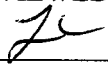




REVIEWED  LEGAL COUNSEL
REVIEWED  CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK
COMMISSIONERS' JOURNAL

CJ 2003-150
02/27/2003 02:51:28 PM



2003-000150

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the Deschutes *
County Zoning Ordinance, of the Deschutes County *
Code, to amend the size limitation for commercial *
uses in the Commercial/Residential District of the *
Wickiup Planning Area, and Declaring an *
Emergency. *

ORDINANCE NO. 2003-008

WHEREAS, Gordon Wanek has initiated an amendment to Title 18, the Deschutes County Zoning Ordinance, of the Deschutes County Code (File Number TA-02-11) to increase building size limitations for commercial buildings and to increase tourist and travelers accommodations up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010 (2); and

WHEREAS, the Deschutes County Planning Commission conducted a public hearing on the proposed text amendment on December 12, 2002, and forwarded the proposed amendment to the Board of County Commissioners with a recommendation that said amendment be adopted pursuant to changes recommended by staff in their draft exhibit; and

WHEREAS, the existing language of the code limits commercial uses in a building or buildings to 4,000 square feet without the ability for a larger commercial building or buildings; and

WHEREAS, the proposed text amendment to Title 18 of the Deschutes County Code is desirable because the Wickiup Junction Planning Area is now included as part of the La Pine Urban Unincorporated Community (UUC) Boundary; and

WHEREAS, the existing square footage limitation of 4,000 square feet for commercial buildings may hinder efficient future commercial development; and

WHEREAS, the proposed changes to the Wickiup Junction Planning Area will allow for buildings at a scale similar to that permitted in the La Pine Commercial District; and

WHEREAS, after notice was given and a hearing conducted on February 12, 2003 for File Number TA-02-11 before the Board of 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:

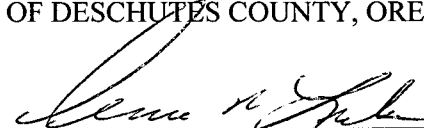
Section 1. AMENDMENT. DCC 18.61.040 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

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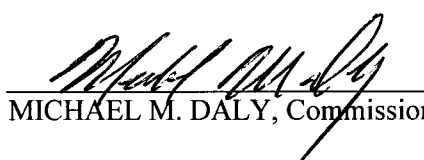
Section 2. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 26th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


DENNIS R. LUKE, Chair


TOM DEWOLF, Commissioner


MICHAEL M. DALY, Commissioner

Date of 1st Reading: 26th day of February 2003.

Date of 2nd Reading: 26th day of February 2003.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom DeWolf	<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: 26th day of February 2003.

ATTEST:



Recording Secretary

EXHIBIT "A"

square feet of floor space, subject to the provisions of DCC 18.61.040 (D).

18.61.040 Wickiup Junction Planning Area. The Wickiup Junction Planning Area is composed of one Commercial/Residential zoning district with its own set of allowed uses and regulations, as further set forth in DCC 18.61.040.

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

1. Park, playground and community building.
2. Public Use.
3. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1-a. Retail store, office and service establishment.
 - 1-b. Residential use in conjunction with a permitted use.
 - 1-c. Art studio in conjunction with a permitted use.
 - 1-d. Medical clinic.
 - 1-e. Automobile service station.
 - 1-f. Car wash.
 - 1-g. Day care facility.
 - 1-h. Restaurant and cocktail lounge.
 - 1-i. Club and fraternal lodge.
 - 1-j. Automobile and trailer sales.
 - 1-k. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(B)(3) housed in a building or buildings exceeding 8,000 square feet of floor space, but not greater than 12,000

C. 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 Uses:

1. Multi-family dwelling with three or more units.
2. ~~Tourist and travelers' accommodations of up to 35 units, provided the use is served by a community sewer system, as that term is defined in OAR 660-22-010(2).~~ Tourist and travelers' accommodations of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010 (2).
3. Manufactured home park.
4. Travel trailer park.
5. Cluster development.
6. Church.
7. School.
8. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.
9. Water supply and treatment facility.
10. Utility facility, except landfill.
11. Television and radio station with or without a transmitter tower.
12. Nursing home.
13. Residential care facility for more than 15 people.
14. ~~A building or buildings not exceeding 4,000 square feet of floor space housing:~~
 - a. ~~Veterinary clinic, including enclosed kennel.~~
 - b. ~~Automobile repair garage.~~
 - c. ~~Commercial amusement and recreation establishment.~~
 - d. ~~Shopping complex subject to a master plan.~~
 - e. ~~Mini-storage facility.~~

EXHIBIT "A"

- ~~f. Uses accessory to the uses identified in DCC 18.61.040.~~
14. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
- a. Veterinary clinic including enclosed kennel
 - b. Automobile repair garage.
 - c. Commercial amusement and recreation establishment.
 - d. Shopping complex subject to a master plan.
 - e. Mini-storage facility.
 - f. Uses accessory to the uses identified in DCC 18.61.040.
15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040 (14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).
- 15-16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040 (B)(3)(m) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:
- 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;
 - 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 but could locate the use in a building not exceeding 12,000 square feet of floor space.
- E. For the purposes of DCC 18.61.040, 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.
- ***
- (Ord. 2003-008 § 1 Ord. 2002-015 § 1, 2000-015 § 2, 2000; Ord. 97-063 § 3, 1997; Ord. 96-007 § 1, 1996)
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