COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, OCTOBER 22, 2026
Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend
(541) 388-6575|www.deschutescounty.gov

AGENDA

MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutescounty.gov/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

https://bit.ly/dcpczoom

Passcode: 644647

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1-415-449-4000. When prompted, enter the following Webinar ID: 165 456 4655 and Passcode: 644647. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on the meeting date. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - October 8th

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Public Hearing: Farm Store Text Amendments (*Nicole Mardell, Principal Planner*)
2. Public Hearing: Title 22 - Development Procedures Text Amendments (*Nicole Mardell, Principal Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



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

COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nicole Mardell, AICP, Principal Planner
Will Groves, Planning Manager

DATE: October 15, 2026

SUBJECT: Public Hearing: Farm Store Text Amendments

The Deschutes County Planning Commission (Commission) will conduct a public hearing on October 22, 2026, to consider amendments to Title 18 of the Deschutes County Development Code to adopt local siting standards for farm stores (file no. 247-26-000539-TA). The Planning Commission held a work session on this proposal on October 8, 2026[1]. A 35-day notice was provided to the Department of Land Conservation and Development (DLCD) on September 17, 2026.

All record materials can be found on the project website: https://www.deschutescounty.gov/FarmStoreTA

I. BACKGROUND

House Bill 4153, adopted during the 2026 Regular Session, authorized "farm stores" as a new use permitted outright in areas zoned for Exclusive Farm Use. The legislation allows qualifying farm operations to sell farm products and conduct related farm store activities, subject to applicable state law.

Effective January 1, 2027, HB 4153 adds farm stores as a "subsection (1)" or "sub-1" use under ORS 215.283, meaning that a qualifying farm store must be permitted subject to the governing state-law requirements and may not be subjected to additional County-created land-use approval criteria except where state law authorizes them. Independently applicable building, fire, health, road, and similar requirements continue to apply under their own authority. In the adopting bill, the legislature expressly permitted counties to adopt local siting standards for farm stores related to:

- Access, egress, and parking;

[1] https://www.deschutescounty.gov/1506/Meeting-Agendas-Minutes-Video

- Traffic management;
- Noise management;
- Hours of event operation; and
- Sanitation and solid waste.

Deschutes County is proposing amendments to Deschutes County Code (DCC) Chapter 18.16, Exclusive Farm Use Zone, to implement the new farm store allowance. The proposed regulations are intended to support farm-based economic development and seasonal operations while providing clear, predictable operating parameters that reduce avoidable impacts to neighboring property owners and rural infrastructure.

II. HOUSE BILL 4153

In the 2026 legislative session, the legislature approved HB 4153, which permitted Farm Stores as a sub-1 use on Exclusive Farm Use lands in Oregon. The bill is effective on January 1, 2027.

Allowed Uses

Through the bill, farm operators may use up to 10,000 square feet of one or more permanently enclosed structures on a property for any of the following uses:

- Sale of farm products or processed farm products produced in the local agricultural area (state of Oregon).
- Sale of other retail items, if displayed in an area not to exceed 25 percent of the floor area of the permanent enclosed farm store structures.
- Sale of beverages and prepared food items that are cooked or otherwise made ready for immediate consumption, subject to the statutory restriction that food and beverages may not be served in a manner that causes on-site kitchen facilities to function as a cafe or drive-through dining establishment.
- Agritourism activities such as:
    - Farm tours;
    - Educational exhibits or classes;
    - Crop mazes;
    - Play structures;
    - Farm-to-table meals;
    - Animal petting and feeding exhibits;
    - Hay or tractor rides; or
    - Other seasonal or holiday events.

Except for the sale of other retail items, which must occur within a permanent enclosed structure, other allowable farm store uses may occur outside or in temporary or unenclosed structures. Temporary structures or mobile vending units may be used in conjunction with agritourism activities. The bill does not authorize using a farm store for lodging or as a dwelling.

Structures used for farm store activities remain subject to independently applicable building, fire, and life-safety requirements when those laws apply. Under ORS 455.315, a structure

used by the public does not qualify as an exempt "agricultural building"; an existing exempt agricultural building therefore may require building-code review, permits, or conversion before it is used by the public for farm store activities.

Eligibility

To establish a Farm Store, a farm operator must meet minimum farmed area or income requirements.

- 80-acre site, 45 acres employed for farm use
- 40-acre site up to a less than 80-acre site, 25 acres employed for farm use
- 20-acre site up to a less than 40-acre site, 15 acres employed for farm use
- Less than 20-acre site, 10 acres employed for farm use
- Alternatively, for a tract of less than 20 acres, the farm store may qualify if it operates as part of a "farm unit" that has earned at least $10,000 in gross farm income cumulatively over the preceding two years.
-

Staff anticipates the majority of applicants will rely on the income test for eligibility. The bill defines a "farm unit" as "a farm operation comprising all parcels being farmed by a single operation, whether the corporation or operation owns or leases the parcels". In staff's understanding, there is no requirement for all the owned or leased parcels to be within Deschutes County.

As noted above, HB 4153 specifically authorizes County-created farm-store siting standards in the five areas identified above, while independently applicable laws continue to apply under their own authority. Section 2(7)(b) provides that "[a] county may not apply siting standards in a manner that prohibits the siting and operation of a farm store under this section." Staff understands this as an anti-prohibition limit on how the County applies its farm-store siting standards. The enacted language does not create a general "overly onerous" test or independently require alternatives or discretionary review whenever a standard cannot be met.

III. DIFFERENTIATION FROM EXISTING USES

HB 4153 was developed to respond to limitations on existing uses in the EFU zones. These existing uses will continue to be allowed in the EFU zone, and do not appear to be prohibited from operating in conjunction with the Farm Store use on a property.

U-Pick and Sale of Agricultural Products

The Department of Land Conservation and Development (DLCD) and the Oregon Department of Agriculture (ODA) provided testimony to the legislature on current and continuing allowances on EFU lands. Their letter noted that under current Oregon law and HB 4153, a permit is not required for a farmer to sell crops grown exclusively by their own farm operation. Selling farm products grown or raised on the farm is considered a "farm use" in ORS 215.203. For example, under current ORS 215.203, farmers can sell produce that is grown on site and have a farm stand to sell their produce, run U-Pick operations, sell bulk crops like hay or straw grown on the property, sell live animals raised on the farm, sell nursery stock, and wholesale staging such as using farm buildings to store or load crops

grown by the farmer for transport to market. These uses and allowances are unchanged by the bill.

Farm Stands

Farm Stands, which are also a sub-1 use in the Exclusive Farm Use Zone, have been permitted in their current regulatory scheme since the early 1990s. In addition to the sale of agricultural products, operators can incorporate incidental retail and promotional activities into the farm stand use, with a revenue-based cap. The annual sales of incidental retail items plus fees from promotional activities may not exceed 25 percent of the farm stand's total annual sales. This use has been litigated many times since its early adoption, with case law clarifying several components of the use.

Agritourism and Commercial Activities in Conjunction with Farm Use

Agritourism uses have been allowed in their current framework since 2011, and are not a sub-1 use, meaning they may be conditionally permitted by counties in Oregon. In the existing ORS 215.283(4) framework, "agritourism" is not separately defined; the authorized commercial events and activities must be related to and supportive of agriculture. State law provides several permitting pathways differentiated by the frequency and intensity of events, including expedited and land-use permit pathways. State law includes requirements for this use related to maximum duration and attendance, use of structures, traffic management, waste and sanitation, hours of operation, noise, and public notice.

IV. APPROACH TO LOCAL SITING STANDARDS

The proposed local siting standards intend to address common neighbor concerns resulting from high-intensity uses on agricultural land, while still within the allowances of the bill and supportive of the use as an income-generating activity for agricultural producers. Common concerns may include but are not limited to: traffic and road safety, parking spillover, noise, sanitation, public safety, and general impacts to farming operations. The proposed standards address access, parking capacity, circulation, traffic management, noise, event hours, and sanitation facilities through a combination of fixed requirements and site-specific review provisions, with traffic analysis limited to identified issues reasonably attributable to the farm store.

V. PLANNING COMMISSION WORK SESSION

During the October 8 work session, Commissioners requested the following information:

Will System Development Charges (SDCs) be assessed for farm store uses?

Yes, SDCs will be assessed. Because the bill allows a large variety of potential operations under the farm store use, staff cannot provide an estimated SDC range at this time. During the SDC assessment process, applicants can submit a traffic study by a professional engineer with an anticipated trip rate, rather than using the more generalized category, if desired.

How does Chapter 9.12 "Right to Farm" of the County Code intersect with the local siting standards?

The County's Senior Assistant Legal Counsel provided the following interpretation of Chapter 9.12:

> *The summary text for HB 4153 states that it "Allows counties to approve farm stores, [instead of farm stands], as **nonfarm use** on lands zoned for farm use." (added emphasis).*
>
> *HB 4153, does not effectively amend, nor require amendment of DCC Chapter 9.12. The definition of "farming" in DCC 9.12.040 is:*
>
> *"Farming" means the cultivation, growing, harvesting, processing or selling of plants or animals of any kind that lawfully may be grown, possessed and sold, including but not limited to forage, row crops, grapes, Christmas trees and nursery stock, fish, livestock, poultry and ratites. Except as otherwise set forth herein, farming may be at either a commercial or a noncommercial scale.*
>
> *A "farm store," does not fit within our local definition of "farming practice" in DCC 9.12.045, either, which generally defines a mode of farming. I did identify a potentially confusing typo/reference in DCC 9.12.090. The title of this section is "Protection of Farm and Forest **Uses** on Lands Zoned for Resource Use." (emphasis added). But the text of the provision governs farm and forest **practices**. We can discuss this further, if necessary. The mere title of a code section does not change its text, meaning or application as a matter of law.*
>
> *While a farm store is now more broadly allowable under HB 4153, there is nothing that provides, nor requires provision of any greater protection of farm stores Chapter 9.12 of the Code. The right to farm ordinance is aimed at farming practices – actual farming – and not tangential nonfarm uses such as farm stores. This is so, regardless of the addition of farm stores as a sub 1 use in ORS 215.283.*

Staff concurs with this interpretation.

Is the use being explored in the Multiple Use Agricultural (MUA-10) Zone?

Not at this time. Due to the ambiguity of the legislation, staff anticipates there may be further interpretations of the allowed use once in effect on January 1, 2027. The Planning Commission may recommend exploring farm stores in the MUA-10 zone through a separate code project during the annual work plan development process.

Through which type of application / process will farm stores be reviewed?

Staff anticipates farm stores will be reviewed through the County's Administrative Determination application process, as the local siting standards and eligibility determination require a discretionary review of criteria. This is a land use permit which includes notice of

application and notice of decision to neighbors within a 750-foot radius. Hearings may be required for matters of first impression.

Is there any minimum requirement for the square footage to establish a farm store? What constitutes a "permanently enclosed building"? Would overhangs or structures with only a roof fit this definition?

There is no minimum square footage to establish a farm store within the adopting legislation. A "permanently enclosed building" is not defined in the legislation or the building code. The Deschutes County Building Official provided the following guidance for how structures might be reviewed for building permits associated with farm stores:

Building code does not have a definition for that 3-word term, however, I can offer this:

- *Temporary Structure is defined in OSSC Chapter 2 – 180 days or less, so permanent would be anything over 180-days.*
- *Where terms aren't defined in our code books, OSSC 201.4 says they shall have their ordinarily accepted meanings such as the context implies; words of common usage are given their plain, natural and ordinary meanings.*

Using Merriam-Webster online dictionary you get the following.

- *Permanent: in a way that continues without changing or ending; in a way that is not brief or temporary*
- *Enclose: to close in, surround; to fence off (common land) for individual use; to hold in, confine*
- *From doing a search for the definition of the 3-word term, I get this answer:*

Definition of "Permanently Enclosed Structure"

A **permanently enclosed structure** is generally defined as a **building or other construction that is fully enclosed on all sides with structural walls, a roof/ceiling, and a floor, and is intended to remain in place for an extended period** Law Insider.

Staff interprets this guidance to mean that a structure similar to a carport, or a roof overhang, would not constitute a "permanently enclosed building" as it relates to the farm store requirements.

VI. AGENCY & PUBLIC COMMENT

Deschutes County Road Department staff reviewed the draft transportation provisions and provided comments that informed the current proposal. One comment was received from the County's Senior Transportation Planner with language to clarify traffic study requirements.

One public comment has been received to date.

VII. NEXT STEPS

The Planning Commission will recommend action to the Board of County Commissioners. It may approve, revise, or deny the proposed amendments.

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

Attachments:

- Draft Findings
- Draft Amendments
- House Bill 4153 (2026)

CHAPTER 18.16 EXCLUSIVE FARM USE ZONES

18.16.010 Purpose
18.16.020 Uses Permitted Outright
18.16.023 Lawfully Established Dwelling Replacement (Repealed)
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

18.16.039 Farm Stores
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 Setbacks
18.16.080 Ordinary High Water Mark Setbacks
18.16.090 Rimrock Setback
...

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

A. Dwellings customarily provided in conjunction with farm use (farm-related dwellings), subject to DCC 18.16.050.

B. A relative farm assistance dwelling, subject to DCC 18.16.050.

C. Religious institutions or assemblies and cemeteries in conjunction with religious institutions or assemblies consistent with ORS 215.441 and OAR 660-033-0130(2) on non-high value farmland.

D. Expansion of an existing church or cemetery in conjunction with a church on the same tract as the existing use, subject to Oregon Administrative Rules 660-033-0130.

E. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale and transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in:

1. DCC 18.16.038(A); or
2. DCC 18.16.038(E) if the utility facility is an associated transmission line, as defined in ORS 469.300.

F. Winery, as described in ORS 215.452.

G. Farm stands, subject to DCC 18.16.038.

H. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may be reasonably necessary.

I. A facility for the processing of farm crops, subject to the following standards:

1. The facility:
    a. Uses less than 10,000 square feet for its processing area and complies with all applicable siting standards. Siting standards shall not be applied in a manner that prohibits the siting of a facility for the processing of farm products; or
    b. Exception: A facility which uses less than 2,500 square feet for its processing area is exempt from any applicable siting standards. However, applicable standards and criteria pertaining to floodplains, geologic hazards, beach and dune hazards, airport safety, tsunami hazards and fire siting standards shall apply.
2. The County shall not approve any division of a lot or parcel that separates a facility for the processing of farm products from the farm operation on which it is located.

J. Agri-tourism and other commercial events and activities subject to DCC 18.16.042.

K. Dog training classes or testing trials conducted outdoors or in farm buildings that existed on January 1, 2019, when:

1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.

L. Farm Store, subject to DCC 18.16.039. DCC Chapter 18.124 does not apply to a farm store except where specified.

HISTORY
Adopted by Ord. 2004-001 §2 on 7/14/2004
Amended by Ord. 2008-001 §2 on 5/6/2008
Amended by Ord. 2009-014 §1 on 6/22/2009
Amended by Ord. 2010-022 §2 on 7/19/2010
Amended by Ord. 2012-004 §2 on 4/16/2012
Amended by Ord. 2012-007 §2 on 5/2/2012
Amended by Ord. 2014-010 §1 on 4/28/2014
Amended by Ord. 2016-015 §2 on 7/1/2016
Amended by Ord. 2020-001 §3 on 4/21/2020
Amended by Ord. 2021-004 §1 on 5/27/2021
Amended by Ord. 2021-013 §4 on 4/5/2022

Amended by Ord. 202x-0xx §x on x/x/20xx

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18.16.039 Farm Store

A. Scope of Use.

1. A farm store may be approved only if the applicant demonstrates that the proposal complies with the Oregon Revised Statutes (ORS) and Administrative Rules (OAR) governing farm stores that apply to the application, including the farm-store provisions originally enacted as ORS 215.283(1)(aa), as those provisions may be codified, amended or superseded, and satisfies the applicable criteria of this section. The standards in this section are in addition to, and do not replace or modify the requirements of the applicable ORS and OAR.

B. Eligibility.

1. The farm store tract or farm unit shall meet the acreage or income requirements in ORS 215.283.

C. Application. The application shall include the following.

1. Demonstration of eligibility, including the following:
   a. Site Plan identifying all lots or parcels included in the farm store tract, or farm unit if income is required to determine eligibility.
   b. Acreage currently in farm uses under ORS 215.283(1);
   c. Narrative identifying current farm uses under ORS 215.283(1); and
   d. Income Test Only
      1) Ownership information for the farm unit
      2) Lease agreement, if applicable.
      3) Income records for the preceding two years

2. A narrative and supporting evidence identifying the proposed farm store uses described under DCC 18.16.039(A):

   a. An operating statement identifying each proposed farm store use and activities, including uses and activities involving contractors or vendors, and days and hours of operation for each use;

   b. Any farm store uses and/or activities expected to operate at the same time;

   c. Reasonably anticipated peak simultaneous customers, contractors, employees, vendors, and vehicles, and associated arrival and departure patterns;

   d. The types and locations of all permanent and temporary structures, vehicle and pedestrian access and egress, parking facilities, outdoor amplified-sound equipment and speaker orientation, and sanitation and solid waste to be used in connection with activities.

3. Site plan identifying the following:

   a. All permanent and enclosed structures used as part of the farm store, temporary and mobile vending units, temporary structures and mobile vending units, and outdoor areas to be used for farm store uses and/or activities.
   b. Floor plan(s) for all permanent enclosed structures to be used for the following farm store uses and activities:

1) Sales area for farm products or processed farm products produced by the farm operation that operates the farm store or an Oregon farm;
2) Sales area for other retail items;
3) Sales area for beverages and other prepared food items that are cooked or otherwise made ready for immediate consumption;
4) Farm-to-table meal dining and seating areas;
5) Restrooms;
6) Storage; and
7) Any area accessible to the public.

c. Existing and proposed access points, internal vehicle circulation, loading, drop-off, queuing, and turnaround areas.
d. Employee, contractor, customer, vendor, and event parking areas and dimensions including permanent, seasonal and holiday event, overflow, and/or shared parking.
e. Pedestrian routes.
f. Outdoor amplified-sound equipment and speaker orientation.
g. Sanitation and solid waste facilities and service access.

4. Inspection of Farm Store Premises Authorization. The property owner shall allow reasonable inspections by County staff and other agencies with jurisdiction, upon reasonable notice and during business hours or approved operating hours, except where immediate entry is authorized by law.

D. Siting Standards. In addition to satisfying the applicable ORS and OAR, a farm store shall comply with the following local siting standards.

1. Access, Egress, and Parking
   a. Attendance and vehicle demand may not exceed the capacity supported by the facilities. Use of ticketing or reservation systems may be used to ensure attendance does not exceed this capacity.
   b. Roadways, driveway aprons, and driveways shall be surfaces that prevent dust and may include paving, gravel, cinders, or bark/wood chips.
   c. Access shall be from a permitted driveway, or from a driveway approved through the County Road Department's applicable access-permit process. Driveways extending from paved roads shall have a paved apron.

d. Transportation access to the site shall meet the requirements of 18.124.060(K)(1-3).

e. Access, internal circulation, parking, loading, drop-off, queuing, and turnarounds shall accommodate expected vehicles without obstructing a public-road travel lane, emergency access areas, clear vision areas, bicycle or pedestrian facilities, or access to an abutting or nearby property.

f. Parking shall be provided in accordance with 18.116.030(D). Parking shall reasonably accommodate anticipated peak simultaneous vehicle demand for the farm store and all associated activities. Shared parking may be counted only when it is available during the periods for which it is relied upon and satisfies 18.116.030(E)(2).

g. Parking and access facilities shall comply with DCC 18.116.020 and DCC 18.116.030(E)(5), (F)(1-3), (5), (7-8), and (G).

h. Parking must be accommodated entirely on the same lot or parcel as the farm store and a minimum of 100 feet from any lot line. Reasonably direct pedestrian routes shall connect parking areas with customer building entrances and activity areas. All pedestrian routes shall be marked, separated, or otherwise designed to provide safe passage.

i. Parking stall dimensions shall be delineated through paint, chalk, or other visual demarcation, and separated from pedestrian areas by physical barriers, fencing, landscaping, or sizeable separation distance.

j. All parking areas must use a stabilized or permeable surface and must be maintained to prevent dust, erosion, or drainage hazards affecting a public road or abutting or nearby property. Accessible parking spaces shall be paved.

k. No farm store uses or activities, including signage, shall encroach into the public right-of-way.

2. Traffic Management

a. The proposal shall not create or materially aggravate a specific traffic-safety or operational hazard reasonably attributable to the farm store, including hazardous queuing, spillback or turning conflicts at the site access or another affected intersection.

b. Concentrated arrival or departure periods that would extend queues into a public-road travel lane or create a specific conflict among customer, contractor, vendor, delivery, employee, bicycle or pedestrian movements shall be managed through reservations, staggered starts, attendants, directional controls, delivery scheduling or another practicable operating measure sufficient to prevent the identified queue or conflict.

c. The farm store operator shall coordinate with the Deschutes County Sheriff's Office and Deschutes County Road Department on traffic management plans for events with over 100 attendees. Coordination shall occur at least 30 days prior to each event.

d. When substantial evidence, including comments from a responsible road authority, identifies a specific issue under paragraph (c) that cannot reasonably be evaluated without professional traffic analysis, the analysis shall be prepared by a professional engineer under DCC 18.116.310(C) (1-2) and (4) and shall include only those elements of DCC 18.116.310(D) through (H) reasonably necessary to evaluate the identified issue, subject to the following modifications:

1) The analysis shall evaluate the day and continuous one-hour period of reasonably anticipated greatest farm store traffic, whether weekday or weekend.

2) The analysis may use professionally supported comparable-site, linked-trip, pass-by, internal-capture, reservation, attendance, and proposed operating-limit data and shall avoid double counting persons or vehicles participating in multiple farm store activities during one visit.

3) The study area and mitigation analysis shall be limited to the specific traffic effects reasonably attributable to the farm store.

3. Noise Management

a. The cumulative sound level attributable to the farm store and associated activities shall not exceed 65 dBA at any lot line and shall not exceed 55 dBA at the location of any noise-sensitive use on abutting or nearby properties.

b. Amplification equipment shall be setback 100 feet from, and positioned facing away from, noise-sensitive uses on abutting or

nearby properties. If less than 100 feet from a noise-sensitive use, noise shall be mitigated by landscaping, intervening structures, terrain features, or other sound-buffering installations proportional to potential impact.

c. A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times.

d. This subsection applies only to sound generated by or attributable to the farm store and associated activities. Noise associated with accepted and customary farm activities conducted in accordance with federal and state laws are not be subject to this section.

4. Hours of Event Operation.

a. Farm store events involving amplified sound may operate only between 8:00 a.m. and 8:00 p.m.
b. Farm store events not involving amplified sound may operate only between 8:00 a.m. and 10:00 p.m.
c. Attendee arrival and departure must be included in the hours of operation in this section.

5. Sanitation and Solid Waste

a. Applications are subject to fire, health, and life safety requirements, and shall comply with all requirements of the Deschutes County Building Safety Division and the Onsite Wastewater Division and any other applicable federal, state, and local laws.
b. Sanitation and solid waste facilities shall be sufficient for the reasonably anticipated peak simultaneous demand.
c. All sanitation and solid waste facilities shall be located at least 100 feet from any lot line.
d. Facilities shall be located and serviced so that they do not obstruct required access or circulation or result in overflow, leakage, vectors, animal access, or windblown litter.
e. Farm store generated waste shall be contained during operation and removed or secured after the operating period in which it was generated. If relied-upon sanitation or solid waste capacity becomes

unavailable, farm store activities may operate only at the level supported by the remaining compliant facilities.

f. This subsection applies only to sanitation and solid waste attributable to the farm store and associated activities.

HISTORY

Adopted by Ord. 20xx-xxx on xx/xx/20xx

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FINDINGS
FARM STORE AMENDMENTS
247-26-000539-TA

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BACKGROUND:

House Bill 4153, adopted during the 2026 Regular Session, authorized "farm stores" as a new use permitted outright in areas zoned for Exclusive Farm Use. The legislation allows qualifying farm operations to sell farm products and conduct related farm store activities, subject to applicable state law.

Farm stores are authorized as a "subsection (1)" use under ORS 215.283, meaning that the use is required to be permitted outright and no local definitions or standards can be imposed, except where specifically identified. In the adopting bill, the legislature expressly permitted counties to adopt local siting standards for farm stores related to:

- Access, egress, and parking;
- Traffic management;
- Noise management;
- Hours of event operation; and
- Sanitation and solid waste.

Deschutes County is proposing amendments to Deschutes County Code (DCC) Chapter 18.16, Exclusive Farm Use Zone, to implement the new farm store allowance. The proposed regulations are intended to support farm-based economic development and seasonal operations while providing clear, predictable operating parameters that reduce avoidable impacts to neighboring property owners and rural infrastructure.

III. AMENDMENT SUMMARY:

To comply with this legislation, staff is proposing the following amendments:

- Add use to 18.16.025 Uses Permitted Subject to Special Provisions
- Create a new section 18.16.039, Farm Store section containing eligibility criteria, application requirements, and local siting standards.

As state law only allows the County to develop local siting standards related to the five areas cited above, the amendments defer to state law for the majority of the criteria.

IV. BASIC FINDINGS:

The Planning Division determined amendments were necessary to incorporate changes to state law into various sections of the Deschutes County Code. Staff initiated the proposed amendments and notified the Oregon Department of Land Conservation and Development on September 17, 2026 (File no. 247-26-000539-TA). As demonstrated in the findings below, the amendments remain consistent with the Deschutes County Code, the Deschutes County Comprehensive Plan, and the Statewide Planning Goals.

V. FINDINGS:

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

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 public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

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 will be published in *The Bulletin* newspaper at least 10 days prior to each 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 will be met because public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-25-000539-TA will be implemented by ordinance upon approval and adoption by the Board.

OAR 660-015, STATEWIDE PLANNING GOALS AND GUIDELINES

Goal 1: Citizen Involvement:
FINDING: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. The proposal has a factual basis and is consistent with the intent of the Comprehensive Plan and zoning districts. This goal is met.

Goal 3: Agricultural Lands:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. The legislature adopted the new allowances for farm stores as a way to support income-generating activities on agricultural properties. Farm stores and events are intended as a tool to further support agricultural operations on the property and promote the farm operation, visitors to the farm store, and sale of farm store products. This goal is met.

Goal 4: Forest Lands:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 4 and the use is not allowed on forest zoned property. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 5. This goal does not apply.

Goal 6: Air, Water and Land Resources Quality:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. The legislature adopted the new allowances for farm stores as a way to support income-generating activities on agricultural

properties. Farm stores and events are intended as a tool to further support agricultural operations on the property and promote the farm operation, visitors to the farm store, and sale of farm store products. This goal is met.

Goal 10: Housing:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code and do not impact any housing requirements or allowances. This goal does not apply.

Goal 11: Public Facilities and Services:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. Impacts to public facilities and services are mitigated, to the extent allowed by state law, through the proposed local siting standards. This goal is met.

Goal 12: Transportation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. Impacts to transportation are mitigated, to the extent allowed by state law, through the proposed local siting standards. This goal is met.

Goal 13: Energy Conservation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:
FINDING: The proposed amendments integrate a new use resulting from House Bill 4153 (2026) and local siting standards into the Deschutes County Code. This goal is met.

Goals 15 through 19
FINDING: These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

2011 DESCHUTES COUNTY COMPREHENSIVE PLAN

Chapter 2 – Resource Management - Section 2.2 Agricultural Land Policies

Policy 2.2.5 Uses allowed in Exclusive Farm Use zones shall comply with State Statute and Oregon Administrative Rule.

Policy 2.2.6 Regularly review farm regulations to ensure compliance with changes to State Statute, Oregon Administrative Rules and case law.

FINDING: The intent of the text amendment is to integrate a new use into local code for implementation. Where possible, staff has directly referenced state statute and administrative rule. These policies are met.

Chapter 3 – Rural Growth Management - Section 2.2 Rural Economy Policies

Goal 1. Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.

Policy 3.4.1 Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

a. Review land use regulations to identify legal and appropriate development opportunities.

FINDING: The text amendments will allow farm stores, a use permitted by state law, to operate on agricultural lands in the rural county. These operations have the opportunity to promote economic development in the rural county through legal and appropriate development opportunities. Operations will be reviewed to ensure they are compatible with the rural character and natural environment of the surrounding area through compliance with reasonable siting standards.

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to the Deschutes County Code.

Enrolled
House Bill 4153

Sponsored by Representative BREESE-IVERSON, Senators SOLLMAN, SMITH DB, Representatives HELFRICH, LEVY B, RIEKE SMITH, Senator ANDERSON; Representatives ELMER, LEVY E, OWENS, RESCHKE, Senators BROADMAN, GIROD, GORSEK, MCLANE, MEEK, NASH, WEBER (Presession filed.)

CHAPTER .....

AN ACT

Relating to farm stores; creating new provisions; and amending ORS 215.213, 215.283, 475A.570 and 475C.489.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS chapter 215.

SECTION 2. (1) As used in this section:

(a)(A) "Agri-tourism activity" means an activity that is conducted by a farm operation to promote the farm operation, visitors to a farm store and the sale of farm store products to the public and that may also generate commercial, entertainment or educational value. Such activities may include:

(i) Farm tours;

(ii) Educational exhibits or classes;

(iii) Crop mazes;

(iv) Play structures;

(v) Farm-to-table meals;

(vi) Animal petting and feeding exhibits;

(vii) Hay or tractor rides; or

(viii) Other seasonal or holiday events.

(B) "Agri-tourism activity" does not include using a farm store for lodging or as a dwelling.

(b) "Farm-to-table meal" means a meal offered as part of a fee-based dining experience, where food grown by a farm operation or farmers in a local agricultural area is prepared and served in a manner that educates the public about agricultural production or on-site sourcing.

(c) "Farm unit" means a farm operation comprising all parcels being farmed by a single operation, whether the operation owns or leases the parcels.

(d) "Farm use" means, notwithstanding ORS 215.010, only those activities listed under ORS 215.203 (2)(a) undertaken for the primary purpose of obtaining a profit.

(e) "Local agricultural area" means Oregon or an adjacent county in California, Idaho, Nevada or Washington that borders an Oregon county in which a farm store is located.

(f) "Processed farm product" means a farm product that has been transformed into a manufactured product through methods such as cooking, baking, heating, drying, mixing,

grinding, churning, separating, extracting, cutting, butchering or freezing and has been packaged or canned for human or animal use.

(2) A farm store may be established as a permitted use on land zoned for exclusive farm use under ORS 215.213 (1) and 215.283 (1), or on land zoned for mixed farm and forest use, if:

(a) The farm store is used for the sale of farm products produced by the farm operation that operates the farm store;

(b) No more than 10,000 square feet of one or more permanently enclosed structures are used for the farm store uses listed in subsection (3) of this section; and

(c) The farm store is situated on a tract of:

(A) At least 80 acres with at least 45 acres employed for farm use;

(B) Less than 80 acres but at least 40 acres and with at least 25 acres employed for farm use;

(C) Less than 40 acres but at least 20 acres and with at least 15 acres employed for farm use; or

(D) Less than 20 acres if:

(i) At least 10 acres are employed for farm use; or

(ii) The farm store operates as part of a farm unit that has earned at least $10,000 in gross farm income cumulatively over the preceding two years.

(3) Farm stores may be used for:

(a) The sale of the farm products or processed farm products produced in the local agricultural area;

(b) The sale of other retail items, if displayed in an area not to exceed 25 percent of the floor area of the permanent enclosed farm store structures;

(c) The sale of beverages and prepared food items that are cooked or otherwise made ready for immediate consumption; or

(d) Agri-tourism activities.

(4) The sale of retail items under subsection (3)(b) of this section must take place within a permanent enclosed structure. All other allowable farm store uses may take place outside or in temporary or unenclosed structures.

(5) In conjunction with an agri-tourism activity, a farm store may use temporary structures or mobile vending units.

(6) A farm store may include on-site kitchen facilities licensed by the Oregon Health Authority under ORS 624.010 to 624.121. Food and beverages prepared under subsection (3)(c) of this section may not be served in a manner that causes the kitchen facilities to function as a cafe or drive-through dining establishment.

(7)(a) A local government with land use jurisdiction over the site of a farm store may adopt siting standards for farm stores related to:

(A) Access, egress and parking;

(B) Traffic management;

(C) Noise management;

(D) Hours of event operation; or

(E) Sanitation and solid waste.

(b) A county may not apply siting standards in a manner that prohibits the siting and operation of a farm store under this section.

SECTION 3. ORS 215.213 is amended to read:

215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), the following uses may be established in any area zoned for exclusive farm use:

(a) Churches and cemeteries in conjunction with churches.

(b) The propagation or harvesting of a forest product.

(c) Utility facilities necessary for public service, not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, but including:

(A) Utility facilities as provided in ORS 215.275;

(B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and 469.300;

(C) Wetland waste treatment systems; or

(D) Facilities and service lines needed to provide water or wastewater services allowed under ORS 215.256.

(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use and the dwelling is located on the same lot or parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

(e) Nonresidential buildings customarily provided in conjunction with farm use.

(f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum lot size acknowledged under ORS 197.251.

(g) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this paragraph. A temporary residence approved under this paragraph is not eligible for replacement under paragraph (q) of this subsection.

(j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(k) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(m) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been classified as historic property as described in ORS 358.487 (4).

(o) Creation, restoration or enhancement of wetlands.

(p) A winery, as described in ORS 215.452 or 215.453.

(q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS 215.291.

(r) Farm stands if:

(A) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(B) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(s) An armed forces reserve center, if the center is within one-half mile of a community college. For purposes of this paragraph, "armed forces reserve center" includes an armory or National Guard support facility.

(t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(u) A facility for the processing of farm products as described in ORS 215.255.

(v) Fire service facilities providing rural fire protection services.

(w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

(x) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(A) A public right of way;

(B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(C) The property to be served by the utility.

(y) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

(z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings in existence on January 1, 2019, when:

(A) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(aa) A cider business, as described in ORS 215.451.

(bb) A farm brewery, as described in ORS 215.449.

(cc) A farm store, as described in section 2 of this 2026 Act.

(2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), the following uses may be established in any area zoned for exclusive farm use subject to ORS 215.296:

(a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm operation or woodlot:

(A) Consists of 20 or more acres; and

(B) Is not smaller than the average farm or woodlot in the county producing at least $2,500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot.

(b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than required under paragraph (a) of this subsection, if the lot or parcel:

(A) Has produced at least $20,000 in annual gross farm income in two consecutive calendar years out of the three calendar years before the year in which the application for the dwelling was made or is planted in perennials capable of producing upon harvest an average of at least $20,000 in annual gross farm income; or

(B) Is a woodlot capable of producing an average over the growth cycle of $20,000 in gross annual income.

(c) Commercial activities that are in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

(d) Operations conducted for:

(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

(D) Processing of other mineral resources and other subsurface resources.

(e) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community, hunting and fishing preserves, public and private parks, playgrounds and campgrounds. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). A public park or campground may be established as provided under ORS 195.120. As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

(f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

(g) Commercial utility facilities for the purpose of generating power for public use by sale. If the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport 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 Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

(i) A facility for the 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 this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(j) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

(k)(A) Commercial dog boarding kennels; or

(B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of this section.

(L) Residential homes as defined in ORS 197.660, in existing dwellings.

(m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(n) Home occupations as provided in ORS 215.448.

(o) Transmission towers over 200 feet in height.

(p) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(q) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(r) Improvement of public road and highway related facilities such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

(s) A destination resort that is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort.

(t) Room and board arrangements for a maximum of five unrelated persons in existing residences.

(u) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas

other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of the metropolitan urban growth boundary. As used in this paragraph:

(A) "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and

(B) "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS chapter 65.

(v) Operations for the extraction and bottling of water.

(w) An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks.

(x) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(y) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.

(z) Equine and equine-affiliated therapeutic and counseling activities, provided:

(A) The activities are conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and

(B) All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

(aa) Child care facilities, preschool recorded programs or school-age recorded programs that are:

(A) Authorized under ORS 329A.250 to 329A.450;

(B) Primarily for the children of residents and workers of the rural area in which the facility or program is located; and

(C) Colocated with a community center or a public or private school allowed under this subsection.

(3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), a single-unit residential dwelling not provided in conjunction with farm use may be established on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by the Agricultural Capability Classification System in use by the United States Department of Agriculture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval of the governing body or its designee in any area zoned for exclusive farm use upon written findings showing all of the following:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

(b) The dwelling is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size or location if it can reasonably be put to farm use in conjunction with other land.

(c) Complies with such other conditions as the governing body or its designee considers necessary.

(4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition), one single-unit dwelling, not provided in conjunction with farm use, may be established in any area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that is not larger than three acres upon written findings showing:

(a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

(b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a geological hazard area, the dwelling complies with conditions imposed by local ordinances relating

specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is applicable; and

(c) The dwelling complies with other conditions considered necessary by the governing body or its designee.

(5) Upon receipt of an application for a permit under subsection (4) of this section, the governing body shall notify:

(a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be established; and

(b) Persons who have requested notice of such applications and who have paid a reasonable fee imposed by the county to cover the cost of such notice.

(6) The notice required in subsection (5) of this section shall specify that persons have 15 days following the date of postmark of the notice to file a written objection on the grounds only that the dwelling or activities associated with it would force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is received, the governing body or its designee shall approve or disapprove the application. If an objection is received, the governing body shall set the matter for hearing in the manner prescribed in ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of this section.

(7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1, 1948, and July 1, 1983. For the purposes of this section:

(a) Only one lot or parcel exists if:

(A) A lot or parcel described in this section is contiguous to one or more lots or parcels described in this section; and

(B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common.

(b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including but not limited to, lots, parcels or lots and parcels separated only by a public road.

(8) A person who sells or otherwise transfers real property in an exclusive farm use zone may retain a life estate in a dwelling on that property and in a tract of land under and around the dwelling.

(9) No final approval of a nonfarm use under this section shall be given unless any additional taxes imposed upon the change in use have been paid.

(10) Roads, highways and other transportation facilities and improvements not allowed under subsections (1) and (2) of this section may be established, subject to the approval of the governing body or its designee, in areas zoned for exclusive farm use subject to:

(a) Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or

(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

(11) The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use:

(a) A county may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

(A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

(C) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

(G) The agri-tourism or other commercial event or activity complies with conditions established for:

(i) Planned hours of operation;

(ii) Access, egress and parking;

(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(iv) Sanitation and solid waste.

(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not begin before 6 a.m. or end after 10 p.m.;

(C) May not involve more than 100 attendees or 50 vehicles;

(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

(E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

(G) Must comply with applicable health and fire and life safety requirements.

(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not, individually, exceed a duration of 72 consecutive hours;

(C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(D) Must comply with ORS 215.296;

(E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(F) Must comply with conditions established for:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v) Sanitation and solid waste.

(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(D) Do not exceed 18 events or activities in a calendar year.

(12) A holder of a permit authorized by a county under subsection (11)(d) of this section must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

(a) Provide public notice and an opportunity for public comment as part of the review process; and

(b) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by subsection (11)(d) of this section.

(13) For the purposes of subsection (11) of this section:

(a) A county may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under subsection (11) of this section. However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The county may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized under subsection (11) of this section, including, but not limited to, grading, filling or paving.

(b) The county may issue the limited use permits authorized by subsection (11)(c) of this section for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of subsection (11)(c) of this section, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(c) The authorizations provided by subsection (11) of this section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

SECTION 4. ORS 215.283 is amended to read:

215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

(a) Churches and cemeteries in conjunction with churches.

(b) The propagation or harvesting of a forest product.

(c) Utility facilities necessary for public service, not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height, but including:

(A) Utility facilities as provided in ORS 215.275;

(B) Utility facilities that are associated transmission lines, as defined in ORS 215.274 and 469.300;

(C) Wetland waste treatment systems; or

(D) Facilities and service lines needed to provide water or wastewater services allowed under ORS 215.256.

(d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use and the dwelling is located on the same lot or parcel as the dwelling of the farm operator. Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

(e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily provided in conjunction with farm use.

(f) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (2)(a) or (b).

(h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(i) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.

(j) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(k) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been classified as historic property as described in ORS 358.487 (4).

(m) Creation, restoration or enhancement of wetlands.

(n) A winery, as described in ORS 215.452 or 215.453.

(o) Farm stands if:

(A) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(B) The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.

(p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS 215.291.

(q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the

purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(r) A facility for the processing of farm products as described in ORS 215.255.

(s) Fire service facilities providing rural fire protection services.

(t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.

(u) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(A) A public right of way;

(B) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(C) The property to be served by the utility.

(v) Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.

(w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135.

(x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting farm buildings, when:

(A) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

(y) A cider business, as described in ORS 215.451.

(z) A farm brewery, as described in ORS 215.449.

(aa) A farm store, as described in section 2 of this 2026 Act.

(2) The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

(a) Commercial activities that are in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

(b) Operations conducted for:

(A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

(B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298;

(C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

(D) Processing of other mineral resources and other subsurface resources.

(c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the approval of the county governing body or its designee, a private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. Upon request of a county governing body, the Land Conservation and Development Commission may provide by rule for an increase in the number of yurts allowed on all or a portion of the campgrounds in a county if the commission determines that the increase will comply with the standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

(d) Parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.

(e) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community. A community center authorized under this paragraph may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.

(f) Golf courses on land:

(A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

(B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

(i) Is not otherwise described in ORS 195.300 (10);

(ii) Is surrounded on all sides by an approved golf course; and

(iii) Is west of U.S. Highway 101.

(g) Commercial utility facilities for the purpose of generating power for public use by sale. If the area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation facility may be established as a commercial utility facility as provided in ORS 215.447. A renewable energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

(h) Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal-use airport, as used in this section, means an airstrip restricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport 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 Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Department of Aviation.

(i) Home occupations as provided in ORS 215.448.

(j) A facility for the 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 this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

(k) A site for the disposal of solid waste approved by the governing body of a city or county or both and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation.

(L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this paragraph. A temporary residence approved under this paragraph is not eligible for replacement under subsection (1)(p) of this section.

(m) Transmission towers over 200 feet in height.

(n)(A) Commercial dog boarding kennels; or

(B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of this section.

(o) Residential homes as defined in ORS 197.660, in existing dwellings.

(p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture or the United States Department of Agriculture. The county shall provide notice of all applications under this paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the county's land use regulations but shall be mailed at least 20 calendar days prior to any administrative decision or initial public hearing on the application.

(q) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(r) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

(s) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

(t) A destination resort that is approved consistent with the requirements of any statewide planning goal relating to the siting of a destination resort.

(u) Room and board arrangements for a maximum of five unrelated persons in existing residences.

(v) Operations for the extraction and bottling of water.

(w) Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.

(x) A living history museum related to resource based activities owned and operated by a governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. As used in this paragraph:

(A) "Living history museum" means a facility designed to depict and interpret everyday life and culture of some specific historic period using authentic buildings, tools, equipment and people to simulate past activities and events; and

(B) "Local historical society" means the local historical society recognized by the county governing body and organized under ORS chapter 65.

(y) An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's permit to sell or provide fireworks.

(z) A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use.

(aa) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.

(bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

(A) The activities are conducted in existing buildings that were lawfully constructed on the property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate to the farm use on the tract; and

(B) All individuals conducting therapeutic or counseling activities are acting within the proper scope of any licenses required by the state.

(cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

(dd) Child care facilities, preschool recorded programs or school-age recorded programs that are:

(A) Authorized under ORS 329A.250 to 329A.450;

(B) Primarily for the children of residents and workers of the rural area in which the facility or program is located; and

(C) Colocated with a community center or a public or private school allowed under this subsection.

(3) Roads, highways and other transportation facilities and improvements not allowed under subsections (1) and (2) of this section may be established, subject to the approval of the governing body or its designee, in areas zoned for exclusive farm use subject to:

(a) Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or

(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon Laws 1993.

(4) The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established in any area zoned for exclusive farm use:

(a) A county may authorize a single agri-tourism or other commercial event or activity on a tract in a calendar year by an authorization that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:

(A) The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;

(B) The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;

(C) The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;

(D) The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;

(E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

(F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and

(G) The agri-tourism or other commercial event or activity complies with conditions established for:

(i) Planned hours of operation;

(ii) Access, egress and parking;

(iii) A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads; and

(iv) Sanitation and solid waste.

(b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision

concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not begin before 6 a.m. or end after 10 p.m.;

(C) May not involve more than 100 attendees or 50 vehicles;

(D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

(E) May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;

(F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and

(G) Must comply with applicable health and fire and life safety requirements.

(c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

(A) Must be incidental and subordinate to existing farm use on the tract;

(B) May not, individually, exceed a duration of 72 consecutive hours;

(C) May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;

(D) Must comply with ORS 215.296;

(E) May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and

(F) Must comply with conditions established for:

(i) The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;

(ii) The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;

(iii) The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;

(iv) Traffic management, including the projected number of vehicles and any anticipated use of public roads; and

(v) Sanitation and solid waste.

(d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

(A) Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;

(B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

(C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and

(D) Do not exceed 18 events or activities in a calendar year.

(5) A holder of a permit authorized by a county under subsection (4)(d) of this section must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:

(a) Provide public notice and an opportunity for public comment as part of the review process; and

(b) Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by subsection (4)(d) of this section.

(6) For the purposes of subsection (4) of this section:

(a) A county may authorize the use of temporary structures established in connection with the agri-tourism or other commercial events or activities authorized under subsection (4) of this section. However, the temporary structures must be removed at the end of the agri-tourism or other event or activity. The county may not approve an alteration to the land in connection with an agri-tourism or other commercial event or activity authorized under subsection (4) of this section, including, but not limited to, grading, filling or paving.

(b) The county may issue the limited use permits authorized by subsection (4)(c) of this section for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of subsection (4)(c) of this section, any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.

(c) The authorizations provided by subsection (4) of this section are in addition to other authorizations that may be provided by law, except that "outdoor mass gathering" and "other gathering," as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.

SECTION 5. ORS 475A.570 is amended to read:

475A.570. [*Psilocybin-producing fungi as crop; exceptions to permitted uses.*] (1) Psilocybin-producing fungi is:

(a) A crop for the purposes of farm use as defined in ORS 215.203;

(b) A crop for purposes of a farm and farming practice, both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a psilocybin-producing fungi crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a psilocybin-producing fungi crop; [*and*]

(c) A farm store, as described in section 2 of this 2026 Act, used in conjunction with a psilocybin-producing fungi crop; and

[*(c)*] **(d)** Subject to subsection (3) of this section, a commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a psilocybin-producing fungi crop.

(3) The operation of a psilocybin service center may be carried on in conjunction with a psilocybin-producing fungi crop.

(4) A county may allow the manufacture of psilocybin products as a farm use on land zoned for farm or forest use in the same manner as the manufacture of psilocybin products is allowed in exclusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.

(5) This section applies to psilocybin product manufacturers that hold a license under ORS 475A.290.

SECTION 6. ORS 475C.489 is amended to read:

475C.489. (1) Marijuana is:

(a) A crop for the purposes of "farm use" as defined in ORS 215.203;

(b) A crop for purposes of a "farm" and "farming practice," both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197, 197A, 215 and 227, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a marijuana crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction with a marijuana crop; [*and*]

(c) A farm store, as described in section 2 of this 2026 Act, used in conjunction with a marijuana crop; and

[*(c)*] **(d)** A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213, 215.283 and 475C.053.

(4) This section applies to:

(a) Marijuana producers that hold a license issued under ORS 475C.065;

(b) Persons registered under ORS 475C.792 and designated to produce marijuana by one or more persons who hold valid registry identification cards issued under ORS 475C.783; and

(c) For the purpose of producing marijuana or propagating immature marijuana plants, researchers of cannabis that hold a certificate issued under ORS 475C.289.

Passed by House March 4, 2026

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate March 6, 2026

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2026

Approved:

.....M.,....., 2026

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2026

.....
Tobias Read, Secretary of State

MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nicole Mardell, AICP, Principal Planner
Will Groves, Planning Manager

DATE: October 15, 2026

SUBJECT: Public Hearing: Title 22 - Development Procedures Text Amendments

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The Deschutes County Planning Commission (Commission) will conduct a public hearing on October 22, 2026, to consider amendments to Title 22, Development Procedures, Deschutes County Development Code (file no. 247-26-000557-TA). The Planning Commission held a work session on this proposal on October 8, 2026[1]. A 35-day notice was provided to the Department of Land Conservation and Development (DLCD) on September 17, 2026.

Attached to this memorandum are the proposed text amendments (Attachment A) and findings (Attachment B) summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

All record materials can be found on the project website: https://www.deschutescounty.gov/Title22TA

I. BACKGROUND

Title 22 is the County's Development Procedures Ordinance, which establishes procedural requirements for development actions, land use actions, hearings, appeals, legislative amendments, and limitations on approvals. The proposed amendments align the code with current County practices, correct internal references, update terminology, and establish new tribal notice and cultural landmark nomination procedures resulting from recent state rulemaking.

II. OVERVIEW OF AMENDMENTS

Chapter 22.08 General Provisions

[1] https://www.deschutescounty.gov/1506/Meeting-Agendas-Minutes-Video

The proposed amendments create procedures for County tribal notification resulting from recent state rulemaking. They also create procedures for applications by Oregon-based governments to nominate culturally sensitive landscape features to the County's Goal 5 inventory, also authorized by rulemaking. Last, clarifications are made to the submission of documents in land use proceedings.

Chapter 22.12 Legislative Procedures

The amendments expand notice for legislative applications beyond newspapers to other media organizations. This reflects current practice of releasing a press release to radio stations, TV stations, and other media organizations.

Chapter 22.16 Development Action Procedures

The amendments clarify procedures to be used for development action appeals, reflecting current practice.

Chapter 22.20 Review of Land Use Action Applications

The amendments clarify noticing requirements based on current practice.

Chapter 22.22 Deschutes River Corridor Design Review

The amendments remove outdated references to Bend Urban Area Planning Commission, which no longer exists.

Chapter 22.24 Land Use Action Hearings

The amendments clarify procedures for transmission of the staff report and notices by email, reflecting current practice. The amendments also remove outdated references relating to exhibit procedures, and prescribe mailing procedures for continuances when the date, time, and/or place are not set at the initial hearing, reflecting current practice.

Chapter 22.32 Appeals

The amendments clarify deadlines for appeal notices and fees and remove outdated transcript and electronic tape requirements.

Chapter 22.36 Limitations on Approvals

The amendments repeal a carve-out provision for extensions to certain approvals issued by June 8, 2011. Staff understands that no approvals are eligible for the allowance.

III. AGENCY & PUBLIC COMMENT

No public or agency comments have been received to date.

IV. NEXT STEPS

The Planning Commission will recommend action to the Board of County Commissioners. It may approve, revise, or deny the proposed amendments.

At the conclusion of the public hearing, the Planning Commission may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain;
- Close the hearing and set a date for deliberations; or
- Close the hearing and commence deliberations.

Attachments

A. Draft Text Amendments
B. Draft Findings

Draft Amendments 09.30.2026

TITLE 22 DESCHUTES COUNTY DEVELOPMENT PROCEDURES ORDINANCE

CHAPTER 22.04 INTRODUCTION AND DEFINITIONS
CHAPTER 22.08 GENERAL PROVISIONS
CHAPTER 22.12 LEGISLATIVE PROCEDURES
CHAPTER 22.16 DEVELOPMENT ACTION PROCEDURES
CHAPTER 22.20 REVIEW OF LAND USE ACTION APPLICATIONS
CHAPTER 22.22 DESCHUTES RIVER CORRIDOR DESIGN REVIEW PROCEDURES
CHAPTER 22.23 DESTINATION RESORT MAP AMENDMENT PROCEDURES
CHAPTER 22.24 LAND USE ACTION HEARINGS
CHAPTER 22.28 LAND USE ACTION DECISIONS
CHAPTER 22.30 RECONSIDERATION
CHAPTER 22.32 APPEALS
CHAPTER 22.34 PROCEEDINGS ON REMAND
CHAPTER 22.36 LIMITATIONS ON APPROVALS
CHAPTER 22.40 DECLARATORY RULING

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CHAPTER 22.08 GENERAL PROVISIONS

22.08.005 Pre-Application Conference
22.08.010 Application Requirements
22.08.020 Acceptance Of Application
22.08.030 Incomplete Applications
22.08.035 False Statements On Application And Supporting Documents
22.08.037 Withdrawal Of Application
22.08.040 Applicable Standards
22.08.050 Notice To Division Of State Lands
22.08.055 Notice To Tribal Governments
22.08.060 Conflicting Procedures
22.08.070 Time Computation
22.08.080 Mailing List
22.08.090 Submission Of Documents

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22.08.010 Application Requirements

A. Property Owner. For the purposes of DCC 22.08.010, the term "property owner" shall mean the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.

B. Applications for development or land use actions shall:

1. Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;

2. Be completed on a form prescribed by the Planning Director;

3. Include supporting information required by the zoning and subdivision ordinance(s) and ~~that~~ all information necessary to demonstrate compliance with applicable criteria; and

4. Be accompanied by the appropriate filing fee, unless such fees are waived by the Board of County Commissioners.

5. Include an affidavit attesting to the fact that the notice has been posted on the property in accordance with DCC 22.24.030(B).

C. The following applications are not subject to the ownership requirement set forth in DCC 22.08.010(B)(1):

1. Applications submitted by or on behalf of a public entity or public utility having the power of eminent domain with respect to the property subject to the application; or

2. Applications for development proposals sited on lands owned by the state or the federal government; or

3. Applications submitted by an Oregon-based government pursuant to OAR 660-023-0210(4)(c) to determine whether a Cultural Landscape Feature is significant.

D. A deposit for hearings officers' fees may be requested at any time prior to the application being deemed complete and, if the application is heard by a hearings officer, the applicant will be responsible for the actual costs of the hearings officer.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §§1, 2 on 12/7/1990
Amended by Ord. 95-045 §3 on 6/28/1995

Amended by Ord. 96-071 §1B on 12/30/1996
Amended by Ord. 2015-017 §1 on 3/28/2016
Amended by Ord. 2026-xx §x on x/xx/xxxx
...

22.08.030 Incomplete Applications

A. If an application is incomplete, the planning director shall, within 30 days of receipt of the application, notify the applicant in writing of exactly what information is missing. The applicant may amend ~~his~~ the application or submit a new application supplying the missing information.

B. If an application for a permit, limited land use decision, or zone change not associated with a concurrent plan amendment, is incomplete, the Planning Director shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

C. The application shall be deemed complete upon receipt by the Planning Division of:

1. All of the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

D. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required above in subsection B and has not submitted:

1. All of the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 95-045 §4 on 6/28/1995
Amended by Ord. 2008-027 §1 on 1/6/2009

Amended by Ord. 2026-xx §x on x/xx/xxxx

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22.08.040 Applicable Standards

A. With respect to the acknowledged portions of the County's comprehensive plan, the standards and criteria applicable to an application shall be the standards and criteria applicable at the time the application was first submitted if the application and requested information, if any, are received within 180 days of the time the application was first submitted.

B. For applications that involve the development of housing and are eligible to be reviewed pursuant to ORS 197A.400:

1. In all cases where the Deschutes County Code contains alternative standards or criteria describing processes for: (1) Clear and Objective Standards or Criteria (i.e., review pursuant to ORS 197A.400), and (2) General/Discretionary Standards or Criteria (i.e., review not pursuant to ORS 197A.400), the applicant shall identify in the application materials if the proposal will be reviewed under Clear and Objective Standards or Criteria, or General/Discretionary Standards or Criteria.

    a. Partial application of Clear and Objective Standards or Criteria shall not be permitted. If an applicant selects Clear and Objective Standards or Criteria as the review criteria, the entirety of the proposal will be reviewed under Clear and Objective Standards or Criteria for all relevant sections of the Deschutes County Code.

2. The County shall review the application exclusively under the standards and criteria selected by the applicant – either the Clear and Objective Standards or Criteria, or the General/Discretionary Standards or Criteria.

3. Any request to elect to use different standards/criteria than those identified in the application materials shall constitute a modification of application subject to DCC 22.20.055.

4. For applications subject to ORS 197A.400(1), the notice, pre-decision hearing, local appeal, and LUBA appeal limitations in ORS 197A.400 control over conflicting provisions of this code.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982

Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 2025-008 §13 on 6/25/2025
Amended by Ord. 2026-xx §x on x/xx/xxxx
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22.08.055 Notice to Tribal Governments and Cultural Landscape Feature Applications

A. Definitions and Tribal List
   1. "Tribe" has the meaning given in OAR 660-023-0210(1)(h).
   2. For notice required under this section, the County shall use the list obtained from the Legislative Commission on Indian Services of tribes with an ancestral connection to lan within the County, as provided in OAR 660-023-0210(10)(c).

B. Cultural Landscape Feature Applications
   1. The County shall accept an application submitted by an Oregon-based government under OAR 660-023-0210(4)(c) to determine whether a cultural landscape feature is significant and shall process the application as an amendment to the comprehensive plan in accordance with that rule and applicable County procedures. Property-owner consent or authorization shall not be required.
   2. After receiving the application, the County shall notify owners of property that contains all or a portion of the subject landscape feature or its impact area, as described by the applicant, and within seven days shall notify tribes with an ancestral connection to the land within the County.
   3. For a cultural landscape feature found to be significant, the County shall adopt protection measures concurrently with creation or amendment of the local inventory as required by OAR 660-023-0210(4)(e) and shall complete the applicable Goal 5 process.

C. Tribal Coordination
   1. The County shall provide notice to tribes with an ancestral connection to land within the County for an application that involves ground disturbance and that is:
      a. A permit as defined in ORS 215.402(4)
      b. A limited land use decision for which public noticed is required under ORS 197.195 or 197.797; or
      c. A land use action subject to ORS 197A.146.
   2. The County shall notify tribes no later than five days after determining that the application is complete and shall include tribes in the notice of the public comment period or public hearing required for the application.

a. When a tribe responds, the County shall inform the applicant and transmit the tribe's recommendations for avoiding or mitigating impacts. This information shall be included in the record in a manner that preserves confidentiality as provided in OAR 660-023-0210(3)(d).
b. In the event a tribe has indicated a negative impact, the County shall offer to arrange a meeting with the tribe(s) and the applicant within the required review timeline.

3. Notification to tribes required as part of a federal action satisfies the requirements of this subsection.

D. Archaeological Sites.

1. Where the record indicates the presence of a known archaeological site, approval shall be conditioned on obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51.

HISTORY
Adopted by Ord. 2026-xx §x on x/xx/xxxx

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~~**22.08.080 Mailing List**~~

~~Any person may, upon payment of a fee set by the Planning Director, request to receive the planning division's weekly media update packet, which may include a list of accepted applications, planning commission agendas and hearings body notices.~~

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Repealed by Ord. xx-xx §x on xx/x/xxxx

22.08.090 Submission Of Documents

A document is "submitted" when it is received.

A. Physical s~~S~~ubmittals shall be made either at a noticed hearing or at the offices of the Planning Division during regular business hours, unless specified otherwise by the Hearings Body or notice.
B. Electronic submittals may be accepted at any time, subject to limitations imposed as part of a hearing or similar action, if any. Electronic acceptance does not extend or alter any filing deadline imposed by DCC Title 22, applicable law, a notice, or a Hearings Body order.

C. Any submittal received after the closure of a record shall not be considered part of the record.

HISTORY
Adopted by Ord. 96-071 §1 on 12/30/1996

Amended by Ord. 2026-xx §x on x/xx/xxxx

CHAPTER 22.12 LEGISLATIVE PROCEDURES

22.12.010 Hearing Required
22.12.020 Notice
22.12.030 Initiation Of Legislative Changes
22.12.040 Hearings Body
22.12.050 Final Decision
22.12.060 Corrections
...

22.12.020 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.

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

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.

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

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990

Amended by Ord. 2026-xx §x on x/xx/xxxx
...

CHAPTER 22.16 DEVELOPMENT ACTION PROCEDURES

22.16.010 Review Of Development Action Applications
22.16.020 Decision
22.16.030 Review Of Development Action
...

22.16.020 Decision

A. Development action applications acted upon without notice or hearing shall be approved or denied by the Planning Director or his designee within 30 days of the application's acceptance by the Planning Director.

B. Notice of a decision shall be provided to the applicant or the applicant's representative.

C. The decision may be appealed under DCC 22.16.030 subject to the procedures of 22.32.050.

D. A development action decision becomes final when no further appeal under DCC Title 22 is possible.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 2026-xx §x on x/xx/xxxx

22.16.030 Review Of Development Action

If the authority under which a development action is undertaken provides a means of review or appeal of a decision independent from DCC Title 22, the review or appeal shall be in accordance with the procedures independently provided and not in accordance with DCC Title 22. If the authority under which a development action is reviewed does not provide a means of review or appeal of a decision, then review or appeal shall be in accordance with DCC 22.32.050.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 2026-xx §x on x/xx/xxxx

CHAPTER 22.20 REVIEW OF LAND USE ACTION APPLICATIONS

22.20.005 Effect Of Determinations Made Outside Of Established Processes
22.20.010 Action On Land Use Action Applications
22.20.015 Code Enforcement And Land Use
22.20.020 Administrative Land Use Decisions With Prior Notice
22.20.030 Administrative Decision Without Prior Notice
22.20.040 Final Action In Land Use Actions
22.20.050 Temporary Approval
22.20.052 Supplementation Of Application Within First 30 Days Of Submittal
22.20.055 Modification Of Application
22.20.060 (Repealed)
22.20.070 Availability Of Administrative Decisions
...

22.20.020 Administrative Land Use Decisions With Prior Notice

A. Notice of the application shall be sent within 10 days of submittal of the application to persons entitled to notice under DCC 22.24.030. Such notice shall include all the information specified under DCC 22.24.040(A) except for the information specified in DCC 22.24.040(A)(7) and (10).

B. Any person may comment in writing on the application until a decision is final or hearing is conducted. Comments are recommended to be submitted within 10 days from the date notice was mailed or a longer period as specified in the notice~~.~~

C. The Planning Director's decision to approve, deny or send to a hearing shall be made within 30 days after an application is accepted as complete. This time limit may be waived by the written consent of the applicant.

D. Notice of the Planning Director's decision and the appeal period shall be sent to all persons entitled to notice under DCC 22.24.030 and~~,~~ to all persons who commented prior to the issuance of the decision ~~and to all members of the Planning Commission~~. The notice shall contain the applicable information required under DCC 22.24.040.

E. The applicant, all persons entitled to notice under DCC 22.24.030 and all other persons commenting as provided in DCC 22.20.020 constitute parties to the administrative decision. Any party can appeal the decision in accordance with DCC 22.32.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990

Amended by Ord. 91-013 §3 on 2/27/1991
Amended by Ord. 95-045 §7 on 6/28/1995
Amended by Ord. 96-071 §1C on 12/30/1996
Amended by Ord. 2026-xx §x on x/xx/xxxx
...

CHAPTER 22.22 DESCHUTES RIVER CORRIDOR DESIGN REVIEW PROCEDURES

22.22.010 Deschutes River Corridor Design Review Procedures

22.22.010 Deschutes River Corridor Design Review Procedures

For all property subject to the Deschutes River design review process under DCC Title 19, the following procedures shall apply:

A. There shall be two types of review for design review depending on the level and type of activity proposed.

1. Type I review shall be performed by the Planning Director for the following activities:

a. Minor alterations of 10 percent or less to an existing building facade facing river.

b. Changes in window or door placement visible from the river.

c. Changes in parking locations.

d. Fill or removal activity within 10 feet of the ordinary high water mark of the Deschutes River.

The Planning Director, at his/her discretion, may refer a Type I application to the ~~Bend Urban Area~~ Planning Commission for approval. The Planning Commission's consideration shall be subject to Type II procedures.

2. Notwithstanding DCC 22.24.020(A), Type II review shall be performed by the ~~Bend Urban Area~~ Planning Commission for the following activities:

a. Appeal of a Type I decision.

b. New construction and new development.

c. Master Plan approval for large-scale projects.

d. Variances to application under DCC 19.76.090.

e. Fill and removal activities associated with new development or for creation of firebreaks in association with appropriate fire prevention authorities.

B. Type I Procedures: The applicant shall request approval for a Type I procedure in writing to the Planning Division. The request shall include a site plan and a description of work and materials that will be used. The Planning Director shall review the request and respond to the applicant in writing of the decision and any conditions placed on the decision.

C. Type II Procedures: Type II review shall be conducted by the ~~Bend Urban Area~~ Planning Commission as follows:

1. Notice for Type II applications shall be as set forth in DCC 22.24.030, and DCC 22.24.040. The Commission may hold a public hearing for any Type II applications. The hearings procedure shall be as set forth in DCC 22.24, Land Use Action Hearings.

2. Appeals of the decision of the ~~Bend Urban Area~~ Planning Commission shall be to the Board of County Commissioners and the process shall be as set forth in DCC 22.32, Appeals.

D. Where the procedures in DCC 22.22.010 conflict with other provisions of DCC Title 22 with respect to Deschutes River Corridor Design Review, the provisions of DCC Title 22 shall prevail.

HISTORY
Adopted by Ord. 94-028 §1 on 6/15/1994

Amended by Ord. 2026-xx §x on x/xx/xxxx

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CHAPTER 22.24 LAND USE ACTION HEARINGS

22.24.010 Filing Of Staff Report For Hearing
22.24.020 Hearings Body
22.24.030 Notice Of Hearing Or Administrative Action
22.24.040 Contents Of Notice
22.24.050 Burden Of Proof
22.24.060 Nature Of Evidence
22.24.070 Limitation On Oral Presentations
22.24.080 Standing
22.24.090 Record

22.24.100 Disclosure Of Ex Parte Contacts
22.24.105 Disclosure Of Personal Knowledge
22.24.110 Challenge For Bias, Prejudgment Or Personal Interest
22.24.120 Hearings Procedure
22.24.125 Setting The Hearing
22.24.130 Close Of The Record
22.24.140 Continuances Or Record Extensions
22.24.150 Objections To Jurisdiction, Procedure, Notice Or Qualifications
22.24.160 Reopening The Record

22.24.010 Filing Of Staff Report For Hearing

A. At the time an application that in the judgment of the Planning director requires a hearing is deemed complete, a hearing date shall be set.

B. A staff report shall be completed seven days prior to hearing. If the report is not completed by such time, the hearing shall be held as scheduled, but any party may at the hearing or in writing prior to the hearing request a continuance of the hearing to a date that is at least seven days after the date the initial staff report is complete. Pursuant to DCC 22.24.140(A)(3), grant of a continuance under these circumstances shall be discretionary.

C. A copy of the staff report shall be provided ~~mailed~~ to the applicant by mail or electronic mail, ~~-~~shall be made available to such other persons who request a copy, and shall be filed with the Hearings Body.

D. Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 95-045 §11 on 6/28/1995
Amended by Ord. 96-071 §1D on 12/30/1996
Amended by Ord. xxxx-xxx §x on xx/xx/xxxx
...

22.24.030 Notice Of Hearing Or Administrative Action

A. Individual Mailed Notice.

1. Except as otherwise provided for herein, notice of a land use application shall be ~~mailed~~ provided at least 20 days prior to the hearing for those matters set for hearing, or within 10 days after receipt of an application for those matters to be processed administratively with notice. Written notice shall be sent by mail or electronic mail to the following persons:

    a. The applicant.

    b. Owners of record of property as shown on the most recent property tax assessment roll of property located:

        1) Within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;

        2) Within 250 feet of the property that is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone, except where greater notice is required under DCC 22.24.030(A)(4) for structures proposed to exceed 30 feet in height; or

        3) Within 750 feet of the property that is the subject of the notice where the subject property is within a farm or forest zone, except where greater notice is required under DCC 22.24.030(A)(4) for structures proposed to exceed 30 feet in height.

    c. For a solar access or solar shade exception application, only those owners of record identified in the application as being burdened by the approval of such an application.

    d. The owner of a public use airport if the airport is located within 10,000 feet of the subject property.

    e. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.

    ~~f. The Planning Commission.~~

    ~~g.~~f. Any neighborhood or community organization formally recognized by the board under criteria established by the Board whose boundaries include the site.

~~h.~~g. At the discretion of the applicant, the County also shall provide notice to the Department of Land Conservation and Development.

2. Notwithstanding DCC 22.24.030(A)(1) (b)(1), all owners of property within 250 feet of property that is the subject of a plan amendment application or zone change application shall receive notice.

3. The failure of a property owner to receive mailed or electronically mailed notice shall not invalidate any land use approval if the Planning Division can show by affidavit that such notice was given.

4. For structures proposed to exceed 30 feet in height that are located outside of an urban growth boundary, the area for describing persons entitled to notice under DCC 22.24.030(A)(1)(b) shall expand outward by a distance equal to the distance of the initial notice area boundary for every 30 foot height increment or portion thereof.

B. Posted Notice.

1. Notice of a land use action application for which prior notice procedures are chosen shall be posted on the subject property for at least 10 continuous days prior to any date set for receipt of comments. Such notice shall, where practicable, be visible from any adjacent public way.

2. Posted notice of an application for a utility facility line approval shall be by posting the proposed route at intervals of not less than one-half mile. The notice shall be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.

3. Notice of a solar access application shall be posted as near as practicable to each lot identified in the application.

C. Published Notice. In addition to notice by mail, electronic mail, and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 20 days prior to the hearing.

D. Media Notice. Copies of the notice of hearing shall be transmitted to other ~~newspapers~~ media sources published in Deschutes County, at the discretion of the Planning Director.~~.~~

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990

Amended by Ord. 91-013 §7-8 on 2/27/1991
Amended by Ord. 95-045 §12 on 6/28/1995
Amended by Ord. 95-071 §1 on 12/13/1995
Amended by Ord. 96-071 §1D on 12/30/1996
Amended by Ord. 99-031 §6 on 10/27/1999
Amended by Ord. 2018-012 §5 on 11/23/2018
Repealed & Reenacted by Ord. 2019-012 §1,2 on 12/2/2019
Amended by Ord. xxxx-xxx §x on xx/xx/xxxx

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22.24.080 Standing

A. Any interested person may appear and be heard in a ~~land use action~~ hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application.

B. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition becomes a party only if his or her signature is legible and his or her address is clearly written on the petition.

C. Additionally, any owner of property to be burdened by a solar access permit shall be considered a party at every stage of the solar access permit decision process.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 95-045 §15 on 6/28/1995
Amended by Ord. 96-071 §1D on 12/30/1996
Amended by Ord. xxxx-xxx §x on xx/xx/xxxx

22.24.090 Record

A. A ~~tape~~ recording of the hearing shall be made.

B. All exhibits presented at a hearing shall be marked to show the identity of the person offering the exhibit.

C. Exhibits shall be numbered in the order presented. ~~in two categories, proponents and opponents, and shall be dated.~~

~~D. When exhibits are introduced, the proponent or opponent exhibit number or letter shall be read into the record.~~

(Ord. 05-051 §1, 2005)

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. xxxx-xxx §x on xx/xx/xxxx
...

22.24.140 Continuances Or Record Extensions

A. Grounds.

1. Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request. If a continuance request is made after the published or mailed notice has been provided by the County, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.

2. Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:

   a. Where additional documents or evidence are submitted by any party; or

   b. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.
   For the purposes of DCC 22.24.140(A)(2), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

   c. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

B. Except for continuance requests made under DCC 22.24.140(A)(1), the choice between granting a continuance or leaving the record open shall be at the discretion of the Hearings Body. After a choice has been made between leaving the record open and granting a continuance, the hearing shall be governed thereafter by the provisions that relate to the path chosen.

C. Continuances.

1. If the Hearings Body grants a continuance of the initial hearing, the hearing shall be continued to a date, time, and place certain at least seven days from the date of the initial hearing, or the 22.24.030(A) individual mailed notice procedures shall be followed if the continued hearing date, time, and place are not set at the initial hearing.
2. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
3. If new written evidence is submitted at the continued initial hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.
4. If the hearing is other than an initial hearing, any continuances are at the discretion of the hearings body.

D. Leaving record open. If at the conclusion of the initial hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

E. A continuance or record extension granted under DCC 22.24.140 shall be subject to the 150-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 150-day clock is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 91-013 §9 on 2/27/1991
Amended by Ord. 95-045 §18 on 6/28/1995

Amended by Ord. 96-071 §1D on 12/30/1996
Amended by Ord. 99-031 §9 on 10/27/1999
Amended by Ord. xxxx-xxx §x on xx/xx/xxxx

...

CHAPTER 22.32 APPEALS

22.32.010 Who May Appeal
22.32.015 Filing Appeals
22.32.020 Notice Of Appeal
22.32.022 Determination Of Jurisdictional Defects
22.32.024 Transcript Requirement
22.32.025 Consolidation Of Multiple Appeals
22.32.027 Scope Of Review
22.32.030 Hearing On Appeal
22.32.035 Declining Review
22.32.040 Land Use Action Hearings On Appeal From The Hearings Officer
22.32.050 Development Action Appeals
22.32.060 Rehearing
22.32.070 Remands
22.32.080 Withdrawal Of An Appeal

...

22.32.015 Filing Appeals

A. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Division and an appeal fee.

B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the Deschutes County Community Development Department no later than close of business~~than 4:00 PM~~ on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than close of business~~4:00 PM~~ on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.

C. If the Board of County Commissioners is the Hearings Body and the Board declines review, a portion of the appeal fee may be refunded. The amount of any refund will

depend upon the actual costs incurred by the County in reviewing the appeal. When the Board declines review and the decision is subsequently appealed to LUBA, the appeal fee may be applied toward the cost of preparing a transcript of the lower Hearings Body's decision.

D. The appeal fee shall be paid by method that is acceptable to Deschutes County.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 91-013 §11 on 2/27/1991
Amended by Ord. 94-042 §2 on 8/3/1994
Amended by Ord. 95-045 §32 on 6/28/1995
Amended by Ord. 96-071 §1G on 12/30/1996
Amended by Ord. 98-019 §2 on 3/11/1998
Amended by Ord. 99-031 §15 on 10/27/1999
Amended by Ord. 2015-017 §3 on 3/28/2016
Amended by Ord. 2018-012 §6 on 11/23/2018
Repealed & Reenacted by Ord. 2019-012 §1,2 on 12/2/2019
Amended by Ord. 2021-014 §1 on 1/3/2022
Amended by Ord. xxxx-xxx §x on xx/xx/xxxx

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~~**22.32.024 Transcript Requirement**~~

~~A. Except as otherwise provided in DCC 22.32.024, appellants shall provide a complete transcript of any hearing appealed from, from recorded magnetic tapes provided by the Planning Division.~~

~~B. Appellants shall submit to the Planning Division the transcript no later than the close of the day five days prior to the date set for a de novo appeal hearing or, in on-the-record appeals, the date set for receipt of written arguments. Unless excused under DCC 22.32.024, an appellant's failure to provide a transcript shall cause the Board to decline to consider the appellant's appeal further and shall, upon notice mailed to the parties, cause the lower Hearings Body's decision to become final.~~

~~C. An appellant shall be excused from providing a complete transcript if appellant was prevented from complying by: (1) the inability of the Planning Division to supply appellant with a magnetic tape or tapes of the prior proceeding; or (2) defects on the magnetic tape or tapes of the prior proceeding that make it not reasonably possible~~

~~for applicant to supply a transcript. Appellants shall comply to the maximum extent reasonably and practicably possible.~~

~~D. Notwithstanding any other provisions in DCC 22.32, the appeal hearings body may, at any time, waive the requirement that the appellant provide a complete transcript for the appeal hearing.~~

~~HISTORY~~
~~*Adopted by Ord. 96-071 §1C on 12/30/1996*~~
~~*Amended by Ord. 2015-017 §3 on 3/28/2016*~~
Repealed by Ord. 2026-xx §xx on x/xx/xxxx

...

22.32.027 Scope Of Review

A. Before Hearings Officer or Planning Commission. The review on appeal before the Hearings Officer or Planning Commission shall be de novo.

B. Before the Board.

1. Review before the Board, if accepted, shall be on the record except as otherwise provided for in DCC 22.32.027.

2. The Board may grant an appellant's request for a de novo review at its discretion after consideration of the following factors:

a. Whether hearing the application de novo could cause the 150-day time limit to be exceeded; and

~~b. If the magnetic tape of the hearing below, or a portion thereof, is unavailable due to a malfunctioning of the recording device during that hearing, whether review on the record would be hampered by the absence of a transcript of all or a portion of the hearing below; or~~

~~c.~~b. Whether the substantial rights of the parties would be significantly prejudiced without de novo review and it does not appear that the request is necessitated by failure of the appellant to present evidence that was available at the time of the previous review; or

~~d.~~c. Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the proposed land use action.

For the purposes of DCC 22.32.027, if an applicant is an appellant, factor DCC 22.32.027(B)(2)(a) shall not weigh against the appellant's request if the applicant has submitted with its notice of appeal written consent on a form approved by the County to restart the 150-day time clock as of the date of the acceptance of applicant's appeal.

3. Notwithstanding DCC 22.32.027(B)(2), the Board may decide on its own to hear a timely filed appeal de novo.
4. The Board may, at its discretion, determine that it will limit the issues on appeal to those listed in an appellant's notice of appeal or to one or more specific issues from among those listed on an applicant's notice of appeal.

HISTORY
Adopted by Ord. 96-071 §1G on 12/30/1996
Amended by Ord. 99-031 §16 on 10/27/1999
Amended by Ord. xx-xxx §x on xx/xx/xxxx

22.32.030 Hearing On Appeal

A. The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least 10 days prior to any de novo hearing or deadline for submission of written arguments.

B. Except as otherwise provided in DCC 22.32, the appeal shall be heard as provided in DCC 22.24. The applicant shall proceed first in all de novo appeals.

C. The order of Hearings Body shall be as provided in DCC 22.24.020.

D. The record of the proceeding from which appeal is taken shall be a part of the record on appeal.

E. The record for a review on the record shall consist of the following:

1. A recording ~~written transcript~~ of any prior hearing;
2. All written and graphic materials that were part of the record below;
3. The Hearings Body decision appealed from;
4. Written arguments, based upon the record developed below, submitted by any party to the decision;
5. Written comments submitted by the Planning Commission or individual planning commissioners, based upon the record developed below; and

6. A staff report and staff comment based on the record.

F. No oral evidence, argument or comment other than staff comment based on the record shall be taken. The Board shall not consider any new factual information.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 95-045 §36 on 6/28/1995
Amended by Ord. 96-071 §1G on 12/30/1996
Amended by Ord. 97-008 §2 on 2/19/1997
Amended by Ord. xx-xxx §x on xx/xx/xxxx
...

CHAPTER 22.36 LIMITATIONS ON APPROVALS

22.36.010 Expiration Of Approval
22.36.020 Initiation Of Use
22.36.025 Transition Rules; Applicability
22.36.030 Extensions To Avoid Environmental Or Health Hazards
22.36.040 Modification Of Approval
22.36.050 Transfer Of Permit
22.36.060 Revocation Of Approvals

22.36.010 Expiration Of Approval

A. Scope.

1. Except as otherwise provided herein, DCC 22.36.010 shall apply to and describe the duration of all approvals of land use permits provided for under the Deschutes County Land Use Procedures Ordinance, the various zoning ordinances administered by Deschutes County and the subdivision/partition ordinance.

2. DCC 22.36.010 does not apply to:

   a. Those determinations made by declaratory ruling, such as verifications of nonconforming uses, verifying a lot or parcel meets the "lot of record" definition in 18.04.030, and expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of

the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.

b. Temporary use permits of all kinds, which shall be governed by applicable ordinance provisions specifying the duration of such permits.

c. Quasi-judicial map changes.

B. Duration of Approvals.

1. Except as otherwise provided under DCC 22.36.010 or under applicable zoning ordinance provisions, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.

2. Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Planning Division for final approval within that time period, an extension is sought under DCC 22.36.010 or the preliminary plat or master plan approval has been initiated as defined herein.

3. In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within the time specified in the approval, or initiated within two years of completion of the prior phase if no timetable is specified.

4. The approval period for the following dwellings in the Exclusive Farm Use and Forest Use Zones is for 4 years:

a. Nonfarm dwelling

b. Lot of record dwelling

c. Large tract dwelling

d. Template dwelling.

e. Alteration, restoration, or replacement of a lawfully established dwelling.

f. Caretaker residences for public parks and public fish hatcheries.

g. Hardship dwelling.

C. Extensions.

1. The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, and two years for those dwellings listed in DCC 22.36.010(B)(4) above, regardless of whether the applicable criteria have changed, if:

    a. An applicant makes a written request for an extension of the development approval period;

    b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;

    c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and

    d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.

2. Except for those dwellings listed under DCC 22.36.010(B)(4) above, up to two additional one-year extensions may be granted by the Planning Director or the Planning Director's designees where applicable criteria for the decision have not changed, if:

    a. An applicant makes a written request for an extension of the development approval period;

    b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;

    c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and

    d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not

responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.

3. For those dwellings listed under DCC 22.36.010(B)(4), up to five additional one-year extensions may be granted if:

    a. The applicant makes a written request for the additional extension prior to the expiration of an extension;

    b. The applicable residential development statute has not been amended following the approval of the permit; and

    c. An applicable rule or land use regulation has not been amended following the issuance of the permit, unless allowed by the county, which may require that the applicant comply with the amended rule or land use regulation.

~~4. In addition to the extensions granted in DCC 22.36.010(C)(1), one additional two-year extension for a land use approval or a phase of a land use approval may be granted by the Planning Director or the Planning Director's designee under the criteria listed under DCC 22.36.010(C)(1) for approvals issued prior to June 8, 2011. This subsection does not apply for those dwellings listed under DCC 22.36.010(B)(4) above.~~

D. Procedures.

1. A determination of whether a land use has been initiated shall be processed as a declaratory ruling.

2. Approval of an extension granted under DCC 22.36.010 is an administrative decision, is not a land use decision described in ORS 197.015 or Title 22 and is not subject to appeal as a land use decision and shall be processed under DCC Title 22 as a development action, except to the extent it is necessary to determine whether the use has been initiated.

E. Effect of Appeals. The time period set forth in DCC 22.36.010(B) shall be tolled upon filing of an appeal to LUBA until all appeals are resolved.

HISTORY
Repealed & Reenacted by Ord. 82-011 on 8/9/1982
Repealed & Reenacted by Ord. 90-007 §1 on 12/7/1990
Amended by Ord. 95-018 §1 on 4/26/1995
Amended by Ord. 95-045 §43A on 6/28/1995

Amended by Ord. 2004-001 §4 on 7/14/2004
Amended by Ord. 2011-016 on 6/8/2011
Amended by Ord. 2015-017 §5 on 3/28/2016
Amended by Ord. 2017-015 §5 on 11/1/2017
Amended by Ord. 2020-022 §2 on 5/20/2020
Amended by Ord. 2020-007 §22 on 10/27/2020
Amended by Ord. 2024-008 §22 on 1/7/2025
Amended by Ord. xx-xxx §x on xx/xx/xxxx
...

FINDINGS
TITLE 22 – DEVELOPMENT PROCEDURES ORDINANCE
TEXT AMENDMENTS
FILE NO. 247-26-000557-TA

I. APPLICABLE CRITERIA:

Title 22, Deschutes County Development Procedures Ordinance

II. BACKGROUND:

Title 22 is the County's Development Procedures Ordinance, which establishes procedural requirements for development actions, land use actions, hearings, appeals, legislative amendments, and limitations on approvals. The proposed amendments align the code with current County practices, correct internal references, update terminology, and establish new tribal notice procedures resulting from recent state rulemaking.

III. PROPOSED TEXT AMENDMENTS:

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

Chapter 22.08 Application Requirements

The proposed amendments create procedures for County tribal notification resulting from recent state rulemaking. They also create procedures for applications by Oregon-based governments to nominate culturally sensitive landscape features to the County's Goal 5 inventory, also authorized by rulemaking. Last, clarifications are made to the submission of documents in land use proceedings.

Chapter 22.12 Legislative Procedures

The amendments expand notice for legislative applications beyond newspapers to other media organizations. This reflects current practice of releasing a press release to radio stations, TV stations, and other media organizations.

Chapter 22.16 Development Action Procedures

The amendments clarify procedures to be used for development action appeals, reflecting current practice.

Chapter 22.20 Review of Land Use Action Applications

The amendments clarify noticing requirements based on current practice.

Chapter 22.22 Deschutes River Corridor Design Review

The amendments remove outdated reference to Bend Urban Area Planning Commission, which no longer exists.

Chapter 22.24 Land Use Action Hearings

The amendments clarify procedures for transmission of the staff report and notices by email, reflecting current practice. The amendments also remove outdated references relating to exhibit procedures, and prescribe mailing procedures for continuances when the date, time, or place are not set at the initial hearing, reflecting current practice.

Chapter 22.32 Appeals

The amendments clarify deadlines for appeal notices and fees and remove outdated transcript and electronic tape requirements,

Chapter 22.36 Limitations on Approvals

The amendments repeal a carve-out provision for extensions to certain approvals issued by June 8, 2011. Staff understands that no approvals are eligible for the allowance.

IV. BASIC FINDINGS:

The Planning Division determined that amendments are necessary to clarify and improve administration of Title 22. Staff initiated the proposed changes and notified the Oregon Department of Land Conservation and Development on September 17, 2026 (File no. 247-26-000557-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.

V. FINDINGS:

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

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 public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

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 will be published in *The Bulletin* newspaper at least 10 days prior to each 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 will be 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 will be met because public hearings will be held before the Deschutes County Planning Commission (Commission) and the Board of County Commissioners (Board).

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-26-000557-TA will be implemented by ordinances upon approval and adoption by the Board.

OAR 660-015, STATEWIDE PLANNING GOALS AND GUIDELINES

Goal 1: Citizen Involvement:
FINDING: The amendments clarify the County's Development procedures, codifying current department practices related to notices, public hearings, appeals, and general process for reviewing applications. Codifying this information will provide a consistent approach to public engagement associated with review of development proposals. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning:
FINDING: The proposed amendments integrate case law and updated state regulations into the County's Development Procedures Ordinance to ensure consistency. This goal is met.

Goal 3: Agricultural Lands:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 3. This goal does not apply.

Goal 4: Forest Lands:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 4. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 5. This goal does not apply.

Goal 6: Air, Water and Land Resources Quality:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6. This goal does not apply.

Goal 7: Areas Subject to Natural Disasters and Hazards:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 7. This goal does not apply.

Goal 8: Recreational Needs:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 8. This goal does not apply.

Goal 9: Economic Development:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 9. This goal does not apply.

Goal 10: Housing:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 10. This goal does not apply.

Goal 11: Public Facilities and Services:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 11. This goal does not apply.

Goal 12: Transportation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 12. This goal does not apply.

Goal 13: Energy Conservation:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 13. This goal does not apply.

Goal 14: Urbanization:
FINDING: The proposed amendments do not include changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 14. This goal does not apply.

Goals 15 through 19
FINDING: These goals are not applicable to the proposed plan and text amendments because the County does not contain these types of lands.

2011 DESCHUTES COUNTY COMPREHENSIVE PLAN

Chapter 1 – Comprehensive Planning -Section 1.2 Community Involvement Policies

Policy 1.2.5. Ensure effective, efficient planning procedures.

FINDING: The proposed amendments align the code with current County practices, correct internal references, update terminology, and establish new tribal notice procedures resulting from recent state rulemaking. These amendments ensure a effective and efficient planning process. This policy is met.

Chapter 1 – Comprehensive Planning -Section 1.3 Land Use Planning Policies

Goal 1. Maintain an open and public land use process in which decisions are based on the objective evaluation of facts.

FINDING: The intent of the text amendment is to integrate a new use into local code for implementation. Where possible, staff has directly referenced state statute and administrative rule. These policies are met.

Goal 2. Promote Regional cooperation and partnerships on planning issues.

Policy 1.3.11. Participate in and, where appropriate, coordinate regional planning efforts.

a. Provide affected agencies, including irrigation districts, an opportunity to comment and coordinate on land use policies or actions that would impact their jurisdictions.

FINDING: The proposed amendments establish new tribal noticing procedures resulting from state rulemaking. These procedures ensure tribes have visibility on development proposals on lands they may have an ancestral connection to, and create opportunity for mitigation or minimization of risks in consultation with applicants. This goal and policy are met.

Chapter 2 – Resource Management – Section 2.11 Cultural and Historic Resources

Goal 1. Promote the preservation of designated historic and cultural resources through education, incentives and voluntary programs.

Policy 2.11.3 Encourage the preservation of lands with significant historic or cultural resources.

FINDING: The proposed amendments establish a program for nomination of culturally significant landscape features, as permitted by recent state rulemaking. This process allows for the nomination of these resources by Oregon-based governments to the County's Goal 5 program for Cultural and Historic Resources. This goal and policy are met.

VI. CONCLUSION:

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to the Deschutes County Code.