

REVIEWED
[Signature]
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR DESCHUTES COUNTY

An Ordinance Amending Title 18 of *
the Deschutes County Code, the *
Deschutes County Zoning Ordinance,*
Allowing an Exception to Lot Sizes*
in the RR-10 Zone and Declaring an*
Emergency. *

0127-0418

93 JUL -1 AM 7:55
MARY SUE PERHOLD
COUNTY CLERK

93-22014
ORDINANCE NO. 93-034

WHEREAS, the Deschutes County Public Works Department proposed a Text Amendment to Section 18.60 and Section 18.120 of Title 18 to allow the division of parcels into two lots, not less than one acre in size, if separated by new arterial rights-of-way, within the Rural Residential Zone.

WHEREAS, parcels zoned Rural Residential (RR-10), if separated by new arterial road rights-of-way, cannot be divided if either parcel is less than the ten-acre minimum lot size requirements of the RR-10 Zone.

WHEREAS, splitting a parcel with an 80-100 foot right-of-way makes the separated portion of the parcel generally unusable in conjunction with a residential dwelling.

WHEREAS, there are very few circumstances where arterial road rights-of-way, anticipated by the Comprehensive Plan, do not already exist.

WHEREAS, the Deschutes County Planning Commission has recommended approval of a Text Amendment to Title 18; now, therefore,

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

Section 1. Section 18.60.060 (C), "Dimensional Standards", of Title 18 of the Deschutes County Code is amended to read as follows:

"18.60.060. Dimensional Standards.

* *

C. Minimum lot size shall be 10 acres, except planned and cluster developments shall be allowed an equivalent density of one unit per 7.5 acres. Planned and cluster developments within one mile of an acknowledged urban growth boundary shall be allowed a five-acre minimum lot size or equivalent density. **For parcels separated by new arterial rights-of-way, an exemption shall be granted pursuant to Section 18.120.020.**

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Section 2. Section 18.120.020, "Nonconforming Lot Sizes", of Title 18 of the Deschutes County Code is amended to read as follows:

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"18.120.020 Nonconforming Lot Sizes.

- A. Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by this title.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes, where applicable, shall be considered as standard metes and bounds land section division, i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc., lot sizes, therefore, may be reasonably smaller than set forth by this title if a total section acreage reduction is due to a survey adjustment or other man-made barriers over which the applicant has had no control.
- C. Any lot that is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
 - a. The lot or parcel is a lot of record, as defined in Section 18.04.030, "Lot of Record."
 - b. The use conforms to all other requirements of that zone.
 - c. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
 - d. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right-of-way created after June 30, 1993, shall be exempt from the minimum lot dimension of ten (10) acres in size. Such parcels may be partitioned only as separated by the right-of-way and shall not be smaller than one acre."

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

0127-0420

DATED this 30th day of June, 1993.

**BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON**

Tom Throop
TOM THROOP, Chair

ATTEST:

Marlene M. Heck
Recording Secretary

Excused
NANCY POPE SCHLANGEN, Commissioner

Barry H. Slaughter
BARRY H. SLAUGHTER, Commissioner