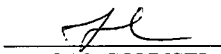



REVIEWED  LEGAL COUNSEL
REVIEWED  CODE REVIEW COMMITTEE



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, the Deschutes  
County Zoning Ordinance, and Declaring an  
Emergency.

\*  
\*  
\*  
\*

ORDINANCE NO. 2005-026

WHEREAS, on February 10, 2005 Elk Horn Development submitted application for a text amendment to the Deschutes County Code (DCC), File No. TA-05-2, to amend DCC Section 18.61.050(D), the Residential Center District of the New Neighborhood Planing Area of the Urban Unincorporated Community (UUC) of La Pine and Table 2 of Chapter 18.61; and

WHEREAS, on March 28, 2005, the Planning Commission held a duly noticed public hearing on the application; and

WHEREAS, the Planning Commission voted to recommend to the Board of County Commissioners ("Board") approval of the proposed amendments; and

WHEREAS, on May 25, 2005, the Board of County Commissioners (BOCC) held a public hearing on the proposed amendments to Section 18.61.050(D) and Table 2 of Chapter 18.61; and

WHEREAS, the BOCC recognizes the urgency of these changes in order to allow development of the Residential Center District of the Neighborhood Planning Area to commence; now, therefore,

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

Section 1. AMENDMENT. DCC Section 18.61.050 (D) 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~~.

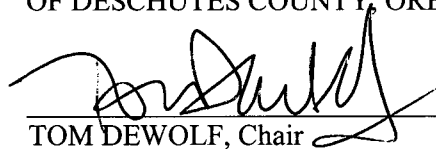
Section 2. AMENDMENT. Table 2 of DCC Chapter 18.61 is hereby amended to read as described in Exhibit "B", attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

///

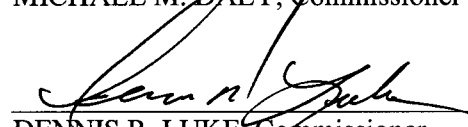
Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 25<sup>th</sup> day of May, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

  
TOM DEWOLF, Chair

  
MICHAEL M. DALY, Commissioner

  
DENNIS R. LUKE, Commissioner

Date of 1<sup>st</sup> Reading: 25<sup>th</sup> day of May, 2005.

Date of 2<sup>nd</sup> Reading: 25<sup>th</sup> day of May, 2005.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
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"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 25<sup>th</sup> day of May, 2005.

ATTEST:


  
Recording Secretary

Exhibit "A"

**18.61.050. Neighborhood Planning Area.**

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. Single Family Dwelling.
  - ~~b.~~ Single Family Dwelling – Zero Lot Line
  - ~~c.~~ Town home, duplex or triplex.
  - ~~d.~~ Accessory dwelling.
  - ~~e.~~ Live/work unit.
  - ~~f.~~ Multi-use path.
  - ~~g.~~ Open space.
  - ~~h.~~ 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 square feet 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, except as permitted in 18.61.050.D.1.a.~~
  - ~~b.~~ Residential facility or residential home.
  - ~~e.~~ 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.

EXHIBIT "B"

TABLE 2. La Pine Neighborhood Planning Area Zoning Standards

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
<b>LOT SIZE Single-family</b>					
<b>NEIGHBORHOOD 1</b>					
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
<b>NEIGHBORHOOD 2</b>					
Maximum square feet	15,000	<del>7,000</del> 5,000	N/A	N/A	N/A
Minimum square feet	7,000	3,500	N/A	N/A	N/A
<b>LOT SIZE Townhome</b>					
Minimum square feet	N/A	2,400	2,400	N/A	N/A
<b>LOT SIZE Duplex Triplex</b>					
Minimum square feet	8,000	8,000	8,000	N/A	N/A
<b>LOT SIZE Multi-family</b>					
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
<b>LOT SIZE Other uses</b>					
Maximum square feet	no maximum	no maximum	no maximum	no maximum	22,000
Minimum square feet	7,000	4,500	none	none	7,000
<b>LOT WIDTH</b>					
Minimum (feet)	50' for detached dwellings 24' for attached townhome	40' for detached dwellings 35' for detached zero lot line development detached single-family dwelling 24' for attached townhome or zero lot line development	50	50	50
<b>LOT DEPTH</b>					
Minimum (feet)	100	100	150	150	150
<b>RESIDENTIAL DENSITY (per gross acre) (1)</b>					
<b>NEIGHBORHOOD 1</b>					
Maximum	8.0	12.0	12.0	N/A	N/A
Minimum	3.0	8.0	N/A	N/A	N/A
<b>NEIGHBORHOODS 2, 3 &amp; 4</b>					
Maximum	6.0	12.0	N/A	N/A	N/A
Minimum	2.0	6.0			
<b>SETBACKS</b>					
<b>Primary Building</b>					
Front	15' min.	10' min.	10' min	10' min	10' min.
Side	10' min.	5' min. or 0 lot line None	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

EXHIBIT "B"

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

	RESIDENTIAL GENERAL	RESIDENTIAL CENTER	COMMUNITY FACILITY	COMMUNITY FACILITY LIMITED	NEIGHBORHOOD COMMERCIAL
<b>GARAGE SETBACKS</b>	-	-	-	-	-
Min. from front of building	5 feet	5 feet	5 feet	N/A	N/A
<b>SPECIAL SETBACKS</b>					
Percentage of the front side of the structure that shall be sited at the minimum front yard setback.	N/A	50% min.(2)	N/A	N/A	N/A
<b>LOT COVERAGE</b>					
Maximum	35 percent	50 percent	60 percent	60 percent	50 percent
<b>BLOCK REQUIREMENTS(3)</b>					
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
<b>BUILDING HEIGHT</b>					
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
<b>GARAGE SETBACKS</b>					
Min. from front of building	5 feet	5 feet	5 feet	N/A	N/A
<b>MINIMUM ONSITE PARKING</b>	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116	DCC 18.116
% of the structure that shall be sited at the minimum yard setback.	N/A	50% min.(2)	N/A	N/A	N/A

NOTES:

- (1) Gross acres, excluding collector street right of way
  - (2) Must meet clear vision requirements of DCC 18.116.020
  - (3) The block requirements not applicable to review and approval of quadrant plans.
- (Ord. 2004-013 § 6, 2004; Ordinance 2004-06 § 2, 2004; Ord. 2003-077 § 1, 2003; Ord. 2003-005 § 1, 2003; Ord. 2001-044 § 3, 2001; Ord. 2001-037 § 2, 2001; Ord. 2000-015 § 2, 2000)

**PROPOSED TEXT AMENDMENTS**

**Chapter 18.61.050. La Pine Neighborhood Planning Area –  
Section D.1.a Uses Permitted Outright  
Section D.3.a Conditional Uses**

**Table 2: Zoning Standards – Residential Center maximum lot size, lot widths and side yard setbacks**

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**Purpose and Background:** Subsequent to our Quadrant Plan Approval for Neighborhood 2 and Tentative Subdivision Plat approval for Phase 2c, we learned of some requirement differences between the Zoning Code and the Building Code which results in either increased housing costs or the prohibition of building the types of homes we would like to build in the Neighborhood Planning Area.

Our original intention was to build 0-lot line homes that have a usable side yard for each homeowner. While the Zoning Code allows 0-lot line homes, the Building Code requires any home within 3 feet of the property line to be constructed with 1-hour fire rated walls, regardless of how close to the property line the house on the adjoining lot is built. This results in a cost increase in the price of each home, which is ultimately passed on to the homeowner. Our goal in this neighborhood is to provide quality, affordable homes and this cost increase works against that goal.

The Deschutes County Comprehensive Plan Chapter 23.40.020.A.A.3 The Urban Unincorporated Community - La Pine states as follows:

*“The plan policies and zoning standards adopted in August 2000 and amended in 2001 are also intended to ensure that residential development in the Neighborhood Planning Area will include mixed housing types, provide affordable housing opportunities and require participation in a Transferable Development Credit Program.”*

Furthermore, Comprehensive Plan Chapter 23.56.020. Housing Goals are as follows:

1. To provide adequate number of housing units at price ranges and rent levels commensurate with the financial capabilities of local households.
2. To allow flexibility of housing location, type and density in Deschutes County.

Toward that end, we would like to pursue a series of text amendments that would allow us to construct a detached townhomes on the lots, maintain the intended density of the zone, and specify lot sizes, widths and setbacks that are consistent with the purpose and intent of the Residential Center district.

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**Request:** In order to achieve the above described housing type, we respectfully request approval of the following text amendments:

1. Add single family dwelling as a Permitted Use in Chapter 18.61.050.D.1.a
2. Delete single family dwellings as a Conditional Use in Chapter 18.61.050.D.3.a.
3. Amend Table 2 La Pine Neighborhood Planning Area Zoning Standards of the Residential Center as follows:
  - Reduce maximum lot size from 7,000 to 5,000 square feet and specify it is for Single Family, detached;
  - Add "Single Family" to minimum lot width requirement for 35 feet, and specify the 0-lot line housing type is required to have a minimum lot width of 24';
  - Reduce the required side yard setback from 5 feet minimum or 0 lot line to "None."

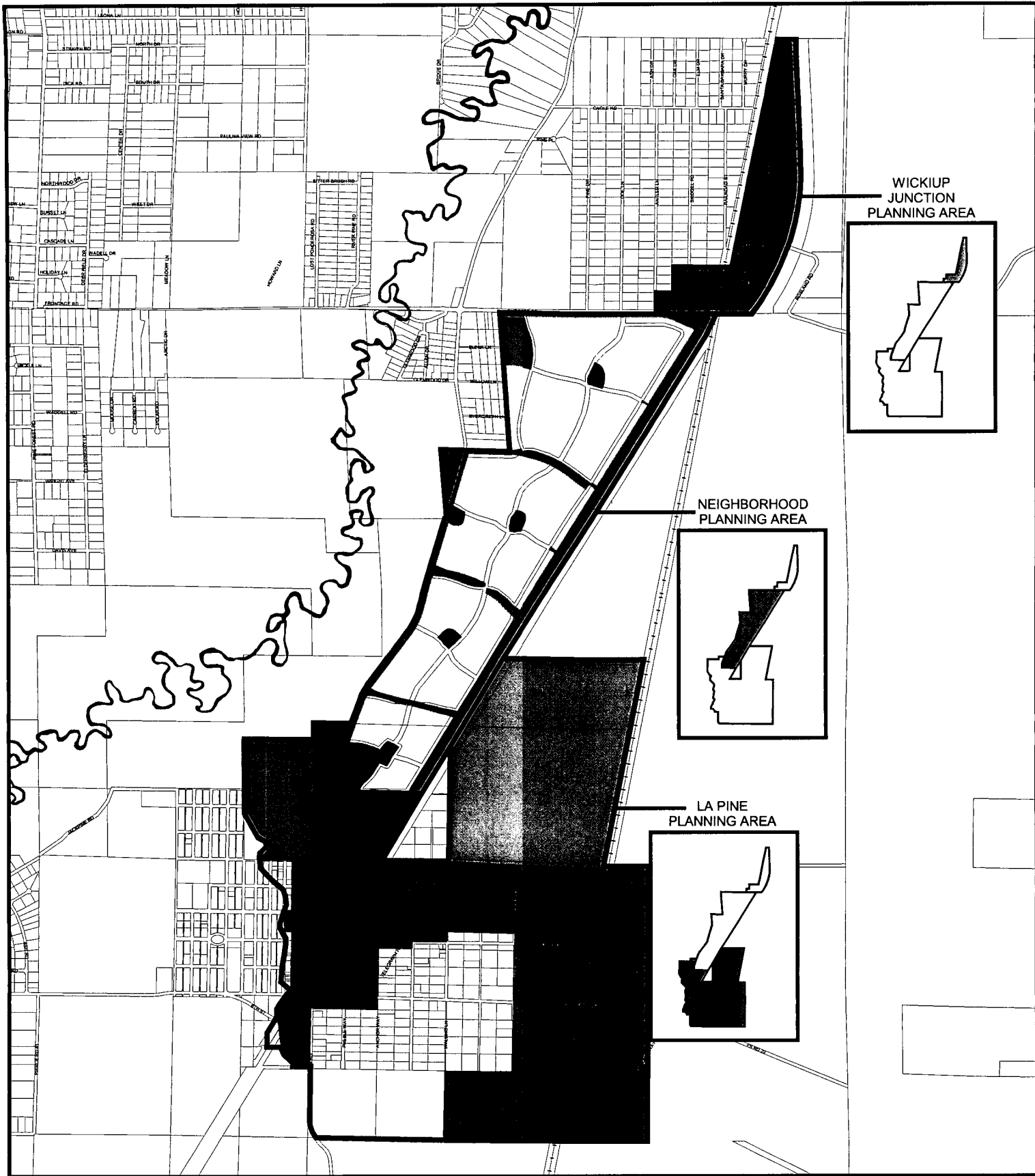
To ensure that density is achieved in the Residential Center, as originally intended, the proposed amendment to Table 2 Residential Lot Size Maximum to be reduced from 7,000 to 5,000 square feet ensures that lots are smaller, thereby encouraging smaller homes and greater density. Allowing single family detached homes in the Residential Center district and specifying minimum lot widths of 35 feet ensures that the homes will be on lots of sufficient width to accommodate the housing type while providing for useable yard area. The reduction in the side yard from 5 foot minimum to "None" provides the greatest amount of flexibility in the zone given the different housing types allowed.

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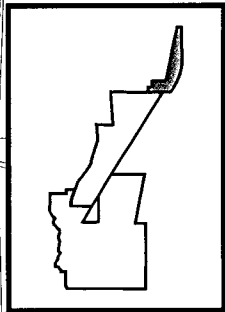
**Summary and Conclusions:** The proposed text amendments allow for:

- Allows single family detached homes to be constructed within the Residential Center zone;
- Provides lots size maximums commensurate with the housing types proposed;
- Ensures setbacks that allow for the greatest flexibility given the variety of housing and lots sizes allowed with the zone;
- Ensures density is achieved consistent with the purpose and intent of the Residential Center zone and the La Pine Neighborhood Planning Area;
- Facilitates residential development that is consistent with the Housing goals and policies of the Comprehensive Plan.

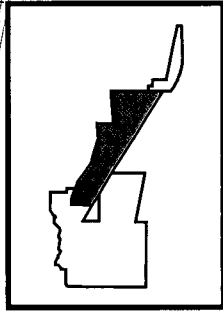
Therefore, we respectfully request APPROVAL of the proposed Text Amendments. Additionally, given the construction season and timing of the proposed text amendments



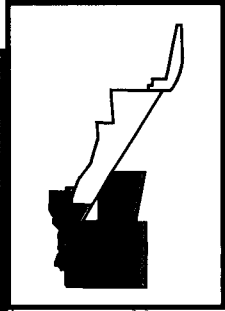
WICKIUP JUNCTION PLANNING AREA



NEIGHBORHOOD PLANNING AREA



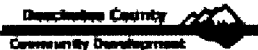
LA PINE PLANNING AREA



### La Pine Urban Unincorporated Community

### ZONING MAP

Map Prepared By:



**SYMBOLS**

	TAXLOTS		NEIGHBORHOOD PLANNING AREA
	RAILROAD		CONCEPTUAL RIGHTS-OF-WAY
	LITTLE DESCHUTES RIVER		COMMUNITY FACILITY
	LA PINE UIC BOUNDARY		COMMUNITY FACILITY LIMITED
	LA PINE PLANNING AREA		NEIGHBORHOOD COMMERCIAL
	FUTURE COMMERCIAL EXPANSION AREA		RESIDENTIAL CENTER
	BUSINESS PARK		RESIDENTIAL GENERAL
	COMMUNITY FACILITY		OPEN SPACE
	COMMUNITY FACILITY LIMITED		PARK
	COMMERCIAL		WICKIUP JUNCTION PLANNING AREA ZONING DISTRICT: COMMERCIAL / RESIDENTIAL
	FLOOD PLAIN		
	INDUSTRIAL		
	RESIDENTIAL		
	SEWER TREATMENT		



May 15, 2002

**DISCLAIMER:**  
The information on this map was derived from digital databases on Deschutes County's G.I.S. 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 this 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