

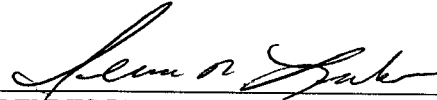
Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

Dated this 30th of November, 2009

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

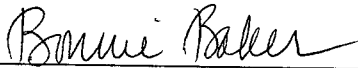


TAMMY BANEY, CHAIR

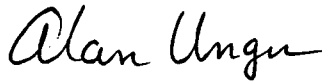


DENNIS LUKE, VICE CHAIR

ATTEST:



Recording Secretary



ALAN UNGER, COMMISSIONER

Date of 1st Reading: 30th day of Nov., 2009.

Date of 2nd Reading: 30th day of Nov., 2009.

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Dennis R. Luke	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Alan Unger	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

Effective date: 30th day of Nov., 2009.

ATTEST:



Recording Secretary

Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE - LA PINE

18.61.010. Purpose.

18.61.020. Standards for All Districts.

18.61.030. La Pine Planning Area.

18.61.040. Wickiup Junction Planning Area.

18.61.050. Neighborhood Planning Area.

18.61.010. Purpose.

The purpose of the Urban Unincorporated Community (UUC) Zone – La Pine is to provide standards and review procedures for the future development of the urban unincorporated community of La Pine. The La Pine UUC includes three separate planning areas, La Pine, Wickiup Junction and Neighborhood, each with its own zoning districts, with allowed uses and distinct regulations, as further set forth in DCC 18.61. (Ord. 2000-015 §2, 2000; Ord. 96-003 §1, 1996)

18.61.020. Standards in All Districts.

- A. Solar Setback. The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180, excepting lots less than 10,000 square feet in size, or under 80-foot average width, as defined by DCC 17.08.030 “lot width,” and located in the Neighborhood Planning Area of the Urban Unincorporated Community – La Pine.
- B. Stream Setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes the following setback shall apply:
 - 1. All sewage disposal installations, such as septic tanks and septic drain fields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.
 - 2. All structures, buildings and similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.
- C. Building Code Setbacks. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.
- D. Off-Street Parking and Loading. Off-street parking and loading shall be provided subject to the provisions of DCC 18.116, Supplementary Provisions.
- E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with DCC 15.10 providing outdoor lighting control.

(Ord. 2006-035 §1, 2006; Ord. 2000-015 §2, 2000; Ord. 96-003 §1, 1996)

18.61.030. La Pine Planning Area.

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

A. La Pine Residential District.

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

- a. Single-family dwelling.
 - b. Manufactured home subject to DCC 18.116.070.
 - c. Two-family dwelling or duplex.
 - d. Agricultural use as defined in DCC Title 18, subject to the following limitations:
 - 1. Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.
 - 2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
 - e. Class 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.
 - f. Class III road and street project.
 - g. 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.
 - h. 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. Conditional Uses Permitted. The following uses may be allowed 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. Multi-family dwelling with three or more units.
 - b. Park, playground and community building.
 - c. Utility facility, except landfill.
 - d. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
 - e. Home occupation.
 - f. Church.
 - g. School.
 - h. Manufactured home park.
 - i. Multi-family dwelling complex.
 - j. Cluster development.
 - k. Nursery school, kindergarten and day care facility.
 - l. Nursing home.
 - m. Public use.
 - n. Residential care facility for more than 15 people.
 - o. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Lot Sizes.
- a. Partitions:
 - 1. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - 2. Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 - 3. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.

- b. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:
 - 1. All new lots shall be connected to a DEQ permitted community or municipal sewer system.
 - 2. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.
- 4. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
- 5. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- B. La Pine Commercial District.
 - 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Single-family dwelling on a lot existing on March 27, 1996.
 - b. Manufactured home, on a lot existing on March 27, 1996, subject to DCC 18.116.070.
 - 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 and street project.
 - e. 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.
 - 2. 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, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Park, playground and community building.
 - b. Public use.
 - c. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1. Retail store, office and service establishment.
 - 2. Residential use in the same building as a permitted use.
 - 3. Art studio in conjunction with retail sales.
 - 4. Medical clinic.
 - 5. Automobile service station.
 - 6. Car wash.
 - 7. Day care facility.
 - 8. Restaurant and cocktail lounge.
 - 9. Club and fraternal lodge.
 - 10. Automobile and trailer sales.
 - 11. Uses accessory to the uses identified in DCC 18.61.030.
 - d. Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).

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. Multi-family dwelling on a lot existing on March 27, 1996.
 - b. Tourist and travelers' accommodation 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).
 - c. Manufactured home park and travel trailer park.
 - d. Church.
 - e. School.
 - f. 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 18.128.270.
 - g. Water supply and treatment facility.
 - h. Utility facility, except landfill.
 - i. Television and radio station with or without a transmitter tower.
 - j. Nursing home.
 - k. Residential care facility for more than 15 people.
 - l. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 1. Veterinary clinic including enclosed kennel.
 2. Automobile repair garage.
 3. Commercial amusement and recreation establishment.
 4. Shopping complex subject to a master plan.
 5. Mini-storage facility.
 6. Uses accessory to the uses identified in DCC 18.61.030.
 - m. Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).
 - n. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) 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;
 - 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.

For the purposes of DCC 18.61.030, 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.
5. Lot Size and Dimensional Standards.
 - a. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
6. Yard and Setback Requirements.

- a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line.
 - b. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. 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.
- 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 and 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 percent;
 - 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).
 - q. Utility facilities
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 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 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 nonrailroad 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 30 feet on any lot adjacent to a residential district and 45 feet on any 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

Original language

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. Utility facility exhaust stacks shall meet the DEQ air quality permit requirements, and shall not exceed a maximum of 100 feet.
- ef. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- fg. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- gh. 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 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 and 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 percent;
 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;

alternate language

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. Utility facility exhaust stacks shall meet the DEQ air quality permit requirements but shall not exceed the DEQ permit minimum height requirements or 100 feet in height, whichever is less.
- ef. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- fg. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- gh. 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 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 and 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 percent;
 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), which 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 30 feet on any lot adjacent to a residential district and 45 feet on any 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. La Pine Sewer Treatment District.
 - 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
 - 2. Conditional Uses Permitted. The following uses may be allowed 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 and DCC 18.16.040(A):
 - a. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.
 - 3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 - 4. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet.
 - c. Rear Yard. The minimum rear yard shall be 20 feet.
- F. La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Zone.
- G. La Pine Community Facility 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, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Performing arts center.
 - b. Swimming pool.
 - c. Community center.
 - d. Public use.
 - e. School.
 - f. Theater.

2. Yard and Setback Requirements.
 - a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line. A parcel or lot with a front yard adjacent to zoned forest land shall have a minimum front yard of 100 feet.
 - b. Side Yard. None required, except when abutting a lot in a Residential District in which case the side yard shall be the side yard required in the abutting Residential District. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 - c. 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.
 3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 4. Lot Size.
 - a. Lot Size. New lots shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
 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.
- H. La Pine Community Facility Limited District.
1. Uses Permitted Outright.
 - a. Multi-use path.
 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. School.
 - b. Park or playground.

(Ord. 2003-002 §1, 2003; Ord. 2002-033 §1, 2002; Ord. 2001-044 §3, 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)

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.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Single-family dwelling.
 2. Manufactured home subject to DCC 18.116.070.
 3. Two-family dwelling or duplex.
 4. 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.
 5. Class III road and street project.

6. 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.
- B. 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:
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:
 - a. Retail store, office and service establishment.
 - b. Residential use in conjunction with a permitted use.
 - c. Art studio in conjunction with a permitted use.
 - d. Medical clinic.
 - e. Automobile service station.
 - f. Car wash.
 - g. Day care facility.
 - h. Restaurant and cocktail lounge.
 - i. Club and fraternal lodge.
 - j. Automobile and trailer sales.
 - 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 square feet of floor space, subject to the provisions of DCC 18.61.040 (D).
- 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 100 units, provided the use is served by a community sewer 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 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.
 - e. Shopping complex subject to a master plan.
 - f. Mini-storage facility.
 - g. 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(C)(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).
 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(C)(14) 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:
1. 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;
 2. The use will primarily employ a work force from the community and surrounding rural area; and
 3. 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.
- F. Lot Size.
1. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 6,000 square feet. Maximum lot size for residential subdivisions shall be 15,000 square feet.
 2. New lots or parcels served by either an approved community, non-community, municipal or public water system shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 3. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewer system shall have a minimum width of 150 feet with a minimum are of one acre. In addition, an applicant shall demonstrate that:
 - a. The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval;
 - b. Residential subdivision will be served by either a municipal or community water system or a non-community public water system.
- G. Dimensional Standards. The following dimensional standards shall apply:
1. Lot Coverage. No requirements.
 2. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under DCC 18.120.040.
- H. Yards.
1. Front Yard. The front yard shall be no more than 20 feet, except as otherwise allowed by DCC 18.124.070(D)(2). All buildings shall be set at the front yard setback line.
 2. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 3. Rear Yard. None required, except when a parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.
- (Ord. 2004-013 §6, 2004; Ord. 2003-008 §1, 2003; Ord. 2002-015 §1, 2002; 2000-015 §2, 2000; Ord. 97-063 §3, 1997; Ord. 96-007 §1, 1996)

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.

1. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system.
2. 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. Transportation.

1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
2. The central collector and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area..
3. Driveway access will not be allowed onto the central collector and the neighborhood collectors.
4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.
5. Direct access from residential lots onto the local streets and perimeter collectors is permitted.
6. Shallow vegetated swales alongside the roads will provide for drainage.
7. A network of multi-use paths will be developed parallel to many of the collector roads and in the open space buffer areas along Huntington Road and the eastern perimeter collector parallel to Highway 97.
8. The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.

D. 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.
 - h. Class 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.
 - i. Class III road and street project.
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.
 - b. Outdoor Recreational Equipment Storage area 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 shall apply to the Residential General District.
- 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 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.
 - i. Class 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.
 - j. Class III road and street project.
 - 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. Residential facility or residential home.
 - b. 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.
- 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 town home.
 - b. Multi-use path.
 - c. Open space.
 - d. Class 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.
 - e. Class III road and street project.
 - 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.
- G. 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.
 - c. Class 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 and street project.
 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. 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.
 - c. Class 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 and street project.
 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. Laundromat.
 - 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.
- I. 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.
 - c. Class 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 and street project.
 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 two acres and no more than five 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 DCC 18.61.050(J).
 - 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.
 - J. 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 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.
 - d. 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.
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.

K. 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 DCC 18.61.050.
2. Eligibility to Submit an Application. Deschutes County will accept a Quadrant Plan application from an owner or 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, perimeter collector and local streets, block configurations and connections with adjacent Quadrants.
 - c. Non-motorized Circulation Plan showing locations of any sidewalks or 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.
 - e. 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:
 1. How the proposed water and sewer systems will be adequate to serve the type and size of development planned.
 2. How the proposed location and sizing of facilities will be consistent with existing and planned facilities.
 3. 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. Notwithstanding DCC 23.40.020(F)(1)(g), and this requirement, no design guidelines shall be required for Quadrant 1c.

- h. A plan showing the zone boundaries for Neighborhood General and Neighborhood Center Districts.
 - i. A plan showing the proposed locations and dimensions of road rights-of-way.
 - j. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18.
 - k. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association. Notwithstanding DCC 23.40.020(F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowners association shall be required with an application for a quadrant plan for Quadrant 1c.
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. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the Deschutes County Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a Quadrant Plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. 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).
 - 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. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under DCC Title 17.
 - e. The 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 23.36.020(D) 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:
 - 1. Neighborhood Commercial District. A minimum of two and a maximum of four 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.
 - 2. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
 - 3. 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.

FINDINGS

The Deschutes Board of County Commissioners (Board) held a public hearing on November 9, 2009, at the Deschutes Service Center, Barnes and Sawyer room, starting at 10:00 a.m. The Commissioners considered a text amendment initiated by Deschutes County staff, to the Deschutes County Code ("DCC"), Sections 18.32.030 (C) *La Pine Area, Industrial District*.

BACKGROUND

The staff initiated this text amendment at the request of the Board to allow utility facilities with a conditional use permit and site plan review to the existing La Pine Industrial District. Currently, utility facilities are only permitted with a conditional use permit and site plan review in the La Pine Commercial District. Following a recent request to the County Planning Division by a private company to construct a biomass facility in La Pine, it was revealed that the industrial zone district in the area does not address utility facilities and therefore is not permitted.

The Deschutes County Comprehensive Plan outlines the La Pine planning area industrial park. It includes both public and privately owned industrial land. According to the 1979 comprehensive plan water pollution issues have been ongoing in the La Pine area which resulted in the construction of sewage treatment facility. All the land in the Industrial District is included in the La Pine Special Sewer District. As of 1996, the sewer district had the capacity to serve the Industrial District at build out. Because the Industrial District is in the sewer district it was anticipated that new industrial uses would connect to the sewer. Staff verified with the La Pine Sewer District that capacity is available at this time and utilities are installed. The current code addresses requirements for connecting to the sewer treatment facility and obtaining Oregon Department of Environmental Quality (DEQ) Water Pollution Control Facility (WPCF) permits. Although this text amendment does not address any specific development, it will allow for additional industrial development with the proposed utility facility use.

PROPOSED TEXT AMENDMENT

Staff proposed a text amendment that meets the needs and the intent of the La Pine Industrial District. The proposed text amendment is outlined in the attached exhibit and is underlined for new language and shown as ~~strikethrough~~ for deleted language.

ANALYSIS

The proposed text amendment will allow the development of a utility facility in the La Pine Industrial District. A utility facility by definition in the Deschutes County Code is:

"Utility facility" means any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, telecommunications facilities, water towers, sewage lagoons, sanitary landfills and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. This definition shall not include wireless telecommunication facilities where such facilities are listed as a separate use in a zone.

In addition to adding the utility facility use to the Industrial District, staff is proposing to include text changes that address height limits for exhaust stacks within the Industrial District. Exhaust stacks are regulated by the state DEQ and the federal Environmental Protection Agency (EPA). There are specific formulas that are used to determine the stack height requirements. Typically because of the great expense, the exhaust stacks are constructed to meet the specified height requirement and no higher. All specific requirements will be addressed during the land use process in the conditional use and site plan review application for a utility facility. The proposed text allows that all industrial facility exhaust stacks meet the DEQ and EPA regulations for height.

REVIEW CRITERIA AND FINDINGS

Deschutes County lacks specific criteria in DCC Titles 18 or 23 for reviewing a legislative zoning text amendment. Therefore, the County must determine that the proposed text amendments are consistent with the County Comprehensive Plan, Title 23. The following findings demonstrate compliance with the County Comprehensive Plan.

According to the Comprehensive Plan, La Pine residents for sometime have had a clear desire to be independent and self-directed, which lead to their pursuit to be an incorporated city within Deschutes County. Achieving that desire to be independent includes the ability for the area to provide for economic development within the City of La Pine. This proposal would support future development for utility facilities in the La Pine Industrial District, which would add to the types of businesses that would provide economic opportunities in La Pine.

- This is a staff initiated text amendment to allow the addition for utility facilities in the La Pine Industrial District zone subject to specific development provisions to DCC Sections 18.124 Site Plan Review and 18.128 Conditional Use.

Community Involvement goals and polices outlined in Chapter 1 of the Comprehensive plan for a legislative action occurs through the proposed public hearing process with the Deschutes County Planning Commission and Board of Commissioners. The Planning Commission will hold a joint public hearing on October 8, 2009 in La Pine with the newly established La Pine Planning Commission and will make a recommendation for the proposed text amendment. The Board will hold a public hearing and first reading in late October or early November.

The Deschutes County Comprehensive Plan, Chapter 23 does not specifically address utility facilities however, Energy goals 2 and 3 encourage land uses to maximize the conservation of all forms of energy and the promotion of adequate local energy supplies. Both of these goals support the proposed text amendment because it would promote a facility that could allow the development of local energy supplies and allow the placement of a facility that would take advantage of the local forest resources that are abundant in Central Oregon, specifically the La Pine area. In addition to these goals, there is an energy policy that charges the County with the review and promotion for the development and use of local alternative energy sources in order to prepare for the potential future shortages and reduce the outflow of local dollars to buy energy.

Deschutes County has established a process and policy framework to assure that decisions rendered by the County on land use applications have an adequate factual basis. No exceptions to the Statewide Planning Goals are requested with this application. No statewide goal exceptions are necessary because the area where this use will be allowed is already zoned for industrial uses, the proposed amendment provides for an additional type of industrial use.

*Original
language*

The Comprehensive Plan economy goals in Chapter 3 of the Comprehensive Plan promote diversifying and improvement of the local economy as well as enhancing and maintaining the commercial and industrial segments of the local economy. This text amendment proposal will promote local jobs to the La Pine area and could enhance other economic aspect such as housing and service establishments associate with the La Pine area as a result of future industrial development.

The proposed text amendments will have no effect on the transportation system because there are no new roads being proposed with this amendment and such facilities are unlikely to generate much in terms of additional employee traffic given the size of the parcels in the industrial zone. Thus, these facilities are unlikely to burden existing transportation facilities and use that can be expected to add 50 or more vehicle trips per day will be required under the County Code to provide a traffic impact study and mitigate traffic impacts. The text amendment would promote the transportation goals addressed in Chapter 3 of the Comprehensive Plan. The development of an additional industrial use could reduce the need for travel to and from the other urban and industrial areas by providing a local work source. This also could promote the conservation of energy if travel time to and from the work source is reduced.

A joint public hearing was held by the Deschutes County Planning Commission and the La Pine Planning Commission in La Pine on October 8, 2009. Both Commissions' voted unanimously in favor of the proposed text amendment with no changes.

At the hearing before the Board, La Pine citizens testified regarding a concern for the allowance of a 100-foot tall stack because that stack will be taller than all other structures in the area except cellular and radio towers. Thus, the Board suggested alternate language to DCC 18.61.030(C)(e) in order to minimize the height of the exhaust stack to the minimum height required by the DEQ. The Board Chair conducted the first reading of the ordinance without the proposed change but with the Board direction to staff to draft the alternate language to be read with the second reading of the ordinance on November 30, 2009. On November 30, 2009, the Board decided that the original language was sufficient. The Board Chair conducted the second reading and Board adopted the ordinance.

*alternate
language*

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