



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, FEBRUARY 13, 2023

Allen Room - Deschutes Services Building - 1300 NW Wall St - Bend

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

AGENDA

MEETING FORMAT: In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely, with the exception of any executive session.

Members of the public may view the meeting via Zoom—see below for instructions.

Citizen Input: The public may comment on any meeting topic that is not on the current agenda. To provide citizen input, submit an email to citizeninput@deschutes.org or leave a voice message at 541-385-1734. Citizen input received by noon on Tuesday will be included in the meeting record for topics that are not on the Wednesday agenda.

If in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

Zoom Meeting Information: This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting from a computer, copy and paste this link: bit.ly/3h3oqdD.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *6 to indicate you would like to speak and *9 to unmute yourself when you are called on.



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, call (541) 388-6572 or email brenda.fritsvold@deschutes.org.

CALL TO ORDER

CITIZEN INPUT: Citizen Input may be provided as comment on any topic that is not on the 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 5 pm on Friday in order to be included in the meeting record.

AGENDA ITEMS

1. **1:00 PM** Preparation for Public Hearing: Amateur/HAM Radio Facility Amendments
2. **1:10 PM** Preparation for Public Hearing—2023 Housekeeping Amendments to Deschutes County Code
3. **1:20 PM** Briefing on a request to terminate an Improvement Agreement specific to a neighboring property of the Windhaven Park Phase 1 subdivision in Redmond

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.

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 13, 2023

SUBJECT: Preparation for Public Hearing: Amateur/HAM Radio Facility Amendments

BACKGROUND AND POLICY IMPLICATIONS:

Staff will conduct a work session with the Board in preparation for a public hearing on February 15th concerning legislative amendments to streamline and clarify the review process for Amateur (HAM) Radio facilities (file no. 247-22-000912-TA). The full record is available at the project website: <https://www.deschutes.org/cd/page/247-22-000912-ta-amateur-ham-radio-text-amendments>

BUDGET IMPACTS:

None

ATTENDANCE:

Nicole Mardell, Senior Planner



MEMORANDUM

TO: Deschutes County Board of County Commissioners (“Board”)

FROM: Nicole Mardell, AICP, Senior Planner

DATE: February 1, 2023

SUBJECT: Preparation for Public Hearing: Amateur/HAM Radio Facility Amendments

Staff will conduct a work session with the Board on February 6, 2023, in preparation for a February 15, 2023, public hearing concerning legislative amendments to streamline and clarify the review process for Amateur (HAM) Radio facilities (file no. 247-22-000912-TA). The full record is available at the project website: <https://www.deschutes.org/cd/page/247-22-000912-ta-amateur-ham-radio-text-amendments>

I. BACKGROUND

In 2008, the Deschutes County Board of County Commissioners adopted Ordinance 2008-007, establishing regulations for amateur radio facilities. The Board opted to apply the same regulations for any facility regardless of height and opted to except these facilities from the height limitations of the underlying zoning district.

In 2021 during the Community Development Department’s annual work plan input process, the Board of County Commissioners and the County’s Planning Division received testimony from a HAM/amateur radio operator expressing concern regarding the onerous requirements to establish smaller scale amateur radio facilities (under 70 feet), including a requirement to provide written demonstrations of compliance from Federal Aviation Administration (FAA), Oregon Department of Aviation (ODAV), and Federal Communications Commission (FCC). Due to the scope of review authority, operators often found that these agencies were not able to provide written determinations for small-scale facilities outside of airport and airport overlay zones, which led to a conflict with the County’s code provisions.

Operators were instead seeking a pathway to simplify establishment of facilities under 70

feet, while still maintaining regulations for larger scale facilities that may have significant aesthetic impacts to surrounding properties and require written compliance from FAA, ODA, and FCC.

Staff also notes that ORS 221.295 limits restrictions on amateur radio facilities that are 70 feet or lower to those that are clearly linked to health, safety, or aesthetic objective. This results from FCC ruling in PRB-1 (codified in 47 CFR Part 97). Therefore, the County has limited authority to apply unnecessary regulations to amateur radio facilities outside of those directly addressing a health, safety, or aesthetic issue.

II. PROPOSAL

In coordination with the Deschutes County Building Division, Oregon Department of Aviation, and HAM radio operators, staff has drafted the revisions to DCC section 18.116.290 in Attachment 1. In summary, the amendments provide the following revisions:

- General cleanup of language and organization
- Cross-references requirement from 18.120.040(A)(1) that limits height to 30 feet in Airport Safety (AS), Airport Development (AD), and Landscape Management (LM) zones for clarity.
- Added two tiers of regulations based on height:
 - For facilities under 70 feet
 - Streamline review process – allowed as outright permitted accessory use
 - No formal determination of written compliance from FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements
 - For facilities between 70 and 200 feet
 - Explicitly requires land use review
 - Maintains requirement for coordination with FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements

The applicant, in this case Deschutes County Community Development, has provided findings as an attachment which summarizes the amendments and demonstrates compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

III. PLANNING COMMISSION REVIEW

The Planning Commission held a work session on this item on December 8, 2022, followed by a public hearing on January 12, 2023. No written comments were received and two parties testified during the hearing. One party expressed support for the amendments with general questions regarding height limitations in the Airport Safety and Airport Development Zones. Another party expressed opposition to the amendments, noting concern regarding the impact of facilities on view corridors and view sheds and questions regarding applicability of

building permit review. The Planning Commission closed the oral and written portions of the hearing on January 12, 2023¹ and voted to unanimously to recommend approval of the proposed amendments at their subsequent meeting on January 24, 2023².

IV. NEXT STEPS

A public hearing with the Board is scheduled for Wednesday, February 15, 2023.

Attachments:

- 1. Proposed Text Amendments – DCC Chapter 18.116.290
- 2. Proposed Findings

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-31>

² <https://www.deschutes.org/bc-pc/page/planning-commission-32>

Attachment 1: Proposed Text Amendments

~~Removed~~

New

18.116.290 Amateur Radio Facilities

- A. Amateur radio facilities shall meet the following criteria:
 - 1. Antenna support structures, including guy wires and anchors shall be located outside of the required front, rear and side yard setbacks;
 - 2. Metal structures shall have a galvanized finish, or flat or matte silver, or flat or matte gray in color;
 - 3. Amateur radio facilities shall not include attached signage, symbols, or decorations, lighted or otherwise, other than required unlighted signage for safety or regulatory purposes;
 - 4. The property owner shall obtain a valid building permit if required from the Deschutes County Community Development Department, Building Safety Division.
 - 5. If located in AS, AD, or LM zones, height of towers is limited to 30 feet per 18.120.040.
- B. Amateur radio facilities up to 70 feet in height are allowed outright in any zone as an accessory use if the provisions of subsection (A) and (B)(1) are otherwise met.
 - 1. FCC License. The property owner shall obtain a current, valid FCC Amateur Radio License for the operation of amateur (“Ham”) radio services in the name of the property owner.
- C. Amateur radio facilities over 70 feet in height, up to 200 feet maximum height, are subject to the requirements under subsection (A) and (C)(1)(2), and any conditions of land use approval.
 - ~~5-1.~~ 1. Compliance with Federal and State Regulations
 - a. The property owner shall demonstrate compliance with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and Oregon Department of Aviation (ODA) restrictions if applicable.
 - ~~b. Compliance may be demonstrated~~ by submitting copies of the FCC’s, FAA’s, and ODA’s written determination to the Deschutes County Community Development Department, ~~Building Safety Division at time of application for a building permit; and~~
 - ~~6-2.~~ 2. FCC License
 - a. The property owner shall provide documentation of a current, valid FCC Amateur Radio License for the operation of amateur (“Ham”) radio services in the name of property owner.
 - b. Compliance may be demonstrated by submitting a copy of the property owner’s Amateur Radio License to the Deschutes County Community Development Department, ~~Building Safety Division at time of application for a building permit.~~

(Ord. 2022-xx, Ord. 2008-007 §2, 2008)

Attachment 2: Proposed Findings 247-22-000912-TA

FINDINGS

I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The primary purpose of the amendments is to streamline the review process for certain Amateur Radio (HAM Radio) facilities.

Section 18.116.290, the code section regulating Amateur Radio Facilities, currently contains unclear language regarding the type of land use review application needed and requires written statements of compliance from Oregon Department of Aviation (ODAV), Federal Communications Commission (FCC), and Federal Aviation Administration (FAA), which are often difficult to acquire for smaller facilities.

Staff is proposing the following revisions to clarify the land use process and requirements for these facilities:

- General cleanup of language and organization
- Cross-references requirement from 18.120.040(A)(1) that limits height to 30 feet in Airport Safety (AS), Airport Development (AD), and Landscape Management (LM) zones for clarity.
- Added two tiers of regulations based on height
 - For facilities under 70 feet
 - Streamline review process – allowed as outright permitted accessory use
 - No formal determination of written compliance from FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements
 - For facilities between 70 and 200 feet
 - Explicitly requires land use review
 - Maintains requirement for coordination with FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements

II. BACKGROUND

In 2008, the Deschutes County Board of County Commissioners adopted Ordinance 2008-007, establishing regulations for amateur radio facilities. The Board opted to apply the same regulations for any facility regardless of height and opted to except these facilities from the height limitations of the underlying zoning district¹.

In 2021 during the Community Development Department’s annual work plan development, the Board of County Commissioners and the County’s Planning Division received testimony from HAM/amateur radio operators expressing concern regarding the onerous requirements to establish

¹ DCC 18.120.040(A)(1) Building Height Exceptions

smaller scale amateur radio facilities (under 70 feet), including a requirement to provide written demonstrations of compliance from FAA, ODAV, and FCC. Due to the scope of review authority, operators often found that these agencies were not able to provide written determinations of small-scale facilities outside of airport and airport overlay zones, which led to a conflict with the County's code provisions.

Operators were instead seeking a pathway to simplify establishment of facilities under 70 feet, while still maintaining regulations for larger scale facilities that may have aesthetic impacts to surrounding properties.

Staff also notes that ORS 221.295 limits restrictions on amateur radio facilities that are 70 feet or lower to those that are clearly linked to a health, safety, or aesthetic objective. This results from FCC ruling in PRB-1 (codified in 47 CFR Part 97). Therefore, the County has limited authority to apply unnecessary regulations to amateur radio facilities outside of those directly addressing a health, safety, or aesthetic issue.

III. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating the amendment, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

IV. FINDINGS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission on January 12, 2023 and Board of County Commissioners on February 15, 2023.

Section 22.12.020, Notice

Notice

A. Published Notice

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

FINDING: This criterion will be met as notice was published in the Bend Bulletin newspaper for the Planning Commission public hearing on December 27, 2022, and the Board of County Commissioners’ public hearing on February 15, 2023.

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

FINDING: Posted notice was determined by the Planning Director not to be necessary.

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

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners, and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

A. The following shall serve as hearings or review body for legislative changes in this order:

- 1. The Planning Commission.**
- 2. The Board of County Commissioners.**

B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.

FINDING: The Deschutes County Planning Commission held the initial public hearing on January 12, 2023. The Board then held a public hearing on February 15, 2023. These criteria are met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes will be implemented by Ordinance No. [number TBD] upon approval and adoption by the Board of County Commissioners. This criterion will be met.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose any changes to the County's citizen involvement program. Notice of the proposed amendments were provided to the *Bulletin* for each public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on November 28, 2022 The Planning Commission held a public hearing on January 12, 2023 and the Board of County Commissioners held a public hearing on February 15, 2023. This Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments are to clarify existing requirements for amateur radio facilities. Staff is streamlining requirements for facilities under 70 feet while maintaining the current requirements for facilities over 70 feet up to 200 feet. As noted above, ORS 221.295 limits a local government's authority to regulate towers outside of concerns related to health, safety, or aesthetics. Adverse impacts to farming practices are not anticipated under these amendments and no such impacts have been identified in the record. Oregon Revised Statute and Rule do not contain specific requirements for amateur/HAM radio facilities under 200 feet in exclusive farm use zones. The amendments are consistent with Goal 3.

Goal 4: Forest Lands: The proposed amendments are to clarify existing requirements for amateur radio facilities. Staff is streamlining requirements for facilities under 70 feet while maintaining the current requirements for facilities over 70 feet up to 200 feet. As noted above, ORS 221.295 limits a local government's authority to regulate towers outside of concerns related to health, safety, or aesthetics. Adverse impacts to forestry practices are not anticipated under these amendments and no such impacts have been identified in the record. Oregon Revised Statute and Rule do not contain specific requirements for amateur/HAM radio facilities under 200 feet in forest zones. The amendments are consistent with Goal 4.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Goal 5 is to protect natural resources and conserve scenic and historical areas and open spaces. OAR 660-023-0250(3) states that local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. The proposed amendment is not seeking to change any requirements in the Wildlife Area overlay zone which protects inventoried wildlife resources. The height exemption currently in 18.120.040(A)(1) does not allow for a facility over 30 feet in the County's Landscape

Management Overlay Zone. This zone protects scenic resources through additional aesthetic requirements. The code provision will remain unchanged. Staff finds that the amendments are consistent with Goal 5.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 6, they comply.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding natural disasters and hazards; therefore, they comply. Additionally, amateur radio facilities and operators may be of use during times of emergency response and loss of standard means of communication.

Goal 8: Recreational Needs: The text amendments do not propose to change the County’s Plan or implementing regulations regarding recreational needs; therefore, they are in compliance.

Goal 9: Economic Development: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans to ensure there is adequate land available to realize economic growth and development opportunities. The proposed amendments apply to rural lands and do not propose to amend the Comprehensive Plan. Compliance is met.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The proposed text amendments will not change the functional classification of any existing or planned transportation facility or standards implementing a functional classification system. Compliance with Goal 14 is met.

Goal 13: Energy Conservation: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding energy conservation. Therefore, compliance with Goal 13 is established.

Goal 14: Urbanization: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding urbanization. Therefore, compliance with Goal 14 is established.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County's official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to "maintain an open and public land use process in which decisions are based on the objective evaluation of facts." Staff, the Planning Commission, and the Board reviewed the text amendments.



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 13, 2023

SUBJECT: Work Session—2023 Housekeeping Amendments to Deschutes County Code

BACKGROUND AND POLICY IMPLICATIONS:

The Planning Division regularly amends Deschutes County Code and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as “housekeeping,” also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes and Oregon Administrative Rules, and allows for less substantive code changes to continue efficient County operations.

The Board of County Commissioners will conduct a work session on February 13, 2023 to consider staff-initiated housekeeping amendments (file no. 247-22-000922-TA). This work session is in preparation for a public hearing on February 15, 2023. The Planning Commission reviewed the proposed legislative amendments at a public hearing on January 26, 2023 and formulated recommendations to the Board.

BUDGET IMPACTS:

None

ATTENDANCE:

Kyle Collins, Associate Planner



MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Kyle Collins, Associate Planner

DATE: February 7, 2023

SUBJECT: 2023 Housekeeping Amendments – Work Session

The Board of County Commissioners (Board) will conduct a work session on February 13, 2023 at 9:00 A.M. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider housekeeping amendments (file no. 247-22-000922-TA). This work session is in preparation for a public hearing on February 15, 2023 to consider text amendments correcting minor errors in the Deschutes County Code. Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strike through~~. The public hearing will be conducted in-person, electronically, and by phone.¹

The record is available for inspection at the Planning Division and at the following website: <https://www.deschutes.org/cd/page/2023-housekeeping-text-amendments>.

I. BACKGROUND

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The last time Deschutes County adopted housekeeping amendments occurred in December 2021 and January 2022.²

¹ See Board of County Commissioners February 15, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-80>

² Ordinances 2021-013 and 2021-014.

II. OVERVIEW OF AMENDMENTS

The proposed text amendments will affect the following chapters of the Deschutes County Code and the Comprehensive Plan:

Title 17, Subdivisions
Chapter 17.24. FINAL PLAT

Title 18, County Zoning
Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS
Chapter 18.16. EXCLUSIVE FARM USE ZONES
Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA
Chapter 18.36. FOREST USE ZONE; F-1
Chapter 18.40. FOREST USE ZONE; F-2
Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C
Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10
Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE
Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE
Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D
Chapter 18.80. AIRPORT SAFETY COMBINING ZONE; A-S
Chapter 18.96. FLOOD PLAIN ZONE; FP
Chapter 18.100. RURAL INDUSTRIAL ZONE; R-I
Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER
Chapter 18.116. SUPPLEMENTARY PROVISIONS
Chapter 18.124. SITE PLAN REVIEW

Title 22, Deschutes County Development Procedures Ordinances
Chapter 22.04. INTRODUCTION AND DEFINITIONS

Title 23, Deschutes County Comprehensive Plan
Chapter 23.01. COMPREHENSIVE PLAN

Deschutes County Comprehensive Plan
Chapter 5. SUPPLEMENTAL SECTIONS

III. TRANSPORTATION ANALYSIS

Senior Transportation Planner Peter Russell reviewed the application and findings concerning Statewide Land Use Planning Goal 12 and the Transportation Planning Rule, and provided the following comments:

“I have reviewed all of the exhibits for potential Transportation Planning Rule (TPR) effects. If the proposed use generates less traffic than other uses already allowed outright in the zone, then by definition there is no adverse effect and thus the amendment complies with the TPR. Conditionally allowed uses are typically not assessed for TPR compliance as there are

subsequent land use review processes required, such as site plan review and the County's traffic study requirements.

In the zones where a land disposal site is a conditional use, there are no TPR findings needed for the reason stated above as the use will go through subsequent land use review and typically other conditional uses generate more traffic as they are more intense uses.

In the three instances where a land disposal site is an outright permitted use (DCC 18.36 (F-1; 18.40 (F-2); and 18.108 (Sunriver Forest)), the use must be auxiliary to the forest use. To me, that means subordinate which typically means less traffic than the primary use, which again would be TPR compliant.

In terms of RVs as permanent residence, the trip assumption is still the same as it's a single-family residence. Whether stick-built or a manufactured home or an RV, the home site will generate the same number of trips. Again, there would not be an adverse effect and thus the amendment complies with the TPR."

IV. AGENCY COMMENTS

As of the submission date of this memorandum (February 7, 2023), the following section summarizes written comments which have been received from agency partners:

Deanna Wright, Department of Land Conservation and Development, National Flood Insurance Program Coordinator:

- Received feedback regarding necessary changes to the temporary RV residency code provisions in designated floodplain areas to maintain compliance with the mandated standards of the National Flood Insurance Program (NFIP)
- Changes to the proposed amendments were made based on NFIP standards

Randy Scheid, Deschutes County Building Official:

- Request to prohibit permanent additions (such as cabanas, ramadas, etc.) to temporary use structures, including manufactured homes used as medical hardship dwellings
- Permanent, fixed additions can challenge removal of temporary residences when they are required to be moved offsite
- Proposed amendments currently limit permanent additions to RVs utilized as temporary residences following past practice and DCC provisions
- Additional limitations for manufactured homes likely constitute policy decisions at a County level and move beyond standard housekeeping

V. PUBLIC COMMENTS

As of the submission date of this memorandum (February 7, 2023), the following section summarizes written comments which have been received from members of the public:

Dianne Lozito and Nunzie Gould:

- Received comments concerning the Lynch and Roberts Store Advertisement, a listed cultural and historic resource as part of the County’s Goal 5 inventory
- County should ensure that the correct location for the listed resource is entered into the Comprehensive Plan
- The current amendments include a correction to the listed location for the Lynch and Roberts Store Advertisement in the Comprehensive Plan

VI. PLANNING COMMISSION REVIEW

The Planning Commission held a work session on this item on January 12, 2023, followed by a public hearing on January 26, 2023. No written comments were received and no parties testified during the hearing. The Planning Commission closed the oral and written portions of the hearing on January 26, 2023³ and voted to unanimously to recommend approval of the proposed amendments during the same meeting.

VII. NEXT STEPS

A public hearing for the text amendments is scheduled for February 15, 2023.

Attachments

- 1) Ordinance 2023-001 (Non-Emergency) with Corresponding Exhibits

³ <https://www.deschutes.org/bc-pc/page/planning-commission-32>

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 18, Zoning Ordinance, *
Title 22, Procedures Ordinance of the Deschutes * ORDINANCE NO. 2023-001
County Code, and Title 23, Deschutes County *
Comprehensive Plan to Incorporate Changes to State
Law, and Provide Clarification of Existing
Regulations, Procedures, and Policies.

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-22-000922-TA) to the Deschutes County Code (“DCC”), Chapter 17.24 – Final Plat, Chapter 18.04 – Purpose and Definitions, Chapter 18.16 – Exclusive Farm Use Zones, Chapter 18.32 – Multiple Use Agricultural Zone MUA, Chapter 18.36 – Forest Use Zone F1, Chapter 18.40 – Forest Use Zone F2, Chapter 18.48 – Open Space and Conservation Zone OS&C, Chapter 18.60 – Rural Residential Zone RR-10, Chapter 18.61 – Urban Unincorporated Community Zone La Pine, Chapter 18.65 – Rural Service Center Unincorporated Community Zone, Chapter 18.76 – Airport Development Zone A-D, Chapter 18.80 – Airport Safety Combining Zone AS, Chapter 18.96 – Flood Plain Zone FP, Chapter 18.100 – Rural Industrial Zone R-I, Chapter 18.108 – Urban Unincorporated Community Zone Sunriver, Chapter 18.116 – Supplementary Provisions, Chapter 18.124 – Site Plan Review, Chapter 22.04 – Introductions and Definitions, and Title 23 – Deschutes County Comprehensive Plan Chapter 5; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed amendments on January 26, 2023, and subsequently forwarded a recommendation of Approval to the Deschutes County Board of County Commissioners (“Board”); and

WHEREAS, the Board considered this matter after a duly noticed public hearing on February 15, 2023, and concluded that the public will benefit from the proposed changes to the Deschutes County Comprehensive Plan Title 23 and Deschutes County Code Chapter Titles 17, 18, and 22; now, therefore,

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

Section 1. AMENDMENT. DCC 17.24 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 2. AMENDMENT. DCC 18.04 is amended to read as described in Exhibit “B,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. DCC 18.16 is amended to read as described in Exhibit “C,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. DCC 18.32 is amended to read as described in Exhibit “D,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. DCC 18.36 is amended to read as described in Exhibit “E,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. DCC 18.40 is amended to read as described in Exhibit “F,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. DCC 18.48 is amended to read as described in Exhibit “G,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. DCC 18.60 is amended to read as described in Exhibit “H,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. DCC 18.61 is amended to read as described in Exhibit “I,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. DCC 18.65 is amended to read as described in Exhibit “J,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. DCC 18.76 is amended to read as described in Exhibit “K,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. DCC 18.80 is amended to read as described in Exhibit “L,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. DCC 18.96 is amended to read as described in Exhibit “M,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. DCC 18.100 is amended to read as described in Exhibit “N,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. DCC 18.108 is amended to read as described in Exhibit “O,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. DCC 18.116 is amended to read as described in Exhibit “P,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. DCC 18.124 is amended to read as described in Exhibit “Q,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. DCC 22.04 is amended to read as described in Exhibit “R,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. DCC 23.01 is amended to read as described in Exhibit “S,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Comprehensive Plan, Section 5.9, Cultural and Historic Resources, is amended to read as described in Exhibit “T,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Comprehensive Plan, Section 5.12, Legislative History, is amended to read as described in Exhibit “U,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. FINDINGS. The Board adopts as its findings Exhibit “V”, attached and incorporated by reference herein.

///

Dated this _____ of _____, 20__

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: ____ day of _____, 2023.

Date of 2nd Reading: ____ day of _____, 2023.

Commissioner	Record of Adoption Vote			
	Yes	No	Abstained	Excused
Anthony DeBone	_____			
Phil Chang	_____			
Patti Adair	_____			

Effective date: ____ day of _____, 2023.

ATTEST

Recording Secretary

CHAPTER 17.24 FINAL PLAT[17.24.010 Applicability](#)[17.24.020 Submission; Extensions](#)[17.24.030 Submission For Phased Development](#)[17.24.040 Form](#)[17.24.050 Requirements Of Survey And Plat](#)[17.24.060 Required Information](#)[17.24.070 Supplemental Information](#)[17.24.080 \(Repealed\)](#)[17.24.090 Approval By Irrigation Districts](#)[17.24.100 Technical Review](#)[17.24.105 Final Plat Review](#)[17.24.110 Conditions Of Approval](#)[17.24.120 Improvement Agreement](#)[17.24.130 Security](#)[17.24.140 Approval](#)[17.24.150 Recording](#)[17.24.160 Approval And Recordation Of Subdivision Interior Monuments](#)[17.24.170 Correction Of Errors](#)**17.24.060 Required Information**

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the submitted plat:

- A. Name of subdivision and plat number for a final subdivision plat, or the partition application number and space for the partition plat number for a final partition plat.
- B. Name of owner, applicant and surveyor.
- C. The date, scale, true north, key to symbols, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.
- D. Legal description of the tract boundaries.
- E. The exact location and width of streets and easements intercepting the boundary of the tract.
- F. Tract, lot or parcel boundary lines and street rights of way and centerlines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek, bay or other body of water. Tract boundaries and street bearings shall be shown to the nearest second with the basis of bearings. Distances shall be shown to the nearest 0.01 feet.
- G. Streets. The width of the streets being dedicated and the curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated, together with the long chord distance and bearing.

- H. Easements. The location, dimensions and purpose of all recorded and proposed public easements shall be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. All such easements shall be denoted by fine dotted lines and clearly identified. If an easement is not of record, a statement of the grant of easement shall be given. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificate of dedication. .
- I. Southern Building Line. The southern building line shall be shown on each lot or parcel which is benefited by solar height restrictions on burdened lots within the subdivision or partition.
- J. Bicycle and Pedestrian Facilities. The location, width and type (i.e., route, lane or path) of all bicycle and pedestrian facilities, including access corridors.
- K. Lot or Parcel Numbers. Lot or parcel numbers beginning with the number one and numbered consecutively.
- L. Block Numbers. Block numbers shall not be allowed for any subdivision application submitted for tentative approval after January 1, 1992, unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters. The numbers shall begin with the number one and continue consecutively without omission or duplication throughout the subdivision. The numbers shall be placed so as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- M. Public Lands. Public lands, including strips and easements, shall be clearly marked to distinguish them from lots or parcels intended for sale.
- N. Access Restrictions. Limitations on rights of access to and from streets, lots or parcels and other tracts of land.
- O. Area. The area of each lot or parcel, if larger than one acre, to the nearest hundredth of an acre; and the area of each lot or parcel less than one acre, to the nearest square foot.
- P. Statement of Water Rights.
1. Each subdivision or partition plat shall include a statement of water rights on the plat. The statement shall indicate whether a water right or permit is appurtenant to the subject property. If a water right is appurtenant, the certificate number must appear with the statement. If a water permit rather than a perfected water right is appurtenant, the permit number shall be included on the plat.
 2. If a water right is appurtenant, the applicant shall submit a copy of the final plat to the State Water Resources Department, except for those plats with lots or parcels served by irrigation districts.
 3. All final plats for parcels within an irrigation district shall be signed by an authorized person from the district.
- Q. Statements. The following statements are required:

1. Land Divider's Declaration.
 - a. An acknowledged affidavit of the person proposing the land division (declarant) stating that he has caused the plat to be prepared in accordance with the provisions of ORS 92 and dedicating any common improvements, such as streets, bike paths or walkways, parks or open space, sewage disposal or water supply systems, required under DCC 17.24.060 or as a condition of approval of the tentative plan or plat. The declaration shall also include the creation of any other public or private easements.
 - b. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being divided and to any dedication or creation of an easement or other restriction. Likewise, the holder of any mortgage or trust deed shall also execute the declaration for purposes of consenting to the property being divided and for the purpose of assenting to any dedication or creation of an easement or other restriction.
 - c. In lieu of signing the declaration on the plat, any required signatory to the declaration other than the declarant may record an acknowledged affidavit consenting to the declaration and to any dedication or donation of property for public purposes or creation of an easement or other restriction.
 2. A certificate certifying preparation of the plat in conformance with the provisions of state law signed by the surveyor responsible for the survey and final plat and stamped with his seal.
 3. Any other affidavit required by state regulations.
- R. Signature Lines. Unless otherwise stated herein, signature lines for the following officials signifying their approval:
1. County Surveyor.
 2. Road Department Director.
 3. County Environmental ~~Health Director~~ Soils Division, unless the property is to be connected to a municipal sewer system.
 4. County Assessor (subdivisions and nonfarm partitions only).
 5. County Tax Collector (subdivisions only).
 6. Authorized agent for any irrigation district servicing the subdivision or partition.
 7. County Planning Director.
 8. County Commissioners.
 9. Any other signature required by state regulation.

- S. The plat shall contain a statement located directly beneath the signatures of the County Commissioners stating as follows: "Signature by the Board of Commissioners constitutes acceptance by the County of any dedication made herein to the public."
- T. Adjacent SM Zone. Any plat of a subdivision or partition adjoining an SM zone must clearly show where such zone is located in relation to the subdivision or partition boundaries.

HISTORY

Adopted by Ord. [PL-14](#) §4.050 on 11/1/1979
Repealed & Reenacted by Ord. [81-043](#) §§1, 3, 4.030 on 12/31/1981
Amended by Ord. [83-039](#) §6 on 6/1/1983
Renumbered by Ord. [90-003](#) §1 on 1/8/1990
Amended by Ord. [90-015](#) §1 on 2/21/1990
Amended by Ord. [93-012](#) §26 on 8/4/1993
Amended by Ord. [2006-007](#) §4 on 8/29/2006
[Amended by Ord. 2023-001 §1 on X/XX/2023](#)

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS18.04.010 Title18.04.020 Purpose18.04.030 Definitions**18.04.030 Definitions**

As used in DCC Title 18, the following words and phrases shall mean as set forth in DCC 18.04.030.

"Community service use" means any public or semi-public uses, such as ~~landfills~~ land disposal sites, schools, utility facilities, churches, community buildings, fire stations, cemeteries, mausoleums, crematories, airports and private uses which attract significant numbers of people, such as airports, livestock sales yards and other similar uses.

"Public use" means a use owned or operated by a public agency for the benefit of the public generally. This does not include ~~landfill~~ land disposal sites, garbage dumps or utility facilities.

"Utility facility" means any major structures, excluding hydroelectric facilities, owned or operated by a public, private or cooperative electric, fuel, communications, sewage or water company for the generation, transmission, distribution or processing of its products or for the disposal of cooling water, waste or by-products, and including power transmission lines, major trunk pipelines, power substations, telecommunications facilities, water towers, sewage lagoons, ~~sanitary landfills~~ land disposal sites and similar facilities, but excluding local sewer, water, gas, telephone and power distribution lines, and similar minor facilities allowed in any zone. This definition shall not include wireless telecommunication facilities where such facilities are listed as a separate use in a zone.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 82-013 §1 on 5/25/1982

Amended by Ord. 83-037 §2 on 6/1/1983

Amended by Ord. 83-033 §1 on 6/15/1983

Amended by Ord. 84-023 §1 on 8/1/1984

Amended by Ord. 85-002 §2 on 2/13/1985

Amended by Ord. 86-032 §1 on 4/2/1986

Amended by Ord. 86-018 §1 on 6/30/1986

Amended by Ord. 86-054 §1 on 6/30/1986

Amended by Ord. 86-056 §2 on 6/30/1986

Amended by Ord. 87-015 §1 on 6/10/1987

Amended by Ord. 88-009 §1 on 3/30/1988

Amended by Ord. 88-030 §3 on 8/17/1988

Amended by Ord. 88-030 §4 on 8/17/1988

Amended by Ord. 89-004 §1 on 3/24/1989

Amended by Ord. 89-009 §2 on 11/29/1989

Amended by Ord. 90-014 §2 on 7/12/1990

Amended by Ord. 91-002 §11 on 2/6/1991

Amended by Ord. 91-005 §1 on 3/4/1991

Amended by Ord. [92-025](#) §1 on 4/15/1991
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991
Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992
Amended by Ord. [92-034](#) §1 on 4/8/1992
Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992
Amended by Ord. [92-066](#) §1 on 11/25/1992
Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993
Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993
Amended by Ord. [93-038](#) §1 on 7/28/1993
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994
Amended by Ord. [94-038](#) §3 on 10/5/1994
Amended by Ord. [94-053](#) §1 on 12/7/1994
Amended by Ord. [95-007](#) §1 on 3/1/1995
Amended by Ord. [95-001](#) §1 on 3/29/1995
Amended by Ord. [95-075](#) §1 on 11/29/1995
Amended by Ord. [95-077](#) §2 on 12/20/1995
Amended by Ord. [96-003](#) §2 on 3/27/1996
Amended by Ord. [96-082](#) §1 on 11/13/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997
Amended by Ord. [97-003](#) §1 on 6/4/1997
Amended by Ord. [97-078](#) §5 on 12/31/1997
Amended by Ord. [2001-037](#) §1 on 9/26/2001
Amended by Ord. [2001-044](#) §2 on 10/10/2001
Amended by Ord. [2001-033](#) §2 on 10/10/2001
Amended by Ord. [2001-048](#) §1 on 12/10/2001
Amended by Ord. [2003-028](#) §1 on 9/24/2003
Amended by Ord. [2004-001](#) §1 on 7/14/2004
Amended by Ord. [2004-024](#) §1 on 12/20/2004
Amended by Ord. [2005-041](#) §1 on 8/24/2005
Amended by Ord. [2006-008](#) §1 on 8/29/2006
Amended by Ord. [2007-019](#) §1 on 9/28/2007
Amended by Ord. [2007-020](#) §1 on 2/6/2008
Amended by Ord. [2007-005](#) §1 on 2/28/2008
Amended by Ord. [2008-015](#) §1 on 6/30/2008
Amended by Ord. [2008-007](#) §1 on 8/18/2008
Amended by Ord. [2010-018](#) §3 on 6/28/2010
Amended by Ord. [2010-022](#) §1 on 7/19/2010
Amended by Ord. [2011-009](#) §1 on 10/17/2011
Amended by Ord. [2012-004](#) §1 on 4/16/2012
Amended by Ord. [2012-007](#) §1 on 5/2/2012

Amended by Ord. [2013-008](#) §1 on 7/5/2013
Amended by Ord. [2014-009](#) §1 on 8/6/2014
Amended by Ord. [2015-004](#) §1 on 4/22/2015
Amended by Ord. [2016-015](#) §1 on 7/1/2016
Amended by Ord. [2016-026](#) §1 on 11/9/2016
Amended by Ord. [2016-006](#) §1 on 2/27/2017
Amended by Ord. [2017-015](#) §1 on 11/1/2017
Repealed by Ord. [2018-005](#) §8 on 10/10/2018
Amended by Ord. [2018-006](#) §4 on 11/20/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2019-016](#) §1 on 2/24/2020
Amended by Ord. [2020-001](#) §1 on 4/21/2020
Amended by Ord. [2020-010](#) §1 on 7/3/2020
Amended by Ord. [2020-007](#) §7 on 10/27/2020
Amended by Ord. [2021-013](#) §3 on 4/5/2022
Amended by Ord. [2023-001](#) §2 on X/XX/2023

Exhibit C - Ordinance 2023-001

CHAPTER 18.16 EXCLUSIVE FARM USE ZONES

18.16.010 Purpose

18.16.020 Uses Permitted Outright

18.16.023 Lawfully Established Dwelling Replacement

18.16.025 Uses Permitted Subject To The Special Provisions Under DCC Section 18.16.038 Or DCC Section 18.16.042 And A Review Under DCC Chapter 18.124 Where Applicable

18.16.030 Conditional Uses Permitted; High Value And Non-High Value Farmland

18.16.031 Conditional Uses On Non-High Value Farmland Only

18.16.033 Conditional Uses On High Value Farmland Only

18.16.035 Destination Resorts

18.16.037 Guest Ranch

18.16.038 Special Conditions For Certain Uses Listed Under DCC 18.16.025

18.16.040 Limitations On Conditional Uses

18.16.042 Agri-Tourism And Other Commercial Events Or Activities Limited Use Permit

18.16.043 Single Permit

18.16.050 Standards For Dwellings In The EFU Zones

18.16.055 Land Divisions

18.16.060 Dimensional Standards

18.16.065 Subzones

18.16.067 Farm Management Plans

18.16.070 Yards

18.16.080 Stream Setbacks

18.16.090 Rimrock Setback

18.16.070 Yards

- A. The front yard shall be a minimum of: 40 feet from a property line fronting on a local street, 60 feet from a property line fronting on a collector street, and 100 feet from a property line fronting on an arterial street.
- B. Each side yard shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with side yards adjacent to property currently employed in farm use, and receiving special assessment for farm use, the side yard shall be a minimum of 100 feet.
- C. Rear yards shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on property with a rear yard adjacent to property currently employed in farm use, and receiving special assessment for farm use, the rear yard shall be a minimum of 100 feet.

D. The setback from the north lot line shall meet the solar setback requirements in Section 18.116.180.

~~D-E.~~ In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. [83-037](#) §8 on 6/1/1983
Amended by Ord. [91-038](#) §§1 and 2 on 9/30/1991
Amended by Ord. [92-065](#) §3 on 11/25/1992
Amended by Ord. [93-004](#) §3 on 3/31/1993
Amended by Ord. [94-008](#) §16 on 6/8/1994
Amended by Ord. [2009-014](#) §1 on 6/22/2009
Amended by Ord. [2023-001](#) §3 on X/XX/2023

Exhibit D - Ordinance 2023-001

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

18.32.010 Purpose

18.32.020 Uses Permitted Outright

18.32.030 Conditional Uses Permitted

18.32.035 Destination Resorts

18.32.040 Dimensional Standards

18.32.050 Yards

18.32.060 Stream Setbacks

18.32.070 Rimrock Setback

18.32.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public use.
- B. Semipublic use.
- C. Commercial activities in conjunction with farm use. The commercial activity shall be associated with a farm use occurring on the parcel where the commercial use is proposed. The commercial activity may use, process, store or market farm products produced in Deschutes County or an adjoining County.
- D. Dude ranch.
- E. Kennel and/or veterinary clinic.
- F. Guest house.
- G. Manufactured home as a secondary accessory farm dwelling, subject to the requirements set forth in DCC 18.116.070.
- H. Exploration for minerals.
- I. Private parks, playgrounds, hunting and fishing preserves, campgrounds, motorcycle tracks and other recreational uses.
- J. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. No aircraft may be based on a personal use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- K. Golf courses.
- L. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.

- M. A facility for primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in DCC 18.32.030, means the use of a portable chipper or stud mill or other similar method of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in DCC 18.32.030, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
- N. Destination resorts.
- O. Planned developments.
- P. Cluster developments.
- Q. A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.~~Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.~~
- R. Time share unit or the creation thereof.
- S. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
- T. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete, when such uses are in conjunction with the maintenance or construction of public roads or highways.
- U. Bed and breakfast inn.
- V. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- W. Religious institutions or assemblies, subject to DCC 18.124 and 18.128.080.
- X. Private or public schools, including all buildings essential to the operation of such a school.
- Y. Utility facility necessary to serve the area subject to the provisions of DCC 18.124.
- Z. Cemetery, mausoleum or crematorium.
- AA. Commercial horse stables.
- AB. Horse events, including associated structures, not allowed as a permitted use in this zone.
- AC. Manufactured home park or recreational vehicle park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL 15 in 1979 and being operated as of June 12, 1996, as a manufactured home park or recreational vehicle park, including any expansion of such uses on the same parcel, as configured on June 12, 1996.
- AD. A new manufactured home/recreational vehicle park, subject to Oregon Administrative Rules 660-004-0040(8)(g) that:

1. Is on property adjacent to an existing manufactured home/recreational vehicle park;
2. Is adjacent to the City of Bend Urban Growth Boundary; and
3. Has no more than 10 dwelling units.

AE. The full or partial conversion from a manufactured home park or recreational vehicle park described in DCC 18.32.030 (CC) to a manufactured home park or recreational vehicle park on the same parcel, as configured on June 12 1996.

AF. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

AG. Guest lodge.

AH. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

- Adopted by Ord. [PL-15](#) on 11/1/1979*
- Amended by Ord. [80-206](#) §3 on 10/13/1980*
- Amended by Ord. [83-033](#) §2 on 6/15/1983*
- Amended by Ord. [86-018](#) §7 on 6/30/1986*
- Amended by Ord. [90-014](#) §§27 and 35 on 7/12/1990*
- Amended by Ord. [91-002](#) §7 on 2/6/1991*
- Amended by Ord. [91-005](#) §§19 and 20 on 3/4/1991*
- Amended by Ord. [91-020](#) §1 on 5/29/1991*
- Amended by Ord. [91-038](#) §1 on 9/30/1991*
- Amended by Ord. [92-055](#) §2 on 8/17/1992*
- Amended by Ord. [93-043](#) §§4A and B on 8/25/1993*
- Amended by Ord. [94-008](#) §11 on 6/8/1994*
- Amended by Ord. [94-053](#) §2 on 12/7/1994*
- Amended by Ord. [96-038](#) §1 on 6/12/1996*
- Amended by Ord. [97-017](#) §2 on 3/12/1997*
- Amended by Ord. [97-029](#) §2 on 5/14/1997*
- Amended by Ord. [97-063](#) §3 on 11/12/1997*
- Amended by Ord. [2001-016](#) §2 on 3/28/2001*
- Amended by Ord. [2001-039](#) §2 on 12/12/2001*
- Amended by Ord. [2004-002](#) §4 on 4/28/2004*
- Amended by Ord. [2009-018](#) §1 on 11/5/2009*
- Amended by Ord. [2015-002](#) §1 on 7/8/2015*
- Amended by Ord. [2015-002](#) §1 on 7/8/2015*
- Amended by Ord. [2016-015](#) §3 on 7/1/2016*
- Amended by Ord. [2020-001](#) §4 on 4/21/2020*

Amended by Ord. [2021-004](#) §2 on 5/27/2021

Amended by Ord. [2021-013](#) §5 on 4/5/2022

Amended by Ord. [2023-001](#) §4 on X/XX/2023

CHAPTER 18.36 FOREST USE ZONE; F-1[18.36.010 Purpose](#)[18.36.020 Uses Permitted Outright](#)[18.36.030 Conditional Uses Permitted](#)[18.36.040 Limitations On Conditional Uses](#)[18.36.050 Standards For Single-Family Dwellings](#)[18.36.060 Siting Of Dwellings And Structures](#)[18.36.070 Fire Siting Standards For Dwellings And Structures](#)[18.36.080 Fire Safety Design Standards For Roads](#)[18.36.085 Stocking Requirement](#)[18.36.090 Dimensional Standards](#)[18.36.100 Yards And Setbacks](#)[18.36.110 Stream Setbacks](#)[18.36.120 State Law Controls](#)[18.36.130 Rimrock Setbacks](#)[18.36.140 Restrictive Covenants](#)**18.36.020 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.36 and any other applicable provisions of DCC Title 18.

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures, that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land, that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills/land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.

- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Has interior wiring for interior lights;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [91-002](#) §8 on 2/6/1991

Amended by Ord. [92-025](#) §2 on 4/15/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [94-038](#) §1 on 10/5/1994

Amended by Ord. [2003-007](#) §1 on 3/26/2003

Amended by Ord. [2012-007](#) §3 on 5/2/2012

[Amended by Ord. 2023-001 §5 on X/XX/2023](#)

Exhibit F - Ordinance 2023-001

CHAPTER 18.40 FOREST USE ZONE; F-2

18.40.010 Purpose

18.40.020 Uses Permitted Outright

18.40.030 Conditional Uses Permitted

18.40.040 Limitations On Conditional Uses

18.40.050 Standards For Single-Family Dwellings

18.40.060 Siting Of Dwellings And Structures

18.40.070 Fire Siting Standards For Dwellings And Structures

18.40.080 Fire Safety Design Standards For Roads

18.40.085 Stocking Requirement

18.40.090 Dimensional Standards

18.40.100 Yards And Setbacks

18.40.110 Stream Setbacks

18.40.120 State Law Controls

18.40.130 Rimrock Setback

18.40.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright, subject to applicable siting criteria set forth in DCC 18.40 and any other applicable provisions of DCC Title 18:

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use. For the purposes of this section, including DCC 18.36.020(B) and (C) "auxiliary" means a use or alteration of a structure or land that provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, ~~landfills~~ land disposal sites, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527 and Goal 4). Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- E. Farm use as defined in ORS 215.203.

- F. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment that provides service hookups, including water service hookups.
- G. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
- H. Exploration for mineral and aggregate resources as defined in ORS 517.
- I. Towers and fire stations for forest fire protection.
- J. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1).
- K. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- L. Uninhabitable structures accessory to fish and wildlife enhancement.
- M. Alteration, restoration or replacement of a lawfully established dwelling that:
 - 1. Has intact exterior walls and roof structure;
 - 2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - 3. Has interior wiring for interior lights;
 - 4. Has a heating system; and
 - 5. In the case of replacement, is removed, demolished or converted to an allowable use within three months of completion of the replacement dwelling.
- N. An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under OAR 660-006.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [91-002](#) §9 on 2/6/1991
Amended by Ord. [91-005](#) §21 on 3/4/1991
Amended by Ord. [92-025](#) §3 on 4/15/1991
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [94-038](#) §2 on 10/5/1994
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Amended by Ord. [2012-007](#) §4 on 5/2/2012
[Amended by Ord. 2023-001 §6 on X/XX/2023](#)

Exhibit G - Ordinance 2023-001

CHAPTER 18.48 OPEN SPACE AND CONSERVATION ZONE; OS AND C

18.48.010 Purpose

18.48.020 Uses Permitted Outright

18.48.030 Conditional Uses Permitted

18.48.040 Dimensional Standards

18.48.050 Setbacks

18.48.060 Limitations On Conditional Uses

18.48.070 Limitations On Small Hydroelectric Facilities

18.48.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Private parks, picnic areas or hunting and fishing preserves.
- B. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
- C. Utility facility except ~~landfills~~ land disposal sites.
- D. Water supply and treatment facility.
- E. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.
- F. Campground.
- G. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- H. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

Adopted by Ord. PL-15 §4.090(3) on 11/1/1979

Amended by Ord. 91-038 §1 on 9/30/1991

Amended by Ord. 92-004 §9 on 2/7/1992

Amended by Ord. 94-041 §1 on 9/14/1994

Amended by Ord. 97-063 §3 on 11/12/1997

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §3 on 12/12/2001

Amended by Ord. 2023-001 §7 on X/XX/2023

Exhibit H - Ordinance 2023-001

CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

18.60.010 Purposes

18.60.020 Uses Permitted Outright

18.60.030 Conditional Uses Permitted

18.60.035 Destination Resorts

18.60.040 Yard And Setback Requirements

18.60.050 Stream Setback

18.60.060 Dimensional Standards

18.60.070 Limitations On Conditional Uses

18.60.080 Rimrock Setback

18.60.090 Oregon Water Wonderland Unit 2 Sewer District Limited Use Combining Zone

18.60.030 Conditional Uses Permitted

The following uses may be allowed subject to DCC 18.128:

- A. Public park, playground, recreation facility or community center owned and operated by a government agency or nonprofit community organization.
- B. Dude ranch.
- C. Type 2 or Type 3 Home Occupation, subject to DCC 18.116.280.
- D. Personal use landing strip for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use landing strip as used in DCC 18.60.030 means an airstrip restricted, except for aircraft emergencies, to use by the owner and, on an infrequent and occasional basis, by invited guests. No aircraft may be based on a personal-use landing strip other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Aeronautics Division in specific instances. A personal-use landing strip lawfully existing as of September 1, 1975, shall continue to be permitted subject to any applicable regulations of the Aeronautics Division.
- E. Planned development.
- F. Cluster development.
- G. Recreation-oriented facility requiring large acreage such as off-road vehicle track or race track, but not including a rodeo grounds.
- H. A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation. Landfill when a written tentative approval by Department of Environmental Quality (DEQ) of the site is submitted with the application.
- I. Cemetery.
- J. Time-share unit or the creation thereof.
- K. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.

- L. Bed and breakfast inn.
- M. Golf course.
- N. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and 18.128.270.
- O. Religious institutions or assemblies.
- P. Public Uses.
- Q. Semipublic Uses.
- R. Commercial horse stables.
- S. Private or public school, including all buildings essential to the operation of such a school.
- T. Manufactured home park or recreational vehicle park on a parcel in use as a manufactured home park or recreational vehicle park prior to the adoption of PL-15 in 1979 and being operated as of June 12, 1996 as a manufactured home park or recreational vehicle park , including expansion, conversion and combination of such uses on the same parcel, as configured on June 12, 1996.
- U. The full or partial conversion from a manufactured home park or recreational vehicle park described in DCC 18.60.030 (T) to a manufactured home park or recreational vehicle park on the same parcel, as configured on June 12, 1996.
- V. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- W. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [83-033](#) §5 on 6/15/1983
Amended by Ord. [86-018](#) §13 on 6/30/1986
Amended by Ord. [90-014](#) §22 on 7/12/1990
Amended by Ord. [91-005](#) §32 on 3/4/1991
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [92-004](#) §10 on 2/7/1992
Amended by Ord. [93-043](#) §§8A and 8B on 8/25/1993
Amended by Ord. [94-008](#) §13 on 6/8/1994
Amended by Ord. [96-021](#) §1 on 2/28/1996
Amended by Ord. [96-038](#) §2 on 6/12/1996
Amended by Ord. [97-017](#) §3 on 3/12/1997
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §5 on 12/12/2001

Amended by Ord. [2004-002](#) §8 on 4/28/2004

Amended by Ord. [2009-018](#) §2 on 11/5/2009

Amended by Ord. [2020-001](#) §5 on 4/21/2020

Amended by Ord. [2023-001](#) §8 on X/XX/2023

Exhibit I - Ordinance 2023-001

CHAPTER 18.61 URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE

18.61.010 Purpose

18.61.020 Standards In All Districts

18.61.030 La Pine Planning Area

18.61.040 Wickiup Junction Planning Area

18.61.050 Neighborhood Planning Area

18.61 Table 1 La Pine Neighborhood Planning Area Density Standards

18.61 Table 2 La Pine Neighborhood Planning Area Zoning Standards

18.61.030 La Pine Planning Area

The La Pine Planning Area is composed of eight zoning districts, each with its own set of allowed uses and regulations, as further set forth in DCC 18.61.030.

A. La Pine Residential District.

1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Single-family dwelling.
 - b. Manufactured home subject to DCC 18.116.070.
 - c. Two-family dwelling or duplex.
 - d. Agricultural use as defined in DCC Title 18, subject to the following limitations:
 1. Cows, horses, goats or sheep shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months shall be limited to the square footage of the lot divided by 20,000.
 2. The number of chickens, fowl or rabbits over the age of six months shall not exceed one for each 500 square feet of land.
 - e. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - f. Class III road and street project.
 - g. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - h. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use:

- a. Multi-family dwelling with three or more units.
- b. Park, playground and community building.
- c. Utility facility, except ~~landfill~~ land disposal sites.
- d. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland.
- e. Home occupation.
- f. Church.
- g. School.
- h. Manufactured home park.
- i. Multi-family dwelling complex.
- j. Cluster development.
- k. Nursery school, kindergarten and day care facility.
- l. Nursing home.
- m. Public use.
- n. Residential care facility for more than 15 people.
- o. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

3. Lot Sizes.

- a. Partitions:
 - 1. Parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - 2. Parcels served by an approved community, non-community, municipal or public water system, but not by sewer, shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 - 3. Parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 150 feet with a minimum area of one acre. In addition, all lots must meet Oregon Department of Environmental Quality (DEQ) on-site sewage disposal rules.

- b. Subdivisions: For subdivisions, cluster developments or manufactured home parks, the following standards shall apply:
 - 1. All new lots shall be connected to a DEQ permitted community or municipal sewer system.
 - 2. Minimum lot size for a residential subdivision shall be 5,000 square feet. Maximum residential lot size for a subdivision shall be 15,000 square feet.

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

- a. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover more than 35 percent of the total lot area.
- b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

5. Yard and Setback Requirements.

- a. Front Yard. The minimum front yard shall be 20 feet, or 10 feet if a garage or carport is located a minimum of 20 feet from the front property line, and the lot fronts on a public or private street.
- b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet. A street side yard shall be a minimum of 10 feet. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- c. Rear Yard. The minimum rear yard shall be 10 feet, or 5 feet if there is vehicular access to the rear property line. A parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

B. La Pine Commercial District.

- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Single-family dwelling on a lot existing on March 27, 1996.
 - b. Manufactured home, on a lot existing on March 27, 1996, subject to DCC 18.116.070.
 - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road and street project.
 - e. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.

2. 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, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:
 - a. Park, playground and community building.
 - b. Public use.
 - c. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 1. Retail store, office and service establishment.
 2. Residential use in the same building as a permitted use.
 3. Art studio in conjunction with retail sales.
 4. Medical clinic.
 5. Automobile service station.
 6. Car wash.
 7. Day care facility.
 8. Restaurant and cocktail lounge.
 9. Club and fraternal lodge.
 10. Automobile and trailer sales.
 11. Uses accessory to the uses identified in DCC 18.61.030.
 - d. Any of the uses allowed under DCC 18.61.030(B)(2)(c) housed in a building or buildings exceeding 8,000 square feet, subject to the provisions of DCC 18.61.030(B)(4).
3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review and DCC 18.128, Conditional Use:
 - a. Multi-family dwelling on a lot existing on March 27, 1996.
 - b. Tourist and travelers' accommodation of up to 100 units, provided the use is served by a community water system as that term is defined in OAR 660-22-010(2).
 - c. Manufactured home park and travel trailer park.
 - d. Church.
 - e. School.

- f. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270.
 - g. Water supply and treatment facility.
 - h. Utility facility, except ~~landfill~~ land disposal sites.
 - i. Television and radio station with or without a transmitter tower.
 - j. Nursing home.
 - k. Residential care facility for more than 15 people.
 - l. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - 1. Veterinary clinic including enclosed kennel.
 - 2. Automobile repair garage.
 - 3. Commercial amusement and recreation establishment.
 - 4. Shopping complex subject to a master plan.
 - 5. Mini-storage facility.
 - 6. Uses accessory to the uses identified in DCC 18.61.030.
 - m. Any of the uses allowed under DCC 18.61.030(B)(3)(l) housed in a building or buildings exceeding 8,000 square feet subject to the provisions of DCC 18.61.030(B)(4).
 - n. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
4. Special Requirements for Large Scale Uses. Any of the uses listed in DCC 18.61.030(B)(2)(d) and 18.61.030(B)(3)(m) 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;
 - b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.

For the purposes of DCC 18.61.030, 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.

- 5. Lot Size and Dimensional Standards.
 - a. Lot Size. New commercial lots shall be served by an approved community or public sewage system and shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
 - b. Lot Coverage. No requirements.
 - c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

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

C. La Pine Industrial District.

- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Agricultural use as defined in DCC Title 18.
 - b. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
 - c. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - d. Class III road or street project.
 - e. Forest operation and forest practice including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
- 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to DCC 18.61.030(C)(4)(c)(2) and other applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:

- a. Expansion of a valid use existing on December 5, 1994.
 - b. Public use compatible with industrial uses.
 - c. Uses that require proximity to rural resources, as defined in OAR 660-04-022(3)(a).
 - d. Scientific research or experimental development of materials, methods or products, including engineering and laboratory research.
 - e. Light manufacturing, assembly, fabricating or packaging and wholesale distribution.
 - f. Cold storage plant, including storage and office.
 - g. Kennel or veterinary clinic operated entirely within an enclosed building.
 - h. 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.
 - i. Contractor's equipment storage or sale yard, house mover, delivery vehicles, transit storage, trucking terminal and used equipment in operable condition.
 - j. Manufacture of concrete products and ceramic products using only previously comminuted raw materials.
 - k. All types of automobile, motorcycle, boat, trailer and truck sales, service, repair, storage and rental.
 - l. Retail or combination retail/wholesale lumber and building materials yard, not including concrete mixing.
 - m. Manufactured home sales and service.
 - n. Plant nursery and greenhouse.
3. Conditional Uses Permitted. 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. Hydroelectric facility, subject to DCC 18.116.130 and 18.128.260.
 - c. Asphalt plant.
 - d. Lumber manufacturing and wood processing including pulp and paper manufacturing.
 - e. Electrical substation.
 - f. Concrete, asphalt and ready-mix plant.

- g. Petroleum products storage and distribution.
 - h. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland cement concrete.
 - i. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
 - j. Railroad track, freight depot and related facilities.
 - k. Agricultural products storage and processing plant.
 - l. Transfer station.
 - m. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
 - n. Any use permitted by DCC 18.61.030(C)(2) 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.
 - o. Service commercial use, such as office, restaurant, cafe, refreshment stand, bar and tavern, whose primary purposes is to serve industrial uses in the surrounding area, provided that such use is allowed as part of an Industrial Park Master Plan.
 - p. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
 - q. Utility facilities
4. Use Limits. The following limitations and standards shall apply to uses listed in DCC 18.61.030(C)(2) and (3):
- a. Sewer and Water Requirements:
 - 1. New uses that require DEQ Water Pollution Control Facility (WPCF) permits shall be required to connect to the La Pine Sewer Treatment Facility in lieu of obtaining a WPCF permit.
 - 2. Uses that do not require a WPCF permit shall demonstrate the ability to obtain approval for an on-site sewage disposal system either before approval of the land use permit or as a condition of permit approval.
 - 3. If a use requires more than 5,000 gallons of water per day, an application shall be made to the Oregon Water Resources Department for a water rights permit or the use must be connected to a municipal, community or public water system.

b. Compatibility:

1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
2. A use expected to generate more than 30 truck trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
4. Storage, loading and parking areas for uses permitted by DCC 18.61.030(C)(2) and (3) shall be screened from residential zones using trees, vegetation, and topography to the maximum extent practicable to screen the area from view of nearby residences.
5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
7. Exhaust stacks shall be screened from residential zones using trees, vegetation, and topography to the maximum extent practicable to screen the stack from view of nearby residences.

c. Traffic/Parking.

1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.
2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
3. All parking demand created by any use permitted by DCC 18.61.030(C) shall be accommodated on the applicant's premises entirely off-street.
4. There shall be only one ingress and one egress from properties accommodating uses covered by DCC 18.61.030(C) per each 300 feet or

fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.

- d. Requirements for Large Scale Uses. Any industrial use listed in DCC 18.61.030(C)(2) and (3) may be allowed in a building or buildings exceeding 20,000 square feet of floor space if the Planning Director or Hearings Body finds:
 - 1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
 - 2. That such uses would not rely upon a work force served by uses within urban growth boundaries; and
 - 3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.
- 5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
- 6. Dimensional Standards. The following dimensional standards shall apply:
 - a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(C) concerning setback requirements, off-street parking and loading.
 - b. Lot Coverage. Notwithstanding DCC 18.61.030(C)(3)(n), a use permitted by DCC 18.61.030(C) is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
 - c. Setbacks.
 - 1. The minimum building setback between a nonrailroad related structure and a street, road or railroad right of way line shall be 50 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 - 2. The minimum setback between a structure and a property line adjoining a residential district shall be 50 feet.

- 3. The minimum setback between a structure and an existing use shall be three feet from the property line and at least six feet from a structure on the adjoining property.
- d. Building Heights. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. The following exceptions apply:
 - 1. If a building on a lot 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; and
 - 2. The maximum height for utility facility structures shall be 100 feet provided:
 - A. The structure is located on a lot that is not adjacent to a residential district;
 - B. The structure is the minimum height necessary to accommodate machinery and equipment;
 - C. The structure is equipped with fire sprinkler protection in accordance with current adopted editions of the Oregon Structural Specialty Code, Oregon Fire Code, and National Fire Protection Association 13; and
 - D. The structure is at least 500 feet from the nearest residential district.
- e. Utility facility exhaust stacks shall meet the DEQ air quality permit requirements, but shall not exceed DEQ permit minimum height requirements or 150 feet in height, whichever is less.
- f. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
- g. 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.
- h. 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;

- b. The use will primarily employ a work force from the community and surrounding rural area; and
 - c. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space.
4. Use Limits. The following limitations and standards shall apply to all uses:
- a. Sewer and Water Requirements:
 - 1. New uses shall be required to connect to the La Pine Sewer Treatment Facility.
 - 2. New uses must be connected to a municipal, community or public water system.
 - b. Compatibility:
 - 1. A use that requires a lot area exceeding 9,000 square feet shall not be permitted to locate adjacent to a lot in a residential district.
 - 2. A use expected to generate more than 30 truck-trailer or other heavy equipment trips per day to and from the subject property shall not be permitted to locate on a lot adjacent to or across a street from a lot in a residential district.
 - 3. Any use on a lot adjacent to or across the street from a lot in a residential district shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible without instruments more than 200 feet in the direction of the affected residential use or lot.
 - 4. Storage, loading and parking areas for all uses shall be screened from residential zones.
 - 5. No use requiring air contaminant discharge permits shall be approved by the Planning Director or Hearings Body prior to review by the applicable state or federal permit reviewing authority, nor shall such uses be permitted adjacent to or across a street from a residential lot.
 - 6. A property hosting a service commercial use shall be subject to a waiver of remonstrance recorded in the Deschutes County Book of Records declaring that the operator and his or her successors will not now or in the future file a complaint aimed at curtailing industrial activities on adjacent properties conducted in conformance with DCC 18.61.
 - c. Traffic/Parking
 - 1. A use that generates more than 20 auto or truck trips during the busiest hour of the day to and from the premises shall be served directly by an arterial or collector.

2. An applicant must demonstrate that affected transportation facilities are adequate to serve the proposed use, considering the functional classification, capacity and the level of service of such facilities.
 3. All parking demand created by any use permitted by DCC 18.61.030(D) shall be accommodated on the applicant's premises entirely off-street.
 4. Parking may be allowed within the front yard building setback area except that no parking shall be allowed within 10 feet of any street.
 5. There shall be only one ingress and one egress from properties accommodating uses permitted by DCC 18.61.030(D) per each 300 feet or fraction thereof of street frontage. If necessary to meet this requirement, uses shall provide for shared ingress and egress.
5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
- a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.
6. Dimensional Standards. The following dimensional standards shall apply:
- a. Minimum Lot Size. The minimum lot size shall be determined subject to the provisions of DCC 18.61.030(D) concerning setback requirements, off-street parking and loading.
 - b. Minimum Lot Frontage. The minimum lot frontage shall be 50 feet.
 - c. Lot Coverage. A use permitted by DCC 18.61.030(D), which is located adjacent to or across the street from a lot in a residential district shall not exceed 70 percent lot coverage by all buildings, storage areas or facilities and required off-street parking and loading area.
7. Setbacks.
- a. Front Yard. The minimum setback between a building and the street that provides ingress and egress to that building shall be 30 feet unless a greater setback is required for compliance with Comprehensive Plan policies.
 - b. Side Yard. None required, a structure and a property line adjoining a street shall be 10 feet.
 - c. Rear Yard. None required, except the minimum setback between a structure and a property line adjoining a street or a residential district shall be 20 feet. A

parcel or lot with a rear yard adjacent to zoned forestland shall have a minimum rear yard of 100 feet.

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

- 8. Building Height. The maximum building height for any structure shall be 30 feet on any lot adjacent to a residential district and 45 feet on any lot not adjacent to a residential district or that is separated from a residential district by a street or road. However, if a building on a lot 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. La Pine Sewer Treatment District.

- 1. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - a. Any use that is allowed by ORS 215.283(1), including utility facility necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height.
- 2. Conditional Uses Permitted. The following uses may be allowed subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use and DCC 18.16.040(A):
 - a. Parks, playground or community centers owned and operated by a governmental agency or a nonprofit community organization.
- 3. Dimensional Standards. The following dimensional standards shall apply:
 - a. Lot Coverage. No requirements.
 - b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.
- 4. Yard and Setback Requirements.
 - a. Front Yard. The minimum front yard shall be 20 feet.
 - b. Side Yard. A side yard shall be a minimum of five feet and the sum of the two side yards shall be a minimum of 15 feet.
 - c. Rear Yard. The minimum rear yard shall be 20 feet.

F. La Pine Flood Plain District. All uses proposed within this district shall be subject to the provisions in DCC 18.96, Flood Plain Zone.

G. La Pine Community Facility 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, DCC 18.116, Supplementary Provisions and DCC 18.124, Site Plan Review:

- a. Performing arts center.
- b. Swimming pool.
- c. Community center.
- d. Public use.
- e. School.
- f. Theater.

2. Yard and Setback Requirements.

- a. Front Yard. The front yard shall be no more than 15 feet, except as otherwise allowed by DCC 18.124.070(D)(2) and except when abutting a lot in a Residential District, in which case the front yard shall be the front yard required in the abutting Residential District. All buildings shall be set at the front yard setback line. A parcel or lot with a front yard adjacent to zoned forest land shall have a minimum front yard of 100 feet.
- b. Side Yard. None required, except when abutting a lot in a Residential District in which case the side yard shall be the side yard required in the abutting Residential District. A parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
- c. 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.

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

- a. Lot Coverage. No requirements.
- b. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

4. Lot Size.

- a. Lot Size. New lots shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.
- b. Lot Coverage. No requirements.
- c. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as approved under DCC 18.120.040.

- 5. Additional Requirements. As a condition of approval of any use proposed, the Planning Director or Hearings Body may require:
 - a. An increase in required setbacks.
 - b. Additional off-street parking and loading facilities.
 - c. Limitations on signs or lighting, hours of operation and points of ingress and egress.
 - d. Additional landscaping, screening and other improvements.

H. La Pine Community Facility Limited District.

- 1. Uses Permitted Outright.
 - a. Multi-use path.
- 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
 - a. School.
 - b. Park or playground.

HISTORY

Adopted by Ord. [96-003](#) §1 on 3/27/1996
Amended by Ord. [97-017](#) §4 on 3/12/1997
Amended by Ord. [97-041](#) §1 on 5/14/1997
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2000-015](#) §2 on 8/9/2000
Amended by Ord. [2001-044](#) §3 on 10/10/2001
Amended by Ord. [2002-033](#) §1 on 9/25/2002
Amended by Ord. [2003-002](#) §1 on 4/8/2003
Amended by Ord. [2009-025](#) §1 on 11/30/2009
Amended by Ord. [2010-029](#) §1 on 9/8/2010
Repealed by Ord. [2018-005](#) §10 on 10/10/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
[Amended by Ord. 2023-001 §9 on X/XX/2023](#)

[18.61.040 Wickiup Junction Planning Area](#)

The Wickiup Junction Planning Area is composed of one Commercial/Residential zoning district with its own set of allowed uses and regulations, as further set forth in DCC 18.61.040.

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
 - 1. Single-family dwelling.
 - 2. Manufactured home subject to DCC 18.116.070.

3. Two-family dwelling or duplex.
 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 5. Class III road and street project.
 6. Excavation, grading or fill and removal activities involved in creation of a wetland in areas not requiring a conditional use permit for fill or removal.
- B. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review:
1. Park, playground and community building.
 2. Public Use.
 3. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Retail store, office and service establishment.
 - b. Residential use in conjunction with a permitted use.
 - c. Art studio in conjunction with a permitted use.
 - d. Medical clinic.
 - e. Automobile service station.
 - f. Car wash.
 - g. Day care facility.
 - h. Restaurant and cocktail lounge.
 - i. Club and fraternal lodge.
 - j. Automobile and trailer sales.
 - k. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(B)(3) housed in a building or buildings exceeding 8,000 square feet of floor space, but not greater than 12,000 square feet of floor space, subject to the provisions of DCC 18.61.040 (D).
- C. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Uses:
1. Multi-family dwelling with three or more units.
 2. Tourist and travelers' accommodations of up to 100 units, provided the use is served by a community sewer system as that term is defined in OAR 660-22-010 (2).

3. Manufactured home park.
 4. Travel trailer park.
 5. Cluster development.
 6. Church.
 7. School.
 8. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and DCC 18.128.270.
 9. Water supply and treatment facility.
 10. Utility facility, except ~~landfill~~land disposal sites.
 11. Television and radio station with or without a transmitter tower.
 12. Nursing home.
 13. Residential care facility for more than 15 people.
 14. A building or buildings not exceeding 8,000 square feet of floor space housing any combination of:
 - a. Veterinary clinic including enclosed kennel.
 - b. Automobile repair garage.
 - c. Commercial amusement and recreation establishment.
 - d. Shopping complex subject to a master plan.
 - e. Mini-storage facility.
 - f. Uses accessory to the uses identified in DCC 18.61.040.
 15. Any new use, or the expansion of an existing use, allowed under DCC 18.61.040(C)(14) housed in a building or buildings exceeding 8,000 square feet, but not greater than 12,000 square feet, subject to the provisions of DCC 18.61.040 (D).
 16. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- D. Special Requirements for Large Scale uses. Any of the uses listed in DCC 18.61.040(B)(3) and 18.61.040(C)(14) may be allowed in a building or buildings exceeding 8,000 square feet of floor space but not greater than 12,000 square feet of floor space if the Planning Director or Hearings Body finds, based on evidence submitted by the applicant:
1. That the intended customers for the proposed use will come from the community and surrounding rural area, or the use will meet the travel needs of the people passing through the area;

2. The use will primarily employ a work force from the community and surrounding rural area; and
 3. That it is not practical to locate the use in a building or buildings under 8,000 square feet of floor space but could locate the use in a building not exceeding 12,000 square feet of floor space.
- E. For the purposes of DCC 18.61.040, 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.
- F. Lot Size.
1. New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum width of 50 feet and a minimum area of 6,000 square feet. Maximum lot size for residential subdivisions shall be 15,000 square feet.
 2. New lots or parcels served by either an approved community, non-community, municipal or public water system shall have a minimum width of 100 feet and a minimum area of 22,000 square feet.
 3. New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewer system shall have a minimum width of 150 feet with a minimum are of one acre. In addition, an applicant shall demonstrate that:
 - a. The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval;
 - b. Residential subdivision will be served by either a municipal or community water system or a non-community public water system.
- G. Dimensional Standards. The following dimensional standards shall apply:
1. Lot Coverage. No requirements.
 2. Building Height. No building or structure shall be erected or enlarged to exceed thirty (30) feet in height, except as approved under DCC 18.120.040.
- H. Yards.
1. Front Yard. The front yard shall be no more than 20 feet, except as otherwise allowed by DCC 18.124.070(D)(2). All buildings shall be set at the front yard setback line.
 2. Side Yard. None required, except when a parcel or lot with a side yard adjacent to zoned forest land shall have a minimum side yard of 100 feet.
 3. Rear Yard. None required, except when a parcel or lot with a rear yard adjacent to zoned forest land shall have a minimum rear yard of 100 feet.

HISTORY

Adopted by Ord. [96-003](#) §1 on 3/27/1996
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2000-015](#) §2 on 8/9/2000
Amended by Ord. [2002-015](#) §1 on 6/19/2002
Amended by Ord. [2003-008](#) §1 on 2/26/2003
Amended by Ord. [2004-013](#) §6 on 9/21/2004
Amended by Ord. [2023-001](#) §9 on X/XX/2023

CHAPTER 18.65 RURAL SERVICE CENTER; UNINCORPORATED COMMUNITY ZONE

18.65.010 Purpose

18.65.020 RSC; Commercial/Mixed Use District (Brothers, Hampton, Millican, Whistlestop And Wildhunt)

18.65.021 Alfalfa RSC; Commercial/Mixed Use District

18.65.022 Alfalfa RSC; Residential District

18.65.023 RSC; Open Space District

18.65.030 Standards For All Districts

18.65.023 RSC; Open Space District

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of this chapter:
 - 1. Agricultural uses, as defined in Title 18, and excluding livestock feed lot sales yard, and hog or mink farms.
 - 2. Public and nonprofit agencies, museums and exhibits on lands where an exception has been granted in accordance with Oregon Administrative Rules chapter 660, Division 022.
 - 3. Public wildlife reserve or management area, not including structures.
 - 4. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
 - 5. Class III road or street project.
 - 6. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.

- B. Conditional Uses Permitted. The following uses and their accessory uses are permitted, subject to the applicable provisions of this chapter, DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use, of this title:
 - 1. Private parks, picnic areas or hunting and fishing preserves.
 - 2. Public parks and recreational areas owned and operated by a governmental agency or nonprofit community organization.
 - 3. Campground.
 - 4. Utility facility except ~~landfills~~ land disposal sites.
 - 5. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).

- C. Yard and Setback Requirements.
 - 1. The front yard setback shall be a minimum of 20 feet from a property line fronting on a local street right of way and 50 feet from an arterial right of way.
 - 2. The minimum side yard setback shall be 10 feet.

3. The minimum rear yard setback shall be 20 feet.
 4. The minimum side and rear yard setbacks for property that is adjacent to land zoned exclusive farm use shall be 50 feet.
- D. Lot Requirements. The minimum lot size shall be determined by the site plan requirements for a proposed public use.

HISTORY

Adopted by Ord. [2002-002](#) §2 on 6/5/2002

[Amended by Ord. 2023-001 §10 on X/XX/2023](#)

CHAPTER 18.76 AIRPORT DEVELOPMENT ZONE; A-D

[18.76.010 Purpose](#)

[18.76.015 Definitions](#)

[18.76.020 Standards In All Districts](#)

[18.76.030 Uses Permitted Outright](#)

[18.76.040 Conditional Uses](#)

[18.76.050 Use Limitations](#)

[18.76.060 Dimensional Standards](#)

[18.76.070 Airfield Operations District \(AOD\)](#)

[18.76.080 Aviation Support District \(ASD\)](#)

[18.76.090 Aviation-Related Industrial District \(ARID\)](#)

[18.76.100 Design And Use Criteria](#)

[18.76.105 Hangars](#)

[18.76.110 Additional Requirements](#)

18.76.040 Conditional Uses

The following uses may be allowed in all of the Airport Districts subject to DCC 18.128.

- A. Farm accessory buildings and uses, excluding residential uses.
- B. Utility facility necessary for public service except ~~landfills~~ land disposal sites.
- C. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270.

HISTORY

Adopted by Ord. [PL-15](#) §4.160(3) on 11/1/1979

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §10 on 12/12/2001

Repealed & Reenacted by Ord. [2003-036](#) §2 on 11/5/2003

Amended by Ord. 2023-001 §11 on X/XX/2023

CHAPTER 18.80 AIRPORT SAFETY COMBINING ZONE; A-S[18.80.010 Purpose](#)[18.80.020 Application Of Provisions](#)[18.80.022 Definitions](#)[18.80.024 Imaginary Surface And Noise Impact Boundaries](#)[18.80.026 Notice Of Land Use And Permit Applications](#)[18.80.028 Height Limitations](#)[18.80.030 Redmond Municipal Airport](#)[18.80.032 Bend Municipal Airport](#)[18.80.034 Sunriver Airport](#)[18.80.036 Sisters Eagle Air Airport](#)[18.80.038 Cline Falls Airpark](#)[18.80.040 Juniper Airpark](#)[18.80.044 Land Use Compatibility](#)[18.80.050 Uses Permitted Outright](#)[18.80.054 Conditional Uses](#)[18.80.056 Additional Requirements](#)[18.80.058 Non-Conforming Uses](#)[18.80.060 Variances](#)[18.80.062 Dimensional Standards](#)[18.80.064 Procedures](#)[18.80.072 Water Impoundments](#)[18.80.074 Wetland Mitigation, Creation, Enhancement And Restoration](#)[18.80.076 Water Impoundment Notification](#)[18.80.078 FAA Notification \(Form 7460-1\)](#)[18.80 Table 1 Land Use Compatibility](#)[18.80 Table 2 Noise Compatibility](#)[18.80 Declaration Of Anticipated Noise](#)**18.80.026 Notice Of Land Use And Permit Applications**

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. [ORS 836.623(1); OAR 738-100-010; ORS 215.416(6); ORS 227.175(6)]

For the Redmond, Bend, Sunriver, and Sisters airports:

- A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway:
- B. Notice of land use and limited land use applications shall be provided within the following timelines.

1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.
 2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.
 3. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.
 4. Notices required under DCC 18.80.026(B)(1-3) need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:
 - a. Would only allow structures of less than 35 feet in height;
 - b. Involves property located entirely outside the approach surface;
 - c. Does not involve industrial, mining or similar uses that emit smoke, dust or steam; ~~sanitary landfills~~ land disposal sites or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and
 - d. Does not involve wetland mitigation, enhancement, restoration or creation. For the Cline Falls and Juniper airports:
- C. Written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, shall be provided to the airport sponsor and the Department of Aviation in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. Where the application does not involve a public hearing, such notice shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application. [ORS 215.416(6); ORS 227.175(6); OAR 738-100-010]
- D. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to a land use or limited land use proceeding.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Repealed & Reenacted by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [2001-001](#) §2 on 1/22/2001

[Amended by Ord. 2023-001 §12 on X/XX/2023](#)

[18.80 Table 1 Land Use Compatibility](#)

	Location:				
Use:	RPZ ⁽¹⁾	Transitional Surface	Approach Surface ⁽⁸⁾	Direct Impact Area	Secondary Impact Area
Public Airport	L ⁽²⁾	P	L ⁽⁹⁾	P	P
Residential	N	N	L ⁽¹⁰⁾	P	P
Commercial	N	L ⁽¹⁴⁾	L ⁽⁹⁾	P	P
Industrial	N	P	L ⁽⁹⁾	P	P
Institutional	N	L ⁽¹⁴⁾	L ⁽⁹⁾	P	P
Farm Use	P ⁽³⁾	P ⁽³⁾	P ⁽³⁾	P ⁽³⁾	P ⁽³⁾
Road/Parking	L ⁽⁴⁾	P	P	P	P
Utility	L ⁽⁵⁾	L ⁽⁵⁾	L ⁽⁵⁾	L ⁽⁵⁾	L ⁽⁵⁾
Parks/Open Space	L ⁽⁶⁾	P	P	P	P
Golf Course ⁽¹⁷⁾	L ⁽⁷⁾	L ⁽⁷⁾	L ^(7,9)	L ⁽⁷⁾	L ⁽⁷⁾
Athletic Field	N	N	L ⁽⁹⁾	P	P
<u>Sanitary Landfill/Land Disposal Site</u>	N	N	N	N	N ⁽¹⁶⁾
Waste Water Treatment Plant	N	N	N	N	L ⁽¹⁵⁾
Mining	N	N	L ⁽¹¹⁾	L ⁽¹¹⁾	L ⁽¹¹⁾
Water Impoundment	N	N	N,L ⁽¹²⁾	L ⁽¹²⁾	L ⁽¹²⁾
Wetland Mitigation		N	L ⁽¹³⁾	L ⁽¹³⁾	L ⁽¹³⁾

Key to Table:

P = Use is Permitted.

L = Use is Allowed Under Limited Circumstances (see notes). N = Use is Not Allowed.

Numbers in parentheses refer to notes on next page.

Notes for Table 1: 1. No structures shall be allowed within the Runway Protection Zone. Exceptions shall be made only for structures accessory to airport operations whose location within the RPZ has been approved by the Federal Aviation Administration. 2. In the RPZ, public airport uses are restricted to those uses and facilities that require location in the RPZ. 3. Farming practices that minimize wildlife attractants are encouraged. 4. Roads and parking areas are permitted in the RPZ only upon demonstration that there are no practicable alternatives. Lights, guardrails and related accessory structures are prohibited. Cost may be considered in determining whether practicable alternatives exist. 5. In the RPZ, utilities, power lines and pipelines must be underground. In approach surfaces and in airport direct and secondary impact areas, the proposed height of utilities shall be coordinated with the airport sponsor and the Department of Aviation. 6. Public assembly facilities are prohibited within the RPZ. 7. Golf courses may be permitted only upon demonstration, supported by substantial evidence, that management techniques will be utilized to reduce existing wildlife attractants and avoid the creation of new wildlife attractants. Such techniques shall be required as conditions of approval. Structures are not permitted within the RPZ. For purposes of DCC 18.80, tee markers, tee signs, pin cups and pins are not considered to be structures. 8. Within 10,000 feet from the end of the primary surface of a non-precision instrument runway, and within 50,000 feet from the end of the primary surface of a precision instrument runway. 9. Public assembly facilities may be allowed in an approach surface only if the potential danger to public safety is minimal. In determining whether a proposed use is appropriate, consideration shall be given to: proximity to the RPZ; density of people per acre; frequency of use; level of activity at the airport; and other factors relevant to public safety. In general, high-density uses should not be permitted within airport approach surfaces, and non-residential structures should be located outside approach surfaces unless no practicable alternatives exist. 10. Residential densities within approach surfaces should not exceed the following densities: (1) within 500 feet of the outer edge of the RPZ, 1 unit/acre; (2) within 500 to 1,500 feet of the outer edge of the RPZ, 2 units/acre; (3) within 1,500 to 3,000 feet of the outer edge of the RPZ, 4 units/acre. 11. Mining operations involving the creation or expansion of water impoundments shall comply with the requirements of DCC 18.80 regulating water impoundments. 12. See DCC 18.80.072 regulating water impoundments. 13. See requirements in DCC 18.80.074. 14. Overnight accommodations, such as hotels, motels, hospitals and dormitories, are not permitted. 15. Due to land availability constraints, limited wastewater treatment plants within the Secondary Impact Area are permitted on lands owned or managed by the Sunriver Resort or Sunriver utilities. 16. Organic composting facility is permitted. 17. Since Sunriver Resort owns and controls the Sunriver Airport, golf courses operated as part of the Sunriver Resort, Crosswater and their affiliates are exempted.

CHAPTER 18.96 FLOOD PLAIN ZONE; FP[18.96.010 Purposes](#)[18.96.020 Designated Areas](#)[18.96.030 Uses Permitted Outright](#)[18.96.040 Conditional Uses Permitted](#)[18.96.050 Prohibited Uses](#)[18.96.060 Limitations On Conditional Uses](#)[18.96.070 Application For Conditional Use](#)[18.96.080 Criteria To Evaluate Conditional Uses](#)[18.96.085 Elevation Certification](#)[18.96.090 Yard And Setback Requirements](#)[18.96.100 Stream Setback](#)[18.96.110 Dimensional Standards](#)[18.96.120 Warning And Disclaimer Of Liability](#)[18.96.130 Interpretation Of FIRM Boundaries](#)[18.96.140 Use Variances](#)[18.96.150 Acreage Calculation For Partition Or Subdivision Of Certain Properties Containing Flood Plain Zoned Lands](#)**18.96.030 Uses Permitted Outright**

The following uses and their accessory uses are permitted outright

- A. Agricultural use conducted without establishing or utilizing a structure. For purposes of DCC 18.96.030(A), a "structure" does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood carried material.
- B. Management, propagation and harvesting of a forest product.
- C. Open space.
- D. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 that do not involve Floodplain development.
- F. Class III road or street project that does not constitute Floodplain development as defined in DCC 18.04.030.
- G. Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not adverse effect on flood waters.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Recreational vehicles on an individual lot for a period not to exceed 180 consecutive days,- as allowed pursuant to DCC 18.116.080, 18.116.090, or 18.116.095, provided they meet the standards and criteria established by DCC 18.116.095.

HISTORY

- Adopted by Ord. [PL-15](#) on 11/1/1979*
- Amended by Ord. [88-030](#) §4 on 8/17/1988*
- Amended by Ord. [91-020](#) §1 on 5/29/1991*
- Amended by Ord. [93-043](#) §15 on 8/25/1993*
- Amended by Ord. [2007-019](#) §2 on 9/28/2007*
- Repealed by Ord. [2018-005](#) §11 on 10/10/2018*
- Amended by Ord. [2019-010](#) §1 on 5/8/2019*
- [Amended by Ord. 2023-001 §13 on X/XX/2023](#)*

18.96.040 Conditional Uses Permitted

The following uses and their accessory uses may be allowed subject to applicable sections of this title:

- A. A roadway, bridge or utility structure, except a ~~landfill~~land disposal site, that will not impede the waters of a base flood subject to DCC 18.128.
- B. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.
- C. Single-family dwelling, or a manufactured home subject to DCC 18.116.070, on an individual lot. In addition to the other requirements of DCC 18.96, single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Agriculture" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.16.030(A), (B), (D) or (E) and subject to the applicable provisions of DCC 18.96 governing those uses. In addition to the other requirements of DCC 18.96, single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Forest" on the Comprehensive Plan Map may be approved only as uses identified by DCC 18.36.030(Y), 18.40.030(X) or 18.40.030(Y) and subject to the applicable provision of DCC 18.36 and 18.40 governing those uses.
- D. Agricultural accessory buildings.
- E. Hydroelectric facilities subject to DCC 18.116.130 and 18.128.260.
- F. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland, subject to DCC 18.120.050 and 18.128.270. Excavation, grading and fill within any area of special flood hazard identified in DCC 18.96.020.
- G. Recreational uses requiring only structures having an insignificant effect on flood waters outside the Floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves and hunting or fishing areas subject to DCC 18.128, except in areas designated "Forest" or "Agriculture" on the Comprehensive Plan Map.

- H. Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of DCC Title 18 and DCC Title 17, the Subdivision/Partition Ordinance.
- I. All new construction expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building.
- J. A boat dock or pier, either individual or community, on private property which lies in the following areas:
 - 1. On the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area;
 - 2. On the Deschutes River between river miles 217.5 and 216.5. This area is identified in the Scenic Waterway Management Plan as the Pringle Falls River Community Area; and
 - 3. On the Deschutes River between river miles 207 and 192. This area is identified in the Scenic Waterway Management Plan as River Community Areas and Recreational River Area respectively.
- K. Those recreational uses described in DCC 18.36.030, "F-1 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-1.
- L. Those recreational uses described in DCC 18.40.030, "F-2 - Conditional Uses," having an insignificant effect on flood waters where the subject Flood Plain-zoned site is designated by the Comprehensive Plan Map as "Forest" and is adjacent to land zoned F-2.
- M. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- N. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.
- O. Recreational vehicles on an individual lot for a period in excess of 180 consecutive days, as allowed pursuant to DCC 18.116.080, 18.116.090, or 18.116.095(C), provided they meet the following standards and criteria:
 - 1. Placement of a recreational vehicle within a special flood hazard area for a period of time exceeding 180 days requires a conditional use permit subject to the standards and criteria established by DCC 18.96 and a Floodplain Permit as required by the National Flood Insurance Program.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [88-030](#) §4 on 8/17/1988

Amended by Ord. [89-009](#) §4 on 11/29/1989

Amended by Ord. [91-005](#) §37 on 3/4/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991
Amended by Ord. [93-002](#) §4 on 2/3/1993
Amended by Ord. [93-045](#) §1 on 8/18/1993
Amended by Ord. [95-022](#) §1,2 on 4/5/1995
Amended by Ord. [95-075](#) §1 on 11/29/1995
Amended by Ord. [96-032](#) §1 on 5/1/1996
Amended by Ord. [97-063](#) §3 on 11/12/1997
Amended by Ord. [2001-016](#) §2 on 3/28/2001
Amended by Ord. [2001-039](#) §11 on 12/12/2001
Amended by Ord. [2007-019](#) §2 on 9/28/2007
Repealed by Ord. [2018-005](#) §11 on 10/10/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2023-001](#) §13 on X/XX/2023

CHAPTER 18.100 RURAL INDUSTRIAL ZONE; R-I

[18.100.010 Uses Permitted Outright](#)

[18.100.020 Conditional Uses](#)

[18.100.030 Use Limitations](#)

[18.100.040 Dimensional Standards](#)

[18.100.050 Off-Street Parking And Loading](#)

[18.100.060 Site Design](#)

[18.100.070 Additional Requirements](#)

[18.100.080 Solar Setback](#)

[18.100.090 Limited Use Combining Zone; Deschutes Junction](#)

18.100.020 Conditional Uses

The following uses may be allowed subject to DCC 18.128:

- A. Any use permitted by DCC 18.100.010, which is located within 600 feet of a residential dwelling, a lot within a platted subdivision or a residential zone.
- B. Any use permitted by DCC 18.100.010, which involves open storage.
- C. Concrete or ready-mix plant.
- D. Petroleum products storage and distribution.
- E. Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.
- F. Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.
- G. Railroad trackage and related facilities.
- H. Pulp and paper manufacturing.
- I. Any use permitted by DCC 18.100.010, which is expected to exceed the following standards:
 1. Lot coverage in excess of 70 percent.
 2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.
- J. Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.
- K. Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.
- L. Public ~~Landfill~~ Land Disposal Site Transfer Station, including recycling and other related activities.

- M. Mini-storage facility.
- N. Automotive wrecking yard totally enclosed by a sight-obscuring fence.
- O. Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).
- P. Utility facility.
- Q. Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.
- R. Electrical substations.
- S. Marijuana retailing, subject to the provisions of DCC 18.116.330.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [86-018](#) §15 on 6/30/1986

Amended by Ord. [90-014](#) §38 on 7/12/1990

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §1 on 9/30/1991

Amended by Ord. [97-063](#) §3 on 11/12/1997

Amended by Ord. [2001-016](#) §2 on 3/28/2001

Amended by Ord. [2001-039](#) §12 on 12/12/2001

Amended by Ord. [2002-126](#) §1 on 12/11/2002

Amended by Ord. [2004-013](#) §10 on 9/21/2004

Amended by Ord. [2016-015](#) §8 on 7/1/2016

Amended by Ord. [2018-006](#) §12 on 11/20/2018

Amended by Ord. [2021-004](#) §5 on 5/27/2021

[Amended by Ord. 2023-001 §14 on X/XX/2023](#)

CHAPTER 18.108 URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER[18.108.010 Purpose](#)[18.108.020 Standards For All Districts](#)[18.108.030 Single Family Residential; RS District](#)[18.108.040 Multiple Family Residential; RM District](#)[18.108.050 Commercial; C District](#)[18.108.055 Town Center; TC District](#)[18.108.060 Resort; R District](#)[18.108.070 Resort Marina; RA District](#)[18.108.080 Resort Golf Course; RG District](#)[18.108.090 Resort Equestrian; RE District](#)[18.108.100 Resort Nature Center; RN District](#)[18.108.110 Business Park; BP District](#)[18.108.120 Community General; CG District](#)[18.108.130 Community Recreation; CR District](#)[18.108.140 Community Limited; CL District](#)[18.108.150 Community Neighborhood; CN District](#)[18.108.160 Airport; A District](#)[18.108.170 Utility; U District](#)[18.108.175 Utility; U District/Limited Use Combining District](#)[18.108.180 Forest; F District](#)[18.108.190 Flood Plain; FP Combining District](#)**18.108.160 Airport; A District**

- A. Uses Permitted Outright. The following uses and their accessory uses are permitted outright:
1. Runway, fuel storage and sales and emergency repair.
 2. Facilities approved or mandated by the FAA or Oregon State Aeronautics Division.
 3. Farm use as defined in DCC Title 18.
 4. Related uses which are customarily appurtenant to airports, including but not limited to hangars, tie-down areas and parking facilities.
- B. Conditional Uses Permitted. The following conditional uses may be permitted subject to DCC 18.128 and a conditional use permit:
1. Farm accessory buildings and uses.
 2. Utility facility necessary for public service, except ~~landfills~~ land disposal sites.
 3. Golf course.
 4. Park, playground, other recreational site or facility or community service facility.
 5. Excavation, grading and fill and removal within the bed and banks of a stream or river or in a wetland subject to DCC 18.120.050 and/or DCC 18.128.270.

C. Use Limitations. In an A District, the following limitations and standards shall apply to all uses permitted:

1. The height of any plant growth or structure or part of a structure such as chimneys, towers, antennas, powerlines, etc., shall not exceed 35 feet.
2. In approach zones beyond the clear zone areas, no meeting place designed to accommodate more than 25 persons for public or private purposes shall be permitted.
3. All parking demand created by any use permitted by DCC 18.108.160 shall be accommodated on the subject premises entirely off-street.
4. No use permitted by DCC 18.108.160 shall require the backing of traffic onto a public or private street or road right of way.
5. No power lines shall be located in clear zones.
6. No use shall be allowed which is likely to attract a large quantity of birds, particularly birds which normally fly at high altitudes.

D. Dimensional Standards. In an A District, the following dimensional standards shall apply:

1. The minimum lot size shall be determined subject to the provisions of DCC 18.108.160 relative to setback requirements, off-street parking and loading requirements, lot coverage limitations or as deemed necessary by the Planning Director or Hearings Body to maintain air, land and water resource quality, protect adjoining and area land uses and to ensure resource carrying capacities are not exceeded.
2. An airport related use or structure located adjacent to or across the street from an existing residential use or platted residential lot shall not exceed 70 percent lot coverage and shall require off street parking and loading areas.
3. The minimum setback between any structure and an arterial right of way shall be 100 feet. The minimum setback between any structure and a collector right of way shall be 50 feet. The minimum setback between any structure and all local streets shall be 20 feet.
4. The minimum setback between any structure and a property line adjoining a residential use or lot shall be 50 feet.
5. The minimum lot frontage shall be 50 feet.
6. The minimum side setback between any structure and a property line shall be three feet, and the minimum total of both side setbacks shall be 12 feet.
7. The minimum rear setback between any structure and a rear property line shall be 25 feet.
8. Utility Runway Visual Approach Zone. Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

- 9. Runway Larger than Utility with a Visibility Minimum Greater than Three-Fourths Mile Nonprecision Instrument Approach Zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary runway surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 10. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the side of and at the same elevation as the primary runway surface and approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits beginning at the sides of and at the same elevation as they approach surface and extending to where they intersect the conical surface.
- 11. Horizontal Zone. Established at 150 feet above the airport elevation.
- 12. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

[Amended by Ord. 2023-001 §15 on X/XX/2023](#)

[18.108.180 Forest; F District](#)

- A. Uses permitted outright. The following uses and their accessory uses are permitted outright, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
 - 1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.
 - 2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. As used here, temporary structures are those which are portable and/or not placed on a permanent foundation, and which are removed at the conclusion of the forest operation requiring its use.
 - 3. Physical alterations to commercial forest land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, ~~landfills~~land disposal sites, dams, reservoirs, road construction or recreational facilities. Gravel extraction and processing not covered by DCC 18.108.180 is governed by DCC 18.52.
 - 4. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
 - 5. Farm use as defined in ORS 215.203.
 - 6. Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal

boxes, pedestals), or equipment which provides service hookups, including water service hookups.

- 7. Temporary portable facility for the primary processing of forest products. The facility shall not be placed on a permanent foundation and shall be removed at the conclusion of the forest operation requiring its use.
 - 8. Exploration for mineral and aggregate resources as defined in ORS 517.
 - 9. Towers and fire stations for forest fire protection.
 - 10. Widening of roads within existing rights of way in conformance with the transportation element of the comprehensive plan including public road and highway projects as described in ORS 215.283(1)(k) through (n).
 - 11. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
 - 12. Uninhabitable structures accessory to fish and wildlife enhancement.
- B. Conditional uses permitted. The following uses and their accessory uses may be allowed in the Forest District, subject to applicable provisions of DCC 18.36, Forest Use-F1 Zone, and to applicable provisions of the comprehensive plan:
- 1. Television, microwave and radio communication facilities and transmission towers.
 - 2. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
 - 3. Reservoirs and water impoundments.
 - 4. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights of way 50 feet or less in width.
 - 5. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - 6. Commercial composting for which the Oregon Department of Environmental Quality has granted a permit or a similar approval, together with equipment, facilities or buildings necessary for operation, subject to DCC 18.128.015 and 18.128.120.

HISTORY

Repealed & Reenacted by Ord. [97-078](#) §2 on 12/31/1997

Amended by Ord. [98-016](#) §2 on 3/11/1998

Amended by Ord. [2001-040](#) §1 on 12/5/2001

Amended by Ord. [2020-007](#) §15 on 10/27/2020

[Amended by Ord. 2023-001 §15 on X/XX/2023](#)

CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

- [18.116.010 Authorization Of Similar Uses](#)
- [18.116.020 Clear Vision Areas](#)
- [18.116.030 Off-Street Parking And Loading](#)
- [18.116.031 Bicycle Parking](#)
- [18.116.035 Bicycle Commuter Facilities](#)
- [18.116.036 Special Parking Provisions For The Sunriver Town Center \(TC\) District](#)
- [18.116.040 Accessory Uses](#)
- [18.116.050 Manufactured Homes](#)
- [18.116.070 Placement Standards For Manufactured Homes](#)
- [18.116.080 ~~Manufactured Home Or RV as Temporary Residence on An Individual Lot During Construction Manufactured Home Or RV As A Temporary Residence On An Individual Lot~~](#)
- [18.116.090 A Manufactured Home Or Recreational Vehicle As A Temporary Residence For Medical Condition](#)
- [18.116.095 Recreational Vehicle As A ~~Temporary~~ Residence On An Individual Lot](#)
- [18.116.100 Building Projections](#)
- [18.116.120 Fences](#)
- [18.116.130 Hydroelectric Facilities](#)
- [18.116.140 Electrical Substations](#)
- [18.116.150 Endangered Species](#)
- [18.116.160 Rimrock Setbacks Outside Of LM Combining Zone](#)
- [18.116.170 Solar Height Restrictions](#)
- [18.116.180 Building Setbacks For The Protection Of Solar Access](#)
- [18.116.190 Solar Access Permit](#)
- [18.116.200 \(Repealed\)](#)
- [18.116.210 Residential Homes And Residential Facilities](#)
- [18.116.215 Family Child Care Provider](#)
- [18.116.220 Conservation Easements On Property Adjacent To Rivers And Streams; Prohibitions](#)
- [18.116.230 Standards For Class I And II Road Projects](#)
- [18.116.240 Protection Of Historic Sites](#)
- [18.116.250 Wireless Telecommunications Facilities](#)
- [18.116.260 Rock Crushing Outside The SM Zone](#)
- [18.116.270 Conducting Filming Activities In All Zones](#)
- [18.116.280 Home Occupations](#)
- [18.116.290 Amateur Radio Facilities](#)
- [18.116.300 Wind Energy Systems That Generate Less Than 100 KW](#)
- [18.116.310 Traffic Impact Studies](#)
- [18.116.320 Medical Marijuana Dispensary](#)
- [18.116.330 Marijuana Production, Processing, Retailing, And Wholesaling](#)
- [18.116.340 Marijuana Production Registered By The Oregon Health Authority \(OHA\)](#)
- [18.116.350 Accessory Dwelling Units In RR10 And MUA Zones](#)
- [18.116.360 Nursery Schools](#)

18.116.080 Manufactured Home Or RV as Temporary Residence on An Individual Lot During Construction ~~Manufactured Home Or RV As A Temporary Residence On An Individual Lot~~

A manufactured home of any class or a recreational vehicle may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- A. The manufactured home or recreational vehicle shall be placed upon a lot for which a building permit for a housing unit has been obtained.
- B. The manufactured home or recreational vehicle shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
- C. Electric, water and sewer utility connections shall be made to the manufactured home or recreational vehicle.
- D. The manufactured home shall be removed from the lot not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the date of final building inspection of the housing unit, whichever occurs first. The habitation of the recreational vehicle must cease, and its connection to all utilities other than electric must be discontinued not later than 18 months following the date on which the building permit for the housing unit is issued or not later than two months following the completion of the housing unit, whichever occurs first.
- E. All evidence that the manufactured home has been on the lot shall be removed within the 30 days following the removal of the manufactured home.
- F. A recreational vehicle used as a temporary dwelling unit shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.
- G. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
- E-H. As identified in this section, a single recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979
Amended by Ord. [89-004](#) §4 on 3/24/1989
Amended by Ord. [91-005](#) §44 on 3/4/1991
Amended by Ord. [93-043](#) §19F on 8/25/1993
Amended by Ord. [2023-001](#) §16 on X/XX/2023

18.116.090 A Manufactured Home Or Recreational Vehicle As A Temporary Residence For Medical Condition

- A. Unless otherwise allowed pursuant to DCC 18.116.095(C), A-a temporary use permit for one manufactured home of any class or one recreational vehicle on a lot or parcel in addition to an existing dwelling may be granted when a medical condition exists. In the Exclusive Farm Use and

Forest zones only, an existing building may be used as a temporary dwelling. For the purposes of this section, "existing" means the building was in existence on or before March 29, 2017.

- B. The person with a medical condition must be either one of the property owners or a relative of one of the property owners.
- C. For the purposes of this section, a relative is defined as a grandparent, step-grandparent, grandchild, parent, step-parent, child, step-child, brother, sister, sibling, step-sibling, either blood or legal relationship, niece, nephew, uncle, aunt or first cousin.
- D. Such medical condition must be verified by a doctor's written statement, which shall accompany the permit application.
- E. The temporary use permit shall be reviewed annually for compliance with the terms of DCC 18.116.090.
- F. The manufactured home shall be removed or the recreational vehicle shall be vacated, and disconnected from any electric, water or sewer facility connection for which a permit has been issued not later than 90 days following the date the medical condition requiring the temporary use permit ceases to exist. In the Exclusive Farm Use and Forest zones the existing building will be converted to a permitted non-residential use within 90 days following the date the medical condition requiring the temporary use permit ceases to exist.
- G. If a recreational vehicle is used as a medical hardship dwelling, it shall have a bathroom, and shall meet the minimum setbacks for the zone in which it is located.
- H. The applicant shall obtain all necessary permits from the County Building and Environmental Health Divisions prior to initiating the use.
- I. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
- H.J. As identified in this section, a single recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.

HISTORY

- Adopted by Ord. [PL-15](#) on 11/1/1979*
- Amended by Ord. [89-004](#) §5 on 3/24/1989*
- Amended by Ord. [91-005](#) §45 on 3/4/1991*
- Amended by Ord. [2008-022](#) §2 on 11/10/2008*
- Amended by Ord. [2012-007](#) §5 on 5/2/2012*
- Amended by Ord. [2017-001](#) §1 on 2/27/2017*
- Amended by Ord. [2023-001](#) §16 on X/XX/2023*

[18.116.095 Recreational Vehicle As A ~~Temporary~~ Residence On An Individual Lot](#)

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel in a manufactured dwelling park, mobile home park or recreational vehicle park, consistent with ORS 197.493(1), provided that:

- 1. The recreational vehicle is occupied as a residential dwelling; and
- 2. The recreational vehicle is lawfully connected to water and electrical supply systems and a sewage disposal system.

~~A-B.~~ A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling unit and not within in a manufactured dwelling park, mobile home park or recreational vehicle park and used as a temporary dwelling unit.~~A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling and used as a temporary dwelling unit:~~

- 1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
- 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.

~~C.~~ A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel containing a manufactured dwelling or single-family dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:

- 1. The dwelling has been repaired or replaced and an occupancy permit has been issued;
- 2. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
- 2-3. Twenty-four months after the date the dwelling first became uninhabitable.

~~B-D.~~ All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.

~~C-E.~~ A permit shall be obtained from the Deschutes County Environmental Health Division before disposing any wastewater or sewage on-site.

~~D-F.~~ A recreational vehicle used as a residential dwelling unit or temporary dwelling unit shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.

~~G.~~ A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.

~~E-H.~~ As identified in this section, a single recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.

HISTORY

Amended by Ord. [91-038](#) §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-062](#) §1 on 12/9/1998

Amended by Ord. [2007-019](#) §4 on 9/28/2007

Amended by Ord. [2023-001](#) §16 on X/XX/2023

CHAPTER 18.124 SITE PLAN REVIEW[18.124.010 Purpose](#)[18.124.020 Elements Of Site Plan](#)[18.124.030 Approval Required](#)[18.124.040 Contents And Procedure](#)[18.124.050 Decision On Site Plan](#)[18.124.060 Approval Criteria](#)[18.124.070 Required Minimum Standards](#)[18.124.080 Other Conditions](#)[18.124.090 Right Of Way Improvement Standards](#)**18.124.030 Approval Required**

- A. No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to DCC 18.124.030, nor shall such a use be commenced, enlarged, altered or changed until a final site plan is approved according to DCC Title 22, the Uniform Development Procedures Ordinance.
- B. The provisions of DCC 18.124.030 shall apply to the following:
 - 1. All conditional use permits where a site plan is a condition of approval;
 - 2. Multiple-family dwellings with more than three units;
 - 3. All commercial uses that require parking facilities;
 - 4. All industrial uses;
 - 5. All other uses that serve the general public or that otherwise require parking facilities, including, but not limited to, ~~landfills~~ land disposal sites, schools, utility facilities, religious institutions or assemblies, community buildings, cemeteries, mausoleums, crematories, airports, parks and recreation facilities and livestock sales yards; and
 - 6. As specified for Flood Plain Zones (FP) and Surface Mining Impact Area Combining Zones (SMIA).
 - 7. Non-commercial wind energy system generating greater than 15 to 100 kW of electricity.
- C. The provisions of DCC 18.124.030 shall not apply to uses involving the stabling and training of equine in the EFU zone, noncommercial stables and horse events not requiring a conditional use permit.
- D. Noncompliance with a final approved site plan shall be a zoning ordinance violation.
- E. As a condition of approval of any action not included in DCC 18.124.030(B), the Planning Director or Hearings Body may require site plan approval prior to the issuance of any permits.

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [86-032](#) §1 on 4/2/1986
Amended by Ord. [91-020](#) §1 on 5/29/1991
Amended by Ord. [91-038](#) §1 on 9/30/1991
Amended by Ord. [94-008](#) §14 on 6/8/1994
Amended by Ord. [2003-034](#) §2 on 10/29/2003
Amended by Ord. [2011-009](#) §1 on 10/17/2011
Repealed by Ord. [2018-005](#) §14 on 10/10/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2020-001](#) §15 on 4/21/2020
Amended by Ord. [2023-001](#) §17 on X/XX/2023

CHAPTER 22.04 INTRODUCTION AND DEFINITIONS

22.04.010 Introduction And Application

22.04.020 Definitions

22.04.030 Definition-120-Day (Repealed)

22.04.040 Verifying Lots Of Record

22.04.040 Verifying Lots Of Record

- A. Purpose; scope. Concurrent with or prior to the issuance of certain permits, a lot or parcel shall be verified pursuant to this section to reasonably ensure compliance with the zoning and land division laws in effect on the date the lot or parcel was created. Not all permits require verification. If required, verifying that the lot or parcel was lawfully created is a threshold issue that should be addressed before the permit may be issued, but does not supersede or nullify other permit requirements. This section 22.04.040 provides an applicant the option to concurrently verify a lot or parcel as part of applying for a permit that requires verification, or preliminarily apply for a declaratory ruling to thereby determine the scope of available permits.
- B. Permits Requiring Verification.
1. Unless an exception applies pursuant to subsection (B)(2) below, verifying a lot or parcel pursuant to subsection (C) shall be required prior to the issuance of the following permits:
 - a. Any land use permit for a unit of land in the Exclusive Farm Use Zones (DCC Chapter 18.16), Forest Use Zone – F1 (DCC Chapter 18.36), or Forest Use Zone – F2 (DCC Chapter 18.40);
 - b. Any permit for a lot or parcel that includes wetlands as shown on the Statewide Wetlands Inventory;
 - c. Any permit for a lot or parcel subject to wildlife habitat special assessment;
 - d. In all zones, a land use permit relocating property lines that reduces in size a lot or parcel;
 - e. In all zones, a land use, structural, or non-emergency on-site sewage disposal system permit if the lot or parcel is smaller than the minimum area required in the applicable zone;
 2. Exceptions. Verification shall not be required if one of the following exceptions apply:
 - a. The lot or parcel was created by a subdivision plat, partition plat, condominium plat, or town plat so long as the plat was recorded and approved by the County, another political subdivision of the State of Oregon, or the State of Oregon;
 - b. The lot or parcel was previously validated by the County and an applicable partition plat was subsequently recorded within ~~90~~365 days as required by ORS 92.176(~~45~~);

- c. The lot or parcel was previously determined to be a lot of record in a formal decision issued by the County or a finding in a land use action prior to November 1, 2017;
- d. The lot or parcel was previously verified pursuant to subsection (C) and a finding was issued to that effect in a land use action or declaratory ruling; or
- e. For permits listed in subsection (B)(1)(e) only, the lot or parcel previously received a land use or building permit prior to November 1, 2017, a structural permit after November 1, 2017, or a non-emergency on-site sewage disposal permit.
- e.f. Notwithstanding DCC 22.04.040(B)(2)(b), if a unit of land has been validated by a city or county under ORS 92.176 before January 1, 2022, such unit of land becomes a lawfully established parcel, provided that the owner of the unit of land caused a partition plat to be recorded on or before December 31, 2022.

- C. Verified Lots of Record. Permits that require verification shall only be issued to lots or parcels that meet the “lot of record” definition in 18.04.030.
- D. Findings; Declaratory Ruling. If an applicant is applying for a land use permit listed in subsection (B)(1), the County shall include a finding verifying that the lot or parcel meets the “lot of record” definition in 18.04.030, a finding noting that the lot or parcel does not meet the “lot of record” definition in 18.04.030, or a finding noting that verification was not required because the lot or parcel qualified for an exception pursuant to subsection (B)(2). If an applicant is applying for a permit listed in subsection (B)(1) that does not require public notice, or prior to applying for any permit, an applicant may request a declaratory ruling pursuant to DCC Chapter 22.40. If the lot or parcel meets the “lot of record” definition in 18.04.030, the County shall issue the declaratory ruling determining that the lot or parcel qualifies for all permits listed in subsection (B)(1). If the lot or parcel does not meet the “lot of record” definition in 18.04.030, the County shall not issue the declaratory ruling and instead shall provide the applicant information on permit options that do not require verification and information on verification exceptions that may apply pursuant to subsections (B)(2).

HISTORY

Adopted by Ord. [2017-015](#) §3 on 11/1/2017

[Amended by Ord. 2023-001 §18 on X/XX/2023](#)

TITLE 23 COMPREHENSIVE PLAN

CHAPTER 23.01 COMPREHENSIVE PLAN

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. [Repealed by Ordinance 2013-001, §1]
- D. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-005, are incorporated by reference herein.
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.

- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.
- R. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-018, are incorporated by reference herein.
- S. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-010, are incorporated by reference herein.
- T. [Repealed by Ordinance 2016-027 §1]
- U. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-022, are incorporated by reference herein.
- V. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-005, are incorporated by reference herein.
- W. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-027, are incorporated by reference herein.
- X. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-029, are incorporated by reference herein.
- Y. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2017-007, are incorporated by reference herein.
- Z. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-002, are incorporated by reference herein.
- AA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-006, are incorporated by reference herein.
- AB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-011, are incorporated by reference herein.
- AC. [repealed by Ord. 2019-010 §1, 2019]
- AD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-008, are incorporated by reference herein.
- AE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-002, are incorporated by reference herein.
- AF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-001, are incorporated by reference herein.
- AG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-003, are incorporated by reference herein.
- AH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-004, are incorporated by reference herein.

AI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-011, are incorporated by reference herein.

AJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-006, are incorporated by reference herein.

AK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-019, are incorporated by reference herein.

AL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-016, are incorporated by reference herein.

AM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-001, are incorporated by reference herein.

AN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-002, are incorporated by reference herein.

AO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-003, are incorporated by reference herein.

AP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-008, are incorporated by reference herein.

AQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.

AR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-006, are incorporated by reference herein.

AS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-009, are incorporated by reference herein.

AT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-013, are incorporated by reference herein.

AU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-002, are incorporated by reference herein.

AV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-005, are incorporated by reference herein.

AW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-008, are incorporated by reference herein.

AX. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-001, are incorporated by reference herein.

AY. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-003, are incorporated by reference herein.

AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.

BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/complan>)

HISTORY

- Amended by Ord. [2011-027](#) §10 on 11/9/2011*
- Adopted by Ord. [2011-003](#) §2 on 11/9/2011*
- Amended by Ord. [2011-017](#) §5 on 11/30/2011*
- Amended by Ord. [2012-012](#) §1, 2, 3, 4 on 8/20/2012*
- Amended by Ord. [2012-005](#) §1 on 11/19/2012*
- Amended by Ord. [2013-002](#) §1 on 1/7/2013*
- Repealed by Ord. [2013-001](#) §1 on 1/7/2013*
- Amended by Ord. [2013-005](#) §1 on 1/23/2013*
- Amended by Ord. [2012-016](#) §1 on 3/4/2013*
- Amended by Ord. [2013-009](#) §1 on 5/8/2013*
- Amended by Ord. [2013-012](#) §1 on 8/8/2013*
- Amended by Ord. [2013-007](#) §1 on 8/28/2013*
- Amended by Ord. [2014-005](#) §2 on 2/26/2014*
- Amended by Ord. [2014-006](#) §2 on 3/15/2014*
- Amended by Ord. [2014-012](#) §1 on 8/6/2014*
- Amended by Ord. [2014-021](#) §1 on 11/26/2014*
- Amended by Ord. [2015-029](#) §1 on 11/30/2015*
- Amended by Ord. [2015-010](#) §1 on 12/21/2015*
- Amended by Ord. [2015-021](#) §1 on 2/22/2016*
- Amended by Ord. [2015-018](#) §1 on 3/28/2016*
- Amended by Ord. [2016-001](#) §1 on 4/5/2016*
- Amended by Ord. [2016-022](#) §1 on 9/28/2016*
- Repealed & Reenacted by Ord. [2016-027](#) §1, 2 on 12/28/2016*
- Amended by Ord. [2016-005](#) §1 on 2/27/2017*
- Amended by Ord. [2016-029](#) §1 on 3/28/2017*
- Amended by Ord. [2017-007](#) §1 on 11/1/2017*
- Amended by Ord. [2018-002](#) §1 on 1/25/2018*
- Amended by Ord. [2018-005](#) §2 on 10/10/2018*
- Amended by Ord. [2018-008](#) §1 on 10/26/2018*
- Amended by Ord. [2018-008](#) §1 on 10/26/2018*
- Amended by Ord. [2018-008](#) §1 on 10/26/2018*
- Amended by Ord. [2018-006](#) §1 on 11/20/2018*
- Amended by Ord. [2018-011](#) §1 on 12/11/2018*
- Amended by Ord. [2019-004](#) §1 on 3/14/2019*
- Amended by Ord. [2019-003](#) §1 on 3/14/2019*

Amended by Ord. [2019-002](#) §1 on 4/2/2019
Amended by Ord. [2019-001](#) §1 on 4/16/2019
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2019-011](#) §1 on 5/17/2019
Amended by Ord. [2019-006](#) §1 on 6/11/2019
Amended by Ord. [2019-019](#) §2 on 12/11/2019
Amended by Ord. [2020-001](#) §26 on 4/21/2020
Amended by Ord. [2020-003](#) §1 on 5/26/2020
Amended by Ord. [2020-002](#) §1 on 5/26/2020
Amended by Ord. [2020-008](#) §5 on 9/22/2020
Amended by Ord. [2020-007](#) §1 on 10/27/2020
Amended by Ord. [2020-006](#) §1 on 11/10/2020
Amended by Ord. [2020-009](#) §4 on 11/17/2020
Amended by Ord. [2020-013](#) §1 on 11/24/2020
Amended by Ord. [2021-002](#) §3 on 4/27/2021
Amended by Ord. [2021-005](#) §1 on 6/16/2021
Amended by Ord. [2021-008](#) §1 on 6/30/2021
Amended by Ord. [2022-001](#) §2 on 7/12/2022
Amended by Ord. [2022-003](#) §2 on 7/19/2022
Amended by Ord. [2022-006](#) §2 on 7/22/2022
Amended by Ord. [2023-001](#) §19 on X/XX/2023



Chapter 5

Supplemental



Sections

Section 5.9 Goal 5 Inventory Cultural and Historic Resources

Background

This section lists Locally Significant Historic Resources and National Register Resources in rural Deschutes County. These inventories are acknowledged by the Department of Land Conservation and Development. In 2020, Deschutes County's inventories were updated to comply with Oregon Administrative Rule (OAR) 660-023-0200, Historic Resources. OAR 660-023-0200 was amended in 2017.

Locally Significant Historic Resources

1. Alfalfa Grange: Grange building and community center, built in 1930, located on Willard Road, Alfalfa. 17-14-26 TL 400.
2. Allen Ranch Cemetery: Oldest cemetery in Deschutes County. 30' by 40' fenced cemetery plot. Situated 100 yards west of South Century Drive, one-half mile south of Road 42. Two marble gravestones, two wooden markers. 20-11-7 TL 1700.
3. Fall River Fish Hatchery "Ice House": The hatchery "Ice House" dates from the beginning of fishery management in Oregon, circa 1920. It is an 18 foot by 18 foot improvement, the only original building remaining on the property, and the only significant building or structure on the site. Located at 15055 S. Century Drive, E $\frac{1}{2}$; NE $\frac{1}{4}$; Section 32, Township 20S, Range 10 E, Tax Lot 100. (Ordinance 94-006 §1, 1994).
4. Long Hollow Ranch – Black Butte: Headquarters complex of historic ranch, located on Holmes Road in Lower Bridge area, including headquarters house, ranch commissary, equipment shed, barn and bunkhouse. 14-11-1 TL 101.
5. Swamp Ranch – Black Butte: The present day site of the Black Butte Ranch was part of the vast holdings of the Black Butte Land and Livestock Company in 1904. No buildings from the period exist. 14-9-10A, 10B, 15B, 15C, 16A, 21A, 21B, 21C, 22A, 22B.
6. Brothers School: Only one-room schoolhouse currently in use in Deschutes County, located on Highway 20 in Brothers. 20-18-00 TL 3200.
7. Bull Creek Dam: The Bull Creek Dam, a component of the Tumalo Irrigation Project was constructed in 1914 to form a water storage reservoir to increase the amount of irrigated acreage at Tumalo. It is a gravity type of overflow dam. Two cut off walls are extended into solid formation, one at the upper toe and the other at the lower toes of the concrete dam. The dam proper is about 17 feet high from the foundation, although the completed structure is about 25 feet. Located on Tumalo Reservoir-Market Road. 16-11-33 TL 2700 SW- $\frac{1}{4}$; SW- $\frac{1}{4}$.
8. Bull Creek Dam Bridge (Tumalo Irrigation Ditch Bridge): Built in 1914, the bridge, which spans the dam, consists of five continuous filled spandrel, barrel-type concrete deck arch spans, each 25 feet long. The concrete piers are keyed into notches in the arch structure. The structure is the oldest bridge in Deschutes County. On Tumalo Reserve-market Road. 16-11-33 TL 2700/ SW- $\frac{1}{4}$; SW- $\frac{1}{4}$.

9. Camp Abbot Site, Officers' Club: Officers' Club for former military camp, currently identified as Great Hall in Sunriver and used as a meeting hall. 20-11-5B TL 112.
10. Camp Polk Cemetery: One of the last remaining pioneer cemeteries, located off Camp Polk Road near Sisters. The site is composed of a tract of land, including gravestones and memorials, containing 2.112 acres in the Southwest Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 10 E.W.M., TL 2100, described as follows: Beginning at a point North 20 degrees 06' 20" West 751 feet from the corner common to Sections 26, 27, 34 and 35 in Township 14 South Range 10 E.W.M. and running thence South 88 degrees 30' West 460 feet; thence North 1 degree 30' East 460 feet; thence South 1 degree 30' 200 feet to the point of beginning.
11. Camp Polk Military Post Site: One of the oldest military sites in Deschutes County. Located on Camp Polk Cemetery Road. Site includes entire tax lots, listed as follows 14-10-00 TL 2805 & 14-10-34 TL 100, 300.
12. Cloverdale School: School building in Cloverdale, located near 68515 George Cyrus Road. First building built in Cloverdale. 15-11-7 TL 600.
13. Eastern Star Grange: Grange hall for earliest grange organized in Deschutes County, located at 62850 Powell Butte Road. 17-13-19 TL 1900.
14. Enoch Cyrus Homestead Hay Station and Blacksmith Shop: The Enoch Cyrus Homestead was the original homestead of Oscar Maxwell, built in 1892 and purchased in 1900 by Enoch Cyrus. Important stage/store stop for early travelers. The homestead house, including a back porch and cistern, and the Blacksmith Shop are designated. 15-11-10 TL 700.
15. Fremont Meadow: A small natural meadow on Tumalo Creek in Section 34, Township 17 South, Range 11 East, lying within Shevlin Park. TL 5900. Campsite for 1843 Fremont expedition. 17-11-34 TL 5900.
16. Harper School: One-room schoolhouse, located west of South Century Drive, south of Sunriver, moved halfway between the Allen Ranch and the Vandever Ranch from the former townsite of Harper. 20-11-17 TL 1200.
17. Improved Order of Redmond Cemetery: Historic cemetery used by residents of La Pine/Rosland area. Located on Forest Road 4270, east of Highway 97. A 40-acre parcel described as: The Southwest one-quarter of the Southeast one-quarter (SW-1/4; SE-1/4) Section 7, Township 22 south, Range 11, East of the Willamette Meridian, Deschutes County, Oregon.
18. Laidlaw Bank and Trust: One of the few remaining commercial buildings from the community of Laidlaw, located at 64697 Cook Avenue, Tumalo. 16-12-31A TL 2900.
19. La Pine Commercial Club: Building was built in 1912 as a community center, serving as a regular meeting place for civic organizations and occasionally served as a church. One of the oldest and continuously used buildings in La Pine. Located at 51518 Morrison Street, La Pine. 22-10-15AA TL 4600.
20. Lynch and Roberts Store Advertisement: Ad advertising sign painted on a soft volcanic ash surface. Only area example of early advertising on natural material. Lynch and Roberts

- established mercantile in Redmond in 1913. Roberts Field near Redmond was named for J. R. Roberts. Site includes the bluff. 14-12-00 TL ~~150~~1505.
21. Maston Cemetery: One of the oldest cemeteries in County. Oldest grave marker is 1901. About one-half mile from site of Maston Sawmill and Homestead. Site includes the gravestones and memorials and the entire tax lot, identified as 22-09-00 TL 1800.
 22. George Millican Ranch and Mill Site: Ranch established in 1886. Well dug at or near that date. Remains of vast cattle ranching empire. 19-15-33 TLs 100, 300.
 23. George Millican Townsite: Town established 1913. Site includes store and garage buildings, which retain none of the architectural integrity from era. 19-15-33 TL 500.
 24. Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. A residence house and museum are part of the site. The site has been a tourist attraction for over 60 years. Located at 7930 SW 77th, Redmond. Site includes entire tax lot. 16-12-11 TL 400.
 25. Pickett's Island: After originally settling in Crook County, Marsh Awbrey moved to Bend and then homesteaded on this island in the Deschutes River south of Tumalo. The site was an early ford for pioneers. Located in Deschutes River near Tumalo State Park. 17-12-6 NE- $\frac{1}{4}$ TL 100. Portion between Deschutes River and Old Bend Road is designated.
 26. Rease (Paulina Prairie) Cemetery: Historic cemetery on Elizabeth Victoria Castle Rease and Denison Rease's homestead. Earliest known grave is of their son, George Guy Rease, born in 1879, who was also a homesteader on Paulina Prairie. George Guy Rease died of smallpox on the Caldwell Ranch on May 2, 1903. Other known burials are William Henry Caldwell, 1841-October 15, 1910, died on the Caldwell Ranch of injuries sustained on a cattle drive; Melvin Raper, 1892-1914, died in a tent of tuberculosis; Addie Laura Caldwell, 1909-November 16, 1918, died of the Spanish influenza epidemic; and Emma Nimtze Deedon, 1886-April 15, 1915, died of complications from a pregnancy. There are several unmarked graves. The cemetery is a county-owned one-acre parcel on the north edge of Paulina Prairie, two miles east of Highway 97. 210-11-29, SE- $\frac{1}{4}$; NW- $\frac{1}{4}$ TL 99.
 27. Terrebonne Ladies Pioneer Club: The Club was organized in 1910. The building has been a community-meeting place since 1911. Located at 8334 11th Street, Terrebonne. 14-13-16DC TL 700.
 28. Tetherow House and Crossing: Site is an excellent example of an early Deschutes River crossing. Major route from Santiam Wagon Road to Prineville. Tetherow House was built in 1878. The Tetherows operated a toll bridge, store and livery stable for travelers. Oldest house in County. Site includes house and entire tax lot. 14-12-36A TL 4500.
 29. Tumalo Creek – Diversion Dam The original headgate and diversion dam for the feed canal was constructed in 1914. The feed canal's purpose was to convey water from Tumalo Creek to the reservoir. The original headworks were replaced and the original 94.2 ft low overflow weir dam was partially removed in 2009/2010 to accommodate a new fish screen and fish ladder. The remaining original structure is a 90 foot (crest length) section of dam of reinforced concrete. Tax Map 17-11-23, Tax Lot 800 & 1600.

30. Tumalo Community Church: The building is the oldest church in the County, built in 1905. It stands in the former town of Laidlaw, laid out in 1904. Located at 64671 Bruce Avenue, Tumalo. 16-12-31A TL 3900.
31. Tumalo Project Dam: Concrete core, earth-filled dam 75 feet high. First project by State of Oregon to use State monies for reclamation project. On Tumalo Creek. 16-11-29.
32. William P. Vandeventer Ranch Homestead House: The Vandeventer Ranch House stands on the east bank of the Little Deschutes River at 17600 Vandeventer Road near Sunriver. The homestead was established in 1892, and has been recently relocated and renovated. Vandeventer family history in the area spans 100 years. 20-11-18D TL 13800.
33. Kathryn Grace Clark Vandeventer Grave: Kathryn Grace Vandeventer, daughter of William P. Vandeventer, died of influenza during the epidemic of 1918. Her grave is located across a pasture due south of the Vandeventer House, 50 feet east of the Little Deschutes River. Site includes gravestone and fenced gravesite measuring is approximately 15 feet by 25 feet. 20-11-00 TL 1900.
34. Young School: Built in 1928, it is an excellent example of a rural “one-room” school which served homesteaders of the 1920s. Located on Butler Market Road. 17-13-19 TL 400.
35. Agnes Mae Allen Sottong and Henry J. Sottong House and Barn: House and barn are constructed with lumber milled on the property in a portable sawmill run by the Pine Forest Lumber Company in 1911. Henry was awarded homestead patent 7364 issued at The Dalles on Dec 1, 1904. Henry was president of the Mountain States Fox Farm. A flume on the Arnold Irrigation District is named the Sottong Flume. The structures are also associated with William Kuhn, a president of the Arnold Irrigation District; Edward and Margaret Uffelman, who were part of the group that privatized and developed the Hoo Doo Ski Resort; and Frank Rust Gilchrist, son of the founder of the town of Gilchrist and Gilchrist Mill and president of the Gilchrist Timber Company from the time of his father’s death in 1956 to 1988. Frank R. Gilchrist served on the Oregon Board of Forestry under four governors and was appointed by the governors to serve as a member of the Oregon Parks and Recreation Advisory Committee. He served on the Oregon State University’s Forest Products Research Lab and was a director and president of the National Forest Products Association. T18 R12 Section 22, 00 Tax lot 01600.

Inventory note: Unless otherwise indicated the inventoried site includes only the designated structure. No impact areas have been designated for any inventoried site or structure.

National Register Resources listed before February 23, 2017

36. Pilot Butte Canal: A gravity-flow irrigation canal constructed in 1904 that diverts 400 cubic feet of Deschutes River water per second. The canal conveys water through a 225-mile-long distribution system of successively narrower and shallower laterals and ditches on its way to those who hold water rights, serving about 20,711 acres by 1922. The canal was built in an area that had a population of 81 people when it was constructed. The historic district measures 7,435 feet long and encompasses 50 feet on either side of the canal centerline to create a 100-foot corridor. The district has a character-defining rocky, uneven bed, and highly irregular slopes, angles, cuts, and embankments.

37. Elk Lake Guard Station: A wagon road built in 1920 between Elk Lake and Bend sparked a wave of tourism around the scenic waterfront. To protect natural resources of the Deschutes National Forest and provide visitor information to guests, the Elk Lake Guard Station was constructed in 1929 to house a forest guard.
 38. Deedon (Ed and Genvieve) Homestead: The homestead is located between the Deschutes River and the Little Deschutes River. All of the buildings were constructed between 1914 and 1915.
 39. Gerking, Jonathan N.B. Homestead: Jonathan N.B. Gerking, "Father of the Tumalo Irrigation Project," played a crucial role in getting the project recognized and funded.
 40. McKenzie Highway: The McKenzie Salt Springs and Deschutes Wagon Road, a predecessor to the modern McKenzie Highway, was constructed in the 1860s and 1870s.
 41. Paulina Lake Guard Station: The station typifies the construction projects undertaken by the Civilian Conservation Corps and signifies the aid to the local community provided by the emergency work-relief program through employment of youth and experienced craftsmen, purchase of building materials and camp supplies, and personal expenditures of enrollees.
 42. Paulina Lake I.O.O.F Organization Camp: The Paulina Lake I.O.O.F. Organization camp was constructed during the depression era and are the result of cooperative efforts by nonprofessional builders. Such camp buildings are important in Oregon's recreational history as an unusual expression of both its rustic style and its vernacular traditions.
 43. Petersen Rock Gardens: The Petersen Rock Gardens consist of stone replicas and structures erected by Rasmus Petersen. The site has been a tourist attraction for over 60 years.
 44. Rock O' the Range Bridge: Rock O' The Range is the only covered span east of the Cascades in Oregon. To gain access to his property, William Bowen instructed Maurice Olson – a local contractor – to build a bridge inspired by Lane County's Goodpasture Bridge.
 45. Skyliners Lodge: The Skyliners are a Bend-based mountaineering club organized in 1927. In 1935, the group started building the Skyliners Lodge with help from the Deschutes National Forest, the Economic Recovery Act and the City of Bend.
 46. Santiam Wagon Road: The Santiam Wagon Road went from Sweet Home to Cache Creek Toll Station. The road was conceived of in 1859 to create a route across the Cascades. By the 1890s, the road had become a major trade route.
 47. Wilson, William T.E. Homestead: This homestead house was built in 1903 and has an "American Foursquare" architectural style.
- National Register Resources listed on / after February 23, 2017
48. Central Oregon Canal: A gravity-flow irrigation canal constructed in 1905 and enlarged in 1907 and 1913. The canal retains its impressive historic open, trapezoidal shape, dimensions and characteristics. It is characterized by the volcanic rock flows, native materials, rocky bed and sides, and its hurried hand-hewn workmanship. The historic district is 3.4 miles long, crossing rural land between the Ward Road Bridge on the

western edge and the Gosney Road Bridge on the eastern edge. In the historic district, the canal ranges in width from 34' to 78', averaging around 50', and its depth varies from 1' to 9', averaging around 4' deep, depending on the amount of volcanic lava flows encountered, the terrain, and slope. The canal through the historic district carries nearly the full amount of water diverted from the Deschutes River, 530 cubic feet per second during the irrigation season, April through October. The historic district encompasses 50' on either side of the canal centerline to create a 100' corridor that includes the whole of the easement held by COID, and all the contributing resources. (Date listed: 03/18/

Section 5.12 Legislative History

Background

This section contains the legislative history of this Comprehensive Plan.

Table 5.12.1 Comprehensive Plan Ordinance History

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumalo and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County

2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.
2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.

2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal II to allow sewers in unincorporated lands in Southern Deschutes County
2016-005	11-28-16/2-16-17	23.01.010, 2.2, 3.3	Comprehensive Plan Amendment recognizing non-resource lands process allowed under State law to change EFU zoning
2016-022	9-28-16/11-14-16	23.01.010, 1.3, 4.2	Comprehensive plan Amendment, including certain property within City of Bend Urban Growth Boundary
2016-029	12-14-16/12/28/16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial
2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18/1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone

2018-006	8-22-18/11-20-18	23.01.010, 5.8, 5.9	Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources
2018-011	9-12-18/12-11-18	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-005	9-19-18/10-10-18	23.01.010, 2.5, Tumalo Community Plan, Newberry Country Plan	Comprehensive Plan Map Amendment, removing Flood Plain Comprehensive Plan Designation; Comprehensive Plan Amendment adding Flood Plain Combining Zone purpose statement.
2018-008	9-26-18/10-26-18	23.01.010, 3.4	Comprehensive Plan Amendment allowing for the potential of new properties to be designated as Rural Commercial or Rural Industrial
2019-002	1-2-19/4-2-19	23.01.010, 5.8	Comprehensive Plan Map Amendment changing designation of certain property from Surface Mining to Rural Residential Exception Area; Modifying Goal 5 Mineral and Aggregate Inventory; Modifying Non-Significant Mining Mineral and Aggregate Inventory
2019-001	1-16-19/4-16-19	1.3, 3.3, 4.2, 5.10, 23.01	Comprehensive Plan and Text Amendment to add a new zone to Title 19: Westside Transect Zone.

2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area I boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCD's 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.

2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-002	2-26-20/5-26-20	23.01.01, 4.2, 5.2	Comprehensive Plan Map Amendment to adjust the Redmond Urban Growth Boundary through an equal exchange of land to/from the Redmond UGB. The exchange property is being offered to better achieve land needs that were detailed in the 2012 SB 1544 by providing more development ready land within the Redmond UGB. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2020-003	02-26-20/05-26-20	23.01.01, 5.10	Comprehensive Plan Amendment with exception to Statewide Planning Goal II (Public Facilities and Services) to allow sewer on rural lands to serve the City of Bend Outback Water Facility.

2020-008	06-24-20/09-22-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add roundabouts at US 20/Cook-O.B. Riley and US 20/Old Bend-Redmond Hwy intersections; amend Tables 5.3.T1 and 5.3.T2 and amend TSP text.
2020-007	07-29-20/10-27-20	23.01.010, 2.6	Housekeeping Amendments correcting references to two Sage Grouse ordinances.
2020-006	08-12-20/11-10-20	23.01.01, 2.11, 5.9	Comprehensive Plan and Text amendments to update the County's Resource List and Historic Preservation Ordinance to comply with the State Historic Preservation Rule.
2020-009	08-19-20/11-17-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add reference to J turns on US 97 raised median between Bend and Redmond; delete language about disconnecting Vandevent Road from US 97.
2020-013	08-26-20/11/24/20	23.01.01, 5.8	Comprehensive Plan Text And Map Designation for Certain Properties from Surface Mine (SM) and Agriculture (AG) To Rural Residential Exception Area (RREA) and Remove Surface Mining Site 461 from the County's Goal 5 Inventory of Significant Mineral and Aggregate Resource Sites.
2021-002	01-27-21/04-27-21	23.01.01	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)

2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener's Error in Ord. 2020-022
2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-010	07-27-22/10-25-22	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
<u>2023-001</u>	<u>XX-XX-23/XX-XX-23</u>	<u>23.01.010, 5.9</u>	<u>Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource</u>



FINDINGS

HOUSEKEEPING TEXT AMENDMENTS

I. **APPLICABLE CRITERIA:**

Title 22, Deschutes County Development Procedures Ordinance

II. **BACKGROUND:**

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR), and allows for less substantive code changes to continue efficient County operations.

The last time Deschutes County adopted housekeeping amendments occurred in December 2021 and January 2022.¹

III. **BASIC FINDINGS:**

The Planning Division determined minor changes were necessary to clarify existing standards and procedural requirements, include less substantive code alterations, incorporate changes to state and federal law, and correct errors found in various sections of the Deschutes County Code (DCC). Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on December 2, 2022 (File no. 247-22-000922-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

IV. **FINDINGS:**

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

¹ Ordinances 2021-013 and 2021-014.

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

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission (Commission) on January 26, 2023 and a public hearing was held before the Board of County Commissioners (Board) on February 15, 2023.

Section 22.12.020, Notice

Notice

A. Published Notice

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

FINDING: This criterion is met as notice was published in *The Bulletin* newspaper on January 8, 2023 for the Commission public hearing and on February 4, 2023 for the Board public hearing.

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

FINDING: Posted notice was determined by the Planning Director not to be necessary.

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

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

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

FINDING: This criterion is met as the Commission held a public hearing on January 26, 2023. The Board held a public hearing on February 15, 2023.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-22-000922-TA will be implemented by ordinances upon approval and adoption by the Board.

V. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are detailed in the referenced ordinance with additional text identified by underline and deleted text by ~~striketrough~~. Below are summary explanations of the proposed changes.

Title 17, Subdivisions:

Chapter 17.24. FINAL PLAT

Section 17.24.060. Required Information - (See Exhibit A)

DCC 17.24.060(R)(3) states a signature line for the “County Environmental Health Director, unless the property is to be connected to a municipal sewer system” signifying their approval must be included on all subdivision or partition plats. However, in practice the actual review standard for final plats related to wastewater management is reviewed by the supervisor for the Deschutes County Environmental Soils Division. The proposed changes reflect the contemporary review and signature standards.

Title 18, County Zoning:

Chapter 18.04. TITLE, PURPOSE, AND DEFINITION - (See Exhibit B)

Section 18.04.030. Definitions

A previous set of housekeeping amendments² altered several terms related to solid waste disposal/recovery including “land disposal site,” “disposal site,” and “solid waste,” among others. These alterations were undertaken to align County definitions with ORS 459 which sets specific definitions for “disposal site” and “land disposal site.” To maintain consistency throughout the Deschutes County Code, several terms related to solid waste disposal/recovery are being amended to align with the ORS definitions of “disposal site” and “land disposal site.” Amended terms include: “Community service use,” “Public Use,” and “Utility facility.” In each of these cases, references to “landfills” or “sanitary landfills” are being replaced with the ORS derived term “land disposal sites.”

Chapter 18.16. EXCLUSIVE FARM USE ZONES - (See Exhibit C)

Section 18.16.070. Yards

A previous set of housekeeping amendments³ appears to have erroneously removed section 18.16.070(D), which contains language regarding setbacks from the north lot line as identified in section 18.116.180, otherwise known as solar setbacks. The drafter of the previous amendments appears to have added what would have been the new section 18.16.070(E), while unintentionally bracketing section 18.16.070(D) for deletion as is done in the rest of the ordinance. Staff notes that an internal copy of the County Code used for administrative purposes contains the following note:

Ord. 94-008 §16, 1994 NOTE: This ordinance inadvertently dropped the previous Section D in adding a new section E.

Staff understands the removal of the solar setback standards for DCC 18.16.070 was not the legislative intent of the Board of County Commissioners and further notes that the current pattern of practice for development within the Exclusive Farm Use Zone continues to acknowledge solar setback standards. The current amendment clarifies the legislative history for this chapter and continues to acknowledge that within the Exclusive Farm Use Zone setbacks from the north lot line shall meet the solar setback requirements in Section 18.116.180.

² Ordinance 2020-007

³ Ordinance 94-008

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA - (See Exhibit D)

Section 18.32.030. Conditional Uses Permitted

DCC 18.32.030(Q) references “Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, this section is being altered to state “A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.”

Chapter 18.36. FOREST USE ZONE; F-1 - (See Exhibit E)

Section 18.36.020. Uses Permitted Outright

DCC 18.36.020(C) references “Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.36.020 is governed by DCC 18.52.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by a reference to “land disposal sites.”

Chapter 18.40. FOREST USE ZONE; F-2 - (See Exhibit F)

Section 18.40.020. Uses Permitted Outright

DCC 18.40.020(C) references “Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities, subject to the Forest Practices Act (ORS Chapter 527) and Goal 4). Gravel extraction and processing not covered by DCC 18.40.020 is governed by DCC 18.52.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by a reference to “land disposal sites.”

Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C - (See Exhibit G)

Section 18.48.030. Conditional Uses Permitted

DCC 18.48.030(C) references “Utility facility except landfills.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by a reference to “land disposal sites.”

Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10 - (See Exhibit H)

Section 18.60.030. Conditional Uses Permitted

DCC 18.60.030(H) references “Landfills when a written tentative approval by the Department of Environmental Quality (DEQ) of the site is submitted with the conditional use application.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, this section is being altered to state “A disposal site which includes a land disposal site for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.”

Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE - (See Exhibit I)

Section 18.61.030. La Pine Planning Area

Section 18.61.040. Wickiup Junction Planning Area

DCC 18.61.030(A)(2)(c), 18.61.030(B)(3)(h), and 18.61.040(C)(10) all contain references to “Utility facility, except landfill.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the references to “landfill” are being replaced by references to “land disposal sites.”

Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE - (See Exhibit J)

Section 18.65.023. RSC; Open Space District

DCC 18.65.023(B)(4) references “Utility facility except landfills.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by a reference to “land disposal sites.”

Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D - (See Exhibit K)

Section 18.76.040. Conditional Uses

DCC 18.76.040(B) references “Utility facility necessary for public service except landfills.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by a reference to “land disposal sites.”

Chapter 18.80. AIRPORT SAFETY COMBINING ZONE; A-S - (See Exhibit L)

Section 18.80.026. Notice Of Land Use And Permit Applications

DCC 18.80.026(B)(4)(c) and 18.80 Table 1 - Land Use Compatibility contain references to “sanitary landfills.” To align with the amended definitions in DCC 18.04.030 and general conformance with

the standards of ORS 459, the references to “sanitary landfills” is being replaced by references to “land disposal sites.”

Chapter 18.96. FLOOD PLAIN ZONE; FP - (See Exhibit M)

Section 18.96.040. Conditional Uses Permitted

DCC 18.96.040(A) references “A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood subject to DCC 18.128.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfill” is being replaced by a reference to “land disposal site.”

Chapter 18.100. RURAL INDUSTRIAL ZONE; R-I - (See Exhibit N)

Section 18.100.020. Conditional Uses

DCC 18.100.020(L) references “Public Landfill Disposal Site Transfer Station, including recycling and other related activities.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “Landfill” is being replaced by a reference to “Land Disposal Site.”

Chapter 18.108. URBAN UNINCOPORATED COMMUNITY ZONE; SUNRIVER - (See Exhibit O)

Section 18.108.160. Airport District; A District

Section 18.108.180. Forest District; F District

DCC 18.108.160(B)(2) and 18.108.180(A)(3) reference “landfills.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by references to “land disposal sites.”

Chapter 18.116. SUPPLEMENTARY PROVISIONS - (See Exhibit P)

Section 18.116.080. Manufactured Home Or RV As A Temporary Residence On An Individual Lot

Section 18.116.090. A Manufactured Home Or Recreational Vehicle As A Temporary Residence For Medical Condition

Section 18.116.095. Recreational Vehicle As A Temporary Residence On An Individual Lot

In conformance with House Bill 2809 and ORS 197.493, the amendment notes that a state agency or local government is prohibited from disallowing the use of a recreational vehicle as a residential dwelling on a lot with a manufactured or single-family dwelling damaged by natural disasters until no later than the date the dwelling has received an occupancy permit, the local government

determines the owner is unreasonably delaying repairs, or 24 months after the dwelling was deemed uninhabitable. The proposed amendments add a new subsection, DCC 18.116.095(C), outlining the standards of House Bill 2809 and ORS 197.493. Additional edits remove inconsistent or conflicting language from other sections of DCC 18.116 dealing with recreational vehicles being utilized for residential dwellings.

Chapter 18.124. SITE PLAN REVIEW - (See Exhibit Q)

Section 18.124.030. Approval Required

DCC 18.124.030(B)(5) references “landfills.” To align with the amended definitions in DCC 18.04.030 and general conformance with the standards of ORS 459, the reference to “landfills” is being replaced by a reference to “land disposal sites.”

Title 22, DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE:

Chapter 22.04. INTRODUCTION AND DEFINITIONS - (See Exhibit R)

Section 22.04.040. Verifying Lots Of Record

In conformance with House Bill 2884 and ORS 92.176, the amendment notes that a unit of land becomes a lawfully established parcel when the county or city validates the unit of land, and the owner records the partition plat within 365 days. The amendment alters DCC 22.04.040(B)(2)(b) to extend the time for a property owner to record the partition plat from 90 to 365 days and adds a new subsection, DCC 22.04.040(B)(2)(f), which allows all existing validated permits to become lawfully established parcels if recorded by December 31, 2022.

DESCHUTES COUNTY COMPREHENSIVE PLAN:

Chapter 5. SUPPLEMENTAL SECTIONS - (See Exhibit S)

Section 5.9 Goal 5 Inventory - Cultural and Historic Resources

One of the identified Cultural and Historic Resource sites in the Deschutes County Goal 5 inventory, the Lynch and Roberts Store Advertisement, is currently identified as being located on the incorrect taxlot. The proposed amendments alter the designated Goal 5 resource list to identify the correct site for the Lynch and Roberts Store Advertisement. The correct site for the Lynch and Roberts Store Advertisement is Deschutes County Map 14-12-00, Taxlot 1505.

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments that make minor changes necessary to clarify existing standards and procedural requirements, incorporate changes to state and federal law, and to correct errors in the Deschutes County Code.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 13, 2023

SUBJECT: Briefing on a request to terminate an Improvement Agreement specific to a neighboring property of the Windhaven Park Phase 1 subdivision in Redmond

BACKGROUND AND POLICY IMPLICATIONS:

Staff will provide background to the Board of County Commissioners to consider the proposed Improvement Agreement Termination (file nos. 247-22-000544-IA).

BUDGET IMPACTS:

None

ATTENDANCE:

Nathaniel Miller – Associate Planner
Jacob Ripper – Principal Planner



COMMUNITY DEVELOPMENT

MEMORANDUM

To: Board of County Commissioners

From: Nathaniel Miller, Associate Planner

Date: February 13, 2023

Re: Work Session Item and Briefing - Request for an Improvement Agreement termination specific to a neighboring property of the Windhaven Park Phase 1 subdivision (Deschutes County File No. 247-22-000544-IA).

Subject Property

The property is identified as 1950 NE 2nd Street, Redmond and is further identified on County Assessor's Map 15-13-03CC as tax lot 200.

Background

The applicant requests the termination of the Improvement Agreement associated with the Windhaven Park Phase 1 subdivision specific to the subject property. At the time of the subdivision approval in 1996, the properties were within Deschutes County jurisdiction. The property, and the Windhaven Park Phase 1 subdivision, are now within the City of Redmond.

During the review, (land use file No. TP-96-864), the property was a part of a larger unit of land in which areas were subdivided. The subdivision approval included an Improvement Agreement for infrastructure development as a condition of approval. The improvements were completed and the improvement bond was released on June 27, 2019. The platted lots in the subdivision are now separate and geographically distinct, however, the legal association with the Improvement Agreement remains with the subject property.

The Improvement Agreement continues to encumber the property as there was no termination clause embedded within the contract. The owner has applied for an Improvement Agreement as the permit process by which the termination can be presented to the Board of County Commissioners and lawfully removed from the title of the property.

*Enclosures: Improvement Agreement for TP-96-864
Request for Termination of Improvement Agreement
Location Map
Recorded Release from the City of Redmond*

96-46580

REVIEWED
LEGAL COUNSEL

02/13/2023 Item #3.

432 - 2477

IMPROVEMENT AGREEMENT

This Agreement, relating to the installation of required improvements to be constructed as required in the conditions of approval of TP-96-864 hereinafter referred to as "Subdivision," made and entered into this 19th day of December, 1996, by and between DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon, hereinafter referred to as "County"; and Windance Development, Inc., an Oregon corporation, hereinafter referred to as "Developer,"

WITNESSETH:

WHEREAS, Developer is the subdivider of Subdivision; and

WHEREAS, the improvements within and required by the Subdivision have not been completed; and

WHEREAS, Developer intends to file a final subdivision plat prior to the completion of the required improvements; and

WHEREAS, Deschutes County Code Section 17.24.120 provides that Developer may, in lieu of completing required improvements prior to filing the final plat, enter into an agreement with the County for the completion of the required improvements and provide a good and sufficient form of security, consistent with Deschutes County Code Section 17.24.130, to provide for the completion of the required improvements; now, therefore,

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES above mentioned, for and in consideration of the mutual promises hereinafter stated, as follows:

- 1. The real property subject to this Agreement is described as:

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Three (3), Township Fifteen (15) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the Oregon Trunk Railway.

EXCEPTING THEREFROM a tract of land in the Southwest corner of said described premises, bounded as follows: Beginning at the Southwest Corner of said Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4); thence running North along the section line, a distance of 44 rods; thence Southeasterly in a straight line to a point on the South line of said Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), which point is 11 rods East of the point of beginning, thence West to the point of beginning. ALSO EXCEPTING the South five (5) feet deeded to Deschutes County, March 2 That portion of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Three (3), Township Fifteen (15) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the

AFTER RECEIVING, RETURN TO:
WINDANCE DEVELOPMENT, INC.
175 S.E. WINDANCE COURT
BEND, OREGON 97702

Oregon Trunk Railway. March 23, 1979, in Book 295, Page 600, Deed Records of Deschutes County, Oregon ALSO EXCEPTING the North Canal Blvd.

2. Developer shall install and complete all improvements described in Exhibit "A", attached hereto and by this reference incorporated herein as required by Conditions of Approval for File #TP-96-864 on or before 19 December, 1997. Additionally, Developer shall repair all existing and constructed facilities, within and without the subdivision, damaged during any such installation, on or before 19 December, 1997.
3. If the improvements required under Section 2 herein are not completed by the completion date established by Section 2 herein, County may contract to have the required improvements installed and completed, and call upon Developer's security and any assets of Developer to recover from Developer the full cost and expense of completing said required improvements, together with court costs and attorney's fees necessary to collect said amounts.
4. Developer shall restore any monument erected or used for the purpose of designating a survey marker or boundary of any town, tract, plat or parcel of land which monument is broken, damaged, removed or destroyed, during the course of work provided for or anticipated by this Agreement, whether intentional or otherwise, by the Developer or Developer's agents, employees or independent contractors.
5. Developer shall pay to County the actual costs incurred in the inspection of the completed improvements.
6. The Developer's security shall consist of an improvements performance bond, No. #4298125 in a form approved by the Deschutes County Legal Counsel, naming County as obligee, in the amount of Three Hundred Six Thousand, Six Hundred Twenty-four and no/100 (\$306,624.00) with a bond term of no less than two (2) years beyond the completion date established by Section 2 herein. Release of the security will require authorization by the Deschutes County Community Development Department, once improvements have been inspected and approved by County. Improvements required to be completed under this Agreement and covered by Developer's security are shown in Exhibit "A", attached hereto and by this reference incorporated herein.
7. This Agreement is contingent upon the recording of the final plat.
8. County may draw upon Developer's security upon default of this Agreement for any and all costs and expenses anticipated to be incurred by County, as determined by the County, in the

WINDANCE DEVELOPMENT

TP-96-864

Page 2

completion of the required improvements of Subdivision. If the amount drawn from Developer's security is less than the costs and expenses anticipated to be incurred, or actually incurred, by the County, Developer shall be liable to County for the difference.

9. The security shall be released by County upon request by Developer: within ninety (90) days after the completion, inspection and approval of the improvements required to be constructed by Developer under this Agreement. Developer shall provide proof that no lien has been filed against the improvements prior to requesting release of the security.

10. In accordance with Deschutes County Code Section 17.24.120(B), no building permit may be issued for any lot or parcel of Subdivision until all required improvements are completed, inspected and approved by County. One (1) building permit may be released for the original lot provided the appropriate approval has been granted by the County or the City of Redmond under the Intergovernmental Agreement between the jurisdictions.

11. The existence of this Agreement shall be noted upon the final plat by reference to the recording book and page numbers.

12. The original of this Agreement shall be recorded with the Deschutes County Clerk and shall be a condition and covenant that shall run with the land and be binding upon the Subdivision real property. It is the intent of the parties that the provisions of this Agreement shall be binding upon the parties, their successors, heirs, executors, administrators, and assigns, or any other party deriving any right, title or interest in or to the Subdivision real property, including any person who holds such interest as security for the payment of any obligation, including the Mortgagee or other secured party in actual possession of said real property by foreclosure or otherwise or any person taking title from such security holder.

13. It is agreed by and between the parties that Developer is not carrying out a function on behalf of the County, and County does not have the right of direction or control of the manner in which Developer completes performance under this Agreement or exercise any control over the activities of the Developer.

14. County is not, by virtue of this Agreement, a partner or joint venturer with Developer in connection with Developer's subdivision, and shall have no obligation with respect to Developer's debts or any other liabilities of each and every nature.

15. Developer shall be responsible for any and all injury to any and all persons or property caused directly or indirectly by reason of any and all activities by Developer in the performance of this Agreement; and further agrees to indemnify, save harmless and defend the County, its officers, agents and employees from and against all claims, suits, actions, damages, costs, losses

WINDANCE DEVELOPMENT

TP-96-864

Page 3

and expenses in any manner resulting from, arising out of, or connected with any such injury.

16. In the event an action or suit or proceeding, including appeal therefrom, is brought for failure to observe any of the terms of this Agreement, County shall be entitled to recover, in addition to other sums or performances due under this Agreement, reasonable attorney's fees and costs as the court may adjudge in said action, suit, proceeding or appeal.

17. Waiver of the strict performance of any provision of this Agreement shall not constitute the waiver of any other provision or of the Agreement.

18. Upon request of Developer, County may release any of Developer's obligations under the terms and conditions of this Agreement in writing upon completion and County inspection and approval of any portion of the required improvements.

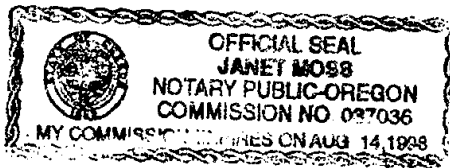
DATED this 20th ^{December} day of ~~November~~, 1996.

COUNTY: DESCHUTES COUNTY, OREGON

George J Read
George Read, Director
Deschutes County Community
Development Department

STATE OF OREGON)
) ss.
County of Deschutes)

SUBSCRIBED AND SWORN to before me this 20th ^{December} day of ~~November~~, 1996.



Janet Moss
Notary Public for Oregon
My Commission Expires: Aug 14 - 1998

DATED this 1st ^{December} day of ~~November~~, 1996.

WINDANCE DEVELOPMENT
TP-96-864
Page 4



EXHIBIT "A"

432

02/13/2023 Item #3.

CITY OF REDMOND

DESCHUTES COUNTY, OREGON

P.O. BOX 726
REDMOND, OREGON 97756
(541) 548-2148
FAX (541) 548-0706

AIRPORT 548-6059
COMMUNITY DEVELOPMENT 548-2149
BUILDING 923-8397
PUBLIC WORKS 548-6068

Vicky Anderson
Windance Development, Inc.
175 SE Windance Ct.
Bend, OR 97708

September 13, 1996

Re: **Windhaven Park Subdivision Phase 1, TP96-864, Tax Map 15-13-3, Tax Lot 1500**
Construction Cost Estimate/Performance Bond

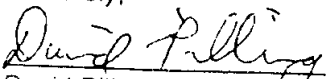
Vicky:

The cost estimate for the improvements required for **Windhaven Park Phase 1, TP96-864** is as follows and is based on the average unit cost for street, water & sewer line construction that the City has historically paid :

ITEM	QUANTITY	UNIT COST	TOTAL
1. NE 2nd St. - 36 ft. wide local street w/curbs, sidewalks, storm drainage, turnaround & tapers	914 LF	130.00/LF	\$ 118,820.00
2. 8 inch Water Main	960 LF	40.00/LF	\$ 38,400.00
3. Fire Hydrants	3 EA	1,500.00/EA	\$ 4,500.00
4. 8 inch Combination Fire/Water Service	9 EA	1,500.00/EA	\$ 13,500.00
5. 8 inch San. Sewer Main	1051 LF	50.00/LF	\$ 52,550.00
6. Sewer Manholes	3 EA	1,500.00/EA	\$ 4,500.00
7. Sewer Services, 6 inch	9 EA	800.00/EA	\$ 7,200.00
8. 12 inch Irrigation Line & Junction Boxes	535 LF	30.00/LF	\$ 16,050.00
SUB-TOTAL			\$255,520.00
Redmond Code 8.2245(2) + 20%			\$51,104.00
TOTAL			\$306,624.00

If there are any questions, please call at (541) 548-6068.

Sincerely,


David Pilling, S.Eng.Tech.
City of Redmond Public Works Dept.

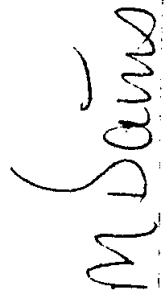
cc Dick Leaver
Tim Brown, Anderson Eng. & Surveying
Andy Osborn, Public Works Dept
Ron Fuchs, Community Development
Dave Reeves, Finance Dept

STATE OF OREGON)
COUNTY OF DISCHUTES) SS.

MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

96 DEC 20 AM 9:07

MARY SUE PENHOLLOW
COUNTY CLERK

DEPUTY

BY: M. Sams
NO. 96-46580 FEE 30-
DISCHUTES COUNTY OFFICIAL RECORDS

**REQUEST FOR TERMINATION
OF IMPROVEMENT AGREEMENT**

Redport, LLC, an Oregon limited liability company (“Redport”) hereby requests that the 1996 Improvement Agreement described in numbered paragraph 1 below be terminated and released of record with respect to the Redport Property defined below in numbered paragraph 5:

1. Windance Development, Inc., an Oregon corporation (“Windance”), as Developer, and Deschutes County, Oregon, a political subdivision of the State of Oregon, as County, entered into an Improvement Agreement dated December 19, 1996, recorded December 20, 1996, Instrument No. 96-46580, Deschutes County Official Records (“1996 Improvement Agreement”).

2. The stated purpose of the 1996 Improvement Agreement was to allow Windance to record the plat for certain real property known as Windhaven Park Subdivision Phase 1, comprised of what is currently County Assessor’s map and Tax Lot Nos. 151303CC00700, 00800, 00900, and 01000 (“Windhaven Phase 1”) before completing certain improvements to the property as required by the County’s conditions of approval for Windhaven Phase 1 in TP-96-864.

3. The improvements described on Exhibit A to the 1996 Improvement Agreement (“Required Improvements”) were required by Section 2 of the 1996 Improvement Agreement to be completed on or before December 19, 1997.

4. Pursuant to Sections 6, 9, and 10 of the 1996 Improvement Agreement, the Required Improvements on Windhaven Phase 1 were inspected and approved, Building permits were issued, and Windance’s improvement performance bond No. #4298125 was released.

5. Pursuant to Section 12 of the 1996 Improvement Agreement, the 1996 Improvement Agreement was recorded in the Official Records of Deschutes County as a condition and covenant running with the land. However, when the 1996 Improvement Agreement was recorded (prior to the recordation of the Windhaven plat), Windhaven Phase 1 was part of a larger tract of land that included the Windhaven Phase 1 tax lots identified in numbered paragraph 2 above, as well as property commonly known as County Assessors Map and Tax Lot No. 151303CC00200 now owned by Redport (“Redport Property”), so the 1996 Improvement Agreement remains as an encumbrance on the Redport Property. The legal description of the Redport Property is attached as Exhibit A and a copy of the County Assessor’s Map showing the Windance Phase 1 tax lots and the Redport Property tax lots is attached as Exhibit B.

6. In connection with the proposed sale of the Property, the prospective buyer (who will submit its own plans for development of the Redport Property) has objected to the encumbrance of the 1996 Improvement Agreement as a lien on the Redport Property (which, as pointed out above in numbered paragraph 1, is not part of Windance Phase 1); the currently undeveloped Redport Property will not be able to be sold and developed with the 1996 Improvement Agreement encumbering title to the Redport Property.

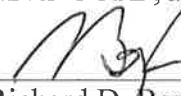
[signature on next page]

Dated: June __, 2022

REDPORT, LLC, an Oregon limited liability company

By: ARACHNA, LLC, an Oregon limited liability company, Manager

By: SYCAN B CORP, an Oregon corporation, Manager

By: 
Richard D. Boyles, President

ATTACHMENTS:

- Exhibit A: Legal Description of Redport Property
- Exhibit B: County Assessor's Map showing Windance Phase 1 and Redport tax lots

EXHIBIT A

Legal Description of Redport Property (Assessor's Map & Tax Lot No. 151303CC0200)

That portion of the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the Oregon Trunk Railway.

EXCEPTING THEREFROM a tract of land in the Southwest corner of said described premises bounded as follows:

Beginning at the Southwest corner of said Southwest quarter of the Southwest quarter; thence running North along the Section line, a distance of 44 rods; thence Southeasterly in a straight line to a point on the South line of said Southwest quarter of the Southwest quarter, which point is 11 rods East of the Point of Beginning; thence West to the Point of Beginning.

ALSO EXCEPTING the South five feet deeded to Deschutes County, March 23, 1979, in Book 295, Page 600, Deed Records of Deschutes County, Oregon.

ALSO EXCEPTING the North Canal Blvd.

ALSO EXCEPTING WINDHAVEN PARK, PHASE 1, Deschutes County, Oregon.

ALSO EXCEPTING THEREFROM that portion of the above described property appropriated for public purposes by Stipulated General Judgment in Circuit Court Case 05CV0008MA, and described as follows.

PARCEL 1 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix, and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property included in a strip of land 9.144 meters in width, lying on the Northerly and Easterly side of the "2nd" center line which center line is described as follows:

Beginning at Engineer's center line Station "2nd" 1+000.00, said station being 278.319 meters North and 3.266 meters West of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence North 80°07'42" East, 117.001 meters; thence on a 7.620 meter radius curve right (the long chord of which bears South 51°18'22" East, 11.426 meters) 12.918 meters; thence South 02°44'26" East, 230.081 meters to Engineer's center line Station "2nd" 1+360.000.

ALSO, that portion of said property lying on the Southerly and Westerly said of the "2nd" center line and Northerly and Easterly of the following described line:

Beginning at a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+000.000 on the "2nd" center line; thence Easterly in a straight line to a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+115.275 on said center line; thence Southerly parallel with and 9.144 meters Westerly of said center line to the Northeast corner of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

EXCEPT therefrom Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone. ALSO EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon by and through its Department of Transportation recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 2 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Easterly of the following described line:

Beginning at a point opposite and 24.500 meters Westerly of Engineer's Station 5+509.000 on the center line of relocated The Dalles-California Highway; thence Southerly in the straight line to a point opposite and 29.100 meters Westerly of Engineer's Station 5+628.000 on said center line which center line is described as follows:

Beginning at Engineer's center line Station 5+440.000, said station being 469.757 meters North and 199.490 meters East of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence South 04°47'43" West, 360.000 meters to Engineer's center line Station 5+800.000. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone.

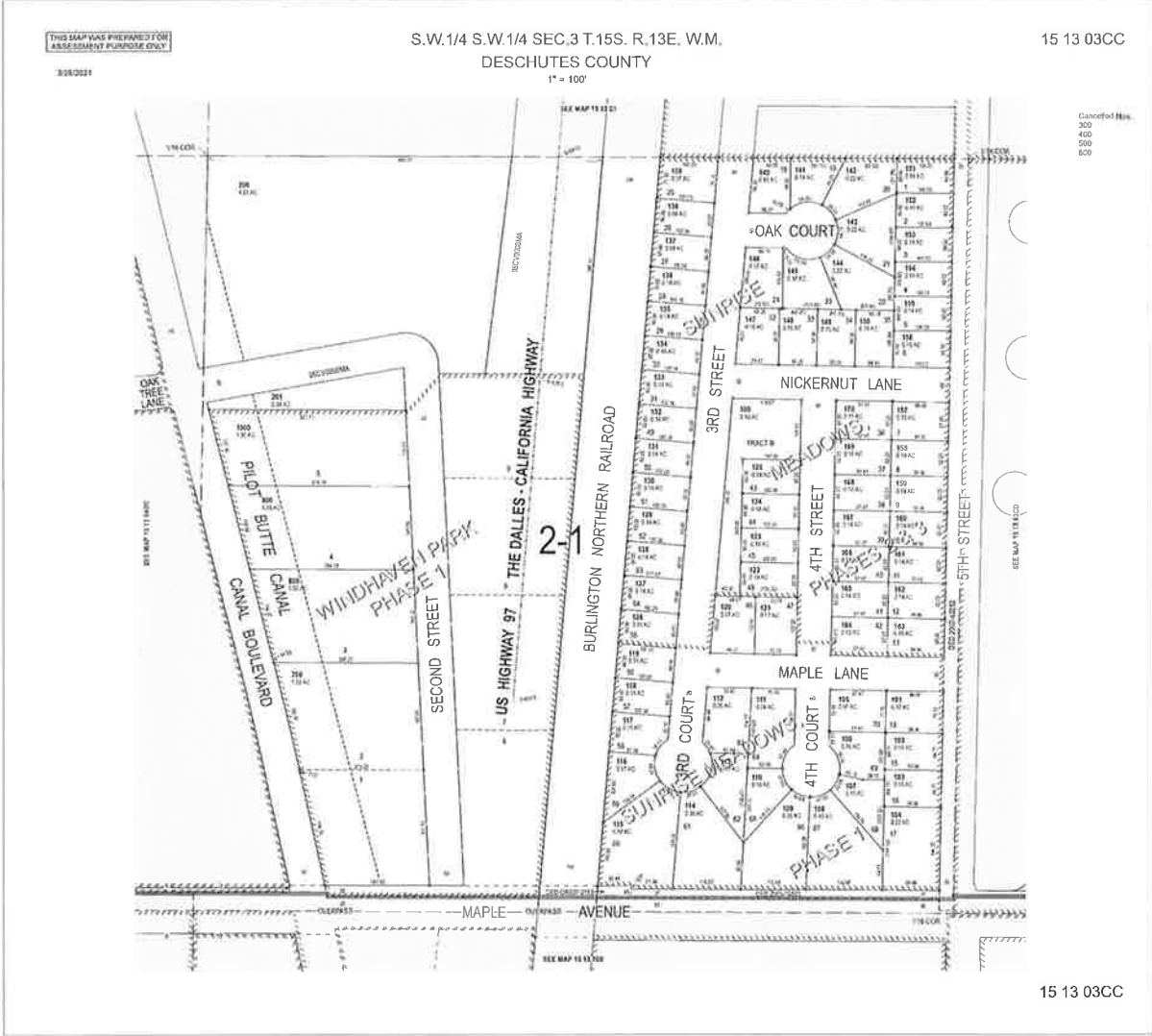
EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 3 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Southerly of and adjoining Parcel 1, and Northerly of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

EXHIBIT A

County Assessor's Map Showing Windance Phase 1 Tax Lots 700, 800, 900, and 01000 and Redport Property Tax Lot 200



DEVELOPER:

REDPORT, LLC,
an Oregon limited liability company

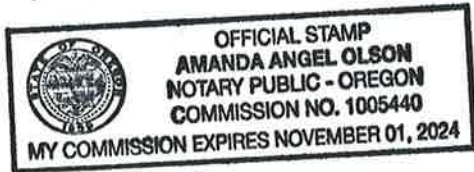
By: ARACHNA, LLC,
an Oregon limited liability company,
Manager

SYCAN B CORP, an Oregon corporation
BY: Richard D. Boyles President



STATE OF OREGON)
County of Lane) ss.

This instrument was acknowledged before me on June 27, 2022 by Richard D. Boyles, President of SYCAN B CORP., as Manager of ARACHNA, LLC, as managing member of REDPORT, LLC.




Notary Public for Oregon
My Commission Expires: 11-1-24

EXHIBIT "A"

Legal Description- -Assessor's Map & Tax Lot No. 151303CC0200

That portion of the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the Oregon Trunk Railway.

EXCEPTING THEREFROM a tract of land in the Southwest corner of said described premises bounded as follows:

Beginning at the Southwest corner of said Southwest quarter of the Southwest quarter; thence running North along the Section line, a distance of 44 rods; thence Southeasterly in a straight line to a point on the South line of said Southwest quarter of the Southwest quarter, which point is 11 rods East of the Point of Beginning; thence West to the Point of Beginning.

ALSO EXCEPTING the South five feet deeded to Deschutes County, March 23, 1979, in Book 295, Page 600, Deed Records of Deschutes County, Oregon.

ALSO EXCEPTING the North Canal Blvd.

ALSO EXCEPTING WINDHAVEN PARK, PHASE 1, Deschutes County, Oregon.

ALSO EXCEPTING THEREFROM that portion of the above described property appropriated for public purposes by Stipulated General Judgment in Circuit Court Case 05CV0008MA, and described as follows.

PARCEL 1 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix, and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property included in a strip of land 9.144 meters in width, lying on the Northerly and Easterly side of the "2nd" center line which center line is described as follows:

Beginning at Engineer's center line Station "2nd" 1+000.00, said station being 278.319 meters North and 3.266 meters West of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence North 80°07'42" East, 117.001 meters; thence on a 7.620 meter radius curve right (the long chord of which bears South 51°18'22" East, 11.426 meters) 12.918 meters; thence South 02°44'26" East, 230.081 meters to Engineer's center line Station "2nd" 1+360.000.

ALSO, that portion of said property lying on the Southerly and Westerly said of the "2nd" center line and Northerly and Easterly of the following described line:

Beginning at a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+000.000 on the "2nd" center line; thence Easterly in a straight line to a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+115.275 on said center line; thence Southerly parallel with and 9.144 meters Westerly of said center line to the Northeast corner of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

EXCEPT therefrom Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone. ALSO EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon by and through its Department of Transportation recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 2 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Easterly of the following described line:

Beginning at a point opposite and 24.500 meters Westerly of Engineer's Station 5+509.000 on the center line of relocated The Dalles-California Highway; thence Southerly in the straight line to a point opposite and 29.100 meters Westerly of Engineer's Station 5+628.000 on said center line which center line is described as follows:

Beginning at Engineer's center line Station 5+440.000, said station being 469.757 meters North and 199.490 meters East of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence South 04°47'43" West, 360.000 meters to Engineer's center line Station 5+800.000. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone.

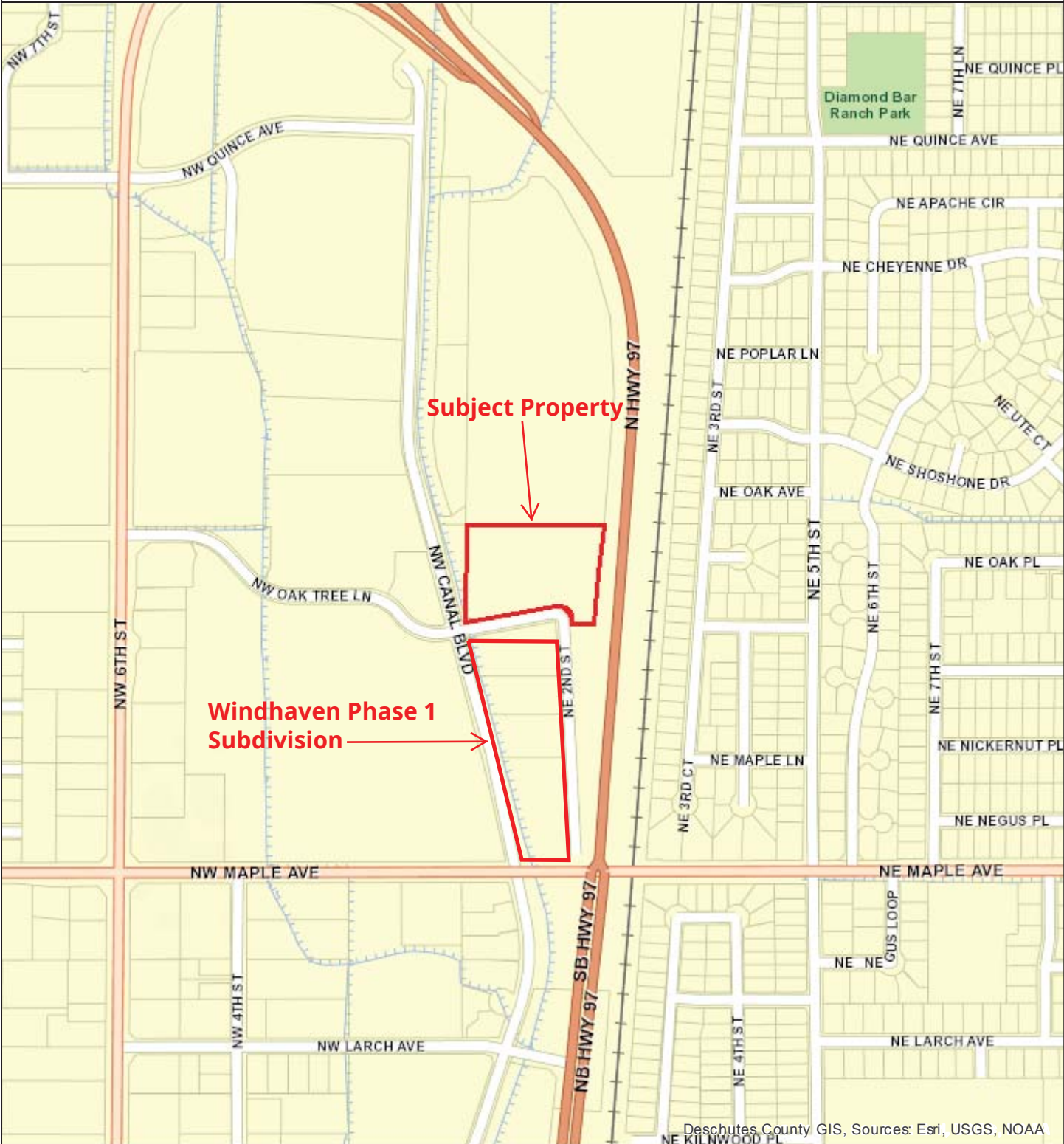
EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 3 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Southerly of and adjoining Parcel 1, and Northerly of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

File: 247-22-000544-IA

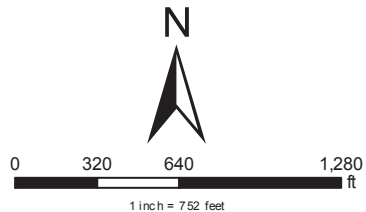
1950 NE 2nd Street, Redmond, OR



Deschutes County GIS, Sources: Esri, USGS, NOAA



Date: 1/30/2023



After recording return to:
City Recorder's Office
City of Redmond
411 SW 9th St.
Redmond, OR 97756

Deschutes County Official Records **2019-22187**
D-IPPS
Stn=1 BN **06/27/2019 02:29 PM**
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$98.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

**RELEASE OF CITY OF REDMOND
AGREEMENT TO PARTICIPATE IN THE FORMATION OF A
LOCAL IMPROVEMENT DISTRICT**

THE CITY OF REDMOND hereby releases the Agreements to Participate in the Formation of a Local Improvement District between the City of Redmond and Windance Development, Inc. The Agreements were originally recorded on October 17, 1996, in Volume 1996, Page 38573 (426-1071), and November 12, 1996, in Volume 1996, Page 41643 (428-2732), of the Deschutes County Official Records for the following described property:

Exhibit A Attached (Both agreements use the same property description)

DATED June 27, 2019.

THE CITY OF REDMOND

By *Keith Witcosky*
Keith Witcosky, City Manager

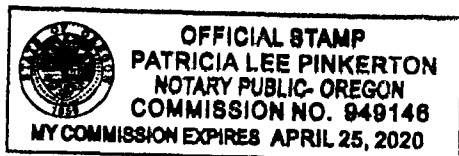
State of Oregon
County of Deschutes

On 6/27/ 2019, Keith Witcosky, Redmond City Manager personally appeared before me,

- X who is personally known to me
- whose identity I proved on the basis of _____
- whose identity I proved on the oath/affirmation of _____, a credible witness

to be the signer of the above document, and he acknowledged that he signed it.

Patricia Lee Pinkerton
Notary Public



428 - 2733

EXHIBIT A

LEGAL DESCRIPTION
WINDHAVEN PARK, PHASE 1

A PARCEL OF LAND LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD LOCATED ON THE NORTH RIGHT-OF-WAY OF NEGUS WAY AND ALSO LOCATED ON THE EASTERLY RIGHT-OF-WAY OF CANAL BLVD., SAID POINT OF BEGINNING BEARS N83°40'46"E - 234.49 FEET FROM THE SW CORNER OF SECTION 3, T15S, R13E, W.M.; THENCE, FROM SAID POINT OF BEGINNING, N12°37'56"W - 220.24 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD; THENCE FOLLOWING THE ARC OF A 5759.58 FEET RADIUS CURVE TO THE LEFT A DISTANCE OF 214.51 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD (THE LONG CHORD OF WHICH BEARS N13°41'33"W - 214.50 FEET); THENCE N14°45'26"W - 442.23 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD; THENCE N90°00'00"E - 341.71 FEET TO A 5/8" IRON ROD; THENCE N41°14'01"E - 85.67 FEET TO A 5/8" IRON ROD; THENCE N90°00'00"E - 251.14 FEET TO A 5/8" IRON ROD LOCATED ON THE WESTERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD; THENCE S04°21'36"W - 916.74 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD LOCATED ON THE NORTH RIGHT-OF-WAY OF NEGUS WAY; THENCE S89°47'59"W - 368.05 FEET ALONG SAID NORTH RIGHT-OF-WAY TO THE POINT OF BEGINNING.

PARCEL CONTAINS 10.217 ACRES SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD PERTAINING TO THE ABOVE DESCRIBED LANDS.