



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, SEPTEMBER 01, 2021

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT

In response to the COVID-19 public health emergency, Oregon Governor Kate Brown issued Executive Order 20-16 (later enacted as part of HB 4212) directing government entities to utilize virtual meetings whenever possible and to take necessary measures to facilitate public participation in these virtual meetings. Since May 4, 2020, meetings and hearings of the Deschutes County Board of Commissioners have been conducted primarily in a virtual format.

Attendance/Participation options include: A) In Person Attendance and B) Live Stream Video: Members of the public may still view the BOCC meetings/hearings in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Citizen Input: Citizen Input is invited in order to provide the public with an opportunity to comment on any meeting topic that is not on the current agenda. Citizen Input is provided by submitting an email to: citizeninput@deschutes.org or by leaving a voice message at 541-385-1734. Citizen input received by 8:00 a.m. before the start of the meeting will be included in the meeting record.

Zoom Meeting Information: Staff and citizens that are presenting agenda items to the Board for consideration or who are planning to testify in a scheduled public hearing may participate via Zoom meeting. The Zoom meeting id and password will be included in either the public hearing materials or through a meeting invite once your agenda item has been included on the agenda. Upon entering the Zoom meeting, you will automatically be placed on hold and in the waiting room. Once you are ready to present your agenda item, you will be unmuted and placed in the spotlight for your presentation. If you are providing testimony during a hearing, you will be placed in the waiting room until the time of testimony, staff will announce your name and unmute your connection to be invited for testimony. Detailed instructions will be included in the public hearing materials and will be announced at the outset of the public hearing.

For Public Hearings, the link to the Zoom meeting will be posted in the Public Hearing Notice as well as posted on the Deschutes County website at <https://www.deschutes.org/bcc/page/public-hearing-notices>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: *For items not on this Agenda*

Note: *In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734. To be timely, citizen input must be received by 8:00am on the day of the meeting.*

CONSENT AGENDA

1. Consideration of Board Signature of Resolution No. 2021-024, Initiating the Vacation of Butte Drive
2. Consideration of Board Signature of Order No. 2021-016, Vacating Butte Drive in Township 20 South, Range 10 East, Section 34
3. Consideration of Board Signature to Appoint Charles Fadeley to the Deschutes County Audit Committee
4. Consideration of Board Signature to Appoint Lee Randall to the Deschutes County Audit Committee
5. Consideration of Board Signature to thank Leighann Wittenburg of the Panoramic Access Special Road District
6. Consideration of Board Signature to Appoint Whitney Lowe to the Panoramic Access Special Road District
7. Consideration of Board Signature to thank Sam Davis of the Deschutes County Dog Control Board of Supervisors
8. Consideration of Board Signature to thank Carolyn Airriess of the Deschutes County Dog Control Board of Supervisors
9. Consideration of Board Signature to Thank Rick Root of the Deschutes County Bicycle and Pedestrian Advisory Committee
10. Consideration of Board Signature to Thank Sam Handelman of the Deschutes County Bicycle and Pedestrian Advisory Committee
11. Consideration of Board Signature to Reappoint Dave Thomson to the Deschutes County Bicycle and Pedestrian Advisory Committee
12. Consideration of Board Signature to Reappoint Christopher Cassard to the Deschutes County Bicycle and Pedestrian Advisory Committee

13. Consideration of Board Signature to Reappoint Mark Smith to the Deschutes County Bicycle and Pedestrian Advisory Committee
14. Consideration of Board Signature to Appoint Emily Boynton to the Deschutes County Bicycle and Pedestrian Advisory Committee

CONVENE AS THE GOVERNING BODY OF THE SUNRIVER SERVICE DISTRICT

15. Consideration of Board Signature to Reappoint Mike Gocke to the Sunriver Service District Budget Committee
16. Consideration of Board Signature to Reappoint Gerhard Beenen to the Sunriver Service District Managing Board Position #2
17. Consideration of Board Signature to Reappoint Bette Butler to the Sunriver Service District Budget Committee

RECONVENE AS THE GOVERNING BODY OF DESCHUTES COUNTY

ACTION ITEMS

- [18.](#) **9:05 AM PRESENTATION:** Mt. Bachelor Biomass Project
- [19.](#) **9:30 AM** Public Hearing and Consideration of Order 2021-037 Approving Annexation to Cloverdale Rural Fire Protection District
20. **9:45 AM** COVID19 UPDATE
- [21.](#) **10:45 AM** Recreational Vehicle Park Expansion / Assessment
- [22.](#) **11:30 AM** SB 391 / Rural ADU Update

LUNCH RECESS

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

23. Executive Session under ORS 192.660 (2) (e) Real Property Negotiations

ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Wednesday, September 1, 2021

SUBJECT: Consideration of Resolution No. 2021-024, Initiating the Vacation of Butte Drive

RECOMMENDED MOTION:

Move approval of Resolution No. 2021-024.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate the public right of way for Butte Drive. Petitioners for the vacation are:

- Thomas L. Wilkerson (Chief Petitioner), sole trustee of the Thomas L. Wilkerson Revocable Trust, owner of Tax Lot 1800 on Assessor’s Map 20-10-34A (Lot 17; 55150 Butte Drive, Bend, Oregon)
• Nicholas C. and Kayla J. Rotunno and Steven J. and Maryann C. Sinkler, owners of Tax Lot 1600 on Assessor’s Map 20-10-34A (Lot 15; 16377 Bates Drive, Bend, Oregon)
• Patrick D. and Debbie J. Smith, owners of Tax Lot 1700 on Assessor’s Map 20-10-34A (Lot 16; 16391 Bates Drive, Bend, Oregon)
• Vince and Julie Barghigiani, owners of Tax Lot 1900 on Assessor’s Map 20-10-34A (Lot 18; 1632 Carrington Avenue, Bend, Oregon)

These tax lots comprise all of the abutting or underlying properties to the subject right of way.

The subject right of way was established in 1966 by the Second Addition to River Forest Acres plat (Deschutes County Official Records Document No. 1966-000010). The right of way is 50 ft. in width and connects Bates Road to Carrington Drive. The northerly portion of Butte Drive adjacent to Tax Lots 1600 and 1700 consists of a cinder road providing access from Bates Street to those adjacent lots. Within the southerly portion of Butte Drive adjacent to Tax Lots 1800 and 1900, a paved driveway approach exists providing access from Carrington Drive to Tax Lot 1800. Approximately 70 ft. north of the northern terminus of the paved driveway approach, a large rock outcropping exists which prevents vehicles from driving through on Butte Drive between Carrington Drive and Bates Street. Utilities located within the right of way of Butte Drive appear to consist of power and communication facilities providing service to the adjacent lots. Butte Drive exists within the

River Forest Acres Special Road District, but the District does not maintain the road.

Adoption of Resolution No. 2021-024 will initiate road vacation proceedings pursuant to ORS 368.341.

BUDGET IMPACTS:

None. The Petitioners have paid the vacation petition fee in the amount of \$500.00.

ATTENDANCE:

Cody Smith, County Engineer (REQUEST CONSENT AGENDA)

REVIEWED

LEGAL COUNSEL

09/01/2021 Item #1.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Initiating the Vacation of Butte Drive in Deschutes County, Oregon, Describing the Property Proposed to be Vacated, the Reasons for the Vacation, and Requesting that the County Road Official File a Report.

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RESOLUTION NO. 2021-024

WHEREAS, the owners of one hundred percent of property abutting Butte Drive, which was dedicated to the public on the Second Addition to River Forest Acres plat and is depicted and described in Exhibit "A", attached hereto and by this reference incorporated herein, petitioned for the vacation of said road right of way; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That it is the intent of the Board of County Commissioners of Deschutes County, Oregon, to vacate the right of way of Butte Drive, as described in Exhibit "A", because it appears that the right of way is no longer needed for current or future public use.

Section 2. That the County Road Official shall file a Report with the Board of Commissioners, describing the ownership and uses of property to be vacated, and whether the vacation would be in the public interest, within fourteen (14) days of the date of this Resolution.

Dated this _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

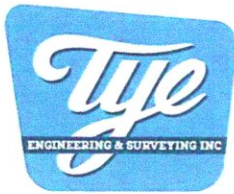
ANTHONY DEBONE, Chair

ATTEST:

PHIL CHANG, Vice Chair

Recording Secretary

PATTI ADAIR, Commissioner



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill Street, Bend, Oregon 97703 • www.tyeengineering.com
Phone: 541-389-6959 • Fax: 541-385-1341

EXHIBIT "A"

ROAD VACATION

BUTTE DRIVE

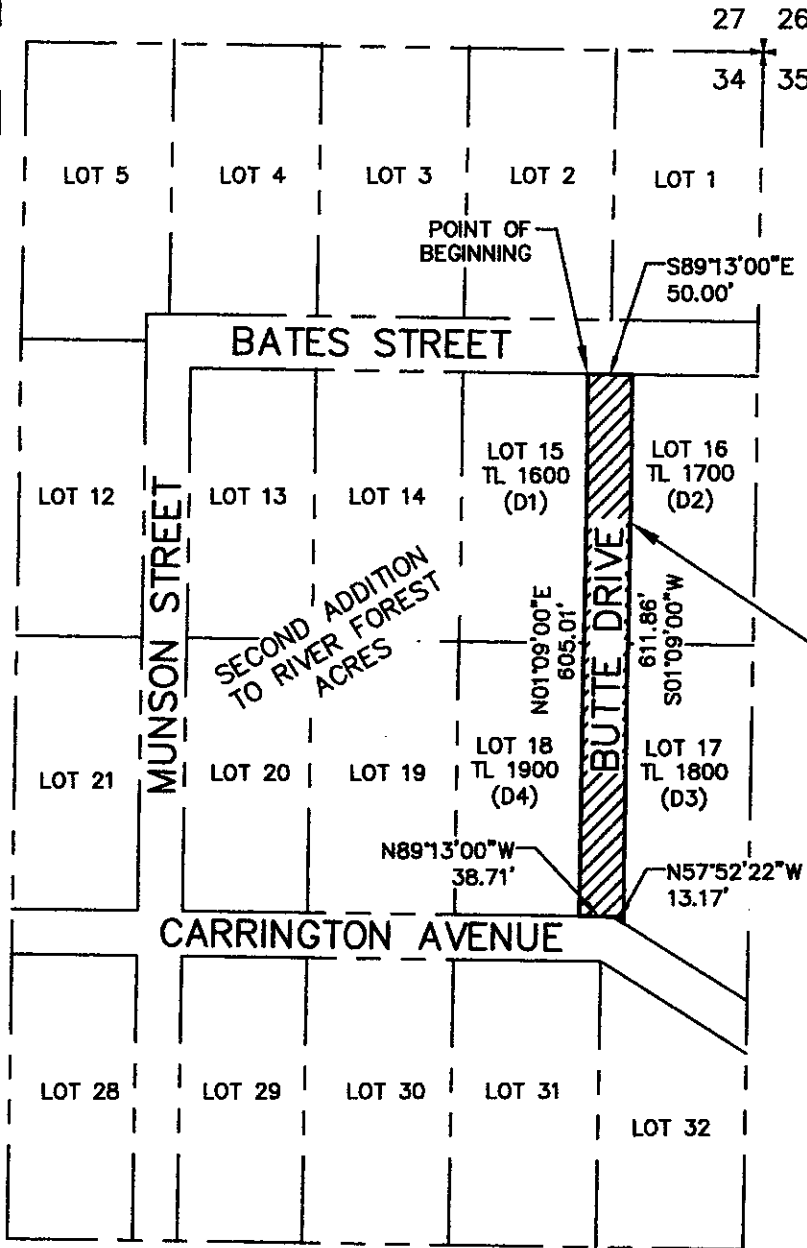
LEGAL DESCRIPTION

All of Butte Drive as dedicated in the plat of Second Addition to River Forest Acres, said plat filed with the Deschutes County Clerk's Office June 14, 1966, said plat further filed with the Deschutes County Surveyor's Office June 14, 1966 as file no. CS09339, being further described as follows:

BEGINNING at the Northeast corner of Lot 15, Second Addition to River Forest Acres, thence along the southerly right of way line of Bates Street, South 89°13'00" East 50.00 feet to the Northwest corner of Lot 16; thence along the easterly right of way line of Butte Drive and the west line of Lots 16 and Lot 17, South 01°09'00" West 611.86 feet, more or less to the Southwest corner of Lot 17 and a point on the northerly right of way line of Carrington Avenue; thence along the northerly right of way line of Carrington Avenue North 57°52'22" West 13.17 feet, more or less; thence continuing along said northerly right of way line North 89°13'00" West 38.71 feet, more or less to the Southeast corner of Lot 18 and a point on the westerly right of way line of Butte Drive; thence along said westerly right of way line and the east line of Lots 15 and 18, North 01°09'00" East 605.01 feet, more or less to the Northeast corner of Lot 15 and the POINT OF BEGINNING.



ROAD VACATION - BUTTE DRIVE LOCATED IN THE NE 1/4 OF SECTION 34, T. 20 S., R. 10 E., W.M., DESCHUTES COUNTY, OREGON



(D1)
 LOT 15 - TAX LOT 1600
 NICHOLAS & KAYLA ROTUNNO
 16377 BATES STREET
 BEND, OREGON 97707

(D2)
 LOT 16 - TAX LOT 1700
 PATRICK & DEBBIE SMITH
 16391 BATES STREET
 BEND, OREGON 97707

(D3)
 LOT 17 - TAX LOT 1800
 THOMAS WILKERSON REVOCABLE
 TRUST
 P.O. BOX 4839
 SUNRIVER, OREGON 97707

(D4)
 LOT 18 - TAX LOT 1900
 VINCE & JULIE BARGHIGIANI
 15940 NW RYEGRASS STREET
 PORTLAND, OREGON 97229

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



OREGON
 May 12, 2010
 DIRK P. DURYEE
 65694PLS

RENEWS: 12/31/21



TYE ENGINEERING, INC.

725 NW HILL, BEND, OREGON 97703 (541) 389-6959

DATE: 03-30-2021

SCALE: 1"=200'

DRAWN BY: P.A.T.

JOB: 2662-WILKERSON

2662-02_Wilkerson road vacation.dwg



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Wednesday, September 1, 2021

SUBJECT: Consideration of Order No. 2021-016, Vacating Butte Drive in Township 20 South, Range 10 East, Section 34

RECOMMENDED MOTION:

Move approval of Order No. 2021-016.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate the public right of way for Butte Drive. Petitioners for the vacation are:

- Thomas L. Wilkerson (Chief Petitioner), sole trustee of the Thomas L. Wilkerson Revocable Trust, owner of Tax Lot 1800 on Assessor’s Map 20-10-34A (Lot 17; 55150 Butte Drive, Bend, Oregon)
• Nicholas C. and Kayla J. Rotunno and Steven J. and Maryann C. Sinkler, owners of Tax Lot 1600 on Assessor’s Map 20-10-34A (Lot 15; 16377 Bates Drive, Bend, Oregon)
• Patrick D. and Debbie J. Smith, owners of Tax Lot 1700 on Assessor’s Map 20-10-34A (Lot 16; 16391 Bates Drive, Bend, Oregon)
• Vince and Julie Barghigiani, owners of Tax Lot 1900 on Assessor’s Map 20-10-34A (Lot 18; 1632 Carrington Avenue, Bend, Oregon)

These tax lots comprise all of the abutting or underlying properties to the subject right of way.

The subject right of way was established in 1966 by the Second Addition to River Forest Acres plat (Deschutes County Official Records Document No. 1966-000010). The right of way is 50 ft. in width and connects Bates Road to Carrington Drive. The northerly portion of Butte Drive adjacent to Tax Lots 1600 and 1700 consists of a cinder road providing access from Bates Street to those adjacent lots. Within the southerly portion of Butte Drive adjacent to Tax Lots 1800 and 1900, a paved driveway approach exists providing access from Carrington Drive to Tax Lot 1800. Approximately 70 ft. north of the northern terminus of the paved driveway approach, a large rock outcropping exists which prevents vehicles from driving through on Butte Drive between Carrington Drive and Bates Street. Utilities located within the right of way of Butte Drive appear to consist of power and

communication facilities providing service to the adjacent lots. Butte Drive exists within the River Forest Acres Special Road District, but the District does not maintain the road.

All of the underlying and abutting property owners have signed the vacation petition, allowing the Board of County Commissioners to make a determination for the vacation without a public hearing pursuant to ORS 368.351.

Adoption of Order No. 2021-016 will vacate the subject right of way, vesting it with the rightful owners holding title according to law pursuant to ORS 368.366(1)(c).

BUDGET IMPACTS:

None. The Petitioners have paid the vacation petition fee in the amount of \$500.00.

ATTENDANCE:

Cody Smith, County Engineer (REQUEST CONSENT AGENDA)

REVIEWED
LEGAL COUNSEL



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Vacating Butte Drive in Deschutes
County, Oregon

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*
*

ORDER NO. 2021-016

WHEREAS, proceedings for vacating Butte Drive, depicted and described in Exhibit "A" attached hereto and by this reference incorporated herein, were initiated by the Board of County Commissioners pursuant to ORS 368.341 upon the owners of property abutting said portion of Cook Avenue filing a petition, attached hereto as Exhibit "B" and by this reference incorporated herein, and upon adoption of Resolution No. 2021-024; and

WHEREAS, said petition contains the acknowledged signatures of owners of one hundred percent of property abutting said portion of Cook Avenue and indicates said owners' approval of vacation; and

WHEREAS, upon request by the Board of County Commissioners, the County Road Official has prepared and filed with the Board a written report, attached hereto as Exhibit "C" and by this reference incorporated herein, concerning the proposed vacation pursuant to ORS 368.346(1); and

WHEREAS, said report contains the County Road Official's assessment that the proposed vacation is in the public interest; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. That vacation of the property described in the attached Exhibit "A" is in the public interest:

Section 2. That the property described in the attached Exhibit "A" is hereby vacated.

Section 3. That the property vacated in Section 2 herein shall vest with the rightful owner or owners holding title according to law in accordance with ORS 368.366(1)(c).

Section 4. That the Deschutes County Surveyor is directed to mark the plat as provided in ORS 271.230.

Section 5. That this Order shall be recorded with the Deschutes County Clerk, and that copies shall be filed with the Deschutes County Surveyor and County Assessor.

Dated this _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

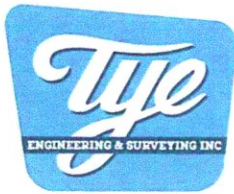
ANTHONY DEBONE, Chair

ATTEST:

PHIL CHANG, Vice Chair

Recording Secretary

PATTI ADAIR, Commissioner



TYE ENGINEERING & SURVEYING, INC.

725 NW Hill Street, Bend, Oregon 97703 • www.tyeengineering.com
Phone: 541-389-6959 • Fax: 541-385-1341

EXHIBIT "A"

ROAD VACATION

BUTTE DRIVE

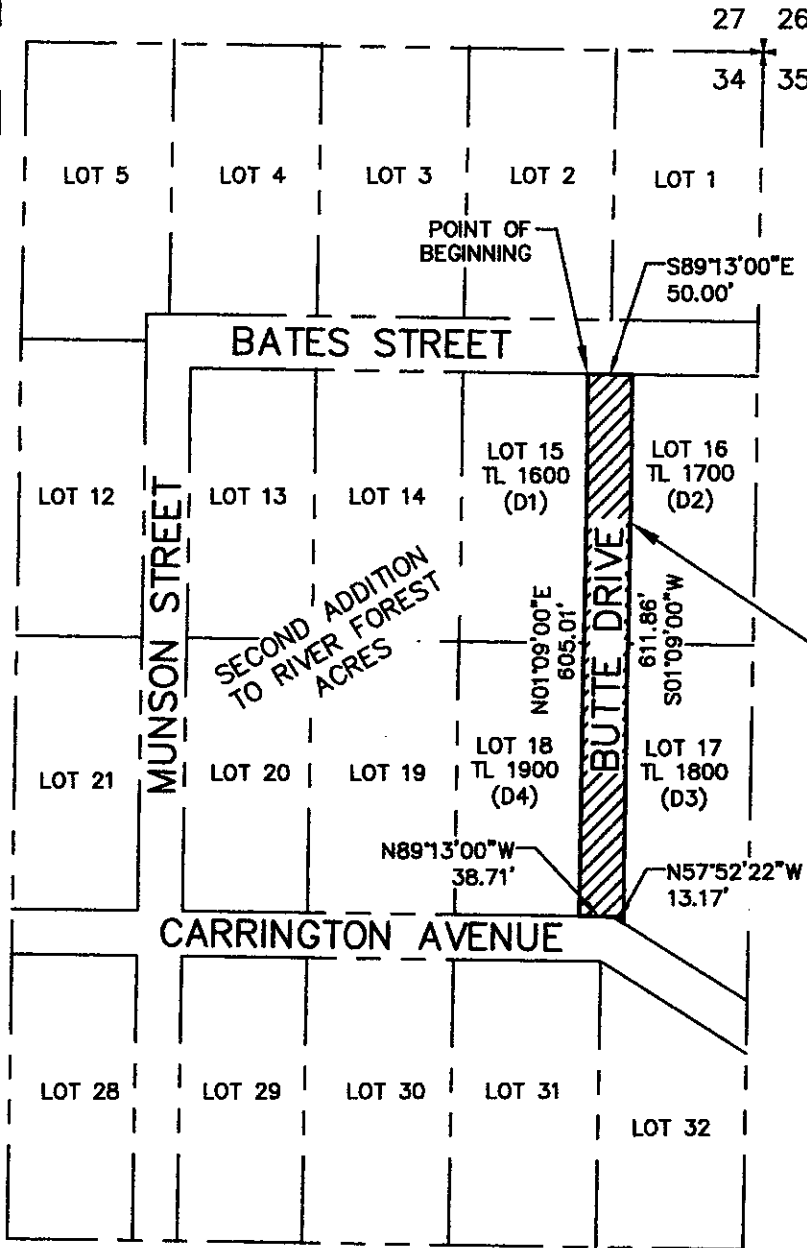
LEGAL DESCRIPTION

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ROAD VACATION - BUTTE DRIVE LOCATED IN THE NE 1/4 OF SECTION 34, T. 20 S., R. 10 E., W.M., DESCHUTES COUNTY, OREGON



(D1)
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 NICHOLAS & KAYLA ROTUNNO
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 TRUST
 P.O. BOX 4839
 SUNRIVER, OREGON 97707

(D4)
 LOT 18 - TAX LOT 1900
 VINCE & JULIE BARGHIGIANI
 15940 NW RYEGRASS STREET
 PORTLAND, OREGON 97229

ROAD
 VACATION

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR



OREGON
 May 12, 2010
 DIRK P. DURYEE
 65694PLS

RENEWS: 12/31/21



TYE ENGINEERING, INC.

725 NW HILL, BEND, OREGON 97703 (541) 389-6959

DATE: 03-30-2021

SCALE: 1"=200'

DRAWN BY: P.A.T.

JOB: 2662-WILKERSON

2662-02_Wilkerson road vacation.dwg

PETITION FOR VACATION OF A PUBLIC ROAD

TO: THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

We, the undersigned (holding recorded interest or abutting the proposed property or owning improvements constructed on the proposed property for vacation), respectfully request the following described road be vacated.

Description of road to be vacated: All of Butte Drive as dedicated in the plat of the Second Addition to River Forest Acres (legal description attached.) Butte Drive, a 600 plus foot undeveloped easement running roughly north south between Bates Street and Carrington Avenue, was not improved due to a rock dome approximately 200 feet north of Carrington Avenue. The four lots overlaying the easement have access, with utilities from, Carrington Avenue or Bates Street.

Reason for road vacation request: 55150 Butte Drive was originally 16394 Carrington Avenue, having been changed March 31, 2016, then was given an Access-Driveway Permit on 4/19/2016. The reason for these changes was a large rock dome along Carrington Avenue preventing access and utilities to lot 17. Using the Butte Drive easement as a driveway allowed the lot to be developed and a driveway was installed and paved in 2018. Since then, the driveway has been assumed to be Butte Drive which shows on maps as a through road. All four abutting owners would like to prevent any future misunderstanding of the purpose of this area and re-establish the adjacent private property boundaries for the exclusive use of the owners. Although Deschutes County has an ordinance prohibiting camping on county roads, and the chances are small it would happen, there has been a trailer parked on the easement in the past (2016) for several weeks. The adjacent lots are fully developed and Butte Drive has no future use.

Contact on this vacation was first made with the Road Department in April 2019 when the petitioner was told it wasn't worth pursuing due to future utilities and development needs. The power grid for this area runs north/south along Forest Lane and east/west along Bates Street and Carrington Avenue. Butte Drive has never had any utilities within the easement and since all four abutting lots are developed, will never have any utility easements.

After some reflection and a few cars trying to pass through Butte Drive the petitioner again made contact with the Road Department on April 15, 2020. On October 12, 2020 a response was received, this time saying the Road Department cannot recommend the Vacation of Butte Drive due to fire danger. (I believe between Covid 19, summer business and this being a low priority issue the response delay was understandable.) Just to clarify, my initial inquiries we made in regards to only the section of Butte Drive adjacent to my property (55150 Butte Drive.) This petition includes the whole of Butte Drive and is representing all four property owners with abutment to Butte Drive.





There are fire exits for River Forest Acres on the west end of Bates Street and off Forest Lane south both using secondary roads to access State Rec Road to the south or South Century Drive (42) to the north. Forest Lane also leads north to South Century Drive and can provide additional access north through River Meadows Subdivision. Developing Butte Drive to add to this exit grid provides no advantage to these routes. (Map attached)

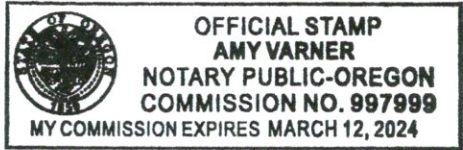
A Side Note: It may be necessary to return the address of 55150 Butte Drive to the original 16394 Carrington Street to eliminate confusion and remove Butte Drive from all maps.

Thank you for your time, Tom Wilkerson, lead petitioner



DATED this 20th day of March, 2021

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Nicholas Rotunno		16377 Bates Street	Bend	OR. 97707
Patrick Smith		16391 Bates Street	Bend	OR. 97707
Vince Barghigiani		16382 Carrington Ave.	Bend	OR 97707
Thomas L Wilkerson		55150 Butte Drive	Bend	OR. 97707



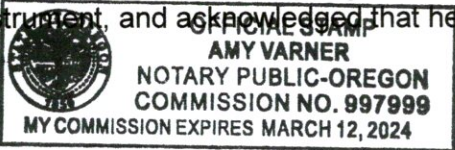
STATE OF OREGON)
 County of Deschutes) ss.

On this 20 day of March, in the year 2021, before me, a Notary Public, personally appeared Nicholas Rotunno personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal
Amy Varner
 Notary Public for Oregon.
 My Commission expires: March 12, 2024

STATE OF OREGON)
 County of Deschutes) ss.

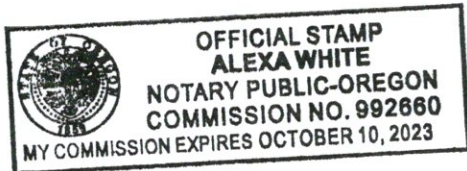
On this 22 day of March, in the year 2021, before me, a Notary Public, personally appeared Patrick Smith personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



WITNESS my hand and official seal
Amy Varner
 Notary Public for Oregon.
 My Commission expires: March 12, 2024

STATE OF OREGON)
 County of Deschutes) ss.

On this 25 day of March, in the year 2021, before me, a Notary Public, personally appeared Vince Barghigiani personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

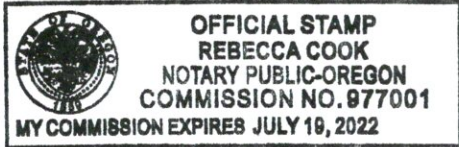


WITNESS my hand and official seal
Alexa White
 Notary Public for Oregon.
 My Commission expires: 10/10/2023

STATE OF OREGON)
County of Deschutes) ss.

On this 24 day of March, in the year 2021, before me, a Notary Public, personally appeared Thomas & Wilkerson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal
Rebecca Cook
Notary Public for Oregon.
My Commission expires: 7-19-2022



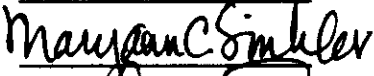

I CERTIFY THAT THIS IS THE TRUE AND ORIGINAL PETITION CIRCULATED BY ME.

[Signature]
SIGNATURE

55150 BUTTE DRIVE
ADDRESS

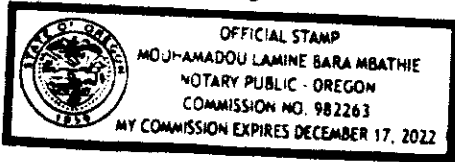
TELEPHONE: 541-480-6135

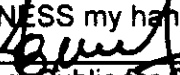
DATED this 28th day of July, 2021

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Kayla J Rotunno		16377 Bates Street	Bend	OR. 97707
Maryann C Sinkler		16377 Bates Street	Bend	OR. 97707
Steven J Sinkler		16377 Bates Street	Bend	OR. 97707
Debbie J Smith	_____	16391 Bates Street	Bend	OR. 97707
Julie Barghigiani	_____	16382 Carrington Ave.	Bend	OR 97707

STATE OF OREGON)
 County of Clatsop) ss.

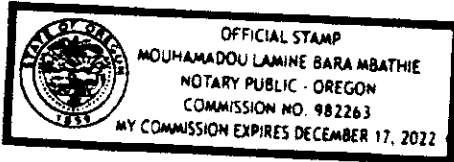
On this 29 day of July, in the year 2021, before me, a Notary Public, personally appeared Maryann C Sinkler personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

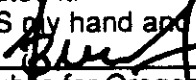


WITNESS my hand and official seal

 Notary Public for Oregon.
 My Commission expires: December 17 2022

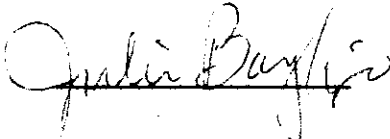
STATE OF OREGON)
 County of Clatsop) ss.

On this 29 day of July, in the year 2021, before me, a Notary Public, personally appeared Steven J Sinkler personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



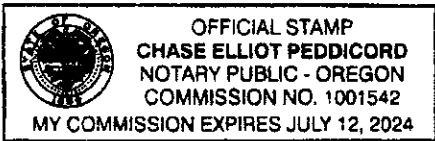
WITNESS my hand and official seal

 Notary Public for Oregon.
 My Commission expires: December 17 2022

DATED this 28th day of July, 2021

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Kayla J Rotunno	_____	16377 Bates Street	Bend	OR. 97707
Maryann C Sinkler	_____	16377 Bates Street	Bend	OR. 97707
Steven J Sinkler	_____	16377 Bates Street	Bend	OR. 97707
Debbie J Smith	_____	16391 Bates Street	Bend	OR. 97707
Julie Barghigiani		16382 Carrington Ave.	Bend	OR 97707

STATE OF OREGON)
) ss.
 County of Washington)

On this 31st day of July, in the year 2021, before me, a Notary Public, personally appeared Julie Barghigiani personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



WITNESS my hand and official seal
Chase Elliot Peddicord
 Notary Public for Oregon.
 My Commission expires: 07/12/2024

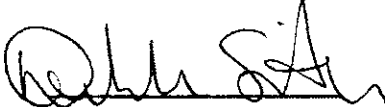
STATE OF OREGON)
) ss.
 County of _____)

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

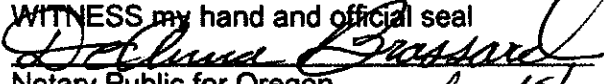
 Notary Public for Oregon.
 My Commission expires: _____

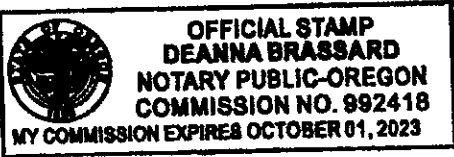
DATED this 28th day of July, 2021

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Kayla J Rotunno	_____	16377 Bates Street	Bend	OR. 97707
Maryann C Sinkler	_____	16377 Bates Street	Bend	OR. 97707
Steven J Sinkler	_____	16377 Bates Street	Bend	OR. 97707
Debbie J Smith		16391 Bates Street	Bend	OR. 97707
Julie Barghigiani	_____	16382 Carrington Ave.	Bend	OR 97707

STATE OF OREGON)
 County of Deschutes) ss.

On this ^{23rd} 6th day of August, in the year 2021, before me, a Notary Public, personally appeared Debbie J Smith personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

 Notary Public for Oregon.
 My Commission expires: Oct 1st, 2023 ^{20th 2023}



STATE OF OREGON)
 County of _____) ss.

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

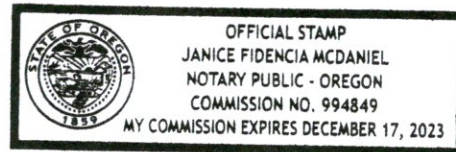
WITNESS my hand and official seal

 Notary Public for Oregon.
 My Commission expires: _____

DATED this 28th day of July, 2021

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE ZIP
Kayla J Rotunno	<u>Kayla J. Rotunno</u>	16377 Bates Street	Bend	OR. 97707
Maryann C Sinkler	_____	16377 Bates Street	Bend	OR. 97707
Steven J Sinkler	_____	16377 Bates Street	Bend	OR. 97707
Debbie J Smith	_____	16391 Bates Street	Bend	OR. 97707
Julie Barghigiani	_____	16382 Carrington Ave.	Bend	OR 97707

STATE OF OREGON)
)
 County of Deschutes) ss.



ANIEL
 EGON
 4849
 ABER 17, 2023

On this 6 day of August, in the year 2021, before me, a Notary Public, personally appeared Kayla J Rotunno only personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal
Janice McDaniel
 Notary Public for Oregon.
 My Commission expires: 12-17-2023

STATE OF OREGON)
)
 County of _____) ss.

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

 Notary Public for Oregon.
 My Commission expires: _____



MEMORANDUM

TO: Board of County Commissioners
FROM: Cody Smith, County Engineer, Deschutes County Road Department
DATE: August 23, 2021
SUBJECT: Road Official's Report
Vacation of Butte Drive in Section 34, Township 20 South, Range 10 East

Background:

Deschutes County Road Department has received a petition to vacate the public right of way for Butte Drive. Petitioners for the vacation are:

- Thomas L. Wilkerson (Chief Petitioner), sole trustee of the Thomas L. Wilkerson Revocable Trust, owner of Tax Lot 1800 on Assessor's Map 20-10-34A (Lot 17; 55150 Butte Drive, Bend, Oregon)
Nicholas C. and Kayla J. Rotunno and Steven J. and Maryann C. Sinkler, owners of Tax Lot 1600 on Assessor's Map 20-10-34A (Lot 15; 16377 Bates Drive, Bend, Oregon)
Patrick D. and Debbie J. Smith, owners of Tax Lot 1700 on Assessor's Map 20-10-34A (Lot 16; 16391 Bates Drive, Bend, Oregon)
Vince and Julie Barghigiani, owners of Tax Lot 1900 on Assessor's Map 20-10-34A (Lot 18; 1632 Carrington Avenue, Bend, Oregon)

These tax lots comprise all of the abutting or underlying properties to the subject right of way.

The subject right of way was established in 1966 by the Second Addition to River Forest Acres plat (Deschutes County Official Records Document No. 1966-000010). The right of way is 50 ft. in width and connects Bates Road to Carrington Drive. The northerly portion of Butte Drive adjacent to Tax Lots 1600 and 1700 consists of a cinder road providing access from Bates Street to those adjacent lots. Within the southerly portion of Butte Drive adjacent to Tax Lots 1800 and 1900, a paved driveway approach exists providing access from Carrington Drive to Tax Lot 1800. Approximately 70 ft. north of the northern terminus of the paved driveway approach, a large rock outcropping exists which prevents vehicles from driving through on Butte Drive between Carrington Drive and Bates Street. Utilities located within the right of way of Butte Drive appear to consist of power and communication facilities providing service to the adjacent lots. Butte Drive exists within the River Forest Acres Special Road District, but the District does not maintain the road.

The Petitioners have requested the vacation for the following reason:

“55150 Butte Drive was originally 16394 Carrington Avenue, having been changed March 31, 2016, then was given an Access-Driveway Permit on 4/19/2016. The reason for these changes was a large rock dome along Carrington Drive preventing access and utilities to lot 17. Using the Butte Drive easement as a driveway allowed the lot to be developed and a driveway was installed and paved in 2018. Since then, the driveway has been assumed to be Butte Drive which shows on maps as a through road. All four abutting property owners would like to prevent any future misunderstanding of the purpose of this area and re-establish the adjacent private property boundaries for the exclusive use of the owners...there has been a trailer parked on the easement in the past (2016) for several weeks. The adjacent lots are fully developed and Butte Drive has no future use.”

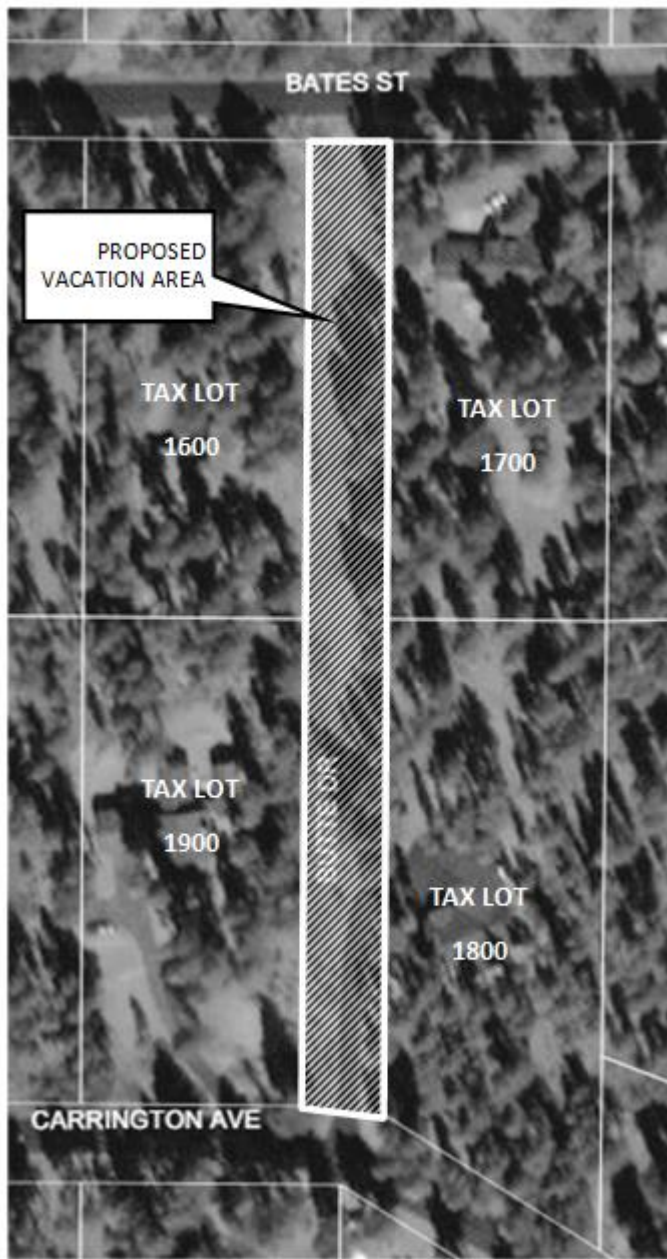


Figure 1 –Aerial Photo of Proposed Vacation Area

The petition included service provider consent forms from the following service providers, who indicated the following:

- *River Forest Acres Special Road District* – Consents to the proposed vacation
- *Midstate Electric Cooperative* – Does not have existing facilities within the area proposed for vacation; consents to the proposed vacation

The Road Department mailed preliminary notices of the proposed vacation to affected property owners, utilities, and agencies. The following notified parties did not provide a response:

- *Patrick D. and Debbie J. Smith*
- *Thomas Wilkerson Revocable Trust*
- *Vince and Julie Barghigiani*
- *Nicholas C. and Kayla J. Rotunno, et al*
- *River Forest Acres Special Road District*
- *Bend Broadband*
- *Midstate Electric Cooperative*
- *Deschutes County Community Development Department*
- *Deschutes County Legal Counsel*

Findings:

Based upon the submitted petition materials, responses to the preliminary notices, and the Road Department’s research of the subject right of way, the Road Department finds that:

- The subject right of way was dedicated to the public on the *Second Addition to River Forest Acres* plat recorded as Document No. 1966-000010 in the office of the County Clerk, Deschutes County, Oregon (ORS 368.326).
- The proposed vacation will not deprive access to any owners of a recorded property right (ORS 368.331).
- The petitioners, who represent 100 percent of the owners of property abutting the subject right of way, have submitted a complete petition and submitted the required fee (ORS 368.341(1)(c); ORS 368.341(3); ORS 368.341(4); ORS368.351).
- The subject right of way does not appear to contain any utilities or other facilities, other than private utility services for the adjacent properties.
- The subject right of way does not appear to be needed for current or future public use.

Recommendation:

Based on the above findings, the Road Department has determined that the proposed vacation is in the public interest. The Road Department recommends that the Board of County Commissioners approve the vacation of the right of way of Butte Drive as described in proposed Order No. 2021-016 subject to the following conditions:

1. No opposition to the vacation is reported to the County prior to vacation order presentation to the Board of County Commissioners.
2. The vacated property shall vest in the rightful owner(s) holding title according to law pursuant to ORS 368.366 (1)(c).

This report is made pursuant to ORS 368.326 through 368.366, concerning the vacation of county property.



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Wednesday, September 1, 2021

SUBJECT: PRESENTATION: Mt. Bachelor Biomass Project

ATTENDANCE:

Meagan Hartman, VP/Director of Business Development, Wisewood Energy
John McLeod, President/General Manager, Mt. Bachelor Inc



West Village District Energy

Implementing Advanced Wood Energy at Mt. Bachelor



Air Quality & Carbon

Business As Usual:
Uncontrolled emissions + fossil fuels

Poor air quality and CO2 emissions from wildfire and pile & burning woody material

CO2e emissions from propane consumption at Mt. Bachelor

Biomass Facility:
Clean, efficient energy using a local resource

Creates market demand that supports fire mitigation efforts & reduces pile burning


Reduces CO2e emissions for 5 buildings included in biomass system by approx. 88%, and reduces total emissions across Mt. Bachelor by approx 18%*

Wood fuel procurement supports local economy

Did You Know?

Mt. Bachelor is Powdr's 3rd largest consumer of fossil fuels for Scope 1 stationary combustion!

And, it's the largest excluding natural gas consumption.




AT A GLANCE



Mt. Bachelor spends an average **\$270,000** per year on propane fuel and heating system maintenance



The biomass system is estimated to lower operating costs for heating by **two-thirds**



Construction costs for this project are estimated to be **\$5.5MM**



THE PROJECT

Mt. Bachelor Ski Resort has recently completed the detailed design and engineering of a state-of-the-art biomass energy facility to provide heat and snow melt for four buildings in the West Village Lodge complex. Mt. Bachelor is now seeking funding to implement the project, and grants are needed to supplement private equity to help get it across the finish line. The advanced wood energy system at Mt. Bachelor would make Deschutes County a national leader in innovative renewable energy that integrates with fire-smart forest management!

Annual benefits of the biomass facility:

- 1. Utilizes byproduct of forest management activities that **reduce the risk of high-severity wildfire** in Central Oregon
- 2. Reduces carbon emissions for 4 buildings served by biomass **by 88%** and drastically **reduces particulate emissions**
- 3. Replaces approx. **150,000 gallons of propane** with locally sourced woody biomass

Local Forest Management

Forest restoration activities in Central Oregon aim to reduce the risk of high-severity wildfire events, but generate large amounts of woody material as a byproduct.

This material is currently piled and burned, a costly process that produces uncontrolled smoke and CO2 emissions.

At just over 1,000 tons per year, the Mt. Bachelor biomass facility's wood demand is modest but meaningful: nearly 240 times the system's annual demand is available in Deschutes, Crook, and Jefferson Counties each year – excluding protected habitat and wilderness areas.

Project Site Plan



Place-Based Architecture



Highly Efficient, Modern Biomass Technology



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: 9/1/2021

SUBJECT: Public Hearing and Consideration of Order 2021-037 Approving Annexation to Cloverdale Rural Fire Protection District

RECOMMENDED MOTION:

Move approval of Order 2021-037

BACKGROUND AND POLICY IMPLICATIONS:

Jim Crow and Caroline Stratton, as chief petitioners, filed a petition to annex property into Cloverdale Rural Fire Protection District. The District approved the petition. The Assessor's Office and County Clerk certified the petition and Community Development reviewed it for consistency with the County's comprehensive plan.

BUDGET IMPACTS:

None

ATTENDANCE:

Dave Doyle, Legal Counsel

REVIEWED
DDM
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Order Approving Crow and Stratton annexation into Cloverdale Rural Fire Protection District *
* ORDER NO. 2021-037
*

WHEREAS, Jim Crow and Caroline Stratton (“Petitioners”) submitted a petition requesting annexation of their property, identified in Exhibit A in the petition attached to this Order, into Cloverdale Rural Fire Protection District (“District”); and

WHEREAS, the Deschutes County Clerk’s Office and Assessor’s Office verified that the petition was signed by a registered voter or a landowner, respectively, for the property as indicated in Exhibit B in the petition attached to this Order; and

WHEREAS, pursuant to ORS 198.857(4), the Deschutes County Community Development Department determined the petition is consistent with the Deschutes County Comprehensive Plan, as described in Exhibit C in the petition attached to this Order; and

WHEREAS, the Board held a duly noticed public hearing on September 1, 2021, to determine whether, in accordance with the County Comprehensive Plan, any applicable service agreement between a local government and the affected district, and the criteria prescribed by ORS 197.175, the affected area would benefit by annexation of said territory into the District; now, therefore

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

Section 1. The petition for annexation and all exhibits attached to this Order are hereby incorporated by reference.

Section 2. The petition for annexation is hereby approved, and the property identified in Exhibit A is declared annexed and included in the District.

Section 3. A copy of the signed Order will be forwarded to the Oregon Department of Revenue, Oregon Secretary of State Archives Division, Deschutes County Assessor’s Office and County Clerk’s Office, and the District.

Section 3. The purpose of this District is to provide fire protection services.

Dated this ___ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, CHAIR

PHIL CHANG, VICE CHAIR

ATTEST:

Recording Secretary

PATTI ADAIR, COMMISSIONER

EXHIBIT A

PETITION TO ANNEX PROPERTY INTO

Cloverdale Fire District

(Name of District)

To: The Board of County Commissioners, Deschutes County, Oregon

The undersigned, in support of this Petition, state as follows:

- 1. This Petition for Annexation is filed pursuant to ORS 198.850 to 198.859 on _____ (date) and Petitioners request the Board commence proceedings to annex the territory described herein into Cloverdale Fire District (name of district), Deschutes County, Oregon.
- 2. This Petition for Annexation affects only Deschutes County and is not in any incorporated city limits.
- 3. The Board of Cloverdale Fire District (name of district) approved the petition pursuant to ORS 198.850 on _____ (insert date).
- 4. The principal act for Cloverdale Fire District (name of district) is ORS _____

(Proper statutory reference required, see ORS 198.010 for listing of appropriate principal act)

- 5. The territory subject to this Petition for Annexation is primarily inhabited / uninhabited (circle one). This petition is signed by land owners and/or registered voters in the area proposed to be annexed as indicated opposite their respective signature, and all signatures were obtained on or after the 10-7-2020 day of, 2020.
- 6. The property street address(es) of land for annexation (if known) is/are 65920 Sisemore Rd. Bend, Or. 97703 and the total acreage is 19.56. A description of the boundaries of the territory to be annexed is attached hereto as Exhibit "A" and depicted on the map attached as Exhibit "B".
- 7. This Petition has been signed by at least 15 percent of the electors, or 100 electors whichever number is lesser, registered in the area proposed to be annexed; or at least 15 owners or owners of 10 percent of the land, (whichever is greater) within the area proposed to be annexed.
- 8. A security deposit form and payment is attached to this petition.

Signed this 19 day of October, 2020 by Caroline Stratton Jimmy R. Crow Chief Petitioner(s).

Caroline Stratton
Signature

65920 Sisemore Rd. Bend, Or. 97703
Address, City, State, ZIP

DATED this ___ day of _____, 20__

DATED this ___ day of _____, 20__

Approved by the Board of _____

(if applicable) Approved by City of _____

Name of District Cloverdale Rural

District Signature _____

By: Jerry B. Johnson

(Print Name)
Title: Board President

City Signature _____

By: _____

(Print Name)
Title: _____

EXHIBIT A

09/01/2021 Item #19.

NAME OF DISTRICT: Cloverdale Five District

Withdrawal Annexation

	PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1	<u>JIMMY R. CROW</u> Print Name <u>[Signature]</u> Signature	<u>7-28-21</u> Date	<u>65940 SISEMORE RD.</u> PROPERTY ADDRESS <u>BEND, OR 97703</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <u>20</u> Registered Voter Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
2	<u>CAROLINE SWATTON</u> Print Name <u>[Signature]</u> Signature	<u>7-28-21</u> Date	<u>65940 SISEMORE RD.</u> PROPERTY ADDRESS <u>BEND, OR 97703</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <u>20</u> Registered Voter Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
3	 Print Name Signature	 Date	 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
4	 Print Name Signature	 Date	 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
5	 Print Name Signature	 Date	 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>

I, Mikaela K Costigan, certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: [Signature]

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 28 day of July, 2021
 Notary Public for Oregon Deschute County CDD My Commission Expires: 12/12/25
 Signature [Signature]

OFFICIAL STAMP
 MIKAELA K COSTIGAN
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 1013488
 MY COMMISSION EXPIRES JUNE 21, 2025

30-398

8171

WARRANTY DEED

VOL 199 PAGE 617

RUSSELL L. HIATT and RUTH H. HIATT, husband and wife

hereinafter called grantor, conveys to

CHARLES G. FULLERTON and MARIE B. FULLERTON, husband and wife

hereinafter called grantee

all the following described real property situated in Deschutes County, State of Oregon, to-wit:

PARCEL 1: A parcel of land situate in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Eighteen (18), Township Sixteen (16) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, and now to be more particularly described as follows:

Commencing at the North Quarter corner of said Section 18, the Initial Point; thence South 00° 25' 00" West, 386.62 feet to a 5/8" pin and the point of beginning; thence South 00° 25' 00" West, 370.42 feet to a 1/2" pipe; thence North 89° 36' 00" West, 939.88 feet to the centerline of a County road; thence 161.59 feet along the arc of a curve left of said centerline forming a delta angle of 32° 38' 32" and having a radius of 283.64 feet to the P.T. (point of tangency) of said curve; thence North 75° 12' 55" West along said road centerline, 140.89 feet to the P.C. (point of curvature) of said road centerline; thence 87.82 feet along the arc of said curve right forming a delta angle of 27° 54' 38" and having a radius of 180.27 feet; thence North 00° 25' 00" East, 212.72 feet; thence South 89° 36' 00" East, 1290.00 feet to the point of beginning. The above County road monumented by 1/2" pipes on the rights of way of the above described centerline points.

PARCEL 2: A parcel of land situate in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Eighteen (18), Township Sixteen (16) South, range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, and now to be more particularly described as follows:

Commencing at the North Quarter corner of said Section 18, the Initial Point; thence South 00° 25' 00" West, 757.04 feet to a 1/2" pipe at the point of beginning; thence South 00° 25' 00" West, 561.80 feet to a 1/2" pin; thence North 89° 36' 00" West, 697.35 feet to the centerline of a County road; thence 109.30 feet along the arc of a curve left of said County road centerline forming a delta angle of 05° 49' 46" and having a radius of 1074.30 feet to the P.T. (point of tangency) of said curve; thence North 21° 43' 10" West along said road centerline 401.67 feet to the P.C. (point of curvature) of said road centerline; thence 103.23 feet along the arc of said curve left forming a delta angle of 20° 51' 13" and having a radius of 283.64 feet; thence South 89° 36' 00" East, 939.88 feet to the point of beginning. The above County road monumented by 1/2" pipes on the right of ways of the above described centerline points.

CHARLES R. MARRCH
ATTORNEY AT LAW
1198 WALL STREET
BEND, OREGON 97701

Page 1
BEND TITLE COMPANY
1050 BOND, BEND, OREGON 97701

All containing 20 acres more or less.

VOL 199 PAGE 618

Reserving, however, in the grantor, their heirs and assigns, an easement for an existing driveway as presently located for the use and benefit of the land lying immediately North of the land agreed to be sold, consisting of 11.8054 acres to run with the land for ingress and egress to said lands.

and covenants that grantor is the owner of the above described property free of encumbrances except subject to:

Taxes; and

Existence of roads, railroads, irrigation ditches and canals, telephone, telegraph and power transmission facilities

and will warrant and defend the same against all persons who may lawfully claim the same except as shown above.

The true and actual consideration for this transfer is \$20,000.00.

Dated this 22 day of September, 1973.

Russell L. Hiatt
Russell L. Hiatt

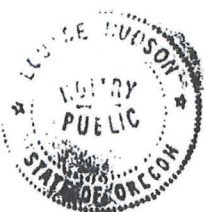
Ruth H. Hiatt
Ruth H. Hiatt

STATE OF OREGON, County of Deschutes) ss.

Donald Short
Attorney in Fact

Personally appeared the above named Russell L. Hiatt and Ruth H. Hiatt, by Russell Hiatt, her Attorney in Fact, husband and wife and acknowledged the foregoing instrument to be their voluntary act.

Lucille Hudson
Notary Public for Oregon
My Commission Expires: 2-2-76

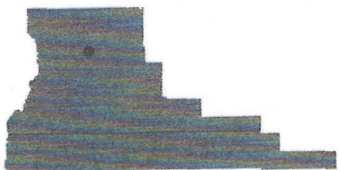
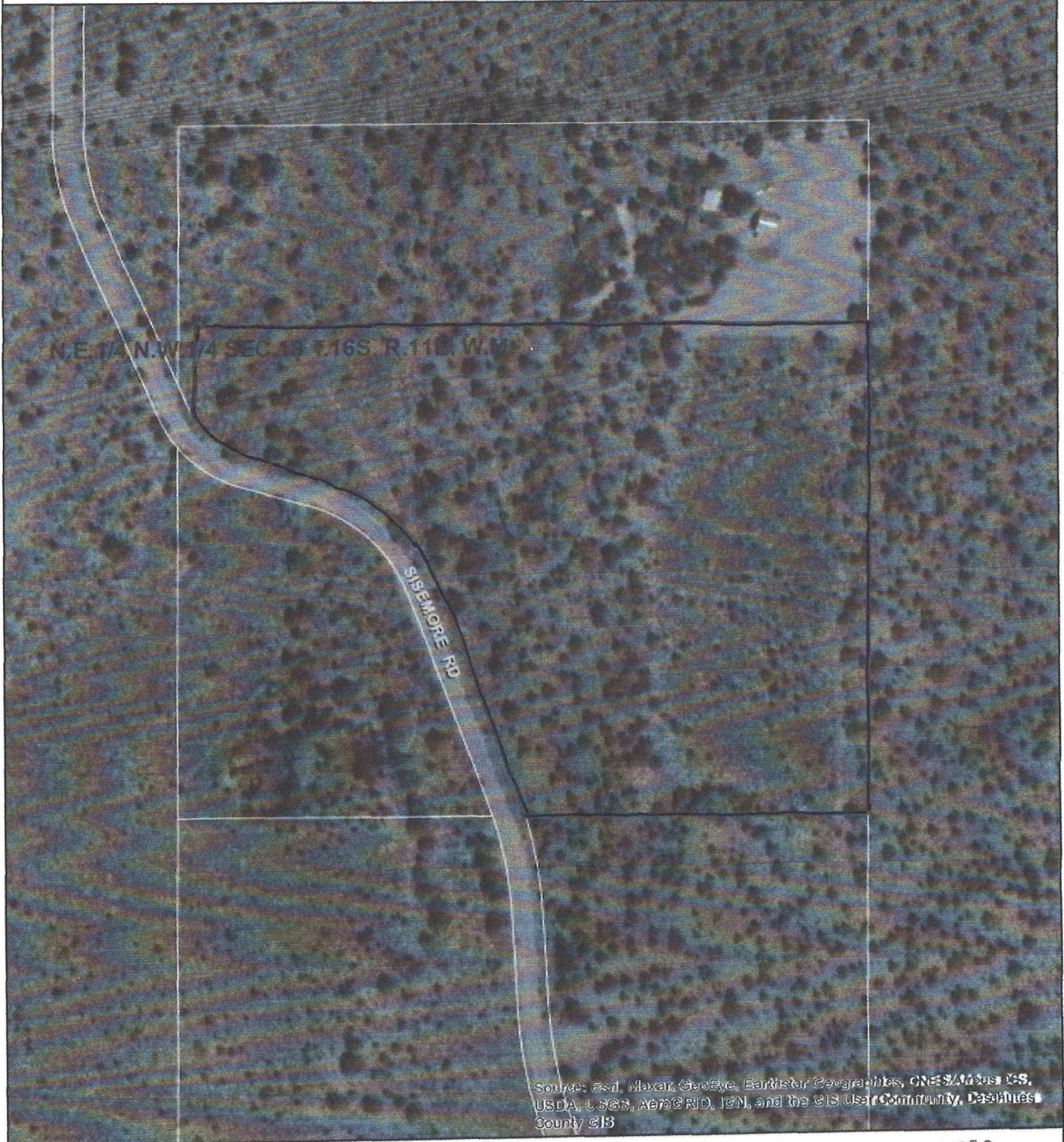


8171
STATE OF OREGON INDEX
County of Deschutes
I hereby certify that the within instrument of writing was received for Record the 28 day of Sept. A.D. 1973 at 11:47 o'clock A.M. and recorded in Book 199 on Page 617. Records of *Blenda*
ROSEMARY PATTERSON
County Clerk
By *Janice Lohel* Deputy

CHARLES R. MARSCH
ATTORNEY AT LAW
1199 WALL STREET
SEASIDE, OREGON 97138

N.E.1/4 N.W.1/4 SEC.18 T.16S. R.11E. W.M.

MAP + TAX L07 16118 DA 00200



Date: 3/17/2021

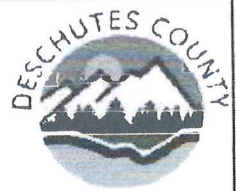
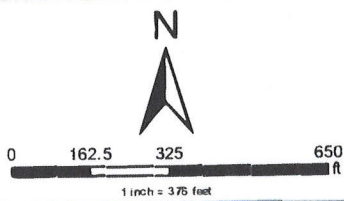


EXHIBIT A

09/01/2021 Item #19.

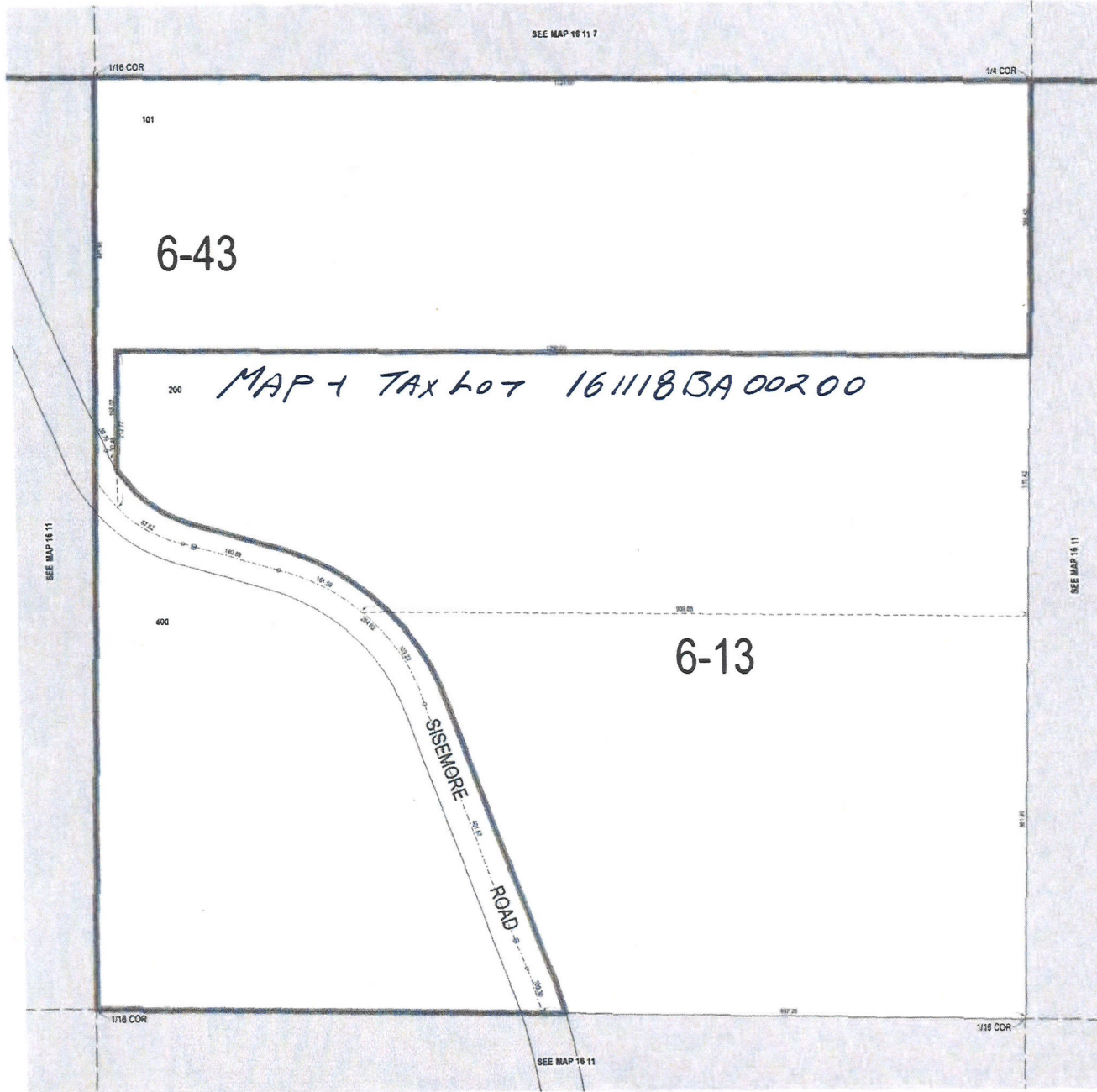
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.E. 1/4 N.W. 1/4 SEC. 18 T. 16S. R. 11E. W.M.
DESCHUTES COUNTY
1" = 100'

16 11 18BA

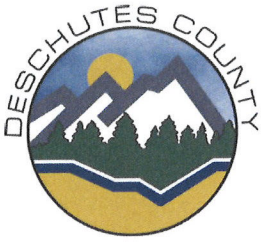
3/4/2021

Cancelled Nos.
100
300



16 11 18BA

EXHIBIT B



**DESCHUTES COUNTY ASSESSOR'S OFFICE
CARTOGRAPHY DEPARTMENT**

1300 NW Wall Street, Suite 204 | Bend, Oregon 97703

Office: (541) 388-6508 | **Fax:** (541) 382-1692

Website: <https://www.deschutes.org/assessor>

Property Info: <https://dial.deschutes.org/>

August 6, 2021

Steve Dennison

Deschutes County Clerk

Re: **Petition for Cloverdale Rural Fire Protection District** (Jimmy Crow & Caroline Stratton)

Please be advised the attached petition meets the requirements of ORS 198.

Sincerely,

Gregg Rossi



County Clerk

**Petition for Annexation to
Cloverdale Fire District
(65920 Sisemore Rd, Bend)**

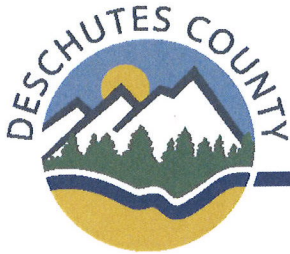
Clerk's Certification

I, Steve Dennison, Deschutes County Clerk, do hereby certify that the signatures on the attached petition sheet are not voters within the proposed area to be annexed. There are zero (0) voters within the proposed area to be annexed. There are zero (0) valid signatures on the attached petition within the area proposed for annexation.

Dated this 4th day of August, 2021.

Steve Dennison
Deschutes County Clerk

EXHIBIT C



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Planning Manager
DATE: August 3, 2021
SUBJECT: Land Use Compatibility / Cloverdale Fire District

The materials contained in the petition to annex 65920 Sisemore Road are consistent with Title 18, Deschutes County Zoning Ordinance, and Title 23, Deschutes County Comprehensive Plan. There are no local land use regulations or policies that specifically address the Cloverdale Fire District and annexation.¹

¹ Policy 3.6.1 “encourages the formation of special service districts to serve rural needs rather than have the County serve those needs.” Policy 3.8.1 recognizes the importance to “cooperate with public agencies and local park districts to provide park and recreation lands, facilities and opportunities.”



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 1, 2021

SUBJECT: Recreational Vehicle Park Expansion / Assessment

RECOMMENDED MOTION:

N/A.

BACKGROUND AND POLICY IMPLICATIONS:

This memorandum provides an assessment of expanding existing Recreational Vehicle (RV) Parks in rural Deschutes County on non-federal land.

BUDGET IMPACTS:

None.

ATTENDANCE:

Peter Gutowsky, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Planning Manager
DATE: September 1, 2021
SUBJECT: Recreational Vehicle Park Expansion / Assessment

This memorandum provides an assessment of expanding existing Recreational Vehicle (RV) Parks in rural Deschutes County on non-federal land.

I. Background

Earlier this spring, the Board of County Commissioners (Board) requested information regarding the land use entitlement process for siting campgrounds, RV parks, and manufactured home parks in rural Deschutes County. On July 7, 2021, staff summarized the existing conditions, regulations, land use fees, and regulatory obstacles associated with those three uses. This cursory review however, did not evaluate case law as it pertains to RV park expansions. All seven existing RV parks discussed below were established more than 40 years ago, prior to Oregon’s statewide land use planning system taking effect in the mid to late 1970s.

II. RV Park Expansion Assessment

The matrix starting on page 4 summarizes the seven RV parks in rural Deschutes County, and the corresponding land use fees and onsite wastewater treatment conditions associated with any expansion. A map attached with this memorandum depicts their location.

Assessment: In coordination with County Legal Counsel, based on recent Land Use Board of Appeals (LUBA) case law (see Section V), it will be extremely difficult to entitle RV park expansions. Even if Goal 14 exceptions are attained, the entitlement, infrastructure costs, and in most areas, groundwater conditions, will present significant challenges to resolve, leading to a time consuming and expensive process at the outset.

III. RV Park Expansion / Land Use Criteria

All RV park expansions are subject to discretionary conditional use compatibility criteria and site plan review. Deschutes County Code (DCC) requires an RV park expansion to provide piped potable water and sewage disposal service, limitations on vehicle stays (no more than 30 days in any 60-day period), toilets, lavatories, and showers for each sex, and access, among others. DCC 18.128.170(P) also requires an expansion of a RV

park to bring the existing area up to current code requirements to ensure adequate water pressure, wastewater treatment and internal access for emergency vehicles.

For RV parks that were established on a parcel in use prior to 1979 and/or operational and configured since 1996, expansion requires a nonconforming use verification and/or alteration. DCC 18.120.010(E)(2) requires a finding demonstrating the alteration will have no greater adverse impact on the neighborhood. While a fee is not charged for a conditional use permit, an applicant must also address conditional use criteria referenced above.

IV. RV Park Expansion / Fees

Land use fees are highlighted in the matrix. Regarding wastewater, it is a complex process to update a Water Pollution Control Facility (WPCF) permit for an onsite wastewater treatment system and therefore difficult to estimate the permitting fees. Each RV park has unique site conditions. In southern Deschutes County for example, the Department of Environmental Quality (DEQ) will require a hydrologic study as part of the WPCF permit process.

Deschutes County also applies a one-time transportation system development charge (SDC) on land developments that will generate traffic on the County road system. The most recent edition of the ITE Trip Generation Manual indicates RV park (Land Use #416) generates 0.27 p.m. peak hour trips per occupied site. The current SDC rate is \$4,757 per peak hour trip. Therefore the SDC for an RV park would be \$1,284 per site (0.27 X \$4,757). County practice for motels, hotels, campgrounds and similar itinerant lodging is to assume 100% occupancy.

V. Land Use Board of Appeal Decisions

LUBA has issued a series of decisions relatively recently on RV parks that may complicate expansion opportunities. In certain circumstances, LUBA has determined RV parks are considered an urban use requiring an exception to Goal 14, Urbanization.¹

- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with permanently stationed recreational vehicles is an urban use of rural land under the first factor set out in *1000 Friends of Oregon v. LCDC (Curry Co.)*, 301 Or 447, 724 P2d 268 (1986). *Baxter v. Coos County*, 58 Or LUBA 624 (2009).
- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with a density of 6 units per acre on land zoned recreation and exclusive farm use is an urban use of rural land. *Baxter v. Coos County*, 58 Or LUBA 624 (2009).
- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park on land zoned recreation and exclusive farm use, with 179 permanent spaces for stationary trailers, is more similar to permanent residential occupancy found in a high-density residential subdivision than to temporary or seasonal uses found in an RV Park, and thus is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).

¹ <https://www.oregon.gov/LUBA/docs/Headnotes/18.5.pdf>

- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed RV Park with a density of 7 to 12 units per acre on land zoned recreation and exclusive farm use that is located approximately one mile from a city’s urban growth boundary functions more like a residential suburb that would undermine the effectiveness of the city’s UGB to contain high density residential development within the UGB, and is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).
- Urbanization/ Goal 14 Rule – Urban Uses on Rural Land. A proposed development that includes on-site water and sewer systems that are designed to support a high intensity, dense collection of residential uses is an urban use of rural land. *Oregon Shores Conservation Coalition v. Coos County*, 55 Or LUBA 545 (2008).
- Goal 3, Agricultural Lands, ORS 215.283(2), OAR 660-033-0130(19), Private Campgrounds on Agricultural lands. *Scott v. Josephine County* (LUBA No. 2020-080). LUBA remanded a decision by Josephine County approving a private campground for recreational vehicles on land zoned Exclusive Farm Use (EFU). LUBA remanded the decision to the County based upon one of the petitioner’s assignments of error. The County approved the private campground and allowed separate water and sewer hookups to each other camp/recreational vehicle sites. The County justified this decision, seemingly in violation of OAR 6690-033-0130(9)(b), based upon LUBA’s allowance of separate hookups for a campground in another case, *Linn County Farm Bureau v. Linn County*, 63 Or LUBA 347 (2011). However, LUBA noted that the Linn County case involved a public campground, which is not subject to the same administrative rule. The case was remanded to the County for reconsideration on this count. Other aspects of the decision underscored that one must apply the *Oregon Shores Conservation Coalition v. Coos County* factors on a case-by-case basis. High density park models with permanent residences and extensive infrastructure however, are considered an urban use.

Attachment

Map of Existing RV Parks

Table 1 – RV Park Expansion Assessment

RV Parks	Background Information	Land Use Application Fees	Onsite Wastewater Comments
Bend/Sisters Garden RV Resort (Sisters KOA)	<p>Consists of 27 acres and contains 105 asphalt sites and 11 cabins. The RV resort was established in 1974.</p> <p>Subject property is zoned Exclusive Farm Use (EFU). It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> Nonconforming use alteration: \$1,723 (with prior nonconforming use verification). Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	It has an active WPCF Permit through DEQ.
Cascade Meadows RV Resort	<p>Consists of 5 acres and was originally established in 1966. It includes 100 lots and has received several land use approvals starting in 1972.</p> <p>Subject property is zoned Rural Residential 10 (RR10) and Flood Plain. It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> Same as above. 	It has an active WPCF Permit through DEQ. There are significant site limitations to serve the entire facility as well as groundwater concerns.
Thousand Trails RV Resort	<p>Consists of 170 acres and contains 317 sites. It was established prior to 1980. Land use records are incomplete.</p> <p>Subject property is zoned EFU and Flood Plain It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> Same as above. 	It has an active WPCF Permit through DEQ.
Hidden Pines RV Park	<p>Consists of 2 acres and contains 18 spaces for RVs. It was established prior to 1980. Land use records are incomplete.</p> <p>The subject property is zoned RR10. An RV expansion will require a non-conforming use verification and alteration.</p>	<ul style="list-style-type: none"> Nonconforming use verification: \$1,723 Nonconforming use alteration: \$2,164 (without prior nonconforming use verification). Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	Relies on a substandard system monitored by Deschutes County. It is located in a groundwater area that is very sensitive to loading from septic systems creating concerns for impacts to drinking water wells. Any expansion would trigger a WPCF permit through DEQ.

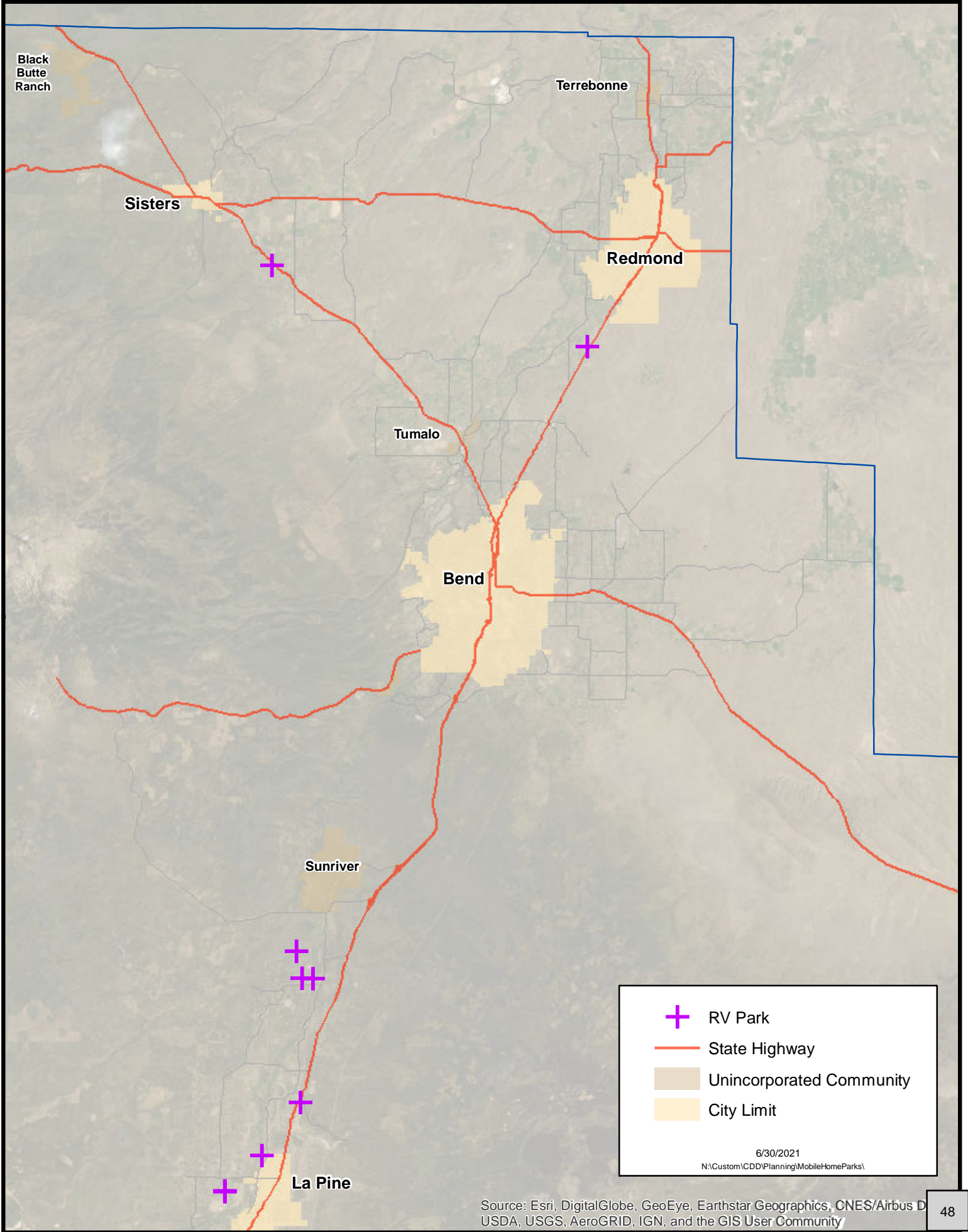
RV Parks	Background Information	Land Use Application Fees	Onsite Wastewater Comments
Riverview RV Park	<p>Consists of 18 acres and contains 19 sites. It was established prior to 1980. Land use records are incomplete.</p> <p>The subject property is zoned RR10 and Flood Plain. An RV expansion will require a non-conforming use verification and alteration.</p>	<ul style="list-style-type: none"> • Nonconforming use verification: \$1,723 • Nonconforming use alteration: \$2,164 (without prior nonconforming use verification). • Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	<p>Deschutes County oversees their onsite wastewater system. It is located in an area that is very sensitive to nitrate loading. Any expansion would trigger a WPCF permit through DEQ.</p>
Snowy River RV Park	<p>Consists of 1 acre and contains 6 spaces and is recognized as a lawful non-conforming use. It was established prior to 1980.</p> <p>The subject property is zoned Flood Plain. It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Nonconforming use alteration: \$1,723 (with prior nonconforming use verification). • Site plan review fees vary based on the percentage of the enlargement. Fees range from \$1,050 (25% or less) to \$3,476 (over 100%). Site Plan Review fees also include \$55 per 1,000 square feet of structure and \$131 per developed acres (over 1 acre). 	<p>Deschutes County oversees their onsite wastewater system. It is located in a high groundwater area. Any expansion would trigger a WPCF permit through DEQ.</p>
Green Acres RV Park	<p>Consists of 8 acres and contains 55 spaces. It was established prior to 1980. Land use records are incomplete.</p> <p>The subject property is zoned Multiple Use Agricultural (MUA10). It is recognized as a lawful non-conforming use.</p>	<ul style="list-style-type: none"> • Same as above. 	<p>It has an active WPCF Permit through DEQ. There is limited space for an expansion.</p>



1" = 5 Mi

RV Parks

09/01/2021 Item #21.



	RV Park
	State Highway
	Unincorporated Community
	City Limit

6/30/2021
N:\Custom\CDD\Planning\MobileHomeParks\

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus D
USDA, USGS, AeroGRID, IGN, and the GIS User Community



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: September 1, 2021

SUBJECT: SB 391 / Rural ADU Update

BACKGROUND AND POLICY IMPLICATIONS:

The purpose of this work session is to follow up on the Board of County Commissioners' (Board) desired strategies for implementation of Senate Bill (SB) 391, which allows counties to allow accessory dwelling units (ADUs) in rural residential areas. Staff introduced the basic components of the new law to the Board on July 14, 2021. During that session, staff noted that although implementation ultimately cannot take place until the adoption of statewide wildfire hazard maps in June 2022, there are numerous other provisions of the law that must be addressed at the County level, each with varying degrees of complexity. Staff is presenting these provisions to the Board to identify appropriate decision-making strategies.

BUDGET IMPACTS:

None

ATTENDANCE:

Tanya Saltzman, Senior Planner



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Peter Gutowsky, AICP, Planning Manager
Tanya Saltzman, AICP, Senior Planner

DATE: August 26, 2021

SUBJECT: Senate Bill 391 / Rural Accessory Dwelling Units

The purpose of this work session is to follow up on the Board of County Commissioners’ (Board) desired strategies for implementation of Senate Bill (SB) 391, which allows counties to allow accessory dwelling units (ADUs) in rural residential areas. Staff introduced the basic components of the new law to the Board on July 14, 2021.¹ During that session, staff noted that although implementation ultimately cannot take place until the adoption of statewide wildfire hazard maps in June 2022, there are numerous other provisions of the law that must be addressed at the County level, each with varying degrees of complexity.

Staff is presenting these provisions to the Board to identify appropriate decision-making strategies. Below, staff will divide the law’s various criteria into categories depending on what type of action might be most appropriate—some may be addressed by a relatively simple decision by the Board; some might lend themselves more to community conversations; some may require engagement of partner agencies or experts. This essentially creates a “to do” list for both staff and the Board to address over the coming months, with the goal of defining all criteria that allow local control by the time the wildfire maps are approved at the state level in June of 2022.

I. SB 391 Matrix

The matrix below, which provides a summary of criteria contained in SB 391, was presented to the Board on July 14; it is reproduced here again in its entirety as it provides the background for the majority of potential decision points. It is also important to note that the law allows counties to impose additional restrictions (for instance, regulating garages). Staff anticipates that additional provisions may emerge as part of the process, but since they are yet to be determined, they do not appear in this matrix.

¹ <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-42>

SB 391 – Rural Accessory Dwelling Unit Legislation

Eligibility	Restrictions	Comments
<p>1. Rural Residential Exception Areas, Minimum Lot Size, and Dwelling Requirements</p>	<ul style="list-style-type: none"> • Applies to Rural Residential (RR10), Multiple Use Agricultural (MUA10), Urban Area Reserve (UAR-10) and Suburban Residential (SR 2.5) zones. • Lot or parcel must be at least two acres in size. • One single-family dwelling must be sited on the lot or parcel. 	<ul style="list-style-type: none"> • There are over 10,000 lots in Southern Deschutes County. The Oregon Department of Environmental Quality (DEQ), the US Geological Survey (USGS) and Deschutes County have determined that the safety of the groundwater in southern Deschutes County is threatened by nitrate contamination from traditional onsite septic wastewater treatment systems.² • Consider raising the eligible lot or parcel size in this area (South of Sunriver) to 5 to 10 acres.
<p>2. Existing Dwelling Nuisance</p>	<p>The existing single-family dwelling is not subject to an order declaring it a nuisance or pending action under ORS 105.550 to 105.600.</p>	<ul style="list-style-type: none"> • ORS 105.550 to 105.600, Abatement of Nuisance, provide local governments specific authority to abate certain public nuisance activities that affects the health, safety and welfare of its community.
<p>3. ADU Sanitation Requirements</p>	<p>The ADU must comply with all applicable laws and regulations relating to sanitization and wastewater disposal and treatment.</p>	<ul style="list-style-type: none"> • In Southern Deschutes County, rural residential density, even at two acres, can create physical challenges for upgrading conventional septic systems and drainfields. • Consider raising the eligible lot or parcel size in this area (South of Sunriver) to 5 to 10 acres.
<p>4. ADU Square Footage Requirements</p>	<p>The ADU cannot include more than 900 square feet of useable floor area.</p>	<p>Useable floor area is undefined.</p>
<p>5. ADU Distance Requirements</p>	<p>The ADU is required to be located no farther than 100 feet from the existing single-family dwelling.</p>	<p>It is unclear whether the ADU in its entirety must be within 100 feet of the existing single-family dwelling or just a portion.</p>

² <https://www.oregon.gov/deq/wq/programs/Pages/Deschutes-Klamath-Groundwater-Protection.aspx>

Eligibility	Restrictions	Comments
6. ADU Water Supply Requirements	If the ADU is relying on a domestic well, no portion of the lot or parcel can be within new or existing ground water uses restricted by the Water Resource Commission.	The Water Resource Commission has not restricted new or existing domestic water use in Deschutes County for 1) watering any lawn or noncommercial garden, not exceeding one-half acre, or 2) serving a domestic use, not exceeding 15,000 gallons a day.
7. ADU Water Supply Source Option	A county may require that an ADU be served by the same water supply source or water supply system as the existing single-family dwelling, provided such is allowed by an existing water right or a use under ORS 537.545 (exempt uses). ³	This provision is optional.
8. ADU / Metolius Area of Critical State Concern / Limitations	No portion of a lot or parcel can be within a designated area of critical state concern.	The Oregon legislature designated the Metolius River Basin as an “area of critical statewide concern” in 2009.
9. ADU Setback Requirements	The ADU is required to have adequate setbacks from adjacent lands zoned Exclusive Farm Use (EFU) or Forest Use.	Adequate setbacks are not defined.

³ https://oregon.public.law/statutes/ors_537.545

Eligibility	Restrictions	Comments
10. ADU / Wildland-Urban Interface Requirements	The lot or parcel must comply with the rules of the State Board of Forestry under ORS 477.015 to 477.061. ⁴	ORS 477 pertains to the wildland-urban interface (WUI), formerly known as the forestland-urban interface. SB 762, adopted in June 2021, rewrites several sections of ORS 477 cited in SB 391. Most significantly, the new provisions of ORS 477 require the State Board of Forestry to define the wildland-urban interface based on national best practices and define criteria and classes of the WUI to be included in the statewide wildfire hazard map. Until the provisions of the revised ORS 477 are met at the state level, the County will be unable to define the related criteria in SB 391.
11. ADU / Outside Wildland-Urban Interface Area Requirements	If the ADU is not subject to ORS 477.015 to 477.061 (i.e. outside of the newly-defined wildland-urban interface), it must have defensible space and fuel break standards as developed in consultation with local fire protection service providers.	See above re: ORS 477.

⁴ Provisions in ORS 477.015-061, Urban Interface Fire Protection, were established through efforts of the Oregon Department of Forestry, the Office of the State Fire Marshal, fire service agencies from across the state, and the Commissioners of Deschutes, Jefferson, and Jackson Counties. It is designed to address the expanding interface wildfire problem within Oregon Department of Forestry Fire Protection Districts. Full implementation of the statute occurred on January 1, 2002. The statute does the following:

1. Directs the State Forester to establish a system of classifying forestland-urban interface areas;
2. Defines forestland-urban interface areas;
3. Provides education to property owners about fire hazards in forestland-urban interface areas. Allows for a forestland-urban interface county committee to establish classification standards;
4. Requires maps identifying classified areas to be made public;
5. Requires public hearings and mailings to affected property owners on proposed classifications;
6. Allows property owners appeal rights;
7. Directs the Board of Forestry to promulgate rules that set minimum acceptable standards to minimize and mitigate fire hazards within forestland-urban interface areas; and
8. Creates a certification system for property owners meeting acceptable standards. Establishes a \$100,000 liability limit for cost of suppressing fires, if certification requirements are not met.

Eligibility	Restrictions	Comments
12. ADU / Statewide Wildfire Map Requirements	<ul style="list-style-type: none"> Statewide wildfire risk maps must first be approved per SB 762. ADUs are then required to comply with the Oregon residential specialty code relating to wildfire hazard mitigation for the mapped area (R327.4). 	The State of Oregon wildfire risk maps are anticipated for adoption in mid-2022.
13. ADU Adequate Access and Evacuation for Firefighting Requirements	Local regulations must ensure the ADU has adequate access for firefighting equipment, safe evacuation and staged evacuation areas	This provision will require coordination with Rural Fire Protection and Road Districts. Adequate access, safe evacuation and staged evacuation areas are not defined.
14. ADU Occupancy Requirements	ADUs cannot be allowed for vacation occupancy, as defined in ORS 90.100.	Consider requiring a restrictive covenant that is recorded, prohibiting the ADU from being used as a vacation rental.
15. ADU Land Division Requirements	If land divided, the single family dwelling and ADU cannot be situated on a different lot or parcel.	None.
16. ADU / Additional Units	A second ADU is not allowed.	Legislative amendments will need to clarify that a medical hardship dwelling and/or RV are not allowed.

II. Decision Points by Category

Below, staff offers for the Board’s consideration the organization of the above criteria into several categories of ways the Board may choose to define said criteria. These categories will enable the Board and staff to more efficiently undertake the numerous components of the law as well as determine what issues may require more resources and/or time to address.

A. Criteria that can be determined directly by the Board

This category of criteria includes decisions that appear to be relatively straightforward. Staff can conduct research and/or provide background to the Board to enable informed decision-making for each item.

Topic	Description	Decision Point/Action
ADU Square Footage	ADUs cannot include more than 900 square feet of “useable floor area.”	Define “useable floor area”
ADU Distance Requirements	The ADU is required to be located no farther than 100 feet from the existing single-family dwelling.	Determine whether the ADU in its entirety must be within 100 feet of the existing single-family dwelling or just a portion.
ADU Occupancy	ADUs cannot be allowed for vacation occupancy	Determine how to enforce (i.e. restrictive covenant or other?)
ADU Water Supply	A county may require that an ADU be served by the same water supply source or water supply system as the existing single-family dwelling, provided such is allowed by an existing water right or a use under ORS 537.545 (exempt uses).	Determine if the county should require the ADU to be served by the same water supply
ADU Setback Requirements	The ADU is required to have adequate setbacks from adjacent lands zoned Exclusive Farm Use (EFU) or Forest Use.	Define “adequate setbacks”
Decision Type	While not part of the text of SB 391, the county may decide to process rural ADU applications ministerially or as a limited land use decision. This will have an effect on the requirements set forth in the code.	Decide preferred procedure for processing applications

B. Criteria that requires staff coordination with outside experts/agencies

This category of criteria will require input from and coordination with experts or agencies/groups from outside of Community Development, and may entail a process that takes several meetings (internal, external, reporting back to the Board).

Topic	Description	Decision Point/Action
ADU Adequate Access and Evacuation for Firefighting Requirements	Local regulations must ensure the ADU has adequate access for firefighting equipment, safe evacuation and staged evacuation areas.	<ul style="list-style-type: none"> • Coordinate with Rural Fire Protection and Road Districts. • Define adequate access, safe evacuation and staged evacuation areas.

C. Criteria that the Board may consider for community conversations

This category of criteria is more complex than those listed above, and may benefit from outreach or community conversations in some form, whether a survey, open house, or other type of public forum. The Board may also choose to take action directly (as with the provisions in Section A above) and allow the public to weigh in during the formal adoption process, as they will for all provisions of the law.

Topic	Description	Decision Point/Action
Minimum lot size for eligible properties	<ul style="list-style-type: none"> • Lot or parcel must be at least two acres in size. • The ADU must comply with all applicable laws and regulations relating to sanitization and wastewater disposal and treatment. 	<ul style="list-style-type: none"> • Consider raising the eligible lot or parcel size in this area (South of Sunriver) to 5 to 10 acres. • In Southern Deschutes County, rural residential density, even at two acres, can create physical challenges for upgrading conventional septic systems and drainfields. • There are over 10,000 lots in Southern Deschutes County. The Oregon Department of Environmental Quality (DEQ), the US Geological Survey (USGS) and Deschutes County have determined that the safety of the groundwater in southern Deschutes County is threatened by nitrate contamination from traditional onsite septic wastewater treatment systems.
Wildlife Area Combining Zone compatibility	The introduction of rural ADUs in certain areas could require analysis relating to Goal 5 wildlife resources.	While not addressed in SB 391, the Board may want to consider compatibility of rural ADUs with the Wildlife Area Combining Zone

D. Wildfire-related criteria - no current actions required for the Board

This category of criteria relate to wildfire, and are linked to Senate Bill 762, which addresses wildfire in a comprehensive, far-reaching law that continues to be monitored by staff and discussed with the Board. Until milestones are met for SB 762, there are no action items or decision points for the Board.

Topic	Description	Decision Point/Action
Statewide wildfire risk maps	Statewide wildfire risk maps must first be approved per SB 762.	<ul style="list-style-type: none"> No Board decision – maps will be adopted in June 2022
Wildland-Urban Interface (WUI) requirements	The lot or parcel and accessory dwelling unit must comply with rules of the State Board of Forestry under ORS 477.015 to 477.061	<ul style="list-style-type: none"> No Board action at this time. Until the provisions of the revised ORS 477 are met at the state level, the County will be unable to define the related criteria in SB 391. ORS 477 pertains to the wildland-urban interface (WUI), formerly known as the forestland-urban interface. SB 762 rewrites several sections of ORS 477 cited in SB 391. Most significantly, the new provisions of ORS 477 require the State Board of Forestry to define the wildland-urban interface based on national best practices and define criteria and classes of the WUI to be included in the statewide wildfire hazard map.
Non-Wildland-Urban Interface (WUI) Requirements	If the ADU is not subject to ORS 477.015 to 477.061 (i.e. outside of the newly-defined wildland-urban interface), it must have defensible space and fuel break standards as developed in consultation with local fire protection service providers.	<ul style="list-style-type: none"> Similar to the above item, no Board action until the provisions of ORS 477 (WUI definition) are met. Depending on definition, staff may need to coordinate with rural fire protection districts to develop defensible space and fuel break standards.

E. Criteria requiring no action at this time

This category of criteria requires no decisions or actions by the Board or staff other than eventually incorporating language into proposed code amendments.

Topic	Description	Decision Point/Action
Zoning	Applies to Rural Residential (RR10), Multiple Use Agricultural (MUA10), Urban Area Reserve (UAR-10) and Suburban Residential (SR 2.5) zones.	None
Existing dwellings	One single-family dwelling must be sited on the lot or parcel.	None
Existing dwelling nuisance	The existing single-family dwelling cannot be subject to an order declaring it a nuisance or pending action under ORS 105.550 to 105.600.	None
ADU Water Supply	If the ADU is relying on a domestic well, no portion of the lot or parcel can be within new or existing ground water uses restricted by the Water Resource Commission.	None - The Water Resource Commission has not restricted new or existing domestic water use in Deschutes County for 1) watering any lawn or noncommercial garden, not exceeding one-half acre, or 2) serving a domestic use, not exceeding 15,000 gallons a day.
Area of Critical State Concern / Limitations	No portion of a lot or parcel can be within a designated area of critical state concern.	Properties within the Metolius River Basin Area of Critical State Concern will not be eligible.
Urban Reserve	The lot or parcel cannot be located within an area designated as an urban reserve as defined in ORS 195.137.	None.
Land Division Requirements	If land divided, the single family dwelling and ADU cannot be situated on a different lot or parcel.	None.
Additional Units	A second ADU is not allowed	Legislative amendments will need to clarify that a medical hardship dwelling and/or RV are not allowed.

III. Next Steps

Staff seeks direction from the Board for its desired approach to the elements of the law as described above. Staff can return to the Board to address a selection of criteria chosen from the above tables, addressing criteria in batches as the Board sees fit over the next several months.