

Section 4. FINDINGS. The Board adopts as its findings, Exhibit "D," attached hereto and by this reference incorporated herein.


Section 5. EMERGENCY. This Ordinance being necessary to address a need for economic development opportunities in Deschutes County and for the immediate preservation of the public peace, health, safety, and welfare, an emergency is declared to exist, and this Ordinance becomes effective thirty (30) days after adoption.

Dated this 30 of December, 2020


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


PATTI ADAIR, Chair


ANTHONY DeBONE, Vice Chair


PHILIP G. HENDERSON, Commissioner

ATTEST:


Recording Secretary

Date of 1st Reading: 30 day of December, 2020.

Date of 2nd Reading: 30 day of December, 2020.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	X	—	—	—
Anthony DeBone	X	—	—	—
Philip G. Henderson	X	—	—	—

Effective date: 29 day of January, 2021.

Chapter 18.74. RURAL COMMERCIAL ZONE

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18.74.025. Uses Permitted – Spring River.

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 retail/rental store, office, or service establishment any combination of the following uses:~~

~~a. Use Limitations. Each use in section (A)(1) shall not exceed 2,500 square feet of building floor space on a single lot.~~

~~b. Building Limitations. For (A)(1) uses, if multiple buildings are located on a single lot, the total square feet of floor space for each building shall not exceed 2,500 square feet.~~

~~c. The applicable provisions of this chapter, along with DCC 18.116 and 18.124, apply to retail/rental store, office or service establishments, including but not limited to the following uses and their accessory uses:~~

~~i. a. Fishing supplies and equipment.~~

~~ii. b. Snowmobiling accessories.~~

~~iii. e. Marine accessories.~~

~~iv. d. General store.~~

~~v. e. Hardware store.~~

~~vi. f. Convenience store with gas pumps.~~

~~vii. g. Fast food restaurant, cafe, or coffee shop. Eating and drinking establishment.~~

~~viii. h. Recreational rental equipment store.~~

~~ix. i. Excavation business.~~

~~x. j. Landscaping business/service.~~

~~xi. k. Health care service.~~

~~xii. l. Beauty shop.~~

~~xiii. m. Video store.~~

~~xiv. o. Post office.~~

~~xv. p. Party supply.~~

~~xvi. q. Equipment sales and rental.~~

~~xvii. r. Appliance store.~~

~~xviii. s. Bank.~~

~~xix. t. Exterminator.~~

~~xx. u. Private mailing and packaging store.~~

~~xxi. v. Bakery.~~

~~2. d. 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.~~

2. Pet, livestock supply and farm machinery sales and repair.

- a. Use Limitations. Each use in section (A)(2) shall not exceed 3,500 square feet of building floor space on a single lot, whether the use is contained within a single or multiple buildings.
 - b. Building Limitations. For section (A)(2) uses, if multiple buildings are located on a single lot, the total square feet of floor space for each building shall not exceed 3,500 square feet.
 - c. The applicable provisions of this chapter, along with DCC 18.116 and 18.124, apply to the following uses and their accessory uses, and any combination of these uses:
 - i. Pet and livestock supply.
 - ii. Farm machinery sales and repair.
 - 4.d. Expansion of a nonconforming use listed in section (A)(32)(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. ~~Use Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot, whether the use is contained within a single or multiple buildings. A building or buildings not exceeding 2,500 square feet of floor space to be used by any combination of the following uses:~~
 - 2. ~~Building Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot.~~
 - 3. ~~The applicable provisions of this chapter, along with DCC 18.116, 18.124 and 18.128, apply to the following uses and their accessory uses, and any combination of these uses:~~
 - a. Full service gas station with automobile repair services.
 - b. Welding shop.
 - c. Mini-storage units
 - d. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 - 42. ~~Expansion of a nonconforming use listed in section B(1)(a-e), 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. 74.120, 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.
 - 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.
- (Ord. 2020-017 §1, 2020; Ord. 2016-015 §7, 2016; Ord. 2015-004 §7, 2015; Ord. 2008-008 §1, 2008; 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)

18.74.030. Development Standards.

A. Yard Standards.

1. Front Yard. The front yard shall be a minimum of 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-rear 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.

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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.
- 1.. Lot coverage for dwellings and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area.
 2. Lot coverage for buildings used primarily for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.
 3. Primary and accessory buildings to be used for purposes other than residential, commercial or industrial 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.
- J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.
(Ord. 2020-017 §1, 2020; Ord. 2008-008 §1, 2008; Ord. 2007-007 § 1, 2007; Ord. 2006-008 §7, 2006; Ord. 2003-080 §1, 2003, Ord. 2002-019 §2, 2002)

Chapter 18.116. SUPPLEMENTARY PROVISIONS

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18.116.030. Off-street Parking and Loading.

- A. Compliance. No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be met and that property is and will be available for exclusive use as off-street parking and loading. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by DCC Title 18.
- B. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:
 - 1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 5,000	0
5,000-30,000	1
30,000-100,000	2
100,000 and Over	3

- 2. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths subject to the following table:

Sq. Ft. of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

- 3. A loading berth shall contain space 10 feet wide, 35 feet long and have a height clearance of 14 feet. Where the vehicles generally used for loading exceed these dimensions, the required length of these berths shall be increased.
 - 4. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.
 - 5. Off-street parking areas used to fulfill the requirements of DCC Title 18 shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
 - C. Off-Street Parking. Off-street parking spaces shall be provided and maintained as set forth in DCC 18.116.030 for all uses in all zoning districts. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 18 is changed.
 - D. Number of Spaces Required. Off-street parking shall be provided as follows:
 - 1. Residential.

Use	Requirements
One, two and three family dwellings	2 spaces per dwelling unit

Use	Requirements
Multi-family dwelling containing four or more dwelling units: Studio or efficiency unit	0.75 space per unit
1 bedroom	1.00 space per unit
2 bedroom	1.50 space per unit
3 bedroom	2.25 space per unit
4 bedroom	2.50 space per unit
Apartment/hotel, rooming or boarding house	0.50 space guest parking per dwelling unit
Quad or quint dwelling	4.50 spaces per quad and 5.50 spaces per quint

2. Commercial Residential.

Use	Requirements
Hotel	1 space per guest room plus 1 space per 2 employees.
Motel	1 space per guest room or suite plus 1 additional space for the owner-manager
Club or lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Fraternity, sorority or dormitory	1 space for each 6 student beds

3. Institutions.

Use	Requirements
Welfare or correctional institution	1 space per 3 beds for patients or inmates
Convalescent Hospital, nursing hospital, sanitarium, rest home, home for the aged	1 space per 2 beds for patients or residents
Hospital	1.50 spaces per bed

4. Places Of Public Assembly.

Use	Requirements
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Religious institutions or assemblies	1 space per 4 seats or 8 feet of bench length in the main auditorium or 1 space for each 50 sq. ft. of floor area used for assembly
Library, reading room, museum, art gallery	1 space per 400 sq. ft. of floor area plus 1 space per 2 employees
Preschool, nursery or kindergarten	2 spaces per teacher
Elementary or junior high schools	1 space per 4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater, plus 1 space per employee.
High schools	1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main auditorium, whichever is greater, plus 1 space per employee
College or commercial school for adults	1 space per 3 seats in classrooms
Other auditorium or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 sq. ft. of floor space.

5. Commercial Amusements.

Use	Requirements
Stadium, arena or theater	1 space per 4 seats or 8 feet of bench length
Bowling alley	6 spaces per lane, plus 1 space per 2 employees
Dance hall or skating rink	1 space per 100 sq. ft. of floor area, plus 1 space per 2 employees.

6. Commercial.

Use	Requirements
Grocery stores of 1,500 sq. ft. or less of gross floor area, and retail stores, except those selling bulky merchandise	1 space per 300 sq. ft. of gross floor areas
Supermarkets, grocery stores	1 space per 200 sq. ft. of gross floor area

Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space per 600 sq. ft. of gross floor area
Bank or office, except medical or dental	1 space per 300 sq. ft. of gross floor area
Medical and dental office or clinic	1 space per 150 sq. ft. of gross floor area
Eating or drinking establishments	1 space per 100 sq. ft. of gross floor area.
Mortuaries	1 space per 4 seats or 8 ft. of bench length in chapels

7. Industrial.

Use	Requirements
Manufacturing establishment	1 space per employee on the largest working shift
Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space per 2,000 sq. ft. of floor area

8. Airport Uses.

Use	Requirements
Hangars or tie-downs	1 space per 4 private aircraft occupying a hangar or tie-down space
Office	1 space per 300 sq. ft. of gross floor area
Aircraft maintenance	1 space per 1,000 sq. ft. of gross floor area
Manufacturing, assembly, research	1 space per 500 sq. ft. of gross floor area

9. Other uses not specifically listed above shall be provided with adequate parking as required by the Planning Director or Hearings Body. The above list shall be used as a guide for determining requirements for said other uses.

E. General Provisions. Off-Street Parking.

1. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of requirements of the several uses computed separately.
 2. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.
 3. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or another parcel not farther than 500 feet from the building or use they are intended to serve, measured in a straight line from the building in a commercial or industrial zone. Such parking shall be located in a safe and functional manner as determined during site plan approval. The burden of proving the existence of such off-premise parking arrangements rests upon the applicant.
 4. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.
 5. Parking, Front Yard. Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District, ~~and the Airport Development (AD) Zone, and~~ properties fronting Spring River Road in the Spring River Rural Commercial Zone and the La Pine UUC Business Park (LPBP) District and the La Pine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.
 6. On-Street Parking Credit. Notwithstanding DCC 18.116.030(G)(2), within commercial zones in the La Pine Planning Area and the Terrebonne and Tumalo unincorporated communities, the amount of required off-street parking can be reduced by one off-street parking space for every allowed on-street parking space adjacent to a property up to 30% of the required off-street parking. On-street parking shall follow the established configurations in the parking design standards under DCC 18.116.030 Table 1. To be considered for the parking credit, the proposed parking surface, along the street frontage under review, must have a defined curb line and improved as required under DCC 17.48, with existing pavement, or an engineered gravel surface. For purposes of establishing credit, the following constitutes an on-street parking space:
 - a. Parallel parking (0 degree), each 20 feet of uninterrupted curb;
 - b. Diagonal parking (60 degree), each with 11 feet of curb;
 - c. Perpendicular parking (90 degree), each with 10 feet of curb;
 - d. Curb space must be connected to the lot that contains the use;
 - e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces are permitted.
- F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

1. Except for parking to serve residential uses, an off-street parking area for more than five vehicles shall be effectively screened by a sight obscuring fence when adjacent to residential uses, unless effectively screened or buffered by landscaping or structures.
 2. Any lighting used to illuminate off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in a residential zone.
 3. Groups of more than two parking spaces shall be located and designed to prevent the need to back vehicles into a street or right of way other than an alley.
 4. Areas used for standing and maneuvering of vehicles shall be paved surfaces adequately maintained for all weather use and so drained as to contain any flow of water on the site. An exception may be made to the paving requirements by the Planning Director or Hearings Body upon finding that:
 - a. A high water table in the area necessitates a permeable surface to reduce surface water runoff problems; or
 - b. The subject use is located outside of an unincorporated community and the proposed surfacing will be maintained in a manner which will not create dust problems for neighboring properties; or
 - c. The subject use will be in a Rural Industrial Zone or an Industrial District in an unincorporated community and dust control measures will occur on a continuous basis which will mitigate any adverse impacts on surrounding properties.
 5. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
 6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Service drives to drive in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.
 7. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line and a straight line joining said lines through points 30 feet from their intersection.
 8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail placed to prevent a motor vehicle from extending over an adjacent property line or a street right of way.
- G. Off-Street Parking Lot Design. All off-street parking lots shall be designed subject to County standards for stalls and aisles as set forth in the following drawings and table:
(SEE TABLE 1 AT END OF CHAPTER 18.116)
1. For one row of stalls use "C" + "D" as minimum bay width.
 2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the public right of way.
 3. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.
 4. For large parking lots exceeding 20 stalls, alternate rows may be designed for compact cars provided that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall shall be eight feet in width and 17 feet in length with appropriate aisle width.
- (Ord. 2020-017 §2, 2020; Ord. 2020-018 §2, 2020; Ord. 2020-001 §14, 2020; Ord. 2010-018 §1, 2010, Ord. 2004-013 §12, 2004; Ord. 2003-005 §2, 2003; Ord. 2002-015 §2, 2002, Ord. 2001-044 §4, 2001; Ord. 97-078 §6, 1997; Ord. 96-003 §7, 1996; Ord. 93-063 §2, 1993; Ord. 93-043 §19, 1993; Ord. 91-038 §1, 1991; Ord. 91-020 §1, 1991; Ord. 90-017 §1, 1990)

Chapter 18.124. SITE PLAN REVIEW

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18.124.070. Required Minimum Standards.

- A. Private or shared outdoor recreation areas in residential developments.
1. Private Areas. Other than a development in the Sunriver UUC Town Center District, each ground-level living unit in a residential development subject to site plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
 2. Shared Areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:
 - a. Units with one or two bedrooms: 200 square feet per unit.
 - b. Units with three or more bedrooms: 300 square feet per unit.
 3. Usable outdoor recreation space shall be provided in the Sunriver UUC Town Center District on a district-wide basis as follows:
 - a. A minimum of one hundred square feet of outdoor recreation space per Multi-family Dwelling unit or Townhome that is accessible to residents or guests staying in Multi-family Dwelling or Townhome units.
 - b. Outdoor recreation spaces may include bicycle paths, plazas, play areas, water features, ice rinks, pools and similar amenities that are located outdoors.
 - c. Outdoor recreation space must include recreation for children who are district residents, such as a maintained playground area with approved equipment such as swings or slides.
 4. Storage. In residential developments, convenient areas shall be provided for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.
- B. Required Landscaped Areas.
1. The following landscape requirements are established for multi-family, commercial and industrial developments, subject to site plan approval:
 - a. A minimum of 15 percent of the lot area shall be landscaped.
 - b. All areas subject to the final site plan and not otherwise improved shall be landscaped.
 2. In addition to the requirement of DCC 18.124.070(B)(1)(a), the following landscape requirements shall apply to parking and loading areas:
 - a. A parking or loading area shall be required to be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - b. In addition to the landscaping required by DCC 18.124.070(B)(2)(a), a parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 10 feet in width, and from any other lot line by a landscaped strip at least five feet in width.
 - c. A landscaped strip separating a parking or loading area from a street shall contain:
 - 1) Trees spaced as appropriate to the species, not to exceed 35 feet apart on the average.
 - 2) Low shrubs not to reach a height greater than three feet zero inches, spaced no more than eight feet apart on the average.
 - 3) Vegetative ground cover.
 - d. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - e. The landscaping in a parking area shall have a width of not less than five feet.
 - f. Provision shall be made for watering planting areas where such care is required.
 - g. Required landscaping shall be continuously maintained and kept alive and attractive.
 - h. Maximum height of tree species shall be considered when planting under overhead utility lines.
- C. Non-motorized Access.

1. Bicycle Parking. The development shall provide the number and type of bicycle parking facilities as required in DCC 18.116.031 and 18.116.035. The location and design of bicycle parking facilities shall be indicated on the site plan.
 2. Pedestrian Access and Circulation:
 - a. Internal pedestrian circulation shall be provided in new commercial, office and multi-family residential developments through the clustering of buildings, construction of hard surface pedestrian walkways, and similar techniques.
 - b. Pedestrian walkways shall connect building entrances to one another and from building entrances to public streets and existing or planned transit facilities. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connections on adjacent properties planned or used for commercial, multi-family, public or park use.
 - c. Walkways shall be at least five feet in paved unobstructed width. Walkways which border parking spaces shall be at least seven feet wide unless concrete bumpers or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway. Walkways shall be as direct as possible.
 - d. Driveway crossings by walkways shall be minimized. Where the walkway system crosses driveways, parking areas and loading areas, the walkway must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material or other similar method.
 - e. To comply with the Americans with Disabilities Act, the primary building entrance and any walkway that connects a transit stop to building entrances shall have a maximum slope of five percent. Walkways up to eight percent slope are permitted, but are treated as ramps with special standards for railings and landings.
- D. Commercial Development Standards:
1. New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District and properties fronting Spring River Road in the Spring River Rural Commercial Zone~~the La Pine UUC Business Park (LPBP) District~~. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.
 2. To meet the standard in paragraph (1) of this subsection, buildings developed as part of a shopping complex, as defined by this title, and planned for the interior, rear or non-street side of the complex may be located and oriented toward private interior streets within the development if consistent with all other standards of paragraph (1) above and this paragraph. Interior streets used to satisfy this standard may have on-street parking and shall have sidewalks along the street in front of the building. Such sidewalks shall connect to existing or future sidewalks on public streets accessing the site. The master plan for the shopping complex shall demonstrate that at least one half of the exterior perimeter of the site that abuts each public street, will be developed with buildings meeting the standards of paragraphs (D)(1) or (D)(3) of this subsection.
 3. An increase in the front yard setback may be allowed where the applicant can demonstrate that one or more of the following factors makes it desirable to site the new building beyond the minimum street setback:
 - a. Existing development on the site;
 - b. Lot configuration;
 - c. Topography of the lot;
 - d. Significant trees or other vegetative features that could be retained by allowing a greater setback;
 - e. Location of driveway access. Such an increase in the front yard shall be the minimum necessary to accommodate the reason for the increase.
 - f. Architectural features, driveways, landscaping areas equal to or greater than the depth of the structure, and outdoor commercial areas, when at least one half of the structure meets the minimum street setback.

4. Off-street motor vehicle parking for new commercial developments in excess of 10,000 square feet shall be located at the side or behind the building(s), except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District. Off-street parking proposed with a shopping complex, as defined by this title, and intended to serve buildings located in the interior or rear of the complex may have parking in front of the building provided the overall master plan for the site satisfies paragraph (2) of this subsection.

(Ord. 2020-017 §3, 2020; Ord. 2008-015 §4, 2008; Ord. 2006-008 §8, 2006; Ord. 2002-033 §1, 2002; Ord. 2001-044 §5, 2001; Ord. 97-078 §7, 1997; Ord. 93-063 §3, 1993; Ord. 93-043 §22B, 1993; Ord. 93-005 §8, 1993)

FINDINGS

FILE NUMBER: 247-20-000502-TA

APPLICANT: Spring River Plaza, LLC (Richard Hadley)

CONSULTANT: Greg Blackmore, Blackmore Planning and Development Services, LLC

REQUEST: Text Amendments to the Deschutes County Code Chapters 18.74, Rural Commercial Zone – Spring River; 18.116, Supplementary Provisions, and 18.124, Site Plan Review.

STAFF CONTACT: Cynthia Smidt, Associate Planner

I. APPLICABLE CRITERIA

Deschutes County Code (DCC)

Title 18, Deschutes County Zoning Ordinance

- Chapter 18.74. Rural Commercial Zone – RC
- Chapter 18.116. Supplementary Provisions
- Chapter 18.124. Site Plan Review
- Chapter 18.136. Amendments

Title 22, Deschutes County Development Procedures Ordinance

- Chapter 2.12. Legislative Procedures

Deschutes County Comprehensive Plan

- Chapter 1. Comprehensive Planning
- Chapter 2. Resource Management
- Chapter 3. Rural Growth Management
- Chapter 4. Urban Growth Management
- Chapter 5. Supplemental Sections
- Appendix C. Transportation System Plan

Oregon Administrative Rules (OAR), Chapter 660

- Division 12, Transportation Planning
- Division 15, Statewide Planning Goals

II. FINDINGS OF FACT

- A. BACKGROUND:** The Rural Commercial plan designation and associated zoning, applies to specific properties that are located outside unincorporated communities and urban growth boundaries. Spring River is one of five rural commercial designations found in Deschutes County. Others include Deschutes Junction, Deschutes River Woods Store, Pine Forest, and Rosland. The Rural Commercial zones are limited in size and scope, and are intended to serve the immediate rural area and any visitors. Prior to the Rural Commercial designation, the 1979 Comprehensive Plan designated these areas as Rural Service Centers. In 1994, a new Oregon Administrative Rule (OAR), 660 Division 22, was adopted to clarify what uses could be allowed in unincorporated communities without violating Statewide Planning Goal 11, Public Facilities and Services, and

Goal 14, Urbanization.¹ The Unincorporated Communities Rule of 660-022 identified four different types of rural communities:

- Resort Community;
- Urban Unincorporated Community;
- Rural Community; and
- Rural Service Center.

Deschutes County was required to review existing rural service centers for compliance with OAR 660-022. Three Rural Service Centers – Deschutes Junction, Deschutes River Woods Store and Spring River – were given a new plan designation of Rural Commercial since these areas no longer qualified as a Rural Service Center. The County also applied the same plan designation to the Rosland (2002) and Pine Forest (2007) commercial centers. Exceptions to Goals 3 or 4 were not taken to any of these areas as a result of the change in designation from Rural Service Center to Rural Commercial. Moreover, the Rural Commercial designation only applied to acknowledged exception areas. Deschutes County’s Comprehensive Plan policies and zoning standards, addressed below, restrict commercial uses to those that are rural as required in Goal 14, Urbanization. They are less intensive than those uses permitted in other unincorporated communities.

B. RURAL COMMERCIAL ZONE – SPRING RIVER: The Spring River RC Zone includes 17 lots, encompassing 9.16 acres.² Three roads bound the area: Spring River Road, Azusa Road, and Lunar Drive. Rural residential lands adjoin it. As for the existing businesses, a series of tables identify each property with addresses, associated land use file numbers, description, and notes. Following each table is a correlating figure with associated property addresses.

TABLE 1 – Properties fronting on Spring River Road

Address	Land Use File Number(s)	Description	Notes
17333 Spring River Rd.	247-20-000529-CU	Fill/Removal material for driveway in wetlands (<i>active permit</i>)	Mapped wetlands present
17341 Spring River Rd.	--	Undeveloped	Mapped wetlands present
17347 Spring River Rd. 17353 Spring River Rd.	--	Undeveloped	--
17355 Spring River Rd.	SP0446/MA0410 SP9580 SP9043 CU8864/SP8840	Current approved uses include: convenience store, fast food restaurant, recreational rental equipment, office and storage space	Commercial building established in 1972 and has undergone various modifications Parking approved outside of front yard (DCC 18.116.030(E)(5))
17363 Spring River Rd.	SP0450	Restaurant	Parking approved within front yard
17371 Spring River Rd.	--	undeveloped	--
17377 Spring River Rd.	SP9561	Current approved use: thrift store (retail)	Parking approved within front yard

¹ <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3072>

² The Spring River Rural Commercial Zone includes a Limited Use Combining Zone (LU). The LU Zone, DCC Chapter 18.112, limits the permitted uses and general activities allowed in the underlying zone when a parcel is rezoned to that particular underlying zone through the taking of an exception to a Statewide land use planning goal. The LU does not apply in this case since the applicant is only proposing text amendments to DCC 18.74.025, 030 and 18.116.030.

FIGURE 1 – Properties fronting on Spring River Road

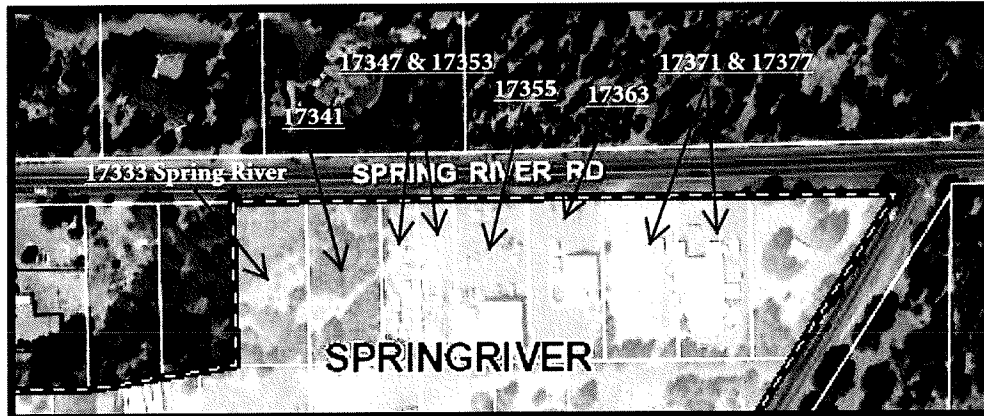


TABLE 2 – Properties fronting on Lunar Drive and Spring River Drive or Azusa Road

Address	Land Use File Number(s)	Description	Notes
56789 Lunar Dr.	247-17-000758-CU 247-17-000759-SP 247-15-000557-SP SP9020 CU85100/SP8556	Current approved use: marijuana retail and associated office space	Commercial building established in 1971 and has undergone various modifications Recognized as a nonconforming use; parking is approved within front yard adjacent to Lunar Dr.
56771 Lunar Dr.	SP9529/LM9561	Current approved use: 3-unit commercial building approved for two retail/ rental businesses and one service/repair shop	Parking approved outside of front yard adjacent to Azusa Rd. and Lunar Dr.

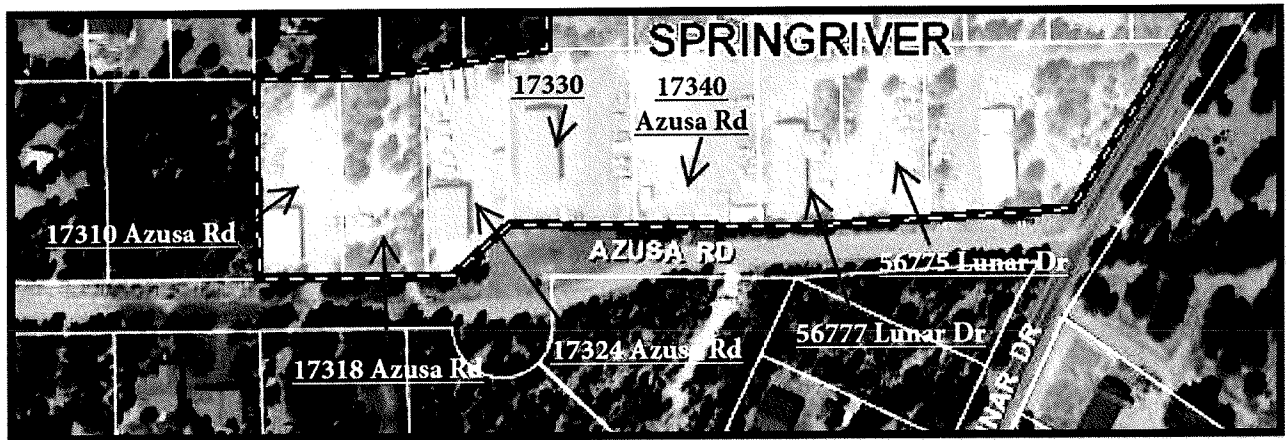
FIGURE 2 – Properties fronting on Lunar Drive and Spring River Drive or Azusa Road



TABLE 3 – Properties fronting on Azusa Road

Address	Land Use File Number(s)	Description	Notes
56775 Lunar Dr.	--	undeveloped	--
56777 Lunar Dr.	SP0612 SP9020	Current approved use: warehouse for landscape business	Warehouse building established in 1990 Parking approved outside of front yard adjacent to Azusa Rd.
17340 Azusa Rd.	--	Undeveloped	--
17330 Azusa Rd.	SP0230/LM02136	Current approved use: excavation business (primarily equipment storage and dispatching)	Parking approved outside of front yard adjacent to Azusa Rd.
17324 Azusa Rd.	SP0455/LM04237	Current approved use: excavation business (primarily equipment storage and dispatching)	Parking approved outside of front yard adjacent to Azusa Rd.
17318 Azusa Rd.	--	Undeveloped	--
17310 Azusa Rd.	SP0019	Current approved use: landscaping business	Parking approved outside of front yard adjacent to Azusa Rd.

FIGURE 3 – Properties fronting on Azusa Road



- C. **PROPOSED AMENDMENTS:** According to the applicant, the purpose of the proposed text amendments are to address changing demands in the surrounding area and “improve employment and economic opportunities.” Moreover, the applicant indicates that the provisions found within the County Code and Spring River RC Zone “severely hinder the ability to efficiently develop the property, provide employment opportunities, and provide commercial amenities and services.” The text amendments will include uses that have the same or similar impacts (e.g. wastewater, transportation, and parking) to those uses that are currently permitted in the zone. Additionally, the proposal revises County Code language to allow future development to be consistent with existing development patterns in the same area. The applicable Oregon Administrative Rules, and applicable policies of the Deschutes County Comprehensive Plan, including the Transportation System Plan (TSP), are addressed below in this report.

The following summarizes each proposed amendment to the DCC. Proposed amendments are shown in ~~strikeout~~ for language to be deleted, and underline for language to be added in Ordinance 2020-017, Exhibits A, B, and C.

1. Spring River Rural Commercial Zone Amendments

Exhibit A shows the following amendments to the Spring River RC Zone:

- Adds office and retail businesses to the outright permitted uses subject to site plan review.
- Clarifying language to the “minimum” front yard standards for new development. The applicant states that because the term minimum is not present in County Code, it lends itself to be interpreted, as minimum and a maximum, and thus a building must be at the front yard of 80 feet, based on the Spring River Road classification of rural arterial. Therefore, their proposal to clarify the setback is a minimum.

2. Front Yard Parking Standards Amendments

Deschutes County Code prohibits parking and loading spaces within the front yard, except when located in the districts and zones specified under DCC 18.116.030(E)(5), detailed below. The applicant is proposing in Exhibit B to add the Spring River RC Zone to the list of exception areas. In addition to the front yard clarification described above, the applicant proposes to clarify the minimum front yard in this section as well.

3. Site Plan Review Amendments

Deschutes County Code requires new commercial buildings to be sited at the front yard setback line, except when located in the districts and zones specified under DCC 18.124.070(D), detailed below. Exhibit C shows the addition of Spring River RC Zone to the list of exception areas.

- D. PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice to several agencies and received the following comments.

Deschutes County Transportation Planner: Senior Transportation Planner Peter Russell reviewed the application and findings concerning Statewide Land Use Planning Goal 12 and the Transportation Planning Rule. Mr. Russell found the application complies with Goal 12 and the TPR.

Deschutes County Environmental Soils Division: Todd Cleveland, Environmental Health Supervisor did provide the following comments to staff regarding wastewater in the Spring River RC Zone area.

This property is served with an advanced onsite wastewater treatment system under an Oregon DEQ permit. The treated water is pumped to a final disposal site on a higher property nearby. The additional wastewater would have to be treated with that system to meet state standards. The groundwater in this area is very sensitive to additional loading from wastewater treatment systems. In some cases, even advanced treatment is not sufficient to provide long-term protections based on the USGS model.

In addition, staff notes that if multiple properties are proposed to be served with one onsite wastewater system, it would require a Goal 11 exception.

- E. PUBLIC COMMENTS:** The Planning Division mailed notice of the proposed text amendments to all property owners within the Spring River RC Zone and the surrounding area. The following individuals or organizations provided written support of the proposal:

- Jenny Gregoriou, Century 21 Lifestyles Realty
- Scott Pence, Sunset Lodging
- David Jameson, ToyHouse Toys LLC

III. CONCLUSIONS OF LAW:

In order to approve the land use regulation (text) amendment request, the proposal must comply with the criteria found in statutes and their implementing administrative rules, County comprehensive plan, and land use procedures ordinance.³ Each of these approval criteria is addressed in the findings below.

Title 18, Deschutes County Zoning Ordinance Chapter 18.74. RURAL COMMERCIAL ZONE – RC

1. Section 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.

FINDING: This purpose statement does not include any approval criteria.

³ The proposed text amendment is not changing the comprehensive plan and thus Oregon Statewide Planning Goals and Guidelines are not addressed in these findings.

2. Section 18.74.025. Uses Permitted – Spring River

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 DCC18.116 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. Healthcare 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
- d. Marijuana retailing, subject to the provisions of DCC 18.116.330.

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.

FINDING: The applicant proposed an amendment to the Spring River RC Zone to add general categorical uses of office and retail businesses to the outright permitted uses subject to site plan review. The proposal does not include new development, so the use provisions of this section are not directly applicable to the application.

Beyond the amendments proposed by the applicant, DCC 18.74.025, the Board finds additional amendments are appropriate to address the following issues:

1. Provide code language that will be more inclusive of all retail, rental, and service establishment uses that are already permitted in the Spring River RC Zone.
2. Use of “eating and drinking establishment” code language to be consistent with the off-street parking standards found in DCC 18.116.030(D)(6).
3. Provide language that is consistent with Deschutes County Code by identifying each building or buildings size limit together with a commercial use size limit.

Considering the above issues, coupled with formatting issues (the list skips the letter ‘n’); the Board finds broadly defined uses in this area will allow for local-serving and local-demanded uses in a rural community

3. Section 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.*

FINDING: Unlike the side and rear yard setback standards of this section, which specifically state the setbacks are a “minimum”, the front yard setback standard of this section does not state that it is a “minimum” required setback. The Board finds without the term “minimum”, the front yard criterion could be interpreted as both a minimum and a maximum. The applicant proposed that “minimum” be added to subsection (A)(1).

Yard requirements and setbacks assist with public health and safety aspects of development, and provide community value and aesthetics. Deschutes County Code has included yard and setback requirements since the adoption in 1972 of Public Law 5 (PL-5), the predecessor to PL-15 and eventually Title 18.

Yard and setback, as defined in the DCC, creates an open space on a lot, which is unobstructed from the ground upward. For this reason, yards identify the nearest point where a structure is permitted to be located. Consequently, yards and setbacks are a minimum setback, unless otherwise specified. For example, Tumalo and Terrebonne commercial zoning districts are the exception because those districts specifically state the front yard and setback is a maximum.⁴

The Board finds this amendment is appropriate, but alters the location of the term “minimum” as shown in Exhibit A. In addition, the Board recognizes the need to correct DCC 18.74.030(A)(3), Rear Yard, which includes an erroneous reference to side yard. This amendment is also shown in Exhibit A.

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

⁴ For example, DCC 18.67.040(I)(1) states the following:

Front Yard. The front yard shall be a maximum of 15 feet, except as otherwise allowed by DCC 18.124.070(D)(3).

The street setback for buildings may be reduced, but not increased, to the average building setback distance of existing buildings on adjoining lots.

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.
2. **Commercial and Public Uses.**
 - a. *The minimum lot size for a commercial use served by a non-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.**
 1. *Lot coverage for dwellings and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area.*
 2. *Lot coverage for buildings used primarily for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.*
 3. *Primary and accessory buildings to be used for purposes other than residential, commercial or industrial 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 DCC18.116, Supplementary Provisions.*
- I. **Outdoor Lighting.** *All outdoor lighting on site shall be installed in conformance with DCC 15.10, Outdoor Lighting Control.*
- J. **Signs.** *All signs shall be constructed in accordance with DCC15.08, Signs.*

FINDING: The Board is correcting scrivener errors that exist in these sections of DCC; which includes removing the unused subsection “c” under subsection (1)(C) and removing the extra period (.) in subsection (F)(1).

Chapter 18.116. SUPPLEMENTARY PROVISIONS

4. Section 18.116.030. Off street Parking and Loading.

E. General Provisions. Off-Street Parking.

...

5. **Parking, Front Yard.** *Required parking and loading spaces for multi-family dwellings or commercial and industrial uses shall not be located in a required front yard, except in the Sunriver UUC Business Park (BP) District and the La Pine UUC Business Park (LPBP) District and the LaPine UUC Industrial District (LPI), but such space may be located within a required side or rear yard.*

FINDING: According to the applicant, it is unclear whether this criterion prohibits parking in a minimum setback area, a maximum setback area, or both. Therefore, the applicant proposes to add the term “minimum” to clarify the prohibition applies to a “...required minimum front yard...” In addition to this clarification, the applicant proposes an exception for those properties fronting on Spring River Road. The reason for the requested exception is an acknowledgment of the existing development pattern along Spring River Road. Staff

notes all of the developed properties along Spring River Road have parking within what would be the required front yard setback area of 80 feet. The applicant argues the exception will allow property owners to develop their property in an efficient manner that is consistent with the development pattern that exists along the Spring River Road corridor.

As noted previously, yard requirements and setbacks are not new. This is true with the regulation that prohibits parking and loading spaces in the front yard, DCC 18.116.030(E)(5), which has been present in DCC since at least the adoption of PL-15 in 1979. In addition, unless otherwise stated, front yards and setbacks identified in Title 18, Zoning Ordinance, are considered a minimum. As noted previously, Tumalo and Terrebonne commercial zoning districts are the exception in that they include a *maximum* front yard. Because the County Code reflects both minimum and maximum front yards, the Board finds adding the term ‘minimum’ to DCC 18.116.030(E)(5) will create conflicts within the code that would necessitate additional amendments specific to the Tumalo and Terrebonne commercial zoning districts. Otherwise, the Board agrees with the applicant that those properties fronting along Spring River Road in the Spring River RC Zone should be afforded an exception to these requirements and thus approves this aspect of the amendment.

As suggested by the applicant, the Board agrees the proposed amendment to DCC 18.116.030(E)(5) provides an opportunity to remove references to the La Pine UUC Business Park (LPBP) District and the La Pine UUC Industrial District (LPI), which Deschutes County no longer regulates.

Chapter 18.124. SITE PLAN REVIEW

5. Section 18.124.070. Required Minimum Standards.

D. Commercial Development Standards:

- 1. New commercial buildings shall be sited at the front yard setback line for lots with one frontage, and at both front yard setback lines for corner lots, and oriented to at least one of these streets, except in the Sunriver UUC Business Park (BP) District and Town Center (TC) District and the La Pine UUC Business Park (LPBP) District. The building(s) and any eaves, overhangs or awnings shall not interfere with the required clear vision area at corners or driveways.***

FINDING: Regarding the exception proposed for “properties fronting Spring River Road in the Spring River Rural Commercial Zone” discussed above in DCC 18.116.030(E)(5), it is important to note the zoning ordinance has a corresponding provision for commercial development found in DCC 18.124.070(D). This regulation is commonly referred to as a “build-to” line. This type of standard requires buildings to be placed at the front yard setback to encourage pedestrian friendly developments. Given the vehicular speeds on Spring River Road, the Board recognizes a build-to line could present a danger to the public. For this reason, the exceptions listed in this criterion will be expanded to include those properties fronting on Spring River Road in the Spring River Rural Commercial Zone. This is similar to the amendment adopted for DCC 18.116.030(E)(5), detailed above. In addition, the Board finds the amendment to DCC 18.124.070(D) provides same opportunity to remove references to the La Pine UUC Business Park (LPBP) District, which Deschutes County no longer regulates.

Chapter 18.136. AMENDMENTS

6. Section 18.136.010. Amendments.

DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

FINDING: As detailed below, the provisions of DCC 18.136 apply to “Rezoning” and, therefore, are not applicable to the currently proposed text amendment. The proposal was reviewed under the procedures of DCC Title 22.

7. Section 18.136.020. Rezoning Standards and Section 18.136.030. Resolution of Intent to Rezone

FINDING: The proposal does not include a rezone. Therefore, these sections do not apply.

Title 22, Deschutes County Development Procedures Ordinance

Chapter 2.12. LEGISLATIVE PROCEDURES

8. Section 22.12.010. Hearing Required.

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: The Planning Commission and Board both held public hearings.

9. Section 22.12.020. Notice.

A. Published Notice

1. *Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.*
2. *The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.*

FINDING: Notice was published in the Bend Bulletin newspaper. This criterion was met.

B. Posted Notice. *Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

FINDING: This criterion was met when notice was posted on the bulletin board in the lobby of the Deschutes County Community Development Department, 117 NW Lafayette, Bend.

C. Individual Notice. *Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.*

FINDING: The proposed legislative amendments do not apply to any specific property. However, individual notices were sent to all properties within the Spring River RC Zone.

D. Media Notice. *Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.*

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion was met.

10. Section 22.12.030. Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Spring River Plaza, LLC, upon payment of the required fee. This criterion has been met.

11. Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
- 1. *The Planning Commission.***
 - 2. *The Board of County Commissioners.***
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

FINDING: These criteria were met because the Planning Commission and Board both reviewed the legislative amendments.

12. Section 22.12.050. Final Decision

All legislative changes shall be adopted by ordinance.

FINDING: The proposed legislative changes included in File no. 247-20-000502-TA are implemented by Ordinance 2020-017.

**Deschutes County Comprehensive Plan
Chapter 1 COMPREHENSIVE PLANNING**

13. Section 1.2 Community Involvement

FINDING: The Community Involvement section describes the Community Involvement program in Deschutes County. The Goals and Policies of this section strive to ensure an active and open community involvement program. The application is being processed in accordance with the procedures in the adopted Deschutes County Procedures Ordinance, which implement these Goals and Policies, as well as all applicable State Statutes and Rules. The review of this application involved notification, opportunities for comment, and two public hearings – one before the Planning Commission and one before the Board of County Commissioners. This text amendment application has been processed in accordance with the adopted Deschutes County Land Use Procedures Ordinance, which ensured consistency with the Goals and Policies of this Section.

14. Section 1.3 Land Use Planning

Goals and Policies

Goal 1 Maintain an open and public land use process in which decisions are based on the objective evaluation of facts.

FINDING: This section details land ownership in Deschutes County, jurisdictional authority within the County, Comprehensive Plan designations, zoning, and intergovernmental coordination. As it relates to the current text amendments, this section requires that the land use decision be made “based on an adequate factual basis”. The adopted and acknowledged Deschutes County Zoning Ordinance and Deschutes County Land Use Procedures Ordinance have been adopted to ensure decisions are based upon a factual basis. The application was processed in accordance with the adopted Land Use Procedures Ordinance, which is consistent with these Goals and Policies, as well as all applicable State Statutes and Rules. Processing the application in accordance with the adopted Zoning and Land Use Procedures Ordinances ensured consistency with the Goals and Policies of this Section.

Chapter 2 RESOURCE MANAGEMENT

15. Section 2.1 Introduction

Purpose

The concept of sustainability is that resources used today should be managed so that there are still resources available for future generations. Sustainability encourages balancing economic, environmental and social concerns. The Deschutes County Comprehensive Plan has long acknowledged this through policies that require new development to consider the carrying capacity of environment.

The purpose of the Resource Management chapter is to effectively manage Deschutes County's agricultural, forest, natural and cultural resources to meet the needs of today while retaining their value for future generations. These resources include:

FINDING: Resources identified in this Chapter include:

- Agricultural Lands
- Forest Lands
- Goal 5 Resources
- Water Resources
- Wildlife Resources
- Open Space, Scenic Views and Sites
- Energy Resources
- Environmental Quality
- Mineral and Aggregate Resources
- Historic and Cultural Resources

The Spring River rural commercial area is located within a Rural Commercial Zone. The proposed changes will not impact Agricultural or Forest resource lands, Goal 5 Resources, Water Resources, Wildlife Resources, Open Space, Scenic Views and Sites, Energy Resources, Environmental Quality, Mineral and Aggregate Resources, or Historic and Cultural Resources. Furthermore, Goals and Policies of these sections are implemented through development standards of the Deschutes County Zoning Ordinance, along with actions of Deschutes County. Allowing new uses, clarifying setback provisions, and modifying the location of parking in the Spring River RC Zone will not impact any resource land or any of the resources referenced in this Chapter.

Chapter 3 RURAL GROWTH MANAGEMENT

16. Section 3.1 Introduction

Purpose

The purpose of the Rural Growth Management chapter is to coordinate with other chapters of this Plan to maintain the quality of life enjoyed by rural residents.

FINDING: This Chapter addresses development within rural portions of Deschutes County, including Rural Commercial lands. The amended code language will allow for a consistent pattern of development in the Spring River RC Zone, which is specifically addressed in this Chapter. A complete list of the relevant policies of this chapter is included below:

17. Section 3.4 Rural Economy

Goal and Policies

Goal 1 Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.

Policy 3.4.1 Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

a. Review land use regulations to identify legal and appropriate rural economic development opportunities.

Policy 3.4.2 Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.

Policy 3.4.7 Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities.

FINDING: The text amendment proposal was submitted by a property owner, one who owns multiplied properties in the Spring River RC Zone. The Board recognizes the applicant is a significant stakeholder in the area and their development will affect the future aesthetic of the Spring River Corridor of the Spring River RC Zone.

The setback and parking location revisions will not impact uses. Instead, these amendments will allow for efficient development on existing properties, which will facilitate development (and available employment and service opportunities) in the near term. The majority of the properties on Spring River Road are already developed, including the development of parking in the front yard setback areas. The Board agrees with the applicant that the amendments will allow for the continuation of the development pattern that has been established along the Spring River Road corridor.

In regards to the broadening the allowable uses to include a general category of retail/rental store, office and service establishment, the Spring River RC Zone currently allows for a wide variety of these uses already, as referenced above in DCC 18.74.025(A). While the currently permitted uses in the Spring River RC Zone are many, the fact is that the market needs of surrounding residents are changing and the existing uses are too limited. Examples include:

- Video stores – these rarely exist any longer as video store products are available on computers and hand held devises. Arguments could be made that a computer / phone store provides the same services and more than the currently allowed video store.
- Fishing equipment – while fishing continues to be a prominent recreational activity in the area, there are a number of other recreational activities that have gained prominence in the area, such as rafting, paddle boarding, and mountain bike riding. Under the current provisions, these retail uses would not be permitted.

The Spring River RC Zone is well distanced from any other commercial zone and is suited to serve only the surrounding residents and travelers. There is a high concentration of residents in the area and in order to receive some services, residents and visitors currently need to travel to urban centers in Sunriver, Bend, or La Pine, which involves a significant travel for basic services. The Board finds that by broadening the allowable uses in this area it will allow for local-serving commercial uses in a higher density rural community. To ensure that any retail/rental store, office, or other service establishment uses are small scale and appropriate for the area, the Board finds the existing size limitation of 2,500 square foot of floor space is appropriate. The Board finds the amendments discussed herein will allow the zone to maintain the character and integrity of the area. Moreover, the amended uses are appropriate rural economic development opportunities that will serve the immediate area and the revisions are consistent with the General Rural Economy Policies of this section.

Lands Designated and Zoned Rural Commercial

Policy 3.4.8 Update the policies for lands designated Rural Commercial as needed.

FINDING: This section addresses modifications to the policies of these sections. The text amendments before the Board do not involve changing any policies of the Comprehensive Plan. However, the proposal does include changing the implementing ordinance (the Deschutes County Code) to allow for additional uses that are needed to serve the Spring River area, along with clarifying setback and parking requirements. The proposal is

consistent with the intent of this policy, which recognizes the need to modify local ordinances as the needs of the County and community change.

Policy 3.4.9 Rural Commercial designated lands located outside of urban growth boundaries shall allow uses less intense than those allowed in unincorporated communities as defined by Oregon Administrative Rule 660-22 or its successor.

FINDING: The Spring River RC Zone area is located outside of urban growth boundaries and currently provides a number of permitted uses, all of which have been established as being less intense than those allowed within urban growth boundaries. This was documented in the submitted assessment performed by L.B. Engineering, Inc. and the Board finds the text amendments are consistent with this policy.

Policy 3.4.10 Rural Commercial zoning shall be applied to Deschutes Junction, Deschutes River Woods Store, Pine Forest, Rosland and Spring River.

FINDING: The Rural Commercial Zone is applied to the Spring River area. No changes are proposed to the location of the zone and the proposal is consistent with this policy.

Policy 3.4.11 In Spring River there shall be a Limited Use Combining Zone.

FINDING: The Spring River RC Zone is identified on the County Zoning Map as being a Limited Use Combining Zone and allowed uses are established in the Zoning Ordinance. The proposal does not alter the fact that the area is in a Limited Use Combining Zone; therefore, the proposal is consistent with this Policy.

Policy 3.4.12 County Comprehensive Plan policies and land use regulations shall ensure that new uses authorized on Rural Commercial designated lands do not adversely affect agricultural and forest uses in the surrounding areas.

FINDING: The nearest forest or agricultural zone area is .25 miles to the east, which is developed with a golf course. The next closest forest or agricultural zoned land is over 1 mile to the west, which is the Deschutes National Forest. Because the amended uses will be small-scale, low impact and only serve surrounding residents or travelers, the proposal will not affect agricultural or forestry uses in the area any more than the currently approved uses.

Policy 3.4.13 Policy Zoning in the area shall ensure that the uses allowed are rural as required by Goal 14, Urbanization, and less intensive than those allowed for unincorporated communities as defined in OAR 660-22. New commercial uses shall be limited to those that are intended to serve the surrounding rural area or the travel needs of people passing through the area.

FINDING: The amended County Code language to broaden the uses permitted outright in the Spring River RC Zone are intended to serve the surrounding rural area and the travel needs of people passing through the area. The Spring River RC Zone is not an unincorporated community as defined in OAR 660-022. Moreover, Deschutes County's Comprehensive Plan policies and zoning standards, addressed below, restrict commercial uses to those that are rural as required in Goal 14, Urbanization, and which are less intensive than those uses permitted in other unincorporated communities.

Policy 3.4.14 New commercial uses shall be limited in size to 2,500 square feet or if for an agricultural or forest-related use, 3,500 square feet.

FINDING: This policy is implemented by DCC 18.74.025. No changes are proposed to the allowable size of commercial uses in the Spring River RC Zone. The standard that implements this provision is not being. Moreover, the Board finds the limited size will ensure that any retail/rental store, office, or other service establishment uses are small scale and appropriate for the area. Therefore, the existing County Code provisions and the proposed modifications are consistent with this policy.

Policy 3.4.15 *A lawful use existing on or before November 5, 2002 that is not otherwise allowed in a Rural Commercial zone, may continue to exist subject to the county's nonconforming use regulations.*

Policy 3.4.16 *An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.*

FINDING: These policies are implemented by DCC 18.74.025. The standards that implement these provisions are not being modified. The text amendments and existing code provisions will maintain consistency with these policies.

Policy 3.4.17 *The Rural Commercial zoning regulations shall allow for a mixed use of residential or rural commercial uses.*

FINDING: The amended new uses are rural commercial uses and thus are allowed by this policy.

Policy 3.4.18 *Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.*

Policy 3.4.19 *Residential and commercial uses shall be served by on-site wells or public water systems.*

FINDING: These policies are implemented by DCC 18.74.030. The amendments will not alter these implementing provisions and therefore are consistent with these policies.

Policy 3.4.20 *Community sewer systems, motels, hotels and industrial uses shall not be allowed.*

FINDING: No changes are proposed to how the commercial uses are served. Commercial uses will continue to be served by on-site wastewater treatment system as noted by Policy 3.4.18 above. If multiple properties were proposed to be served with one onsite wastewater system, it would require a Goal 11 exception, which is not included with this amendment request. The text amendments will maintain consistency with this policy.

Policy 3.4.21 *Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.*

FINDING: The commercial uses amended here will not change how RV/trailer parks are permitted in the Spring River RC Zone. The Board finds the text amendments, however, will enhance the ability to cater to travelers in this area and thus will be consistent with this policy.

Chapter 4 URBAN GROWTH MANAGEMENT

18. Section 4.1 Introduction

Purpose

The Urban Growth Management chapter, in concert with the other chapters of this Plan, specifies how Deschutes County will work with cities and unincorporated communities to accommodate growth while preserving rural character and resource lands.

FINDING: The proposal does not alter any urban growth boundary nor does it alter unincorporated communities; therefore, this chapter is not applicable.

Chapter 5 SUPPLEMENTAL SECTIONS

19. Section 5.1 Introduction

Background

This chapter provides material that supplements the other chapters of the Plan. There are no goals or policies in these sections.

FINDING: This chapter provides supplemental elements and information, none of which is directly applicable to the current proposal.

Appendix C TRANSPORTATION SYSTEM PLAN

Goal 1

1. ***Achieve an efficient, safe, convenient and economically viable transportation and communication system. This system includes roads, rail lines, public transit, air, pipeline, pedestrian and bicycle facilities. The Deschutes County transportation system shall be designed to serve the existing and projected needs of the unincorporated communities and rural areas within the County. The system shall provide connections between different modes of transportation to reduce reliance on any one mode.***

FINDING: The applicant provided a Civil Engineer's Assessment (L.B. Engineering, Inc.), which was reviewed by the County Transportation Planner who determined compliance with the TSP. Transportation planning is reviewed in the following finding under OAR 660-012.

Oregon Administrative Rules, Chapter 660

DIVISION 12, TRANSPORTATION PLANNING (OAR 660-012)

20. OAR 660-012-0060. Plan and Land Use Regulation Amendments

- (1) ***If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:***
 - (a) ***Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
 - (b) ***Change standards implementing a functional classification system; or***
 - (c) ***Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.***
 - (A) ***Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
 - (B) ***Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or***
 - (C) ***Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.***
- (2) ***Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:***

- (a) *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
 - (b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
 - (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
 - (d) *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
 - (e) *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
- (3) *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
- (a) *The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
 - (b) *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
 - (c) *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
 - (d) *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
 - (e) *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

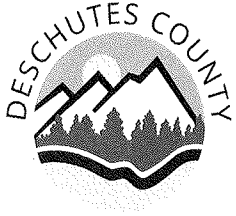
FINDING: This above language is applicable to the proposal because it involves an amendment to a land use regulation. Although the majority of the policies set forth in Goal 12 relate to the establishment of a comprehensive TSP, the application of Goal 12 to proposed text amendments requires an application to demonstrate that a proposal is consistent with the TPR, as implemented through OAR 660-012-0060(1), noted above. Under OAR 660-012-0060, no further consideration of traffic is required if the impacts from a potential land use action are deemed not to be significant.

The proposed text amendments include broadening the allowable commercial uses allowed within Spring River RC Zone and it clarifies setback and parking location standards. The applicant is not proposing any land use development at this time. As documented on the assessment performed by L.B. Engineering, Inc., the proposed uses have similar (or lesser) impacts than other use that are permitted in the Spring River RC Zone. Based on this assessment, transportation impacts are determined not to be significant. The report was reviewed by the County Transportation Planner, who agreed with the report's conclusions. Based on this information, the Board finds that the text amendments will be consistent with the identified function, capacity, and performance standards of the County's transportation facilities in the area. The Board finds the proposed changes will not change the functional classification of any existing or planned transportation facility or change the standards implementing a functional classification system. The changes will not allow types or levels of land uses that

would result in levels of travel or access, which are inconsistent with the functional classification of nearby transportation facilities. Furthermore, it will not reduce the performance standards of the facilities below the minimum acceptable level the County's transportation system plan.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: Notice of the proposed text amendment request was sent to public agencies including Deschutes County Road Department, County Transportation Planner, and County Environmental Soils Division. The submitted responses are listed in the foregoing Findings of Fact section. The Board finds that this notice complies with the requirement noted above.



Deschutes County Board of Commissioners
1300 NW Wall St, Bend, OR 97703
(541) 388-6570 – Fax (541) 385-3202 – <https://www.deschutes.org/>

AGENDA REQUEST & STAFF REPORT

For Board of Commissioners BOCC Wednesday Meeting of December 30, 2020

DATE: December 22, 2020

FROM: Cynthia Smidt, Community Development, 541-317-3150

TITLE OF AGENDA ITEM:

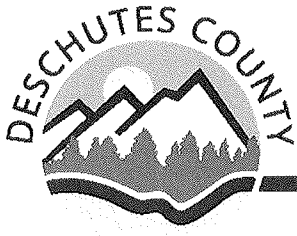
PUBLIC HEARING Continuation: Spring River Rural Commercial Text Amendments

BACKGROUND AND POLICY IMPLICATIONS:

The Board of County Commissioners is continuing a public hearing on December 30, 2020 to consider text amendments to Deschutes County Code (DCC) Chapters 18.74, Rural Commercial Zone - Spring River; 18.116, Supplementary Provisions; and 18.124, Site Plan Review. The applicant, Spring River Plaza LLC (Richard Hadley), proposes amendments that would allow retail/rental store, office and service establishments as outright permitted uses, clarify front yard setbacks, and provide Spring River Rural Commercial Zone an exception to parking and building location requirements.

FISCAL IMPLICATIONS: none

ATTENDANCE: Cynthia Smidt, Associate Planner

**MEMORANDUM**

TO: Board of County Commissioners

FROM: Cynthia Smidt, Associate Planner

DATE: December 22, 2020

RE: Spring River Rural Commercial Zone Text Amendments (File No. 247-20-000502-TA)

The Board of County Commissioners (Board) conducted a public hearing on December 2, 2020 to consider text amendments to Deschutes County Code Chapters 18.74, Rural Commercial Zone – Spring River; 18.116, Supplementary Provisions; and 18.124, Site Plan Review. The Board continued the public hearing twice, once to December 16 and a second time to December 30.

I. SPRING RIVER RURAL COMMERCIAL ZONE TEXT AMENDMENTS

During the public hearing on December 16, 2020, the Board requested staff revise the amendments to Deschutes County Code (DCC) 18.74.025. The amendments clarify the size limits for each type of use allowed in the Spring River Rural Commercial Zone and the size limits for each building on a single lot. The amendments take into account:

- Each type of use is allowed up to 2,500 (or 3,500) square feet of floor space on a single lot.
- Each type of use can span multiple buildings or reside in just one building on a single lot.
- Each building cannot exceed 2,500 (or 3,500) square feet.

A clean version of DCC 18.74.025 is included with this memorandum (Attachment 1). The proposed amendments are shown in ~~strikeout~~ for language to be deleted, and underline for language to be added. They are incorporated into Exhibit A to Ordinance 2020-017 (Attachment 2).

II. NEXT STEPS

At the conclusion of the hearing, the Board can consider the following options:

1. Close the public hearing and begin deliberations;
2. Close the public hearing and leave the written record open to a date certain; or
3. Continue the public hearing to a date certain.

Staff provided Ordinance 2020-017 in its entirety for easy accessibility (Attachment 2). Only the cover pages of Ordinance 2020-017 and Exhibit A have been modified since the December 16 continued hearing.

Attachments

1. Clean version of DCC Chapter 18.74
2. Ordinance 2020-17
 - Exhibit A, DCC Chapter 18.74
 - Exhibit B, DCC Chapter 18.116
 - Exhibit C, DCC Chapter 18.124
 - Exhibit D, Findings

Chapter 18.74. RURAL COMMERCIAL ZONE

...

18.74.025. Uses Permitted – Spring River.

A. Uses Permitted subject to Site Plan Review.

1. Retail/rental store, office, or service establishment.
 - a. Use Limitations. Each use in section (A)(1) shall not exceed 2,500 square feet of building floor space on a single lot.
 - b. Building Limitations. For (A)(1) uses, if multiple buildings are located on a single lot, the total square feet of floor space for each building shall not exceed 2,500 square feet.
 - c. The applicable provisions of this chapter, along with DCC 18.116 and 18.124, apply to retail/rental store, office or service establishments, including but not limited to the following uses and their accessory uses, and any combination of these uses:
 - i. Fishing supplies and equipment.
 - ii. Snowmobiling accessories.
 - iii. Marine accessories.
 - iv. General store.
 - v. Hardware store.
 - vi. Convenience store with gas pumps.
 - vii. Eating and drinking establishment.
 - viii. Recreational rental equipment store.
 - ix. Excavation business.
 - x. Landscaping business/service.
 - xi. Health care service.
 - xii. Beauty shop.
 - xiii. Video store.
 - xiv. Post office.
 - xv. Party supply.
 - xvi. Equipment sales and rental.
 - xvii. Appliance store.
 - xviii. Bank.
 - xix. Exterminator.
 - xx. Private mailing and packaging store.
 - xxi. Bakery.
 - d. Expansion of a nonconforming use listed in section (A)(1), 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.
2. Pet, livestock supply and farm machinery sales and repair.
 - a. Use Limitations. Each use in section (A)(2) shall not exceed 3,500 square feet of building floor space on a single lot, whether the use is contained within a single or multiple buildings.
 - b. Building Limitations. For section (A)(2) uses, if multiple buildings are located on a single lot, the total square feet of floor space for each building shall not exceed 3,500 square feet.
 - c. The applicable provisions of this chapter, along with DCC 18.116 and 18.124, apply to the following uses and their accessory uses, and any combination of these uses:

- i. Pet and livestock supply.
 - ii. Farm machinery sales and repair.
 - d. Expansion of a nonconforming use listed in section (A)(2), 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.
- 1. Use Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot, whether the use is contained within a single or multiple buildings.
 - 2. Building Limitations. Each use in section (B) shall not exceed 2,500 square feet of building floor space on a single lot.
 - 3. The applicable provisions of this chapter, along with DCC 18.116, 18.124 and 18.128, apply to the following uses and their accessory uses, and any combination of these uses:
 - a. Full service gas station with automobile repair services.
 - b. Welding shop.
 - c. Mini-storage units
 - d. Marijuana retailing, subject to the provisions of DCC 18.116.330.
 - 4. Expansion of a nonconforming use listed in section B, 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. 74.120, 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.
 - 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.
- (Ord. 2020-017 §1, 2020; Ord. 2016-015 §7, 2016; Ord. 2015-004 §7, 2015; Ord. 2008-008 §1, 2008; 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)

18.74.030. Development Standards.

A. Yard Standards.

1. Front Yard. The front yard shall be a minimum of 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 rear 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.

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.

1.. Lot coverage for dwellings and accessory buildings used primarily for residential purposes shall not exceed twenty-five (25) percent of the total lot area.

2. Lot coverage for buildings used primarily for commercial and industrial purposes shall be determined by spatial requirements for sewage disposal, landscaping, parking, yard setbacks and any other elements under site plan review.

3. Primary and accessory buildings to be used for purposes other than residential, commercial or industrial 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.

J. Signs. All signs shall be constructed in accordance with DCC 15.08, Signs.

(Ord. 2020-017 §1, 2020; Ord. 2008-008 §1, 2008; Ord. 2007-007 § 1, 2007; Ord. 2006-008 §7, 2006; Ord. 2003-080 §1, 2003, Ord. 2002-019 §2, 2002)