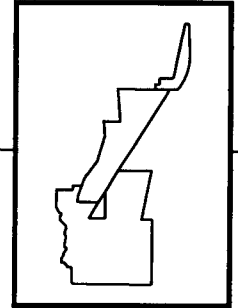
- (1) Gross acres, excluding collector street right of way
- (2) Must met clear vision requirements of DCC 18.116.020

(Ord.2001-037§2, 2001; Ord. 2001-016§2, 2001; Ord. 2000-015§2)

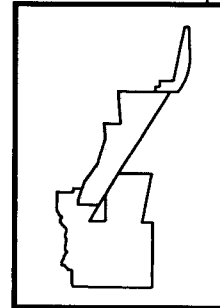
EXHIBIT "D"



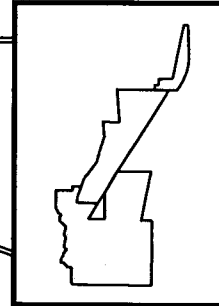
WICKIUP JUNCTION PLANNING AREA



NEIGHBORHOOD PLANNING AREA



LA PINE PLANNING AREA



BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Tom DeWolf, Chair

Dennis R. Luke, Commissioner

Michael M. Daly, Commissioner

ATTEST:

Recording Secretary

SYMBOLS

La Pine Urban Unincorporated Community

ZONING MAP



0 0.5 Miles

September 07, 2001

Map Prepared By:

Deschutes County
Community Development

DISCLAIMER:
The information on this map was derived from digital databases on Deschutes County's GIS. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying the product. However, notification of any errors will be appreciated.

NOTE: The zoning district boundaries in the Neighborhood Planning Area are generalized and will be refined with approval of quadrant plans according to policies in the Comprehensive Plan and standards in the zoning code for the La Pine Neighborhood Planning Area.

EXHIBIT "D" To Ordinance No. 2001-037