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REVIEWED <i>[Signature]</i> <hr/> CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK
COMMISSIONERS' JOURNAL

CJ 2002-958

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BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Deschutes *
County Zoning Ordinance, of the Deschutes * **ORDINANCE NO. 2002-015**
County Code, and Declaring an Emergency. *

WHEREAS, Deschutes County has initiated an amendment to Title 18, Deschutes County Zoning Ordinance, of the Deschutes County Code (File Numbers TA-02-2 and TA-02-4) to establish new height limits within the La Pine Business Park District (LPBP) and La Pine Industrial District (LPI), as well as to amend setback requirements within the La Pine Industrial District (LPI), and

WHEREAS, the Deschutes County Planning Commission conducted a public hearing on the proposed text amendments, and forwarded the proposed amendments to the Board of County Commissioners with a recommendation that said amendments be adopted; and

WHEREAS, the proposed text amendments to Title 18 of the Deschutes County Code are necessary for two (2) reasons; First, to make the minimum height restrictions in the La Pine Industrial District and La Pine Business Park District consistent with all other zoning districts within Deschutes County. Second, it has been brought to Deschutes County's attention that the requirement of not allowing parking within the front yard setback area within the La Pine Industrial District has hindered development, and exempting the La Pine Industrial District from this requirement will assist with the future economic development of the La Pine UUC, which is the purpose of the Industrial District.

WHEREAS, because of the immediate development needs in the Districts, this ordinance is necessary for the immediate implementation of the amended height limits in the La Pine Industrial District and La Pine Business Park District, as well as the setback exception in the La Pine Industrial District; therefore, an emergency is declared to exist, so that this ordinance can take effect on its passage; and,

WHEREAS, after notice was given and hearings conducted on January 30, 2002 for File Number TA-02-2 and on June 19, 2002 for File Number TA-02-4 before the Deschutes County Commissioners in accordance with applicable law, the Board of County Commissioners has considered the proposed amendments; now, therefore,

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


Section 1. AMENDMENT. DCC subsections 18.61.030(C)(6)(d) and 18.61.030(D)(8) are amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC subsection 18.116.030(E)(5) is amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. 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 19th day of June, 2002.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TOM DEWOLF, Chair


DENNIS R. LUKE, Commissioner


MICHAEL M. DALY, Commissioner

Date of 1st Reading: 19th day of June, 2002.

Date of 2nd Reading: 19th day of June, 2002.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tom DeWolf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 19th day of June, 2002.

ATTEST:

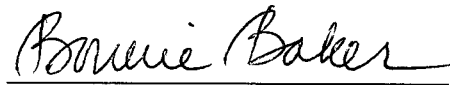

Recording Secretary

EXHIBIT "A"

18.61.030. La Pine Planning Area.

The La Pine Planning Area is composed of seven eight zoning districts, each with its own set of allowed uses and regulations, as further set forth in DCC 18.61.030.

C. La Pine Industrial District.

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

- a. Agricultural use as defined in DCC Title 18.
- b. 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.
- c. 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 DCC 18.116.230.
- d. Class III road or street project.
- e. 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.

2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Expansion of a valid use existing on December 5, 1994.
- b. Public use compatible with industrial uses.
- c. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).

- d. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - e. Light manufacturing, assembly, fabricating or packaging, and wholesale distribution.
 - f. Cold storage plant, including storage and office.
 - g. Kennel or veterinary clinic operated entirely within an enclosed building.
 - h. 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.
 - i. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - j. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - k. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
 - l. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
 - m. Manufactured home sales and service.
 - n. Plant nursery and greenhouse.
3. Conditional Uses Permitted. The following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
- a. Mini-storage facility.
 - b. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
 - c. Asphalt plant.
 - d. Lumber manufacturing and wood processing including pulp and paper manufacturing.

- e. Electrical substation.
 - f. Concrete, asphalt and ready-mix plant.
 - g. Petroleum products storage and distribution.
 - h. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.
 - i. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
 - j. Railroad track, freight depot and related facilities.
 - k. Agricultural products storage and processing plant.
 - l. Transfer station.
 - m. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - n. Any use permitted by DCC 18.61.030(C)(2) that is expected to:
 - 1. Require lot coverage in excess of 70 per cent;
 - 2. Require more than one acre of land; or
 - 3. 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.
 - o. 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.
 - p. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
- a. Sewer and Water Requirements:
 - 1. 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.
 - 2. 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.
 - 3. 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.
- b. Compatibility:
- 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones.
 - 5. 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.

6. 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 DCC 18.61.
- c. Traffic/Parking
1. 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.
 2. 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.
 3. All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.
 4. There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
- d. Requirements for Large Scale Uses. Any industrial use listed above in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor

space if the Planning Director or Hearings Body finds:

1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
 2. That such uses would not rely upon a work force served by uses within urban growth boundaries; and
 3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings body may require:
- a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.
 - b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage

- areas or facilities and required off-street parking and loading area.
- c. Setbacks.
 1. 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.
 2. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.
 3. 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.
 - d. Building Heights. The maximum building height for any structure shall be ~~25 30~~ feet on any lot adjacent to ~~or across a street from a residential district and 45 feet on any other lot not adjacent to a residential district or that is separated from a residential district by a street or road.~~ However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.
 - e. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
 - f. 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.
 - g. 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.
- D. La Pine Business Park District.
1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Commercial use, as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.
 - b. Industrial use, as defined in DCC 18.04, in a building or buildings not exceeding 20,000 square feet of floor space.
 2. Conditional Uses Permitted. Notwithstanding the uses allowed under DCC 18.61.030(D)(1), the following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Mini-storage facility.
 - b. 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.
 - c. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - d. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - e. Manufactured home sales and service.
 - f. Lumber manufacturing and wood processing.
 - g. Electrical substation.
 - h. Agricultural products storage and processing plant.
 - i. Any use permitted by DCC 18.61.030(D) that is expected to:

1. Require lot coverage in excess of 70 per cent;
 2. Require more than one acre of land; or
 3. 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.
- j. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Additional Requirements for Large Scale Uses. A commercial use in the Business Park District may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
 - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area, For the purposes of DCC 18.61.030(D), the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.
 - b. The use will primarily employ a work force from the community and surrounding rural area, and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
 4. Use Limits. The following limitations and standards shall apply to all uses:
 - a. Sewer and Water Requirements:
 1. New uses shall be required to connect to the La Pine Sewer Treatment Facility.
 2. New uses must be connected to a municipal, community or public water system.
 - b. Compatibility:
 1. 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.
 2. 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.
 3. 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.
 4. Storage, loading and parking areas for all uses shall be screened from residential zones.
 5. 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.
 6. 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 DCC 18.61.

- c. Traffic/Parking
 1. 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.
 2. 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.
 3. All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off-street.
 4. Parking may be allowed within the front yard building setback area except that no parking shall be allowed within 10 feet of any street.
 5. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
 - a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.
 - b. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
 - c. Lot Coverage. A use permitted by DCC 18.61.030(D) that is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
7. Setbacks.
 - a. Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 - b. Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.

- c. Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.
 - d. The minimum setback between a structure and an existing use shall be three feet from the property line and six feet from a structure on the adjoining property.
8. Building Height. The maximum building height for any structure shall be ~~25 30~~ feet on any lot adjacent to ~~or across a street from a residential district and 45 feet on any other lot not adjacent to a residential district or that is separated from a residential district by a street or road.~~ However, if a building on a lot adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.

(Ord. 2002-015 § 1, Ord. 2001-044 § 3, 2001; 2001-016 § 2, 2001; Ord. 2000-015 § 2, 2000; Ord. 97-063 § 3, 1997; Ord. 97-041 § 1, 1997; Ord. 97-017 § 4, 1997; Ord. 96-003 § 1, 1996)

EXHIBIT "B"

18.116.030(E)(5). General Provisions. Off-street parking

E. General Provisions. Off-Street Parking.

1. 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.
2. 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.
3. 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.

4. 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.
5. 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 Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the La Pine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.

(Ord. 2002-026 § 1, Ord. 2001-044 § 4, 2001; Ord. 97-078 § 6, 1997; Ord. 96-003 § 7, 1996; Ord. 93-063 § 2, 1993; Ord. 93-043 § 19, 1993; Ord. 91-038 § 1, 1991; Ord. 91-020 § 1, 1991; Ord. 90-017 § 1, 1990)