




REVIEWED

 LEGAL COUNSEL

REVIEWED

 CODE REVIEW COMMITTEE

DESCHUTES COUNTY OFFICIAL RECORDS
 NANCY BLANKENSHIP, COUNTY CLERK
 COMMISSIONERS' JOURNAL
 03/13/2007 02:56:54 PM
 CJ 2007-159

 2007-159

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, of the Deschutes County Code Regarding Rural Commercial Zoning and Declaring an Emergency. *
 *
 *
 ORDINANCE NO. 2007-007

WHEREAS, Terry L. Mowry filed an application with the Deschutes County Planning Division that proposes text amendments to Title 18, the Deschutes County Zoning Ordinance, to the Rural Commercial (RC) Zone chapter, and

WHEREAS, the Deschutes County Hearings Officer held a duly noticed public hearing on October 3, 2006, and recommended to the Board of County Commissioners ("Board") the proposed changes to Title 18 as described in Exhibit "A"; now therefore,

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

Section 1. AMENDMENT. DCC 18.74, Rural Commercial zone 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. DCC Title 18, the Deschutes County Zoning Map is hereby amended to change the zoning designation for certain property described in Exhibit "B" and depicted on the map set forth in Exhibit "C," and by this reference incorporated herein, from Rural Residential to Rural Commercial - Pine Forest.

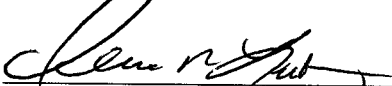
Section 3. FINDINGS. The Board adopts the Hearings Officer's decision adopted as Exhibit "D" to Ordinance 2007-006, and incorporated herein by this reference, as its findings to support this Ordinance.

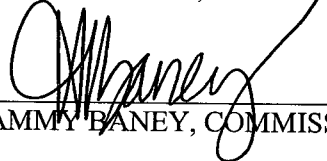
Section 4. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

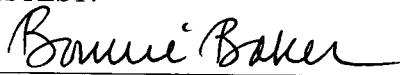
Dated this 5th of March, 2007

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

- absent -
 MICHAEL M. DALY, CHAIR


 DENNIS R. LUKE, VICE CHAIR


 TAMMY BANEY, COMMISSIONER

ATTEST:

 Recording Secretary

Date of 1st Reading: 5th day of Feb., 2007.

Date of 2nd Reading: 5th day of March, 2007.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Michael M. Daly	<u> </u>	<u> </u>	<u> </u>	<u> ✓ </u>
Dennis R. Luke	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>
Tammy Baney	<u> ✓ </u>	<u> </u>	<u> </u>	<u> </u>

Effective date: 5th day of March, 2007.

ATTEST:

Bonnie Baker

Recording Secretary

EXHIBIT "A"

Chapter 18.74. Rural Commercial Zone

18.74.010. Purpose.

18.74.020. Uses permitted – Deschutes Junction and Deschutes River Woods Store.

18.74.025. Uses permitted – Spring River.

18.74.027. Uses permitted – Pine Forest and Rosland.

18.74.030. Development standards.

18.74.010. Purpose.

The purpose of this chapter is to establish standards and review procedures for development in the Rural Commercial Zone. The Rural Commercial (RC) zone provisions implement the comprehensive plan policies for rural commercial development and associated uses outside of unincorporated communities and urban growth boundaries. (Ord. 2003-080 § 1, 2003, Ord. 2002-019 § 2, 2002)

18.74.020. Uses permitted.

A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright and do not require site plan review:

1. Single-family dwelling.
2. Manufactured home subject to DCC 18.116.070.
3. Two-family dwelling.
4. Type 1 Home Occupation, subject to DCC 18.116.280.
5. Agricultural uses.
6. Class I and II road or street project subject to approval as part of a land partition or subdivision, or subject to the standards and criteria established in DCC 18.116.230.
7. Class III road or street project.
8. A lawfully established use existing as of 11/05/02, the date this chapter was adopted, not otherwise permitted by this chapter.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.128:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses.
 - a. Restaurant, café or delicatessen.
 - b. Grocery store.
 - c. Tavern.

- d. Retail sporting goods and guide services.
- e. Barber and beauty shop.
- f. General store.
- g. Video store.
- h. Antique, art, craft, novelty and second hand sales if conducted completely within an enclosed building.

2. Expansion of a nonconforming use listed under section B(1)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.

- a. Retail sales of agricultural or farm products.
- b. Farm machinery sales and repair.
- c. Kennel.
- d. Veterinary clinic.
- e. Automobile service station and repair garage, towing service, fuel storage and sales.
- f. Public or semi-public use.
- g. Residential use in the same building as a use permitted by this chapter.
- h. Park or playground.

4. Expansion of a nonconforming use listed under section B(3)(a-h), existing as of 11/05/2002, the date this chapter was adopted, shall be limited to 3,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

1. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses.
 - a. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

EXHIBIT "A"

- d. Child care center.
 - e. Church.
 - f. School.
2. Recreational vehicle park

(Ord. 2004-002 § 20, 2004; Ord. 2002-019 § 2, 2002)

18.74.025. Uses allowed in Spring River Rural Commercial/Limited Use Combining Zone.

A. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Fishing supplies and equipment.
 - b. Snowmobiling accessories.
 - c. Marine accessories.
 - d. General store.
 - e. Hardware store.
 - f. Convenience store with gas pumps.
 - g. Fast food restaurant, cafe, or coffee shop.
 - h. Recreational rental equipment store.
 - i. Excavation business.
 - j. Landscaping business/service.
 - k. Health care service.
 - l. Beauty shop.
 - m. Video store.
 - o. Post office.
 - p. Party supply.
 - q. Equipment sales and rental.
 - r. Appliance store.
 - s. Bank.
 - t. Exterminator.
 - u. Private mailing and packaging store.
 - v. Bakery.
2. Expansion of a nonconforming use listed in section A(1)(a-v), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.
3. A building or buildings not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:

- a. Pet and livestock supply.
 - b. Farm machinery sales and repair.
4. Expansion of a nonconforming use listed in section A(3)(a-b), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 3,500 square feet of floor space or 25 percent of the size of the building as of said date, whichever is greater.

B. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:

1. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:
 - a. Full service gas station with automobile repair services.
 - b. Welding shop.
 - c. Mini-storage units
2. Expansion of a nonconforming use listed in section B(1)(a-c), existing as of 11/05/02, the date this chapter was adopted, shall be limited to 2,500 square feet or 25 percent of the size of the building as of said date, whichever is greater.

C. Definitions. For the purposes of DCC 18.64.120, the following definitions shall apply:

1. Landscaping business/service: Includes designing landscapes, site grading and preparation, placing boulders, planting trees and shrubbery, installing sod, installing irrigation systems and equipment, installing fencing, and landscape maintenance, but does not include on-site cultivation of plants or plant materials or any on-site retail sales.
2. Health care service: A business providing the diagnosis, treatment and care of physical and/or mental disease, injury and/or disability, but not including a hospital facility or a nursing home as defined in DCC 18.04.
3. Beauty Shop: A full service beauty salon which would include haircuts, permanents, washes, nails, etc., and the retail sales of incidental beauty supplies typical of any beauty salon.

EXHIBIT "A"

4. Mini-storage units: Self service mini-storage units of various sizes from 5' x 10' up to 12' x 24'.
 5. Video store: The sale and rental of videotapes, compact disc movies and audio books.
 6. Laundry and dry cleaners: Dry cleaners, shirt laundry and laundromat with self-service washers and dryers along with the sale of detergents, bleaches, etc.
 7. Post office: United States Postal Service office including mail pick-up and distribution.
 8. Party supply: The sale and rental of party supplies such as balloons, streamers, costumes, dishes, linens and silverware.
 9. Equipment sales and rental: The rental of construction, home repair and maintenance equipment such as ladders, mowers, saws, gardening supplies, etc., and the sales of related equipment.
 10. Appliance store: The sale and service of household appliances such as televisions, ranges, refrigerators, etc.
 11. Bank: Full service consumer bank for checking, savings, loans, safety deposit boxes, etc.
 12. Exterminator: Exterminator of insects and other pests such as rodents, spiders, etc.
 13. Private mailing and packaging store: Private mail boxes and packaging services, which would include the holding and distribution of mail, packing, mailing supplies, FEDEX and UPS pick-up, and FAX and copy machine availability.
 14. Bakery: The manufacture and sale of bread, donuts and pastries.
 15. Pet and livestock supplies: The sale of pet supplies such as dog and cat food, collars, grooming needs, shelters and some large animal supplies such as hay, feeds and grains.
- A. Uses Permitted Outright. Any use listed as a use permitted outright by DCC 18.74.020(A).
 - B. Uses Permitted subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116 and 18.124:
 1. A building or buildings each not exceeding 2,500 square feet of floor space to be used by any combination of the following uses that serve the surrounding rural area or the travel needs of persons passing through the area:
 - a. Eating and drinking establishments.
 - b. Retail store, office and service establishments.
 2. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 2,500 square feet or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.
 3. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any combination of the following uses:
 - a. Sales of agricultural or farm products.
 - b. Farm machinery sales and repair.
 - c. Kennel or veterinary clinic.
 - d. Automobile service station, repair garage, towing service, fuel storage and fuel sales.
 - e. Public or semi-public use.
 - f. Residential use in the same building as a use permitted in this chapter.
 - g. Park or playground.
 4. Expansion of a nonconforming use existing as of 11/05/2002 shall be limited to 3,500 square feet each or 25 percent of the size of the building (or portion of the building) housing the nonconforming use as of said date, whichever is greater.

(Ord. 2006-008 § 7, 2006; Ord. 2002-019 § 2, 2002; Ord. 97-015 § 1, 1997; Ord. 96-046 § 1, 1996; Ord. 96-023 § 1, 1996)

Section 18.74.027. Uses allowed in Pine Forest and Rosland Rural Commercial Zones.

- C. Conditional Uses. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter and DCC 18.116, 18.124 and 18.128:
 1. A building or buildings each not exceeding 3,500 square feet of floor space to be used by any of the following uses:

EXHIBIT "A"

- a. Home occupation as defined in DCC 18.04.
 - b. Utility facility.
 - c. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - d. Child care center.
 - e. Church.
 - f. School.
2. Recreational vehicle park.
(Ord. 2003-080, § 1, 2003)

18.74.030. Development standards.

A. Yard Standards.

1. Front Yard. The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.
2. Side Yard. A side yard shall be a minimum of 10 feet, except a lot or parcel with a side yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.
3. Rear Yard. The minimum rear yard shall be 20 feet, except a lot or parcel with a rear yard adjacent to land zoned exclusive farm use or forest use shall have a minimum side yard of 50 feet.

B. Existing Residential and Commercial Lots.

On-site sewage disposal. For existing lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to approval of a site plan or conditional use permit.

C. New Lot Requirements

1. Residential Uses.

- a. The minimum lot size is one (1) acre.
- b. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.
- c. Lot coverage for a dwelling and accessory buildings used primarily for

residential purposes shall not exceed twenty-five (25) percent of the total lot area. Lot coverage for buildings used primarily for commercial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

2. Commercial and Public Uses.

- a. The minimum lot size for a commercial use served by an on-site septic system and individual well or community water system shall be the size necessary to accommodate the use.
- b. Each lot shall have a minimum width of 150 feet.
- c. On-site sewage disposal. For new lots or parcels, an applicant shall demonstrate that the lot or parcel can meet DEQ on-site sewage disposal rules prior to final approval of a subdivision or partition.

D. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.

E. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

F. Lot Coverage. Except where otherwise noted, the primary and accessory buildings located on any lot or parcel shall not cover more than 30 percent of the total lot or parcel.

G. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as allowed under DCC 18.120.040.

H. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.

I. Outdoor Lighting. All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.

EXHIBIT "A"

J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.
(Ord. 2006-008 § 7, 2006; Ord. 2003-080§ 1, 2003,
Ord. 2002-019 § 2, 2002)

18.74.050. Maps.

(Ord. 2002-019 § 2, 2002)

(Ord. 2003-080 § 1, 2003)

(Ord. 2007-0067 § 1, 2007)

EXHIBIT "B"

The subject property is located at the southwest corner of the intersection of Burgess Road, Day Road and Pine Forest Drive in La Pine. It is further identified as Tax Lots 100 and 200 on Deschutes County Assessor's Map 22-10-04A, Lot Ten (10) of WOODLAND PARK HOMESITES, Deschutes County, Oregon; Lot 9, WOODLAND PARK HOMESITES, Deschutes County, Oregon. The subject property has assigned addresses of 52381 Pine Forest Drive (Tax Lot 100) and 15981 Burgess Road (Tax Lot 200), La Pine.



Zone Change
from Rural Residential
(RR10) to
Rural Commercial (RC)

Legend

Proposed Zone Change Boundary

County Zoning

Rural Commercial (RC)
 Rural Residential (RR10)



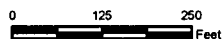
DISCLAIMER:
 The information on this map was derived from digital databases on Deschutes County's GIS. Care was taken in the creation of this map, but it is provided "as is". Deschutes County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying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

H:\Custom\County\COOP\Planning\WEG\2007\Project\Pinezone_change.mxd

PROPOSED ZONING MAP

Pine Forest Rural Commercial Zoning Map

Exhibit "C"
 to Ordinance 2007-007



February 01, 2007

BOARD OF COUNTY COMMISSIONERS
 OF DESCHUTES COUNTY, OREGON

Michael M. Daly, Chair

Dennis R. Luke, Vice Chair

Tammy Baney, Commissioner

ATTEST: Recording Secretary

Dated this ____ day of February, 2007
 Effective Date: May ____, 2007