

96-11391

REVIEWED  
BWW  
LEGAL COUNSEL

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County \*  
Code Title 18 to Add Zoning Districts \*  
for the La Pine Urban Unincorporated \*  
Community and Declaring an Emergency. \*

0149-1929

96 MAR 28 AM 10:11  
CLERK SUE PERKINS  
COUNTY CLERK

ORDINANCE NO. 96-003

WHEREAS, The Board of County Commissioners has determined that to comply with Periodic Review and OAR 660 Division 22, amendments to the Deschutes County Code Title 18 are required; and

WHEREAS, after notice and hearing as required by law, the Board of County Commissioners has considered the recommendation of the Planning Commission; now therefore,

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

Amendments to Title 18

Section 1. Adoption of New Chapter 18.61 to County Code. A new chapter 18.61, Urban Unincorporated Community Zone, is added to Title 18 of the Deschutes County Code as shown in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. Adoption of Amendment to Chapter 18.04 of the Deschutes County Code Title 18. Section 18.04.800, Definitions-Nursing Home, of the Deschutes County Code, is to read as follows (with deleted wording in brackets and added wording in bold):

"18.04.800 Definition-Nursing Home

Nursing Home. Any home, institution or other structure maintained or operated for the nursing or care of [four or more] **sixteen or more** ill, aged or infirm adults not requiring hospital care or hospital facilities."

Section 3. Adoption of Amendment to Chapter 18.04 of the County Code. Chapter Section 18.04 of the Deschutes County Code, is amended to add a new definition, "Unincorporated Community," as follows:

"18.04.1063 Definition-Unincorporated Community

"Unincorporated Community" means an unincorporated community having a zoning designation under this title of Urban Unincorporated Community, Rural Service Center (designated under OAR 660 Division 22 and otherwise), Resort Community or Rural Community."

MAR 28 1996

MICROFILMED  
APR 10 1996

Section 4. *Adoption of Amendment to Chapter 18.12 of County Code.* Section 18.12.010 of Title 18 of the Deschutes County Code is amended to insert the "Urban Unincorporated Community" zone and its associated abbreviation "UUC" into the list of zones and abbreviations.

Section 5. *Adoption of Amendments to Chapter 18.64 of the Deschutes County Code.* Section 18.64.010, Purpose, of the Deschutes County Code, is amended to read as follows (with deleted wording in brackets and added wording in bold):

"18.64.010 Purpose and Applicability

The purpose of the Rural Service Center Zone is to provide standards and review procedures for concentrations of local commercial services to meet the needs of rural residents, as well as limited tourist commercial services consistent with the maintenance of the rural character of the area. The provisions of this chapter shall not apply to any Rural Service Center that has been planned pursuant to OAR 660 Division 22 and for which there is a separate chapter in this title."

Section 6. *Adoption of Amendment to Chapter 18.88 of the Deschutes County Code.* Section 18.88.020, Application of Provision, of the Deschutes County Code, is amended to read as follows (with deleted wording in brackets and added wording in underline and bold):

"18.88.020 Application of Provisions

The provisions of this section shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range or deer migration corridor. [Rural Service Centers] **Unincorporated communities** are exempt from the provisions of this [title] chapter."

Section 7. *Adoption of Amendments to Chapter 18.116 of County Code.* Subsection 18.116.030(F) of Title 18 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"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. An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence.

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 [a Rural Service Center] 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 [area] 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. Except for parking to serve residential uses, parking and loading areas adjacent to residential uses shall be designed to minimize disturbance of residents.

6. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

7. 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.

8. 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.

9. 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."

Section 8. Adoption of Amendments to Chapter 18.116 of County Code. Subsection 18.116.070 of Title 18 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"18.116.070. Placement standards for manufactured homes.

A. As defined in section 18.116.050, Class A and B manufactured homes shall be permitted as follows, subject to the requirements of the underlying zone:

1. In the following zones, except where there is a Conventional Housing Overlay Zone (CH): [EFU-320, EFU-80, EFU-40, EFU-20,] **Any EFU zone, MUA-10, F-2, [F-3,] RR-10, [RSC] any area zoned as an unincorporated community (as that term is defined herein), RSR-M, RSR-5, FP as the primary dwelling, and R-I and SM as a caretaker's residence.**

2. In manufactured home parks and subdivisions.

3. As permitted in sections 18.116.080 and 18.116.090.

4. Class A and B manufactured homes are not permitted in any historic district or on any historic site.

B. Class C manufactured homes shall be permitted as follows:

1. Except as otherwise allowed in this subsection, on parcels 10 acres in size or larger.

2. As a secondary accessory farm dwelling.

3. In manufactured home parks and manufactured home subdivisions.

4. As permitted in sections 18.116.080 and 18.116.090.

5. As a replacement to an existing nonconforming manufactured home destroyed by fire or other natural act, or as an upgrade to an existing manufactured home.

6. In the following subdivisions: Rockview II, Tetherow Crossing, Chaparral Estates, Crystal Acres, Hidden Valley Mobile Estates, Johnson Acres, Seven Peaks, Sun Mountain Ranches, River Homesites, Happy Acres, Rancho El Sereno, Whispering Pines, Bend Cascade View Estates, Raintree, Holmes Acres, La Pine Meadows North, Pine Crest Ranchettes, Dora's Acres, Pierce Tracts, Roan Park, South Forty, Tomes, Crooked River Ranch, Dale Acres, Replat/Hillman, Lake Park Estates, Mary K. Falls Estates.

7. Class C manufactured homes are not permitted in any historic district or on any historic site.

C. An exception may be granted by the Planning Director or Hearings Body to allow a Class C manufactured home to be placed in a subdivision which is not listed in paragraph (B)(6), above, where all of the following conditions exist:

1. The manufactured home is specifically designed or has been substantially modified for wheelchair or handicapped access (handicapped accessible manufactured home).

2. There are Class C manufactured homes in the subdivision located within one-quarter mile of the lot upon which the manufactured home will be placed.

3. The handicapped-accessible manufactured home and lot upon which the manufactured home is to be placed were purchased by the applicant prior to February 22, 1989.

D. Class D manufactured homes shall be permitted as follows:

1. In manufactured home parks and subdivisions.

2. As permitted in sections 18.116.080 and 18.116.090.

3. Class D manufactured homes are not permitted in any historic district or on any historic site."

Section 9. Adoption of Amendments to Chapter 18.128 of County Code. Subsection 18.128.040(Q) of Title 18 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"Q. Planned development.

1. Such uses may be authorized as a conditional use only after consideration of the following factors:

a. Proposed land uses and densities.

b. Building types and densities.

c. Circulation pattern, including bicycle and pedestrian circulation, and a demonstration of how those facilities connect to the county transportation facilities. Private developments with private roads shall provide bicycle and pedestrian facilities.

d. Bicycle and pedestrian connections shall be provided at the ends of cul-de-sacs, at mid-block, between subdivision plats, etc., wherever the addition of such a connection would reduce the walking or cycling distance to a connecting street by 400 feet and by at least 50 percent over other available routes. These connections shall have a 20

foot right of way, with at least a 10 foot wide useable surface, and should not be more than 100 feet long if possible.

- e. Parks, playgrounds, open spaces.
- f. Existing natural features.
- g. Environmental, social, energy and economic impacts likely to result from the development, including impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
- h. Effect of the development on the rural character of the area.
- i. Proposed ownership pattern.
- j. Operation and maintenance proposal (i.e., homeowners association, condominium, etc.).
- k. Waste disposal facilities.
- l. Water supply system.
- m. Lighting.
- n. General timetable of development.

2. The conditional use may be granted upon the following findings:

- a. All subdivision restrictions contained in Deschutes County Code Title 17, the Subdivision/Partition Ordinance, shall be met.
- b. The proposed development conforms to the Comprehensive Plan.
- c. Any exceptions from the standards of the underlying district are warranted by the design and amenities incorporated in the development plan and program.
- d. The proposal is in harmony with the surrounding area or its potential future use.
- e. The system of ownership and the means of developing, preserving and maintaining open space is adequate.
- f. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
- g. Sixty-five percent of the land is to be maintained in open space.
- h. Adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation and special terrain features.

3. All applications for planned developments shall include the materials and information required for approval of a subdivision as specified in Deschutes County Code Title 17, the Subdivision/Partition Ordinance and the materials and information required for approval of a conditional use as specified in this title.

- a. Approval for the conditional use application and the planned development application may be given simultaneously.

4. Dimensional Standards:

a. Setbacks and height limitations shall be as determined by the Planning Director or Hearings Body upon review of the evidence submitted.

b. Densities shall not exceed that established by the underlying zone.

c. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned development is proposed do not apply within a planned development. An equivalent overall density factor may be utilized in lieu of the appropriate minimum lot area.

d. Minimum size for a planned development shall be 40 acres.

5. Any commercial use permitted outright in an area zoned as an unincorporated community as that term is defined herein [the RSC zone] will be allowed in a planned development, subject to the following conditions:

a. Each use shall be wholly enclosed in a building.

b. The total area of such uses shall not exceed three percent of the total area of the planned development."

Amendments to Title 17

Section 10. *Adoption of Amendments to Chapter 17.08.* Subsection 17.08.620 of Title 17 of the County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"17.08.620. **Definition-Road or street.**

"Road" or "street" means a public or private way that is created to provide ingress and egress to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining or agricultural purposes.

A. "Alley" means a public way through the middle of a block, giving access to the rear of parcels or buildings.

B. "Arterial" includes three types of arterials, Principal Arterial, Urban Minor and Rural Minor Arterial, defined as follows:

1. "Principal Arterial" means a road which carries the major portion of trips entering and leaving the urban areas and outlying rural and recreation areas (state highways).

2. "Urban Minor Arterial" means a road that interconnects with and augments the principal arterial system and provides service to intra-urban/intra-community areas.

3. "Rural Minor Arterial" means a road that connects with the principal arterial system and forms the rural road network that links cities and [rural service centers]

unincorporated communities (as that term is defined in Title 18).

C. "Collector" means a restricted access street supplementary to the arterial street system used or intended to be used primarily for the movement of traffic between arterials and local streets.

D. "Frontage road" means a street parallel and adjacent to an arterial providing access to abutting properties, but protected from through traffic.

E. "Industrial road" means a street to or through property zoned industrial.

F. "Local street" means a street which provides access to property abutting the public right of way; this includes vehicular and pedestrian access. Moving traffic is a secondary function of a local street and it should not carry through traffic.

G. "Modernization" means the widening or reconstruction of an existing county road to an adopted county standard.

H. "Special pedestrian way" means a sidewalk or pathway not located within a public road right of way which enables pedestrian access to a street, school, park or other similar facility or service.

I. "Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands."

Section 11. *Adoption of Amendments to Chapter 17.36 of County Code.* Section 17.36.130 of Title 17 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"17.36.130. Sidewalks.

A. Within an urban growth boundary, sidewalks shall be installed on both sides of a public road or street and in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition approval.

B. Within an urban area, sidewalks shall be required along frontage roads only on the side of the frontage road abutting the development.

C. Sidewalk requirements for areas outside of urban areas are set forth in section 17.48.175. In the absence of a special requirement set forth by the Director of Public Works under section 17.48.030, sidewalks and curbs are never required in rural areas outside [rural service centers] **unincorporated communities as that term is defined in Title 18.**"

Section 12. *Adoption of Amendments to Chapter 17.48 of County Code.* Section 17.48.175 of Title 17 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"17.48.175. Road development requirements-[Rural service centers] **Unincorporated communities.**

A. Standards.

1. In the areas zoned **Urban Unincorporated Community-Commercial** or Rural Service Center in La Pine, Tumalo and Terrebonne, all roads shall be improved with curbs and sidewalks and to the width specified for the applicable urban classification in Table A of this title.

2. For areas zoned **Urban Unincorporated Community-Industrial** or Rural Industrial (RI) all roads shall be improved to the width specified for the applicable urban classification in Table A; no curbs or sidewalks are required.

3. For the areas designated residential within **unincorporated communities** or zoned Rural Service Residential (RSR-M and RSR-5), all roads shall be improved with curbs and sidewalks if the density of development is greater than 2.2 dwelling units per acre. If the density is 2.2 dwelling units per acre or less, the adjacent roads shall be improved with curbs and to the width, without sidewalks, specified for the applicable urban classification in Table A of the title.

4. No curbs or sidewalks are required in the rural service centers of Alfalfa, Brothers, Hampton, Millican, Whistle Stop, Wickiup Junction, Wild Hunt, Deschutes River Woods and Spring River.

B. All required road improvements shall be located on the applicant's side of the street, unless the subject property lies on both sides of the street."

Amendments to Title 15

Section 13. *Adoption of Amendments to Chapter 15.08 of County Code.* Section 15.08.290 of Title 15 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"15.08.290. Outdoor advertising signs.

The following criteria shall be applicable for all outdoor advertising signs:

A. Outdoor advertising signs shall only be permitted in the following locations:

1. On property zoned commercial or industrial which adjoins roadways designated as arterials within the urban growth boundaries of Bend and Redmond;

2. On property zoned commercial which adjoins roadways designated as arterials within the La Pine [Rural Service Center] **Urban Unincorporated Community** area.

B. All such signs shall be spaced a minimum of 500 feet apart. Outdoor advertising signs in existence on the date of adoption of the ordinance codified in this chapter shall not be considered as nonconforming signs and are not subject to the provisions of section 15.08.420 of this chapter.

C. No outdoor advertising sign shall exceed a maximum height of 30 feet.

D. The face size of any outdoor advertising sign shall not exceed 12 feet in vertical height or 24 feet in horizontal length.

E. All outdoor advertising signs shall be installed outside of the highway right of way.

F. All structural supports for outdoor advertising signs shall be constructed of steel.

G. Evidence must be provided showing the obtaining of a state permit in compliance with the Oregon Motorist's Information Act of 1971, where applicable."

Section 14. *Adoption of Amendments to Chapter 15.08 of County Code.* Section 15.08.390 of Title 15 of the Deschutes County Code is amended to read as follows (with deleted wording in brackets and added wording in bold):

"15.08.390. **Unincorporated community** [Rural service center] zones.

This section applies to all signs within the [rural service center (RSC)] **unincorporated community zones** as identified within [the zoning ordinance] Title 18. No sign shall be permitted in [this] such zones except as provided in this section.

A. Sign Area. The maximum permitted sign area for retail or service establishments in the [RSC] **unincorporated community zones** shall not exceed the following:

1. For those businesses with a street frontage providing vehicular access to a roadway designated as an arterial on the County Roadway Network Plan, the requirements of sections 15.08.350 through 15.08.380 of this chapter shall apply.

2. For those businesses without direct vehicular access to a roadway designated as an arterial on the County Roadway Network Plan, the requirements of section 15.08.330 shall apply.

B. All signs for agricultural and residential uses within

the [rural service center] unincorporated community zones shall be subject to the requirements of sections 15.08.320 and 15.08.330 respectively."

Section 15. Findings. Findings to support this ordinance are set forth in the findings supporting Ordinance 96-002 and attached thereto as Exhibit C, which findings are incorporated herein by reference.

Section 16. Codification. Legal Counsel or the Code Book Review Committee shall have the authority to format the provisions contained herein in a manner that will integrate them into the County Code consistent with the prescribed form and style for ordinance codification. Such codification shall include the authority to make format changes, to make changes in numbering systems and to make such numbering changes consistent with interrelated code sections. In addition, as part of codification of these ordinances, Legal Counsel or the Code Book Review Committee may insert appropriate legislative history references. Any legislative history references included herein are not adopted as part of the substance of this ordinance, but are included for administrative convenience and as a reference. They may be changed to correct errors and to conform to proper style without action of the Board of County Commissioners.

Section 17. Repeal of Ordinances as Affecting Existing Liabilities. The repeal, express or implied, of any ordinance, ordinance provision, code section or any map or any line on a map by this ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution, conviction and punishment of the person or persons who violated the repealed ordinance.

Section 18. Corrections. This ordinance may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors and to insert appropriate legislative history references.

Section 19. Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance or any exhibit thereto is found to be invalid by a court of competent jurisdiction that decisions shall not affect the validity of the remaining portions of this ordinance.

Section 20. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 27<sup>th</sup> day of March, 1996.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

Nancy Pope Schlengen  
NANCY POPE SCHLANGEN, Chair

Robert L. Nipper  
ROBERT L. NIPPER, Commissioner

ATTEST:

Pat Brickley  
Recording Secretary

Excused  
BARRY H. SLAUGHTER, Commissioner

## EXHIBIT "A"

## Chapter 18.61

URBAN UNINCORPORATED  
COMMUNITY ZONE - LA PINE

## Sections:

18.61.010	<b>Purpose</b>
18.61.020	<b>Residential District</b>
18.61.030	<b>Commercial District</b>
18.61.040	<b>Industrial District</b>
18.61.050	<b>Sewer Treatment District</b>
18.61.060	<b>Flood Plain District</b>
18.61.070	<b>Standards for all Districts</b>

In an UUC Zone, the following regulations shall apply:

**18.61.010 Purpose.**

The purpose of the Urban Unincorporated Community (UUC) Zone is to provide standards and review procedures for the future development of the urban unincorporated community of La Pine. The UUC Zone is composed of 5 separate zoning districts, each with its own set of allowed uses and its own distinct regulations, as further set forth in this chapter.

**18.61.020. Residential District.**

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

1. Single-family dwelling.
2. Manufactured home subject to Section 18.116.070.
3. Two-family dwelling or duplex.
4. Agricultural use as defined in this Title, subject to the following limitations:
  - a. Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number

of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.

b. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.

5. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.

6. Class III road and street project.

7. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

8. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

B. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of this chapter and Chapters 18.116, Supplementary Provisions, 18.124, Site Plan Review, and 18.128, Conditional Use, of this title:

1. Multi-family dwelling with three or more units.
2. Park, playground and community building.
3. Utility facility, except landfill.
4. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
5. Home occupation.
6. Church.
7. School.
8. Manufactured home park.
9. Multi-family dwelling complex.
10. Cluster development.
11. Nursery school, kindergarten and day care facility.
12. Nursing home.
13. Public use.

14. Residential care facility for more than 15 people.

C. Lot Sizes.

1. Partitions:

a. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 sq. ft.

b. Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.

c. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one (1) acre. In addition, all lots must meet DEQ on-site sewage disposal rules.

2. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:

a. All new lots shall be connected to a Department of Environmental Quality permitted community or municipal sewer system.

b. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.

D. Dimensional Standards. The following dimensional standards shall apply:

1. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than thirty percent of the total lot area.

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

E. Yard and Setback Requirements.

1. Front Yard. The minimum front yard

shall be 20 feet.

2. Side Yard. A side yard shall be a minimum of 5 feet and the sum of the two side yards shall be a minimum of 15 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.

3. Rear Yard. The minimum rear yard shall be 20 feet, except a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

**18.61.030. Commercial District.**

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

1. Single-family dwelling on a lot existing on March 27, 1996.

2. Manufactured home, on a lot existing on March 27, 1996, subject to Section 18.116.070.

3. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.

4. Class III road and street project.

5. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of this chapter, Chapters 18.116, Supplementary Provisions and 18.124, Site Plan Review, of this Title:

1. Park, playground and community building.

2. Public use.

3. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:

a. Retail store, office and service establishment.

- b. Residential use in the same building as a permitted use.
  - c. Art studio in conjunction with retail sales.
  - d. Medical clinic.
  - e. Automobile service station.
  - f. Car wash.
  - g. Day care facility.
  - h. Restaurant and cocktail lounge.
  - i. Club and fraternal lodge.
  - j. Automobile and trailer sales.
  - k. Uses accessory to the uses identified in this subsection.
4. Any of the uses allowed under subsection 3 of this section housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of 18.61.030(D).

C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this chapter and Chapters 18.116, Supplementary Provisions, 18.124, Site Plan Review and 18.128, Conditional Use, of this title:

- 1. Multi-family dwelling on a lot existing on March 27, 1996.
- 2. Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).
- 3. Manufactured home park and travel trailer park.
- 4. Church.
- 5. School.
- 6. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to Sections 18.120.050 and 18.128.040(W).
- 7. Water supply and treatment facility.
- 8. Utility facility, except landfill.
- 9. Television and radio station with or without a transmitter tower.
- 10. Nursing home.
- 11. Residential care facility for more than 15 people.
- 12. A building or buildings not exceeding

8,000 square feet of floor space housing any combination of:

- a. Veterinary clinic including enclosed kennel.
- b. Automobile repair garage.
- c. Commercial amusement and recreation establishment.
- d. Shopping complex subject to a master plan.
- e. Mini-storage facility.
- f. Uses accessory to the uses identified in this subsection.

13. Any of the uses allowed under subsection 12 of this section housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of 18.61.030(D).

D. Special Requirements for Large Scale Uses. Any of the uses listed in subsection B(4) and C(13) above may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:

- 1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area
- 2. The use will primarily employ a work force from the community and surrounding rural area, and
- 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

For the purposes of this subsection, the surrounding rural area shall be that area identified in the map depicted as Figure 3 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan.

E. Lot Size and Dimensional Standards.

- 1. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 sq. ft.

2. Lot Coverage. No requirements.

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

**F. Yard and Setback Requirements.**

1. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by Section 18.124.070(C)(3)(b) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line.

2. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.

3. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

**18.61.040. Industrial District.**

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

1. Agricultural use as defined in this Title.
2. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
3. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by Section 18.116.230.
4. Class III road or street project.
5. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to Section 18.61.040(D)(3)(b) and other applicable provisions of this chapter and Chapters 18.116, Supplementary Provisions, and 18.124, Site Plan Review, of this Title:

1. Expansion of a valid use existing on December 5, 1994.
2. Public use compatible with industrial uses.
3. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
4. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
5. Light manufacturing, assembly, fabricating or packaging, and wholesale distribution.
6. Cold storage plant, including storage and office.
7. Kennel or veterinary clinic operated entirely within an enclosed building.
8. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant, tire retreading, recapping and rebuilding.
9. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
10. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
11. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
12. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
13. Manufactured home sales and service.
14. Plant nursery and greenhouse.

C. Conditional Uses Permitted. The following uses may be allowed subject to

the applicable provisions of this chapter and Chapters 18.124, Site Plan Review, and Chapter 18.128, Conditional Use, of this title:

1. Mini-storage facility.
2. Hydroelectric facility, subject to Sections 18.116.130 and 18.128.040(V).
3. Asphalt plant.
4. Lumber manufacturing and wood processing including pulp and paper manufacturing.
5. Electrical substation.
6. Concrete, asphalt and ready-mix plant.
7. Petroleum products storage and distribution.
8. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or portland cement concrete.
9. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
10. Railroad track, freight depot and related facilities.
11. Agricultural products storage and processing plant.
12. Transfer station.
13. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
14. Any use permitted by 18.61.040(B) that is expected to:
  - a. Require lot coverage in excess of 70%;
  - b. Require more than one acre of land; or
  - c. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
15. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.

D. Use Limits. The following limitations and standards shall apply to uses listed in subsections (B) and (C):

1. Sewer and Water Requirements:
  - a. New uses that require Oregon Department of Environmental Quality (DEQ)

water pollution control facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.

b. Uses that do not require a water pollution control facility (WPCF) permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.

c. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.

2. Compatibility:

a. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.

b. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.

c. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.

d. Storage, loading and parking areas for uses permitted by subsections (B) and (C) shall be screened from residential zones.

e. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit-reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.

f. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the

operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with this Chapter.

### 3. Traffic/Parking

a. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.

b. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.

c. All parking demand created by any use permitted by this section shall be accommodated on the applicant's premises entirely off-street.

d. There shall be only one ingress and one egress from properties accommodating uses covered by this section per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.

**E. Additional Requirements.** As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:

1. An increase in required setbacks.
2. Additional off-street parking and loading facilities.
3. Limitations on signs or lighting, hours of operation and points of ingress and egress.
4. Additional landscaping, screening and other improvements.

**F. Dimensional Standards.** The following dimensional standards shall apply:

1. **Minimum Lot Size.** The minimum lot size shall be determined subject to the provisions of this section concerning setback requirements, off-street parking and loading.

2. **Lot Coverage.** Notwithstanding Section 18.61.040(C)(14), a use permitted by

this section that is located adjacent to or across the street from a lot in a residential district shall not exceed 70% lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.

### 3. Setbacks.

a. The minimum building setback between a non-railroad related structure and a street, road or railroad right-of-way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.

b. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.

c. The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.

4. **Building Heights.** The maximum building height for any structure shall be 25 feet on any lot adjacent to or across a street from a residential district and 45 feet on any other lot.

5. **Minimum Lot Frontage.** The minimum lot frontage shall be 50 feet.

6. **Side Yard.** None required, except when a parcel or lot with a side yard adjacent to zoned forestland shall have a minimum side yard of 100 feet.

7. **Rear Yard.** None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

### **18.61.050. Sewer Treatment District.**

**A. Uses Permitted Outright.** The following uses and their accessory uses are permitted outright:

1. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.

B. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of this chapter and Chapters 18.116, Supplementary Provisions, 18.124, Site Plan Review, and 18.128, Conditional Use, of this title and DCC 18.16.040(A):

1. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.

C. Dimensional Standards. The following dimensional standards shall apply:

1. Lot Coverage. No requirements.

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

E. Yard and Setback Requirements.

1. Front Yard. The minimum front yard shall be 20 feet.

2. Side Yard. A side yard shall be a minimum of 5 feet and the sum of the two side yards shall be a minimum of 15 feet.

3. Rear Yard. The minimum rear yard shall be 20 feet.

#### **18.61.060. Flood Plain District.**

All uses proposed within this district shall be subject to the provisions in Chapter 18.96, Flood Plain Zone, of this title.

#### **18.61.070 Standards in All Districts.**

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

B. Stream Setback. To permit better light, air, vision, stream or pollution control, protect fish and wildlife areas and to preserve the natural scenic amenities and vistas along the streams and lakes the following setback shall apply:

1. All sewage disposal installations,

such as septic tanks and septic drainfields, shall be setback from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.

2. All structures, buildings and similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.

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

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

E. Outdoor Lighting. All outdoor lighting shall be installed in conformance with Chapter 15.10 Deschutes County Code providing outdoor lighting control.