



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/18/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment
DLCD File Number 006-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 31, 2009

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kristen Maze, Deschutes County
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA

Notice of Adoption



THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: Deschutes County Local file number: TA-09-4
Date sent to DLCD: 8-21-09 [X]mail []Electronic []in person Date of Adoption: 11:30:09
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? []No [X]If yes, when: 8-21-09
[] Comprehensive Plan Text Amendment [] Comprehensive Plan Map Amendment
[X] Land Use Regulation Amendment [] Zoning Map Amendment
[] New Land Use Regulation [] Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
Amend the Deschutes Co. Code Section 18.61.030 (c)(3) and (6) to allow Utility Facilities in the La Pine Industrial District.

Does the Adoption differ from proposal? Please describe. If no proposal submitted, check here: []
The Code change also include maximum height limits for utility facility exhaust stacks.

Plan Map Changed from: to:
Zone Map Changed from: to:
Address of Property: Acres Involved:
Specify Density: Previous: New:

Applicable statewide planning goals:
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
[X] [X] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] [] []

Was an Exception Adopted? [] YES [X] NO
Did DLCD receive a Notice of Proposed Amendment...
45-days prior to first evidentiary hearing? [X] Yes [] No
If no, do the statewide planning goals apply? [] Yes [] No
If no, did Emergency Circumstances require immediate adoption? [] Yes [] No

DLCD file No. 006-09 (17779) [15884]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Kristen Maze Phone: 541 383 6101 Extension: _____
Address: 117 NW Lafayette Ave City: Bend Zip: 97701
Fax Number: 541 385 1764 E-mail Address: kristenm@deschutes.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. **Electronic Submittals:** Go to: <http://webserver.lcd.state.or.us/upload2/uploadForm1.php>
Enter the number of files to be uploaded and then browse to locate files and when all files are found, press submit and your files will be sent to DLCD. At least **one** hard copy must be sent by mail or delivered in person. If you would like help with electronic submittals, please call Mara Ulloa at (503) 373-0050 extension 238.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code *
Sections 18.61.030 (C) (3) and (6) to Allow Utility * ORDINANCE NO. 2009-025
Facilities in the La Pine Industrial District and *
Declaring an Emergency. *

WHEREAS, the Deschutes County Board of County Commissioners (Board) requested that the Planning Division staff initiate text amendments to Title 18 to add utility facility to the La Pine Industrial District and address exhaust stack heights requirements for industrial facilities, and

WHEREAS after notice was given in accordance with applicable law, a public hearing was held on October 8, 2009 before the Deschutes County Planning Commission which recommended approval of the zoned change to Title 18; and

WHEREAS after notice was given in accordance with applicable law, the Board considered this matter after a public hearing on November 9, 2009 and concluded that the public will benefit from changes to the land use regulations; now, therefore,

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

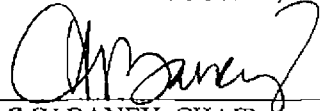
Section 1. AMENDMENT. DCC Sections, 18.61.030, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

///

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

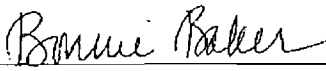
Dated this 30th of November, 2009

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON


TAMMY BANEY, CHAIR


DENNIS LUKE, VICE CHAIR

ATTEST:


Recording Secretary


ALAN UNGER, COMMISSIONER

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


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

Record of Adoption Vote

Commissioner	Yes	No	Abstained	Excused
Tammy Baney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alan Unger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

ATTEST:


Recording Secretary

Original language

adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.

- e. Utility facility exhaust stacks shall meet the DEQ air quality permit requirements, and shall not exceed a maximum of 100 feet.
- ef. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- fg. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- gh. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

D. La Pine Business Park District.

1. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to the applicable provisions of DCC 18.61 and 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. Commercial use, as defined in DCC 18.04, in a building or buildings each not exceeding 8,000 square feet of floor space.
 - b. Industrial use, as defined in DCC 18.04, in a building or buildings not exceeding 20,000 square feet of floor space.
2. Conditional Uses Permitted. Notwithstanding the uses allowed under DCC 18.61.030(D)(1), the following uses may be allowed subject to the applicable provisions of DCC 18.61 and DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:
 - a. Mini-storage facility.
 - b. Processing use such as bottling plant, creamery, laboratory, blueprinting and photocopying, laundry, carpet and rug cleaning plant, cleaning and dyeing plant and tire retreading, recapping and rebuilding.
 - c. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - d. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - e. Manufactured home sales and service.
 - f. Lumber manufacturing and wood processing.
 - g. Electrical substation.
 - h. Agricultural products storage and processing plant.
 - i. Any use permitted by DCC 18.61.030(D) that is expected to:
 1. Require lot coverage in excess of 70 percent;
 2. Require more than one acre of land; or
 3. Generate any odor, dust, fumes, glare, flashing lights or noise that would be perceptible without instruments 500 feet from the property line of the subject use.
 - j. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
3. Additional Requirements for Large Scale Uses. A commercial use in the Business Park District may be allowed in a building or buildings exceeding 8,000 square feet of floor space if the Planning Director or Hearings Body finds:
 - a. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area, for the purposes of DCC 18.61.030(D), the surrounding rural area shall be that area identified in the map depicted as Figure 5 in the La Pine Urban Unincorporated Community section of the Comprehensive Plan;

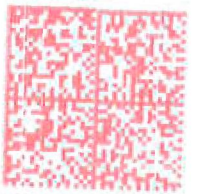
alternate language

adjacent to a residential district, but not separated by a street or road, is set back 100 feet or more from the residential district, the maximum height shall be 45 feet.

- e. Utility facility exhaust stacks shall meet the DEQ air quality permit requirements but shall not exceed the DEQ permit minimum height requirements or 100 feet in height, whichever is less.
- ef. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- fg. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- gh. Rear Yard. None required, except when abutting a yard in a Residential District, and then the rear yard shall be a minimum of 20 feet. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

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Mailed From 97701
12/10/2009
US POSTAGE

Deschutes County Community Development Department

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BEND, OREGON 97701-1925
(541) 388-6575

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635 Capitol St., N.E., Suite 150
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